



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, March 16, 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 |
| Items for Committee Review/Recommendation: (discussed in detail as requested) | |
| 2.) 2022 Seal Coat Project | TAB 2 |
| 3.) MnDOT Joint Powers Agreement for TH 8 Project | TAB 3 |
| 4.) 2022 Construction Testing Services Contract with Braun Intertec | TAB 4 |
| 5.) 2023 – 2027 Transportation Improvement Plan | TAB 5 |

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 – 2022 Seal Coat Project | TAB 2 |
| 3.) R&B Committee Recommendation – MnDOT JPA for TH 8 Project | TAB 3 |
| 4.) R&B Committee Recommendation – 2022 Construction Testing Services Contract | TAB 4 |
| 5.) R&B Committee Recommendation – 2023 – 2027 Transportation Improvement Plan | TAB 5 |
| 6.) Minutes from the March 2, 2022 Meeting | TAB 6 |
| 7.) Payment of County's Warrants and Miscellaneous Bills | TAB 7 |

Environmental Services/Zoning Report – Kurt Schneider, Director

- | | |
|---|--------|
| 8.) Director's Report | TAB 8 |
| 9.) Jason Klar CUP– Major Home Occ. Permit to Carry Classes / Outdoor Shooting Area | TAB 9 |
| 10.) Wild Mountain Properties CUP Amendment(s) and Recreational Camping Expansion | TAB 10 |
| 11.) KGRED, LLC/BARBAC, LLC, – Preliminary Plat "Poor Farm Meadows" | TAB 11 |
| 12.) 2022 Aquatic Invasive Species Control Partnership Program | TAB 12 |
| 13.) Parks Department Mower Trailer Purchase | TAB 13 |
| 14.) Ki-Chi Saga Park Ballfield Covered Dugouts and Fencing Enclosures | TAB 14 |
| 15.) 2022 Chisago Lakes LID (CLLID) Budget Reallocation/Adjustment Request | TAB 15 |

Other Business of the County Board

- | | |
|--|--------|
| 16.) Report and Recommendations from the March 9th, 2022 B/F Meeting | TAB 16 |
| 17.) Letter of Support for State ARMER Funding – HF 2821/SF 2670 | TAB 17 |
| 18.) Credit Card Request – Todd McMurray, Social Services Manager | TAB 18 |
| 19.) Contract with Kantner Consulting L.L.C. – Chisago Public Health | TAB 19 |
| 20.) Out of State Travel Requests (3) – Health and Human Services | TAB 20 |

Discussion Items:

- Correspondence
- Administrator Updates
- Commissioner Committee Reports

CORR.

Adjourn Meeting of the Board of Commissioners



Chisago County Board of Commissioners
March 16, 2022
Board Meeting Agenda



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: March 8, 2022

RE: Public Works Director's Report

Project Update:

- CSAH 23/CSAH 24 Roundabout. Bid on March 1st. Dresel Contracting of Chisago City is apparent low bidder. Working through federal award process. Hope to have clearance for Board action soon.
- Working on prelim designs for CR 70, CR 59, CR 76 and CSAH 6 projects for next year.
- 2022 Seal Coat Project was bid on March 1st. Allied was low bidder again this year. Contract is included for approval and award consideration.

CSAH 17 Open House

We had the open house for the proposed CSAH 17 extension project. It was well attended, and we received a lot of input. There were several property owners that were not very happy and there were others that were. We had a preliminary alignment shown as a first "attempt" to get from CSAH 14 over to CSAH 30. There will be more iterations as we move through project development in order to address potential private property and environmental impacts. The Township Board is very supportive of the project and we are already meeting with permitting agencies to make sure that we will be able to find an alignment that they will permit. Project development for this project is expected to take a couple of years to work through. We are proposing this project for 2025.

Mndot Joint Powers Agreement for Right of Way associated with the TH 8 Reconstruction Project

We received \$2.19M from Mndot for right of way activities for the TH 8 project. In order for the County to access those funds, we must enter into a Joint Powers Agreement and pass the resolution associated with it.

Construction Testing Contract

We have our annual contract for compliance to County, Mndot and Federal construction standards for all of our construction projects.

Transportation Improvement Plan

We have finalized the 2022 T.I.P. and have developed the 2023 – 2027 T.I.P. I expect there will be opportunities to advance projects with the increased transportation funding. Public Works will continue to pursue funding of any kind as it relates to opportunities to construct our Transportation Improvement Plan.

Chisago County Request for Board Action

Meeting Date: March 16, 2022	Item Number: 2
Title of Item for Consideration: 2022 Seal Coat Project	
Action Requested by: Joe Triplett, Director	Department: Public Works
Previous Action on this Matter: None.	
Background: The County bid out the annual 2022 Seal Coat Project. The County received 4 bids ranging from the low bid of \$779,408.50 to the high bid of \$1,120,552.72. Engineer Estimate was \$781,729.60. Allied Blacktop Company of Maple Grove, MN, is the apparent low bidder and it is recommended that the Board award and approve the project. Attachment(s): Contract	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners award and approve the 2022 Seal Coat Project to Allied Blacktop Company of Maple Grove, MN. The following motion is suggested: <i>“Move to award and approve the 2022 Seal Coat Project to Allied Blacktop Company of Maple Grove, MN.”</i>	
Implications of Action: Approval will allow the County to construct the project. Budget/Financial Implications: Funding for project will come from 03-330-6510. Legal/Policy Implications: 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 _____

Project Contract for 2022 Seal Coat Project

This Agreement entered into this ____ day of _____ 2022,

Between the County:

County of Chisago, a body politic and corporate, by and through Chisago County Public Works,
313 North Main Street, Rm 400, Center City, Minnesota,
with Public Works offices located at 31325 Oasis Rd., Center City, MN 55012

and the Contractor:

Allied Blacktop Company, a Minnesota Corporation,
10503 89th Avenue N., Maple Grove, Minnesota 55369

The Project: 2022 Seal Coat Project
C.P. 13-SC-22

Engineer: Joe Triplett, P.E.
Director | County Engineer
Chisago County Public Works

Department: Chisago County Public Works

The County and the Contractor agree as set forth below:

ARTICLE I – THE CONTRACT DOCUMENTS.

1.1 The Contract Documents, in order of priority, consist of:

- (A) This Contract;
- (B) The Instructions to Bidders;
- (C) The Bid/Proposal Form;
- (D) The General Conditions of the Contract;
- (E) Project Manual;
- (F) Drawings, Schemes and Designs and Specifications;
- (I) All Modifications issued after execution of this Contract;
- (I) Bonds and Insurance;
- (K) The Contractor's final proposal.

1.2 The Contract Documents form the Contract, and all are as fully a part of the Contract as if attached to this Contract and repeated herein.

1.3 The Contractor understands that all references to "Bidder" in documents attached now refer to the Contractor.

ARTICLE II – THE WORK

2.1 The Contractor shall perform all the Work required by the Contract Documents for the 2022 Seal Coat Project (C.P. 13-SC-22), all in conformance with the Contract Documents as listed in Article I.

ARTICLE III – TIME OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

3.1 The Work to be performed under this Contract shall be commenced immediately upon receipt of the fully executed Contract.

3.2 Upon execution of the Contract, Contractor shall provide performance bonds, labor and materials bonds, and certificates of insurance as required by the Contract Documents.

3.3 Construction operations shall not commence prior to Contract Approval, Notice to Proceed and Engineer approved progress schedule.

3.4 This Contract allows for a flexible start date to occur after May 16, 2022. However, the Contractor may not start construction operations prior to Contract Approval, Notice to Proceed, and Engineer approved construction schedule. The Contractor must notify the Engineer, in writing, at least two (2) weeks prior to the selected date. The Contractor shall submit to the Engineer, in writing, their construction schedule prior to the preconstruction meeting.

3.5 Contractor must complete the chip and fog seal for all road segments by June 30, 2022.

3.6 Contractor must complete all Work to meet the requirements of MnDOT 1516.2, "Project Acceptance," under this Contract before July 8, 2022. This includes all striping and final cleanup.

3.7 Contractor must complete all Work to meet the requirements of MnDOT 1516.3, "Completion of the Work," under this Contract within 90 Calendar Days of receipt of the Semi-final Estimate in accordance with MnDOT 1908.2.

3.8 The Contractor must not perform Work that will restrict or interfere with traffic between 12:00 noon on the day before and 9:00 A.M. on the day after any consecutive combination of a Saturday, Sunday, and legal Holiday. The Contractor may request exceptions to this requirement. Exceptions must be approved in writing by the Engineer.

3.9 Working hours will be from 7:00 a.m. to 7:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays. No work will be allowed on Sundays. Requests for expansion of working hours must be approved by the Engineer. The Contractor shall structure the proposed project schedule based on the stated working hours.

3.10 No work on the CSAH 39 segment between CSAH 1 and CSAH 3 shall occur until after June 7, 2022.

ARTICLE IV – CONTRACT SUM

4.1 The Owner shall pay the Contractor in current funds for the performance of the work, subject to additions and deductions by Change Orders, as may be issued, as provided in the Contract Documents, the Contract sum of the Base Bid: Seven Hundred Seventy-Nine Thousand Four Hundred Eight Dollars and Fifty cents (\$779,408.50).

ARTICLE V – PROGRESS PAYMENTS

5.1 Based upon Applications for Payment submitted to the County by the Contractor and certificates for Payment issued by the County, the County shall make progress payments on account of the Contract Sum to the Contractor as provided in the Contract Documents for the period ending the last day of the month as follows:

- (A) Not later than thirty (30) days following the end of the period required to review and approve the Application for Payment ninety-five percent (95%) of the portion of the Contract Sum properly allocable to labor, material and equipment incorporated in the Work for the period covered by the application for Payment, less the aggregate of previous payments made by the County; and
- (B) Upon Substantial Completion of the entire Work, a sum sufficient to increase the total payments to ninety-five percent (95%) of the Contract Sum, less such amounts as the Engineer shall determine for all incomplete Work and unsettled claims as proved in the Contract Document.
- (C) Progress payments shall not be made for materials or equipment not incorporated in the Work.

ARTICLE VI – FINAL PAYMENT

6.1 Final Payment, constituting the entire unpaid balance of the Contract Sum, shall be paid by the County to the Contractor when the Work has been completed, the Contract fully performed and a final

Certificate for Payment has been issued by the Engineer, accompanied by Contractors' Consent of Surety, and when Contractor has complied with all other requirements of the Contract Documents for final payment.

ARTICLE VII – TERMINATION

7.1 Termination for Insufficient Funding. County may immediately terminate this Contract if it does not obtain funding from the Minnesota Legislature or other funding source, or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or faxed notice to the Contractor within a reasonable time of County receiving notice that sufficient funding is not available. County is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Contractor will be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed to the extent that funds are available. County will not be assessed any penalty if the Contract is terminated because of the decision of the Minnesota Legislature or other funding source not to appropriate funds.

7.2 If at any time the county determines that the performance of the work under this Contract is being unnecessarily delayed, that the Contractor is violating any of the conditions of this contract, or that it is executing the same in bad faith or otherwise not in accordance with terms of said Contract; or if the work is not substantially completed within the time named for its completion or within the time to which such completion date may be extended; then the County may serve written notice upon the Contractor and its surety if a performance bond has been executed of the county's intention to terminate this Contract. Unless within one week after the serving of such notice a satisfactory arrangement is made for continuance, this Contract shall terminate.

7.3 Unavoidable Delay. The Contractor shall not be held responsible for damages caused by delay or failure to perform hereunder, when such delay or failure is due to Fires, Strikes, Acts of God, Legal acts of the Public authorities or delays or defaults caused by public carriers, or acts or demands of the Government in time of war or national emergency.

ARTICLE VIII - INSURANCE

8.1 The requisite insurance must be maintained for the duration of this Contract. A Certificate of Insurance for each policy must be on file with the County prior to commencement of any work under this contract. Each certificate must include a 30-day notice of cancellation, nonrenewal, or material change to all named and additional insureds.

8.2 The County reserves the right to rescind any Contract not in compliance with these requirements and retains all rights thereafter to pursue any legal remedies against Contractor. All insurance policies shall be open to inspection by the County, and copies of policies shall be submitted to the county upon written request. All subcontractors shall provide evidence of similar coverage.

8.3 General Liability Insurance. The Contractor shall maintain General Liability Insurance in the amount of \$500,000 for claims for wrongful death and each person for other claims; \$1,500,000 for any number of claims arising out of a single occurrence; and no less than \$3,000,000 aggregate.

8.4 Business Automobile Liability Insurances. The Contractor shall maintain automobile liability insurance coverage in minimum amounts of at least \$500,000 per claim for wrongful death and each person for other claims; \$1,500,000 on a combined single limit basis; and not less than \$3,000,000 aggregate.

8.5 Chisago County shall be named as an additional insured for all insurance coverages.

8.6 The Contractor shall comply with all Workers' Compensation requirements as mandated by Minnesota Law. The County reserves the right to rescind any contract not in compliance with these requirements and retains all rights thereafter, to pursue any legal remedies against the Contractor.

8.7 In the event the Contractor or any subcontractor maintain liability coverage in excess of the Minnesota Tort limits, pursuant to Minn. Stat. 466, such coverage shall not constitute a waiver of the limits available to the County.

ARTICLE IX - INDEMNIFICATION

9.1 Except as may be caused by the sole negligence of the County or its employees, Contractor shall indemnify and save harmless the County, its employees, and its agents from all claims actions, demands and

judgments of any kind arising in whole or in part from any act or omission of Contractor, its subcontractors, and their agents or employees, incidental to the performance of the contract and from all expenses in connection with such claims, actions, demands and judgments, irrespective of whether it is alleged, claimed or provide in connection with such actor omission that negligence of the County or its representatives caused or contributed thereto.

9.2 Contractor agrees, that in order to protect itself and the County under the indemnity provisions set forth above, it will at all times during the term of this Agreement keep in force policies if insurance indicated in Article VIII.

This provision is not intended to create any cause of action in favor of any third party against the Contractor or the count or to enlarge in any way the Contractor's liability but it is intended solely to provide for indemnification of the County form liability for damages.

ARTICLE X - SUBCONTRACTOR AND ASSIGNMENT

10.1 Prohibition of Assignment. The Contract shall not be assigned by the Contractor without the written consent of the County.

10.2 The Contractor shall be responsible for the performance of all subcontractors. The Contractor is responsible for the prompt payment of any subcontractor performing work under this Contract and shall strictly comply with Minn. Stat. 471.425.

ARTICLE XI - NOTICES

11.1 Notices, communications, all official notices or questions arising under this Contract shall be directed to:

The County:
Joe Triplett, Chisago County Engineer
31325 Oasis Rd.
Center City, MN 55012
(651)213-8700 (office)
(651)213-8772 (fax)
Joe.triplett@chsiagocountymn.gov

The Contractor:
Peter Capistrant
Allied Blacktop Company
10503 89th Ave N
Maple Grove, MN 55369
(763) 425-0575
pete@alliedblacktopmn.com

ARTICLE XII – AUDITS, REPORTS, RECORDS, DISCLOSURES, AND MONITORING

12.1 The Contractor agrees that the County, the State Auditor or legislative authority, or any of their duly authorized representative at any time during normal business hours and as often as they may deem reasonably necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc. and accounting procedure and practices of the Contract which are relevant to the Contract pursuant to Minn. Stat. 16C.05, subd. 5.

12.2 The Contractor shall retain all records and data concerning this Project Contract and work performed as required by this Project Contract for a period of six (6) years after completion of all work performed under this Project Contract and any amended related hereto.

ARTICLE XIII - AFFIRMATIVE ACTION REQUIREMENTS

13.1 County intends to carry out its responsibility for requiring affirmative action by its Contractors.

- (A) Covered Contracts and Contractors. If the Contract exceeds One Hundred Thousand and 00/100 Dollars (\$100,000.00) and the Contractor employed more than forty (40) full-time employees on a single working day during the previous twelve (12) months in Minnesota or in the state where it has its principle place of business, then the Contractor must comply with the requirements of Minnesota Statute §363A.36 and Minnesota R. Parts 5000.3400-5000.3600. A Contractor covered by Minnesota Statute §363A.36 because it employed more than forty (40) full-time employees in another state and the Contractor does not have a Certificate of

Compliance, said Contactor must certify that it is in compliance with federal affirmative action requirements.

- (B) Minnesota Statute §363A.36. Minnesota Statute §363A.36 requires Contractor to have an affirmative action plan for the employment of minority persons, women, and qualified disabled individuals approved by the Minnesota Commissioner of Human Rights (hereinafter COMMISSIONER) as indicated by a certificate of compliance. The law addresses suspension or revocation of a certificate of compliance and contract consequences in that event. A contract awarded without a certificate of compliance may be voided.
- (C) Minnesota R. 5000.3400-5000.3600.
1. General. Minnesota R. 5000.3400-5000.3600 implement Minnesota Statute §363A.36. These rules include, but are not limited to: Criteria for contents, approval, and implementation of affirmative action plans; procedures for issuing certificates of compliance and criteria for determining a contractor's compliance status; procedures for addressing deficiencies, sanctions, and notice and hearing; annual compliance reports; procedures for compliance review; and contract consequences for non-compliance. The specific criteria for approval or rejection of an affirmative action plan are contained in various provisions of Minnesota R. 5000.3400-5000.3600, including, but not limited to, parts 5000.3420-5000.3500 and 5000.3552-5000.3559.
 2. Disabled Workers. The Contractor must comply with the following affirmative action requirements for disabled workers.
 - (a) The Contractor must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
 - (b) The Contractor agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
 - (c) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with Minnesota Statute §363A.36, and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
 - (d) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner of the Minnesota Department of Human Rights. Such notices must state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.
 - (e) The Contractor must notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of Minnesota Statute §363A.36 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled persons.
 3. Consequences. The consequences for the Contractor's failure to implement its affirmative action plan or make a good faith effort to do so include, but are not limited to, suspension or revocation of a certificate of compliance by the COMMISSIONER, refusal by the COMMISSIONER to approve subsequent plans, and termination of all or part of this contract by the COMMISSIONER or County.

4. Certification. The Contractor hereby certifies it is in compliance with the requirements of Minnesota Statute §363A.36 and Minnesota R. 5000.3400-5000.3600 and is aware of the consequences for noncompliance

ARTICLE XIV – MISCELLANEOUS PROVISIONS

14.1 Terms used in the Contract which are defined in the Conditions of the Contract shall have the meanings designated in those Conditions.

14.2 Waiver. Any waiver by either Party of any provision of this Contract shall not imply a subsequent waiver of that or any other provision.

14.3 Modifications. Any alterations, additions, deletions or waivers of the provisions of this Contract shall be valid only when reduced to writing and duly signed by the parties hereto.

14.4 Severability. The provisions of this Contract shall be deemed severable. If any part of this Contract is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Contract unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire contract with respect to either party.

14.4 All claims or litigation under this Contract shall be filed and heard in a court of competent jurisdiction in Chisago County, the State of Minnesota.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.

IN WITNESS WHEREOF, the County has caused this Contract to be signed by its duly authorized officers and the Contractor represents that the persons/party executing this Contract is duly authorized to bind the Contractor hereto.

COUNTY OF CHISAGO

BY: _____
Chisago County Board Chair

Dated: _____

Attest: _____

CONTRACTOR: ALLIED BLACKTOP COMPANY

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

By: _____
(Signature) (Title)

Dated: _____

Print: _____

I, _____ (individual's name) the _____ (title) of
_____ (company name), being duly sworn, represent and
warrant that I am authorized by law and all necessary action to execute this agreement on behalf of the
organization/corporation, intending this Agreement to be a legally binding obligation of the entity.

Sworn before me this ____ day of _____, 20__

Notary Public

Reviewed and Approved as to Form:

JANET REITER
CHISAGO COUNTY ATTORNEY

By:  _____
Jeffrey B. Fuge, Assistant County Attorney
Dated: March 7, 2022

Chisago County Request for Board Action

Meeting Date: March 16, 2022	Item Number: 3
Title of Item for Consideration: MnDOT Joint Powers Agreement for TH 8 Project	
Action Requested by: Joe Triplett, Director	Department: Public Works
Previous Action on this Matter: None.	
Background: Chisago County was awarded \$2.19M in funding from the Minnesota Legislature's 2020 special session to help the County fund the right of way for the TH 8 Reconstruction project. This funding will come in the form of trunk highway bonds. A portion of the right of way for project and will be funded from this source. In order for the County to access the bond funding, Mndot Contract No. 1048560 must be executed. Attachment(s): - Agreement No. 1048560 - Resolution	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the agreement. The following motion is suggested: <i>"Move to approve the JPA with MnDOT the right of way for the TH 8 Reconstruction Project and resolution."</i>	
Implications of Action: Approval will allow the County to receive compensation from MnDOT for the right of way for the TH 8 Reconstruction Project. 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. 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 _____

**JOINT POWERS AGREEMENT
BETWEEN MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE COUNTY OF CHISAGO
FOR RIGHT OF WAY ACQUISITIONS FOR TH 8**

State Project Numbers (SP): 1308-29
County Project Number (CP): S.A.P. 013-596-009
Trunk Highway Number (TH): TH 8
Project Identification: Right of Way Acquisition for Expansion/ Reconstruction of TH8 from I-35, Forest Lake, MN to Chisago City, MN

This Joint Powers Agreement ("Agreement") is between the State of Minnesota, acting through its Commissioner of Transportation, ("MnDOT"), and the Chisago County, acting through its Board of Commissioners, {"County"}. MnDOT and the County sometimes are referred to collectively as the "Parties."

RECITALS

1. Under Minnesota Statutes § 471.59, subdivision 1, two governmental units may enter into an agreement to cooperatively exercise any power common to the contracting parties, and one of the participating governmental units may exercise one of its powers on behalf of the other governmental unit; and
2. MnDOT and the County are each "Road Authorities" under Minnesota law, and are each authorized by applicable state laws to acquire real property interests needed for the construction and maintenance of roads or highways under its jurisdiction; and
3. The Parties are partnering in the design of the expansion/ reconstruction of TH 8 in Washington County and Chisago County, Minnesota, between Interstate 35 in City of Forest Lake to Karmel Avenue in the City of Chisago City ("Highway Project"); and
4. The Parties also are partnering in the acquisition of the real property interests ("Right of Way") from various parcels of property ("Property") that are needed for the Highway Project; and
5. The County is the lead agency for the Highway Project; and
6. MnDOT is providing services and funds to the County for the acquisition of Right of Way for the Highway Project to advance the Parties' mutual interests in reconstructing an effective and efficient transportation system that improves the capacity and the safety of the traveling public; and
7. The County is performing the work tasks necessary for the County to acquire the Right of Way for the Highway Project ("Right of Way Work"); and
8. The Parties agreed to share duties and costs associated with acquisition of the Right of Way for the Highway Project, with the County assigned as lead agency for all ROW acquisition, as specified within this Agreement; and
9. The Parties have entered into this Agreement to set forth their respective rights and obligations related to the acquisition of the Right of Way needed for the Highway Project.

AGREEMENT

The Parties agree as follows:

1. **Recitals** All of the recitals set forth above are incorporated into this Agreement.
2. **Effective Date; Termination Date; Survival of Terms;**
 - 2.1 **Effective Date:** This Agreement shall be effective ("Effective Date") on the date the last of the Parties signed the Agreement, including all necessary MnDOT and State of Minnesota officials required by Minnesota Statutes § 16C.05, subdivision 2.
 - 2.2 **Termination Date:** This Agreement shall terminate on 07/01/2026, or when the Parties agree in writing that all of the Parties' obligations have been satisfactorily fulfilled, whichever occurs first, unless terminated earlier pursuant to Section 11.

- 2.3 Survival of Terms: All sections which impose continuing obligations which must survive to give full effect to their meaning shall survive after the Termination Date, including, without limitation, the following sections: 4. Terms of Payment. 7. Liability; 8. State Audits; 9. Government Data Practices Compliance; and 10. Venue.

3. Right of Way Acquisitions

- 3.1 The Parties worked cooperatively to formulate a plan and schedule for the County to acquire all of the Right of Way needed for the Highway Project. 3.1.1. The County shall create the following documents as part of this agreement. Upon completion, the documents shall be submitted to MnDOT for its review and approval:
- a. Right of Way Plat for Highway Project (Plat)
 - b. Preliminary list of MnDOT parcels (Parcel List)
- 3.1.1 The Property and Right of Way described and shown within the Plat and Parcel list may not comprise the final or complete list of parcels of Property from which Right of Way must be acquired for the Highway Project.
- If the Parties jointly determine that Right of Way from additional parcels of Property is needed for the Highway Project, then the Parties shall work together to identify those additional parcels of Property, and the legal nature of, the physical dimensions of, and the time period of the real property interests needed from each of those parcels for the Highway Project.
- 3.1.2 When the Parties concur that the Highway Project has been completed, then the County shall create a final list of parcels which shall be a complete and detailed list of all of the parcels of Property from which Right of Way was acquired for the Highway Project; shall provide the fair market value of each of those parcels of Property and the acquisitions; and shall identify all of the parcels from which Right of Way will be conveyed and deeded to MnDOT from the County by Quit Claim Deed.
- 3.2 The County shall perform all of the Right of Way Work necessary to acquire the Right of Way real property interests shown and described within the Plat and Parcel list.
- The Right of Way Work shall include, but shall not be limited to the following tasks:
- 3.2.1 Preparing, or obtaining and reviewing title opinions of the parcels of Property from which Right of Way must be acquired; and
 - 3.2.2 Performing field title investigations to identify all persons who have an interest in the Right of Way; and
 - 3.2.3 Obtaining necessary appraisals or minimum damage assessments of the parcels of Property and Right of Way; and
 - 3.2.4 Surveying; and
 - 3.2.5 Mapping and/or platting of the Right of Way; and
 - 3.2.6 Preparing legal descriptions of parcels and real property interests referenced on the Right of Way Plat; and
 - 3.2.7 Making offers and engaging in good faith negotiations with property owners, subject to the limitations; and
 - 3.2.8 Securing conveyance documents for all Right of Way that must be acquired; and
 - 3.2.9 Conducting closing activities, including, but not limited to, using reasonable efforts to settle all claims with each and every owner and/or party who has an interest in the Right of Way that must be acquired; recording and filing of all closing documents for the conveyance of the Right of Way from the property owners to the County; and providing copies of all recorded documents to MnDOT; and

- 3.2.10 Performing relocation activities including relocation services and benefit reimbursements as required by law and described within MnDOT's State Aid Manual to property owners and tenants of the Right of Way.
- 3.3 The County shall conduct all Right of Way Work in accordance with the standards and procedures outlined within MnDOT's current "Right of Way Manual" and "State Aid Manual."
- The County shall follow all applicable provisions of federal and state laws, including the Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs.
- 3.4 The County shall use all reasonable efforts to acquire marketable title to all the Right of Way in the name of the County through direct purchase, unless otherwise provided or agreed upon by MnDOT.
- 3.5 The County shall convey to MnDOT by Quit Claim Deed, marketable title to the Right of Way, excluding permanent drainage and utility easements and temporary construction easements, free and clear of any and all liens, encumbrances, and other restrictions unless otherwise permitted by MnDOT in writing, after completion of the Highway Project and after MnDOT receives a No Association Declaration, if necessary.
- 3.5.1 Permanent easements shall be conveyed via easement assignment documents.
- 3.6 MnDOT shall be provided copies of the County's appraisals, and the County shall certify all appraisals prior to the County presenting any settlement offer to a Property owner.
- 3.7 The County shall draft all legal descriptions of the parcels of Property from which Right of Way must be acquired, and of the Right of Way. The County shall provide copies of those legal descriptions to the MnDOT Right of Way Project Manager for MnDOT's review, guidance and approval prior relating to the County's acquisition of the Right of Way.
- 3.8 The County shall draft all parcel sketches showing the proposed conveyances for the Right of Way from the Property owner to the County; and shall provide copies of those documents to the MnDOT Right of Way Project Manager for MnDOT review, guidance and approval for each Right of Way acquisition prior to making an offer to directly purchase that Right of Way from the Property owner.
- 3.9 The County shall draft offer letters for each parcel of Property from which Right of Way must be acquired and shall provide copies of those offer letters to MnDOT Right of Way Project Manager.
- 3.10 The County shall draft the conveyance documents and settlement agreements for the acquisition of the Right of Way and provide copies of the final conveyance documents and settlement agreements to MnDOT's Right of Way Project Manager for MnDOT's review. The MnDOT Right of Way Project Manager must approve each settlement agreement before it is executed.
- 3.11 The County shall notify MnDOT, no later than 60 days after initial offers are made, if the Right of Way cannot be acquired by direct purchase. Any Right of Way that cannot be acquired by direct purchase may be acquired through the condemnation process under Minnesota Statutes Chapter 117. The County shall be authorized to exercise the power of eminent domain related to the Highway Project in the County's name, but shall not be authorized to exercise the power of eminent domain related to the Highway Project in the State of Minnesota's name.
- 3.12 As outlined in MnDOT's Cost Participation Manual for Cooperative Construction Projects and the State Aid Manual, the County must perform an Environmental Due Diligence ("EDD") review prior to the County acquiring any Right of Way needed for the Highway Project.
- 3.12.1 The County shall submit the required EDD forms to MnDOT's Environmental Investigation Unit ("EIU") for review and approval.
- 3.13 MnDOT shall record and file with the Washington County or Chisago County Records' or Registrars' Offices all necessary conveyance documents for the conveyance of Right of Way from the County to MnDOT.

- 3.14 MnDOT shall review and provide guidance to the County for the Right of Way acquisition processes to ensure all deliverables and acquisitions meet federal and state funding eligibility.
- 3.15 Each of the Parties acknowledges that the Right of Way Work is critical activity for the Highway Project schedule, and that the Right of Way Work must be actively and continuously pursued in a manner that enables the Parties to meet the Highway Project letting date. The County shall deliver to MnDOT all Right of Way acquisition documents after the Highway Project has been completed. These documents shall include, at minimum the documents described in Section 3.1.1 above and:
 - 3.15.1 Recorded Plats
 - 3.15.2 Purchase, Grant, and/or Assignment instruments
 - 3.15.3 Electronic files in MicroStation form or other electronic files approved by MnDOT
 - 3.15.4 All MnDOT Parcel documentation prepared by or for the County in fulfillment of this agreement.
 - 3.15.5 Such other documents and instruments as may be necessary for right-of-way certification.
- 3.16 The County shall contact MnDOT's Right of Way Project Manager regularly to report on the status of the Right of Way Work.

4. Terms of Payment

- 4.1 MnDOT's Obligations Contingent on Funding.
 - 4.1.1 MnDOT's payment of costs as described in this Agreement shall be contingent upon the appropriation and encumbrance of funds for such purpose as required by law. MnDOT shall use reasonable and its best efforts to obtain and encumber funding for the Right of Way acquisitions for the Highway Project, when and as needed.
 - 4.1.2 MnDOT represents and warrants that it is unaware of any material fact that would make it unlikely for MnDOT to obtain and encumber the necessary funds for the Right of Way acquisitions for the Highway Project.
 - 4.1.3 MnDOT's total financial obligation under this Agreement shall be no more than two million one hundred ninety thousand dollars (\$2,190,000), which may be revised only if the Parties amend this Agreement as provided in Section 6.2.
- 4.2 Payment of Administrative and Project Document Preparation
 - 4.2.1 Subject to the maximum amount stated in section 4.1.3, MnDOT will re-imburse 100% of the costs and expenses associated with project administration and document preparation including and not limited to title opinion preparation, right of way layout and parcel sketch preparation, field title tasks, appraisals, platting, and preparation and presentation of direct purchase offers.
 - 4.2.2 The County shall submit to MnDOT an invoice each month for payment of MnDOT's portion of the costs defined in section 4.2.1. ELECTRONIC INVOICES ARE PREFERRED. Submit invoices to both the Project Manager named in section 5.2 and to metroweaccountspayable.dot@state.mn.us. Exhibit A, which is attached and incorporated into this Agreement, is the form that the County will use to submit an invoice to MnDOT.
- 4.3 Payment of Direct Purchase and Administrative Settlements.
 - 4.3.1 After receiving MnDOT's approval of fair market value or administrative settlement amounts for the acquisition of Right of Way from a parcel of Property, the County shall make all payments to the Property owners of said parcel during the direct purchase phase of the Right of Way acquisition process.
 - 4.3.2 The County shall submit to MnDOT an invoice each month for payment of MnDOT's portion of the costs defined in section 4.4, 4.5 and 4.6. ELECTRONIC INVOICES ARE PREFERRED. Submit invoices to both the Project Manager named in section 5.2 and to

metroweaccounts payable.dot@state.mn.us. Exhibit A, which is attached and incorporated into this Agreement, is the form that the County will use to submit an invoice to MnDOT.

4.3.3 The invoice amounts shall be shown in detail by each parcel.

- 4.4 Direct Purchase Costs. Subject to the maximum amount stated in section 4.1.3, MnDOT will re-imburse 100% of the costs and expenses for the direct purchase of the Right of Way from each and every parcel of Property identified on the Parcel list and final list of parcels, up to the "fair market value" or administrative settlement amount for the acquisition of the Right of Way.
- 4.5 Eminent Domain Costs. Subject to the maximum amount stated in section 4.1.3, MnDOT will re-imburse 100% of the costs and expenses of the Right of Way needed for the Highway Project that is acquired through eminent domain under Minnesota Statutes Chapter 117. Said costs and expenses shall include, but shall not be limited to damages, interest, commissioner awards, civil judgments, appraisal fees, attorney fees, and all trial costs, including but not limited to trial attorney fees, expert witness fees, and deposition costs.
- 4.6 Inverse Condemnation Costs. Subject to the maximum amount stated in section 4.1.3, MnDOT will re-imburse 100% of the of costs and expenses reasonably related to any mandamus or inverse condemnation actions that stems from the Highway Project. Said costs and expenses shall include, but shall not be limited to, damages, interest, commissioner awards, civil judgments, appraisal fees, attorney fees, and all trial costs, including but not limited to trial attorney fees, expert witness fees, and deposition costs.
- 4.7 Following the conveyance of the MnDOT Parcels from the County to MnDOT, the County shall be solely legally and financially responsible for defending against; and paying any damages or settlements resulting from all legal challenges relating to the acquisition of MnDOT Parcels, with the exception of inverse condemnation actions as addressed above.
- 4.8 Each of the Parties must immediately inform the other Party upon acquiring knowledge or information that there may be insufficient funds to cover financial obligations under this Agreement.

5. Agreement Personnel

- 5.1 MnDOT's Right of Way Project Manager for consultation and status shall be:
Mike Lynch Title: Metro Right of Way Area Manager 1500 County Rd. B2
Roseville, MN 55113
Telephone: 651-234-7558
Email: mike.lynych@state.mn.us
- 5.2 MNDOT's Project Manager shall be:
Dmitry Tomasevich, P.E. Title: East Area Engineer 1500 County Rd. B2
Roseville, MN 55113
Telephone: 651-245-4406 (Cell)
Email: dmitry.tomasevich@state.mn.us
- 5.3 County's Right of Way Project Manager for consultation and status shall be:
Joe Triplett, P.E. Title: County Engineer/Public Works Director
31325 Oasis Road, Center City, MN 55012
Telephone: 651-213-8708
Email: joe.triplett@chisagocounty.us
- 5.4 County's Project Manager shall be:
Joe Triplett, P.E. Title: County Engineer/Public Works Director
31325 Oasis Road, Center City, MN 55012
Telephone: 651-213-8708
Email: joe.triplett@chisagocounty.us

6. Assignment, Amendments, Waiver and Contract Complete

- 6.1 Assignment. Neither of the Parties may assign or transfer any rights or obligations under this Agreement without first receiving the prior written consent of the other, and without a fully executing an assignment agreement, which has been executed and approved by the same Parties who executed and approved this Agreement, or their successors in office.
- 6.2 Amendments. Any Amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same Parties who executed and approved this Agreement, or their successors in office.
- 6.3 Waiver. If either of the Parties fails to enforce any provision of this Agreement, that failure does not waive the provision or the right of that party to subsequently enforce it.
- 6.4 Complete Contract. This Agreement, and any attached exhibits, and any addenda or amendments signed by the same Parties signing this Agreement, or their successors, shall constitute the entire agreement between the Parties, and shall supersede any prior discussions, negotiations and agreements between the Parties as they relate to terms or conditions contained. The Parties intend that each representation, and covenant contained in this Agreement shall have independent significance. The captions used in this Agreement are for convenience only and shall not constitute a term of the Agreement.

7. Liability

- 7.1 Each of the Parties shall be responsible for its own acts, omissions, and the results thereof to the extent authorized by law and shall not be responsible for the acts and omissions of the others and the results thereof. Minnesota Statutes Section 3.736 and Chapter 466 and other applicable laws govern liability of MnDOT and the County.
- 7.2 Indemnification. In the performance of this agreement by the County, or the County's agents or employees, the County must indemnify, save, and hold MnDOT, its agents, and employees harmless from any and all claims or causes of action, including reasonable attorney's fees incurred by MnDOT, to the extent caused by the County's: 1) intentional, willful, or negligent acts or omissions; 2) breach of contract or warranty; or 3) breach of the applicable standard of care. The indemnification obligations of this section do not apply if the claim or cause of action is the result of MnDOT's sole negligence. This clause will not be construed to bar any legal remedies the County may have for MnDOT's failure to fulfill its obligation pursuant to this agreement.

8. State Audits

- 8.1 Under Minnesota Statutes § 16C.05, subdivision 5, the County's books, records, documents and accounting procedures and practices relevant to this Agreement are subject to examination by MnDOT and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

9. Government Data Practices Compliance

- 9.1 Each of the Parties shall comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by MnDOT under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained or disseminated by the County under this Agreement. The civil remedies of Minnesota Statutes § 13.08 shall apply to the release of the data referred to in this Section by either of the Parties.

10. Venue

- 10.1 Venue. Venue for all legal proceedings arising out of this Agreement, or its breach, shall be in the appropriate federal or state court with competent jurisdiction in Ramsey County, Minnesota.

11. Termination; Suspension

- 11.1 Termination. MnDOT or the Commissioner of Administration may terminate this Agreement at any time, with or without cause, upon 30 days' written notice to the County. The County shall be entitled to

payment, determined on a pro rata basis, for the value of the services the County satisfactorily performed to the extent that funds are available.

- 11.2 **Termination for Insufficient Funding.** MnDOT may terminate this Agreement immediately if it does not obtain funding from the Minnesota Legislature, or from another funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the Right of Way Work.

Termination must be by written or fax notice to the County of MnDOT's intent to terminate for insufficient funding ("Terminate for Insufficient Funding") MnDOT shall not be obligated to pay for any of the Right of Way Work that the County provides after receiving notice and effective date of termination. However, the County shall be entitled to payment, determined on a pro rata basis, for the value of the services the County satisfactorily performed to the extent that funds are available. MnDOT will not be assessed any penalty if the Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. MnDOT must provide the County notice of the lack of funding within a reasonable time of MnDOT's receiving that notice.

- 11.3 **Termination by Agreement.** The Parties may terminate this Agreement at any time by mutual agreement. The County shall be entitled to payment, determined on a pro rata basis, for the value of the services the County satisfactorily performed to the extent that funds are available.
- 11.4 **Suspension of Agreement.** MnDOT may suspend this Agreement immediately if the State of Minnesota is totally or partially shutdowns due to failure to have an approved budget by the legal deadline. Right of Way Work performed by the County during a period of suspension shall be deemed unauthorized by MnDOT and shall be undertaken by the County at a risk of non-payment. The County shall be entitled to payment, determined on a pro rata basis, for the value of the services the County satisfactorily performed to the extent that funds are available.

12. **Governing Law.** This Agreement shall be governed by, construed and enforced in accordance of the laws of the State of Minnesota.
13. **Warranty of Authority.** Each of the signers of this Agreement warrants and guaranties that the signor has the authority to enter this Agreement and bind the party it represents.

THE BALANCE OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

CHISAGO COUNTY

Chisago County certifies that the appropriate person(s) have executed the Agreement on its behalf as required by applicable resolutions, ordinances or charter provisions.

Approved:

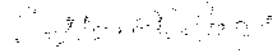
By:

Date:

Title: BOARD CHAIR

COUNTY ATTORNEY

Approved:

By: 

By: Jeffrey B. Fuge, Assistant County Attorney

Date: March 7, 2022

Title: ASSISTANT COUNTY ATTORNEY

* INCLUDE A RESOLUTION

STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minnesota Statutes §16A.15 and §16C.05.

Signed:

Date:

SWIFT Contract No.:

SWIFT Purchase Order No.:

DEPARTMENT OF TRANSPORTATION

Recommended for Approval:

By:

Date:

Title: State Right of Way Engineer

Approved:

By:

Date:

Title: Director of Land Management

COMMISSIONER OF ADMINISTRATION

(with delegated authority)

Approved:

By:

Date:

COUNTY RESOLUTION SHOULD BE PLACED HERE.

CHISAGO COUNTY

RESOLUTION

IT IS RESOLVED that the Chisago County enter into MnDOT Agreement No. 1048560 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the to the [XXXXXXXXXX] of the [XXXXXXXXXX]'s share of the costs of the Right of Way services for construction, and other associated construction to be performed upon, along, and adjacent to Trunk Highway No. 8 from Interstate 35 to Karmel Avenue within the corporate City limits of the City of Chisago City, Minnesota under State Project No. 1308-29.

IT IS FURTHER RESOLVED that the County Board Chairman is authorized to execute the Agreement and any amendments to the Agreement.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Chisago County Board at an authorized meeting held on the [] day of [Month], 20[XX] , as shown by the minutes of the meeting in my possession.

Subscribed and sworn to me this

[] day of [Month], 20[XX]

Notary Public

My Commission Expires

(Signature)

(Type or Print Name)

(Title)

Exhibit A – INVOICE

INVOICE NO. _____

Estimated Completion: ____%

Final Invoice? ☐ Yes ☐ No**Invoice Instructions:**

Contractor must:

1. Complete the invoice and, if applicable, the progress report, in their entirety
2. Sign the invoice and progress report
3. Attach supporting documentation
4. Scan the entire invoice package*, in the following order:
 - a. Completed, Signed Invoice Form
 - b. Supporting Documentation

Note: Whenever possible, convert landscape pages to portrait pages and optimize the document to decrease the size.

5. E-mail the invoice package, in .pdf, to metroweaccountspayable.dot@state.mn.us.

MnDOT Contract Number: 1048560

Contract Expiration Date: July 1, 2026

SP Number: 1308-29 TH Number: 8

Billing Period: From _____ to _____

Invoice Date: _____

	Total Contract Amount	Total Billing to Date	Amount Previously Billed	Billed This Invoice
1. Administration and Project Document Preparation (Attach Supporting Documentation)	\$			
2. Direct Purchase Costs (Attach Supporting Documentation)	\$			
3. Eminent Domain Costs (Attach Supporting Documentation)	\$			
4. Inverse Condemnation Costs (Attach Supporting Documentation)	\$			
Net Earning Totals:	\$2,190,000.00			
Total Amount due this invoice:				\$

I certify that the statements contained on this invoice, and its supporting documents, are true and accurate and that I have not knowingly made a false or fraudulent claim, or used a false or fraudulent record in connection with this Invoice. I understand that this invoice is subject to audit.

Contractor: _____

Signature: _____

Print Name: _____

Title: _____

RESOLUTION NO. XXX
APPROVING A JOINT POWERS AGREEMENT MNDOT #1048560 WITH THE
STATE OF MINNESOTA, COMMISSIONER OF TRANSPORTATION AND CHISAGO
COUNTY, BOARD OF COMMISSIONERS

WHEREAS, the County of Chisago on behalf of its Board of Commissioners desires to enter into a Joint Powers Agreement with the State of Minnesota, Commissioner of Transportation, to provide payment for the County of Chisago's share of costs of the Right of Way services for construction, and other associated construction to be performed upon, along, and adjacent to Truck Highway No. 8 from Interstate 35 to Karmel Avenue within the city limits of Forest Lake, Wyoming and Chisago City, Minnesota under State Project No. 1308-29.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Commissioners of Chisago, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreement by and between the State of Minnesota acting through its Commissioner of Transportation and the County of Chisago on behalf of its Board of Commissioners is hereby approved. A copy of the Joint Powers Agreement is attached to this Resolution and made a part of it.
2. That the Public Works Director, Joe Triplett, or his successor, is designated the Authorized Representative for the County.
3. That the Chair of the County of Chisago, and the County Board Clerk, are authorized to sign the State of Minnesota Joint Powers Agreement.

Chisago County Request for Board Action

Meeting Date: March 16, 2022	Item Number: 4
Title of Item for Consideration: 2022 Construction Testing Services Contract with Braun Intertec	
Action Requested by: Joe Triplett, Director	Department: Public Works
Previous Action on this Matter: None.	
Background: Public Works requires assistance for construction testing services to comply with state and federal testing requirements to deliver the projects in the Transportation Improvement Plan. Public Works has enlisted Braun Intertec, who has extensive experience in these sorts of projects and in Chisago County. County Engineer recommends approval of the agreement. Attachment(s): Professional Services Agreement	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the 2022 Construction Testing Services Contract with Braun Intertec. The following motion is suggested: <i>“Move to approve the 2022 Construction Testing Services Contract with Braun Intertec.”</i>	
Implications of Action: Approval will allow the County to follow and meet testing requirements for our construction projects. Budget/Financial Implications: Funding will come out of 03-320-6273 account Legal/Policy Implications: 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 _____

PROFESSIONAL & TECHNICAL SERVICES CONTRACT

THIS CONTRACT, and amendments and supplements thereto, is between the County of Chisago (hereinafter County), and Braun Intertec Corporation, 11001 Hampshire Avenue S, Minneapolis, MN 55438, an independent contractor, not an employee of the County of Chisago (hereinafter CONTRACTOR).

WHEREAS, County, pursuant to Minnesota Statutes Chapter 373.01, is empowered to procure from time to time certain professional/technical services; and,

WHEREAS, County is in need of construction materials testing services for a number of construction projects scheduled for the 2022 construction season; and,

WHEREAS, the CONTRACTOR has provided the County with a proposal for construction material testing services in which it represented that it is qualified, duly licensed and willing to perform the services set forth in this contract.

NOW, THEREFORE, it is agreed:

- I. **TERM OF CONTRACT.** This contract shall be effective on March 17, 2022, or upon the date the final required signature is obtained by County, whichever occurs later, and shall remain in effect until April 1, 2023, or until all obligations set forth in this contract have been satisfactorily fulfilled, whichever occurs first. The CONTRACTOR understands that no work should begin under this contract until all required signatures have been obtained and the CONTRACTOR is notified to begin work by County's authorized representative.
- II. **CONTRACT DOCUMENTS.** The Agreement of the County and the CONTRACTOR consists of the terms and conditions contained in this Professional & Technical Services Contract and the Proposal for Construction Materials Testing Services, dated February 17, 2022, which is attached hereto and incorporated herein as **Attachment A**. To the extent that the terms and conditions of the Professional & Technical Services Contract conflict with the terms set forth in **Attachment A**, the terms and conditions of the Professional & Technical Services Contract shall prevail.
- III. **CONTRACTOR'S DUTIES.** The CONTRACTOR shall perform those duties and deliver those services described in **Attachment A**.
- IV. **CONSIDERATION AND TERMS OF PAYMENT.**
 - A. **Consideration** for all services performed and goods or materials supplied by the CONTRACTOR pursuant to this contract shall not exceed Eighty-Two Thousand Eight Hundred Ninety Dollars and No/100 Dollars (\$89,890.00) as provided in **Attachment A**. Said contract sum shall be allocated across those projects and paid in such allocated sums as identified in **Attachment A**.

B. Terms of Payment.

Payment shall be made by County promptly after the CONTRACTOR'S presentation of invoices for services performed and acceptance of such services by County's authorized representative. All services provided by the CONTRACTOR pursuant to this contract shall be performed to the satisfaction of County pursuant to the standard of care and to the extent compliance is not inconsistent with CONTRACTOR's professional practice requirements, and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. The CONTRACTOR shall not receive payment for work found by County to be defective or performed in violation of any applicable federal, state or local law, ordinance, rule or regulation. Invoices shall be presented by CONTRACTOR within thirty (30) days of completion of the work.

V. **AUTHORIZED REPRESENTATIVES.** All official notifications, including but not limited to, cancellation of this contract must be sent to the other party's authorized representative.

A. County's authorized representative for the purpose of administration of this contract is:

Name: Joe Triplett, PE
Public Works Director/County Engineer
Address: 31325 Oasis Road, Room 400, Center City, MN 55012
Telephone: (651) 213-8708
E-Mail: Joe.Triplett@chisagocounty.us
Fax: (651) 213-8772

B. The CONTRACTOR'S authorized representative for the purpose of administration of this contract is:

Name: Charles M. Cadenhead, Jr., PE, Vice President, Principal Engineer
Company: Braun Intertec Corporation
Address: 11001 Hampshire Avenue S, Minneapolis, MN 55438
Telephone: (952) 995-2000
E-Mail:
Fax: (952) 995-2020

VI. **CANCELLATION AND TERMINATION.**

A. This contract may be canceled by County at any time, with or without cause, upon thirty (30) days written notice to the CONTRACTOR. In the event of such a cancellation, the CONTRACTOR shall be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed.

B. Termination for Insufficient Funding. County may immediately terminate this contract if it does not obtain funding from the Minnesota Legislature or other funding source, or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the CONTRACTOR within a reasonable time of County receiving notice that sufficient funding is not available. County is not obligated to pay for any services that are provided after notice and effective date of termination. However,

the CONTRACTOR will be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed to the extent that funds are available. County will not be assessed any penalty if the contract is terminated because of the decision of the Minnesota Legislature or other funding source not to appropriate funds.

VII. ASSIGNMENT AND SUBCONTRACTING.

The CONTRACTOR shall neither assign nor transfer any rights or obligations under this contract without the prior written consent of County. The County will consent to assignment only upon the County, CONTRACTOR and assignee reaching an agreement in which assignee agrees to be bound by this Agreement. XVII. If specifically authorized by the County, CONTRACTOR is responsible for the performance of all subcontractors and shall compensate said subcontractors pursuant to the requirements of Minnesota Statute § 471.425.

VIII. LIABILITY. The CONTRACTOR agrees to indemnify and hold County, its representatives and employees harmless from any and all claims or causes of action, including reasonable attorneys' fees incurred by County, in the performance of this contract by the CONTRACTOR. This clause shall not be construed to bar any legal remedies the CONTRACTOR may have for County's failure to fulfill its obligations pursuant to this contract but only to the extent such claims or causes of action are caused by the CONTRACTOR's negligent acts, errors, and omissions or any entity in which the CONTRACTOR is legally liable. CONTRACTOR has no obligation to indemnify, defend, or hold harmless the County from any claims or causes of action caused by the County's negligence or fault or the negligence or fault of others.

IX. INSURANCE.

- A. *Workers' Compensation.* CONTRACTOR certifies that it is in compliance with Minn. Stat. §176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The CONTRACTOR's employees and agents will not be considered County employees. The contractor certifies it is in compliance with Minnesota Statute §176.181, Subd. 2 pertaining to workers' compensation insurance coverage. The CONTRACTOR'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 or agents and any claims made by any third party as a consequence of any act or omission on the part of these employees or agents are in no way County's obligation or responsibility.
- B. *General Liability Insurance.* Contractor is required to maintain insurance 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 Contractor or by a subcontractor or by anyone directly or indirectly employed by the Contractor under the contract. Insurance minimum limits are as follows:
- \$500,000 per claim; \$1,500,000 per occurrence; \$3,000,000 annual aggregate
- C. *Professional Liability Insurance (Errors and Omissions)* Contractor shall maintain professional liability insurance for the work of the professionals engaged in the professional services and work of this Contract. Said policies covering the errors and omissions of the professionals working under

this Contract shall remain in effect for six (6) year following the completion of the work.

D. CONTRACTOR shall name the County as an additional insured on the above policies and at the time of signing this Agreement CONTRACTOR shall provide the County with a certificate of insurance as evidence of such kinds and amounts of coverages.

IX. **PUBLICITY.** Any publicity given to the program, publications, or services provided resulting from this contract, including, but not limited to, notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the CONTRACTOR or its employees individually or jointly with others, or any subcontractors shall identify County as the sponsoring agency and shall not be released prior to receiving the approval of County's authorized representative.

X. **MINNESOTA STATUTE §181.59.**

The CONTRACTOR will comply with the provisions of Minnesota Statute §181.59 which require:

Every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district, or any other district in the state, for materials, supplies, or construction shall contain provisions by which the contractor agrees: (1) that, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no contractor, material supplier, or vendor, shall, by reason or race, creed, or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; (2) that no contractor, material supplier, or vendor, shall, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause (1) of this section, or on being hired, prevent, or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed, or color; (3) that a violation of this section is a misdemeanor; and (4) that this contract may be canceled or terminated by the state, county, city, town, school board, or any other person authorized to grant the contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this contract.

XI. **GOVERNMENT DATA PRACTICES ACT.** The CONTRACTOR and County must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by County in accordance with this contract, and as it applies to all data, created, collected, received, stored, used, maintained, or disseminated by the CONTRACTOR in accordance with this contract. The civil remedies of Minnesota Statute §13.08 apply to the release of the data referred to in this clause by either the CONTRACTOR or County.

In the event the CONTRACTOR receives a request to release the data referred to in this clause, the CONTRACTOR must immediately notify County. County will give the CONTRACTOR instructions concerning the release of the data to the requesting party before the data is released.

XII. **OWNERSHIP OF MATERIALS AND INTELLECTUAL PROPERTY RIGHTS.**

A. County shall own all rights, title and interest in all of the materials created by the CONTRACTOR, or its employees or subcontractors, either individually or jointly with others and paid for in full by the County 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). Ownership and intellectual property rights does not apply to any MATERIALS previously owned or licensed to CONTRACTOR. Any such use or reuse, or any modification of MATERIALS by the County will be at the County or other's sole risk and without liability and legal exposure to CONTRACTOR.

The CONTRACTOR hereby assigns to County all rights, title and interest to the MATERIALS. The CONTRACTOR shall, upon request of County, execute all papers and perform all other acts necessary to assist County to obtain and register copyrights, patents or other forms of protection provided by law for the MATERIALS. The MATERIALS created under this contract by the CONTRACTOR, its employees or subcontractors, individually or jointly with others, shall be considered "works made for hire" as defined by the United States Copyright Act. All of the MATERIALS, whether in paper, electronic, or other form, shall be remitted to County by the CONTRACTOR, its employees and any subcontractors, and the CONTRACTOR shall not copy, reproduce, allow or cause to have the MATERIALS copied, reproduced or used for any purpose other than performance of the CONTRACTOR'S obligations under this contract without the prior written consent of County's authorized representative.

- B. The CONTRACTOR 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 CONTRACTOR shall indemnify and defend, to the extent permitted by the Attorney General, County at the CONTRACTOR'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 CONTRACTOR 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.

If such a claim or action arises, or in the CONTRACTOR'S or County's opinion is likely to arise, the CONTRACTOR shall, at County's discretion, either procure for County the right or license to continue using the MATERIALS at issue or replace or modify the allegedly infringing MATERIALS. This remedy shall be in addition to and shall not be exclusive to other remedies provided by law.

- XIII. **ANTITRUST.** The CONTRACTOR hereby assigns to the County of Chisago 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.
- XIV. **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.
- XV. **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.

- XVI. **STATE AUDITS.** The books, records, documents, and accounting procedures and practices of the CONTRACTOR 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.
- XVII. **SURVIVAL OF TERMS.** The following clauses survive the expiration, cancellation or termination of this contract: VII., Liability; IX., Publicity; XI., Government Data Practices Act; XII., Ownership Of Materials and Intellectual Property Rights; XIV., Jurisdiction and Venue; and XVI., State Audits.

(Signatures of the parties are found on the next page.)

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

APPROVED:

1. CONTRACTOR – Braun Intertec Corporation

CONTRACTOR certifies that the appropriate person(s) have executed the contract on behalf of CONTRACTOR as required by applicable articles, by-laws, resolutions, or ordinances.

By:
Title:
Date:

2. COUNTY OF CHISAGO

APPROVED:

By:
Rick Greene Chair, Chisago County Board of Commissioners
Date:

CERTIFIED:

By:
Christina Vollrath, Clerk to the Board
Date:

REVIEWED AND APPROVED AS TO FORM:

JANET REITER CHISAGO COUNTY ATTORNEY
By: 
Name and Title: Jeffrey B. Fuge, Assistant County Attorney
Date: 03/07/2022

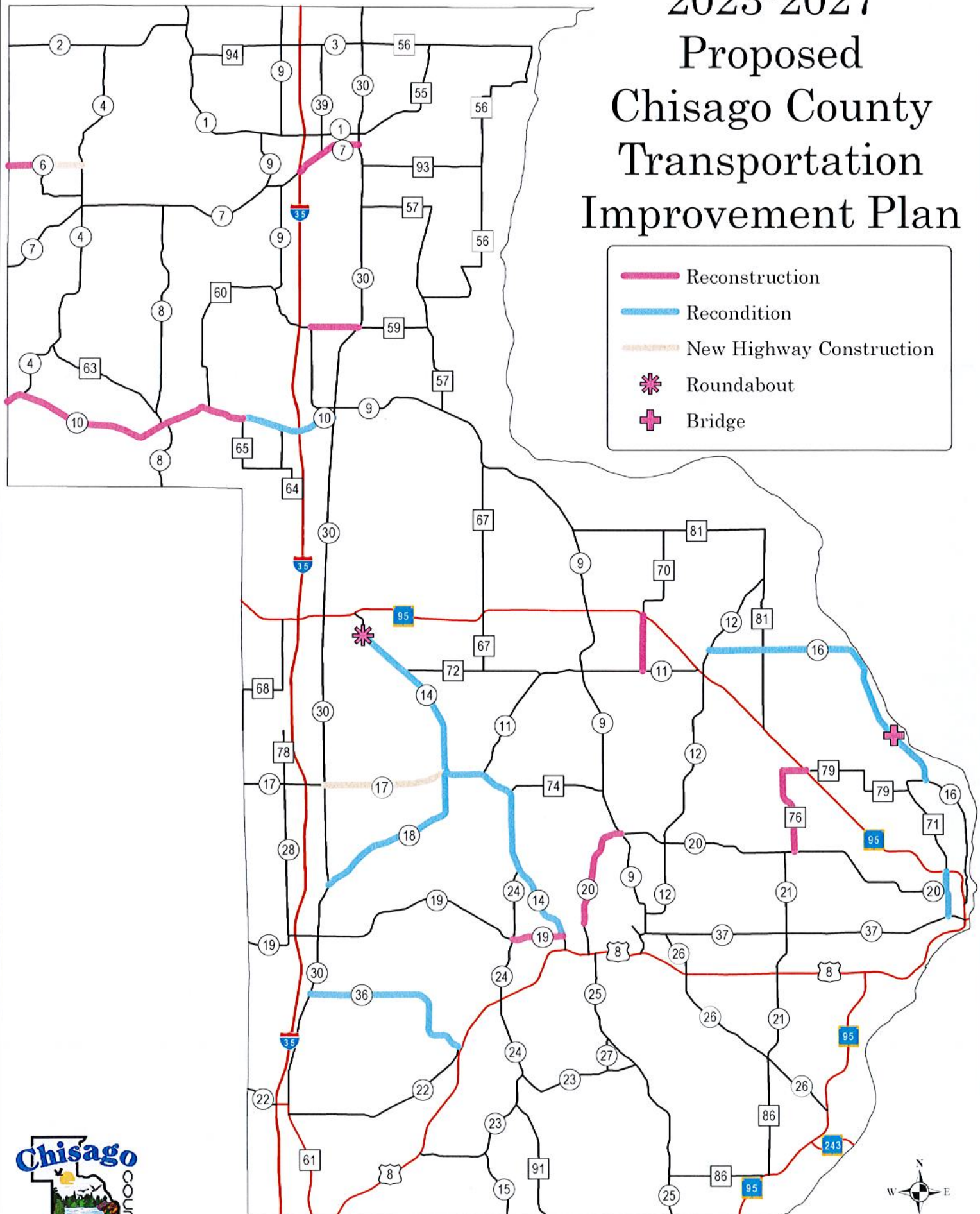
Chisago County Request For Board Action

Meeting Date: March 16, 2022	Item Number: 5
Title of Item for Consideration: 2023 – 2027 Transportation Improvement Plan	
Action Requested by: Joe Triplett, P.E.	Department: Public Works
Previous Action on this Matter: The 2022-2026 TIP was approved at the March 17, 2021 Board of Commissioners meeting.	
Background: Public Works has been working on the annual update to the 5-year TIP. This is the County's main planning tool for design and construction of the County's transportation system. Attachment(s): - Proposed 2023 – 2027 TIP - Proposed 2023 – 2027 TIP map - Proposed 2022 TIP	
Action Requested/Recommended: The County Board is respectfully requested to approve the 2023 – 2027 Transportation Improvement Plan. The following motion is suggested: <i>“Move to approve the 2023 – 2027 Transportation Improvement Plan.”</i>	
Implications of Action: Approval of the T.I.P. will allow the Department to move forward with planning, design and construction. Budget/Financial Implications: Projects will be funded from local, state and federal sources. Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies. 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 _____

					Estimated Cost & Funding Source					
Highway No.	Termini	Length (mi)	Project	Federal	State	State Aid	Local (Levy & Sales Tax)	Total	Comments	
2023	59	CSAH 9 to CSAH 30	1.2	Reconstruction			\$1,800,000	\$1,800,000		
	76	CSAH 20 to TH 95	2.1	Reconstruction		\$3,000,000	\$400,000	\$3,400,000		
	70	CSAH 11 to TH 95	1.4	Reconstruction			\$1,700,000	\$1,700,000		
	6	Isanti County Line to CSAH 4	1.9	Reconstruction			\$1,900,000	\$2,900,000		
								\$0		
			6.6	TOTAL	\$0	\$0	\$4,000,000	\$5,800,000	\$9,800,000	\$3.6M in LOST; \$2.2M in Levy
			PERCENTAGE OF TOTAL	0%	0%	41%	59%			
				Estimated Cost & Funding Source						
Highway No.	Termini	Length (mi)	Project	Federal	State	State Aid	Local (Levy & Sales Tax)	Total	Comments	
2024	10	CSAH 8 North to County Line	4.2	Reconstruction	\$2,100,000		\$4,500,000	\$6,600,000	\$2.1M STBGP	
	16	CSAH 12 to CR 71	7.4	Reconditioning & Bridge			\$4,800,000	\$4,800,000		
	18	CSAH 14 to CSAH 30	4.6	M/O			\$1,000,000	\$1,000,000	Turn back to Township w/CSAH 17	
								\$0		
			16.2	TOTAL	\$2,100,000	\$0	\$4,500,000	\$5,800,000	\$12,400,000	\$3.6M in LOST; \$2.2M in Levy
			PERCENTAGE OF TOTAL	21%	0%	46%	59%			
				Estimated Cost & Funding Source						
Highway No.	Termini	Length (mi)	Project	Federal	State	State Aid	Local (Levy & Sales Tax)	Total	Comments	
2025	17	CSAH 30 to CSAH 14	3.2	Reconstruction		\$5,500,000	\$5,000,000	\$10,500,000	LRIP ????	
	10	CR 65 to CSAH 30	2.3	Reconditioning			\$1,400,000	\$1,400,000		
			5.5	TOTAL	\$0	\$0	\$5,500,000	\$6,400,000	\$11,900,000	\$3.8M in LOST; \$2.6M in Levy
				PERCENTAGE OF TOTAL	0%	0%	56%	65%		

	Highway No.	Termini	Length (mi)	Project	Estimated Cost & Funding Source					Comments
					Federal	State	State Aid	Local (Levy & Sales Tax)	Total	
2026	10	CR 65 to CSAH 8 North	2.2	Reconstruction			\$4,000,000		\$4,000,000	LRIP ???
	19	CSAH 24 to CSAH 14	1.25	Reconstruction & RAB	\$3,100,000			\$2,500,000	\$5,600,000	\$2.1M STBGP; \$1M HSIP
	20 & 71	TH 95 to CSAH 37	1.1	Reconditioning				\$1,300,000	\$1,300,000	
	36	CSAH 22 to CSAH 30	4.5	Reconditioning				\$2,500,000	\$2,500,000	
			9.05	TOTAL	\$3,100,000	\$0	\$4,000,000	\$6,300,000	\$13,400,000	\$3.9M in LOST; \$2.4M in Levy
				PERCENTAGE OF TOTAL	32%	0%	41%	64%		
Estimated Cost & Funding Source										
2027	7	I-35 to CSAH 30	1.9	Reconstruction				\$3,000,000	\$3,000,000	
	14	Lincoln/Hemmingway Intersection		Roundabout			\$1,500,000	\$1,200,000	\$2,700,000	HSIP ?? N.B. participation ???
	14	CSAH 19 to Hemmingway Ave	10	Reconditioning				\$3,000,000	\$3,000,000	
	20	314th St. to CSAH 9	2.7	Reconstruction			\$4,200,000		\$4,200,000	
	I-35/19	Interchange	0.75	Reconstruction		\$27,000,000			\$27,000,000	
			15.35	TOTAL	\$0	\$27,000,000	\$5,700,000	\$7,200,000	\$39,900,000	\$3.9M in LOST; \$2.4M in Levy
				PERCENTAGE OF TOTAL	0%	276%	58%	73%		
Estimated Cost & Funding Source										
2023 - 2027 Program Totals										
					Federal	State	State Aid	Local (Levy & Sales Tax)	Total	
		TOTAL MILEAGE	52.70	TOTAL	\$ 5,200,000	\$27,000,000	\$23,700,000	\$ 31,500,000	\$ 87,400,000	
				PERCENTAGE OF TOTAL	5.9%	30.9%	27.1%	36.0%	100%	

2023-2027 Proposed Chisago County Transportation Improvement Plan



Proposed 2022 TIP

	Highway No.	Termini	Length (mi)	Project	Estimated Cost & Funding Source					Comments
					Federal	State	State Aid	Local (Lewy & Sales Tax)	Total	
2022	23/24	Roundabout	0.5	Reconstruction	\$1,500,000	\$500,000	\$550,000		\$2,550,000	
	26	CSAH 37 to TH 8	1.2	Reconstruction			\$1,750,000		\$1,750,000	
	86	TH 95 to CSAH 26	3	Paving				\$1,750,000	\$1,750,000	
	19	1000 feet east of Ivywood to Lofton	1.8	Reconstruction			\$1,900,000		\$1,900,000	
	56	Bridge		Bridge Replacement		\$335,000		\$35,000	\$370,000	
	79	TH 95 to CR 71	3.6	Paving				\$900,000	\$900,000	
	55	CR 56 to 517th St	1.3	Paving				\$600,000	\$600,000	
	60	CSAH 10 to CSAH 9	4.6	Reclaim & Pave				\$1,500,000	\$1,500,000	
			16	TOTAL	\$1,500,000	\$835,000	\$4,200,000	\$4,785,000	\$11,320,000	
				PERCENTAGE OF TOTAL	13%	7%	37%	42%		

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
UNOFFICIAL PROCEEDINGS
Wednesday, March 02, 2022**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, March 02, 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 Montzka offered a motion to amend the agenda to include a statement regarding Ukraine. Motion seconded by Dunne, the motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka. **OPPOSED:** None.

Commissioner Montzka made the following statement, which Commissioner DuBose seconded as follows;

“The on-going conflict in Ukraine is extremely upsetting and troubling. A sovereign democratic Ukraine was, and is continuing to be, aggressively invaded by a neighboring country for unjust purposes.

It is truly heartbreaking that Ukrainian citizens are suffering terrible human right abuses due to this unprovoked and premeditated attack. Hundreds of thousands have been displaced from their homes and struggle to live in peace because they do not know what is ‘next.’

We want to publicly state that we stand in support of the Ukrainian people and Ukraine’s continuing independence and sovereignty. We support the Citizens of Ukraine and their democracy.”

The statement was voted on 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 6:33 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 HHS 2021 Annual Report and department updates. *No action was taken.*

On motion by DuBose, 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 Greene, the board moved to close the HHS Committee Board of the Whole at 7:09 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

On motion by Montzka, seconded by DuBose, 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 – SHIP Grant Agmt – Lindstrom Community Gardens
- 4.) 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.
- 5.) Minutes from the February 16, 2022 Regular Meeting
- 6.) Authorization to Proceed with Year-End Transfer of Funds

CITIZENS FORUM

TIME – 7:30 p.m. END TIME – 7:31 p.m. 1 letter, 0 emails, # of **SPEAKERS – 0**

On motion by Dunne, seconded by Montzka, the Board moved to move to set a special meeting and public hearing on the 2022 Redistricting plan for April 13, 2022 at 3:00 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None. The Board moved to add a redistricting work session after the Budget and Finance meeting scheduled for Wednesday, March 9th.

On motion by Montzka, seconded by Dunne, the Board moved to approve the out of state travel requests to attend the 2022 AXON Accelerate conference in Phoenix, AZ. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Montzka, the Board moved to approve Resolution 22/0302-01 and authorize signature of Amador Hilltop Estates Final Plat located in Amador Township at 1275 Peterson Avenue, in Section 01, T. 35, R. 20, (PID #01.00212.00. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

On motion by Montzka, seconded by DuBose, the Board moved approve the 2022 Aquatic Invasive Species Prevention Aid Program including the specific agreements, personnel actions, and Memorandum of Understanding as presented at tonight's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

On motion by Dunne, seconded by Montzka, the Board moved to approve a letter of support for a RAISE Grant from the US Government for US Highway 8. 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 2021 fund transfers and budget adjustments so financial reporting requirements will be adhered to. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Montzka **OPPOSED:** None.

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 Montzka, seconded by Dunne, the Board adjourned the meeting at 7:44 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

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
March 16, 2022**

TAB # 7

Payment of County's Warrants & Miscellaneous Bills

Bills to be Paid 3/17/2022 \$676,558.23

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>
3/4/2022	\$33,304.78		County's Warrants
3/4/2022	\$14,511.89	03/16/2022	Auditor's Warrants

Lake Area Bank; Matthew Beckman; Sheriff; supplies; \$1,679.35
Lake Area Bank; Jon Eckel; Enterprise Services; registration; \$20.00
Lake Area Bank; Bridgitte Konrad; Auditor/Treasurer; registration; \$585.02
Lake Area Bank; Andrew Mahowald; Sheriff; training; \$14.99
Lake Area Bank; Daryl Moeller; Assessor; registration; \$746.85
Lake Area Bank; Kyle Puelston; Sheriff; registration, training, supplies; \$2,974.47
Lake Area Bank; Janet Reiter; Attorney; supplies; \$40.05
Lake Area Bank; Kurt Schneider; Environmental Services; registration; \$515.00
Lake Area Bank; Barbara Shimmon; Public Works; registration; \$642.52
Lake Area Bank; Joe Tart; Environmental; supplies; \$344.97
Lake Area Bank; Jake Thompson; Enterprise Services; supplies; \$148.09
Lake Area Bank; Joseph Triplett; Public Works; conference, registration; \$1,580.00
Lake Area Bank; Dennis Wilton; Enterprise; supplies; \$266.78
Lake Area Bank; Polly Zais; Sheriff; training; \$139.50
Lake Area Bank; Tracy Krona; HHS; supplies, training; \$1,120.00



**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: March 9, 2022
Re: **March 16, 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 March 16, 2022, Board meeting.

Action Items:

1. Receive Directors Report
2. Poor Farm Meadows Preliminary Plat
3. Klar CUP Major Home Occupation Permit Carry Classes/Outdoor Shooting
4. Wild Mountain Properties CUP Amendment(s) Camping Expansion Request
5. Parks CIP Utility Trailer Acquisition
6. Parks CIP Ki Chi Saga Ballfield Dugout Acquisition
7. Chisago Lakes Lake Improvement District AIS Weed Control Partnership
8. Chisago Lakes Lake Improvement District Budget Allocation Adjustments

Informational Item(s):

Board of Adjustment and Appeals:

The next regularly scheduled Board of Adjustment meeting is scheduled for March 31, 2022 at 7:00 pm. at the Government Center. The Board will also meet on March 30th, 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. David Pary, property owner, is requesting a Variance to construct a detached accessory structure 5' from the eastern property boundary where the minimum required side yard setback is 20'. The 2.66-acre property is zoned Agricultural (AG) District and located at 16860 244th Road in Franconia Township, S31, T33, R19 (PID #04.00595.01).
2. James Kolde, applicant, and Minnesota Holding Company LLC, property owner, are requesting a Variance to construct a dwelling addition approximately 68' from the Goose Lake OHWL where the minimum required setback for structures is 75'. The project also includes the construction of

a deck approximately 60' from the OHWL. The 1.3-acre property is zoned Rural Residential I (RRI) District and located at 1650 Goose Lake Lane, Fish Lake Township, S3, T36, R22 (PID# 03.01144.00).

Planning Commission:

The regularly Planning Commission meeting is scheduled for Thursday, April 7, 2022, at 7:00 p.m. in the Lower Level of the Chisago County Government Center. The Commission will also meet on April 5th 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. Shaun Fiedler, property owner, is requesting the Rezoning of 24± acres from Rural Residential I (RRI) District to Agricultural (AG) District. The property is located at 2574 Crest Way, Nessel Township, on the western side of East Rush Lake, S23, T37, R22 (PID# 06.00518.00).
2. Brad Brunet, applicant, and Nicholas and Alison Kaminski, property owners, are requesting approval of the Preliminary Plat of Kaminski Estates, involving the creation of two lots from a 38.8-acre tract. The property is zoned Agricultural (AG) District and located at 53145 Bayberry Avenue, Nessel Township, S3, T37, R22 (PID# 06.00149.00).
3. Branden & Ann Mell, property owners and owners of The Humble Swede Seasonal RV Park, are requesting an Amendment to a Conditional Use Permit for a Commercial Recreation Area. The Mells wish to increase the number of RV campsites from 30 up to 45. The 52-acre property is zoned Agricultural (AG) District and located at 50187 Clover Trail, Nessel Township, S23, T37, R22 (PID# 06.00515.00).
4. Jason Spawn, applicant and owner of Worm Brew Composting Company, LLC, and Douglas & Susan Spawn, property owners, are requesting a Conditional Use Permit for Solid Waste Facility in order to establish an organic waste composting facility. The 22-acre property is zoned Agricultural (AG) District and located at 12792 Maxwell Road, Chisago Lake Township, S21, T33, R20 (PID# 02.00214.00).

General Department Informational Item(s):

Construction & permit activity with the new year includes February 2022 permit activity data provided as *attached*. Revenue associated with this activity reached 13% of projected annual budget at \$114,293 in is approximately 62% higher than this same period in 2021. Note that newly contracted Lent Township and City of Shafer inspection service areas are now added to permit activity summary.

The Planning Commission conducted a lengthy and well attended public hearing concerning the draft Commercial Shooting Range ordinance on March 3rd. Attached is the brief summary presentation of the drafted ordinance as outlined at the meeting. Most attendees represented themselves as concerned members of the Gopher Rifle and Revolver Club in the City of Harris. No members of the public offered endorsement of the ordinance as written. Draft Commission minutes outline the nature of the comments received and should be reviewed if additional context of issues/concerns are needed. The Planning Commission did not offer recommendation on the draft ordinance opting rather to establish a yet to be scheduled work session meeting to further review the ordinance.

February 2022 / Building Report:

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	
	Feb	YTD	Feb	YTD	Feb	YTD	Feb	YTD	Feb	YTD	Feb	YTD	Feb	YTD	Feb	YTD
Amador	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0
Center City	0	0	0	2	3	3	0	0	0	0	0	0	0	0	0	0
Chisago City	0	1	3	9	6	14	0	0	0	0	0	0	0	0	1	2
Chisago Lake	0	2	6	11	9	9	1	1	0	0	0	0	0	0	0	0
City Shafer*	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0
Fish Lake	0	1	1	4	3	3	1	2	0	0	0	0	0	0	0	0
Franconia	1	2	2	5	3	3	0	0	0	0	0	0	0	0	0	0
Harris	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0
Lent*	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0
Lindstrom	3	3	8	12	18	18	0	0	0	0	0	0	0	0	0	0
Nessel	0	0	2	2	2	3	0	0	0	0	0	0	0	0	1	2
Rush City	0	0	0	1	3	3	0	1	0	0	0	0	0	0	0	0
Rushseba	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Shafer	1	2	0	0	1	4	0	0	0	0	0	0	0	0	0	0
Sunrise	1	1	1	2	2	3	1	1	0	0	0	0	0	0	0	0
TOTAL:	7	13	24	49	56	79	4	6	0	0	0	0	0	0	2	4
Year to Year Comparison																
	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD	January	YTD
2021	0	8	22	46	27	44	3	5	2	5	0	0	1	1	13	23
2020	4	7	20	36	24	50	2	3	2	4	0	0	1	1	6	6
2019	5	10	8	32	25	42	2	2	3	3	0	0	0	0	3	3
2018	5	11	10	16	6	15	1	2	5	5	0	0	0	0	5	5

* City of Shafer and Lent Township tracking began February 1st 2022 - January numbers not included.

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
March 3, 2022 - DRAFT

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, March 3, 2022 at the Chisago County Government Center.

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

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

Approval of Agenda – Motion by Chair Yeager to approve the amended agenda with the addition of Meeting Operations/Information Sharing Guidance to New Business; second by Frank Storm. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Approval of Minutes – Motion by Frank Storm to approve the February 3, 2022 meeting minutes as presented; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Receive all Materials and Submittals into Record - Motion by Frank Storm to accept all materials and submittals into the record with the addition of two written public hearing comments; second by John Sutcliffe. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: Staff reports with attachments, Draft Commercial Shooting Range Ordinance, and Public Hearing comments from Dean Michalko and Greg Michalko. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

KGRED, LLC and BARBAC, LLC represented by Ken Johnson and Bob Boyce – Coordinator Gervais provided a brief background on the request for the request for Preliminary Plat of Poor Farm Meadows, involving the creation of four lots from a 30.53-acre tract. The property is zoned Agricultural (AG) District and located at the northwest corner of 410th Street/County Road (CR) 81 and Poor Farm Road in Sunrise Township, S4, T35, R20, (PID #09.00034.20). The plat consists of one 10.2-acre parcel, two 7.6-acre parcels and one 5-acre parcel. The land is currently undeveloped with a large wetland area located adjacent to the southern boundary. The bulk of the wetland is to be located on Lot 2, the largest lot. Proposed Lot 1 will access 410th Street/CR 81 and proposed Lots 2 – 4 will access Poor Farm Road.

Technical Review was held on February 9, 2022 and provided the following comments. County Wetland Specialist reviewed the wetland delineation and provided an approved Notice of Decision. County Code Enforcement Officer reviewed the applicant's soil work but cannot verify soils until spring due to current winter conditions. Soil verification has been added as a proposed condition of approval. County Engineer requested confirmation that the driveway for proposed Lot 2 would access Poor Farm Road rather than 410th Street/CR 81. The applicants confirmed access will be from Poor Farm Road. The Sunrise Town Board

recommended approval with no conditions at their February 17, 2022 meeting. Chair Yeager asked each Planning Commission member and the applicants for additional questions and comments. Applicants Boyce and Johnson were present and available to address questions and concerns. Chair Yeager opened the public hearing and sought comment.

Nicole Klanderud – 41097 Poor Farm Road. The site is a flat field that has been farmed for many years. It has a wetland with some wildlife, but no trees or wind break for a noise barrier. Surrounding neighbors and I have concerns. My concerns are most homes in the area are 20 acres or more which provide adequate space for rural living. The proposed four houses in the middle of a field that has been farmed will diminish our rural character. If the parcel was split into two - 15 acre parcels it would match our surrounding area. I have additional concerns for infrastructure of the area as it pertains to road and technology. More people, additional traffic, creates additional maintenance. The area is severely underserved by internet providers. Only connection available is satellite internet which is very slow. There are a lot of neighbors attending and concerned about losing the agricultural land use. We ask to consider looking at the subdivision differently. Instead of four lots, consider two lots to keep our rural character in the surrounding area.

Natashia Hedin – 40869 Poor Farm Road. In addition to the concerns listed by Nicole, my concerns include, "What is next?" There are other open fields in the area, first we see four houses then it could increase to eight houses in another adjacent field. We ride horses down the dirt road to access Wild River State Park. There will be increased traffic and road maintenance. Construction will be loud and noisy with no noise barrier.

Jarrod Pasiecznyk – 40227 Golden Way. I am one of the former owners of the parcel and currently own the parcel next to it. Our friends moved and wish I would have bought the parcel and not worry about four houses being built near my retirement homesite. No one lives in Sunrise Township to be near people. We want to build a house on a large parcel. Neighbors are fine but not four houses next to my retirement parcel. Two – 15 acre lots with homes match the surrounding area, but four houses are too close for most of the people in the neighborhood. I had a house built near the property line and did not like it. Wetlands on the corner go back pretty far. I suggest two – 15 acre lots and a profit will still be made.

Tony Klanderud – 41097 Poor Farm Road. There are a lot of neighbors wishing they had the opportunity to purchase the parcel and would have farmed it. Some neighbors feel there was an unfair advantage of property listings and realtors scooping in for purchase.

Scott Zeller – 41161 Poor Farm Road. I moved in late 2020 in the area for privacy, to build a hobby farm, and I support same concerns as mentioned by other neighbors.

Brad Evink – 14395 Poor Farm Road. I agree with Tony at the lost opportunity to buy the land. I farm and lost the opportunity/chance to buy it. The property was sold before signs were up. I agree with others and do not want the neighborhood cluttered with additional houses; the very reason I had moved to the rural area.

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by Jim McCarthy. The ***motion passed*** 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Jim McCarthy indicated the review of this property is based on the zoning ordinance and it is apparent there is an opportunity to do better. One of the primary objectives in the Comprehensive Plan is to preserve farmland and it is being cut up in this application. This is a good opportunity for the Planning Commission to reflect on as the Commission reviews and updates the ordinance. ***Motion*** by Frank Storm to adopt Resolution No. PC2022-0301, a resolution

recommending approval of the Preliminary Plat of "Poor Farm Meadows" (PID#09.00034.20), with Findings of Fact and conditions presented by staff; second by Jim McCarthy. Conditions are as follows:

1. The Preliminary Plat is approved per plat drawing stamp dated January 21, 2022. Any deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. The driveway for Lot 2, Poor Farm Meadows must access Poor Farm Road and not 410th Street / CR 81.
3. Prior to request for Final Plat and when ground and weather conditions allow, the County shall verify the soils report.
4. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
5. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat, unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

Draft Commercial Shooting Range Ordinance – Director Schneider provided a brief overview of the draft ordinance, including background, development timeline and ordinance highlights. Public comment was sought on Amending Section 5.06 Agricultural District and Section 7 Performance Standards of the Chisago County Code, known as the Zoning Ordinance, by providing for an Amendment to include Section 5.06 Section C. Conditional Uses and Section 7.32 Shooting Ranges, 7.33 Hunting Clubs and Shooting Preserves, and Amending Section 3 Definitions. Chair Yeager opened the public hearing for comment.

Warren Lacina – 12804 16th Avenue South, Burnsville. I am Legislative Chairman for Gopher Rifle and Revolver Club (GRRC) in Harris, MN. The club has 500 members and has been in operation since 1946. I understand the background and rationale to adopt an ordinance for outdoor shooting ranges. My observation is this draft language is a defacto ban on gun ranges in Chisago County. Why be substantially more restrictive than MN State Statue 87A? The statute covers safety, noise abatement, design requirements and supports shooting sports, training, and is not anti-sportsmen, anti-firearms, and anti-outdoorsmen. The draft language calls out extensive design and range development in design standards. Suggested community meeting is good to inform and address concerns. Concern is if unreasonable concerns are not reasonably addressed at the community meeting, can the Conditional Use Permit be denied? The draft was developed with anti-sportsmen and anti-firearm prejudices. Reject the proposed language and gather input from sportsmen and firearm constituents.

Rob Doar – Director of Government Relations for Minnesota Gun Owners Caucus. Draft ordinance is arbitrary and needs to be recalled. The draft ordinance defines many words which aren't used in the ordinance itself or terms with conflicting definitions within the document. Outdoor Commercial Shooting Range or Outdoor Commercial Gun Range definition is confusing and difficult to determine if it impacts GRRC or is it a range open to public, private ranges or clubs? Section 7.32 A1. does not define rifle or long-distance high velocity firearms and is open to interpretation. Just in this room alone there would be a variety of definitions and ideas of what meets the criteria. MN Department of Natural Resources rifle/shotgun restrictions to southern and western portions of MN has current bipartisan efforts to alter or remove those restrictions. Many terms were noted as not being defined, confusing, and not applicable to the draft ordinance. High power rifle indoor ranges do not need a 2,000-yard setback; setbacks are usually around 200 – 300 yards. The 750-foot setback has been misread the Statute; the setback is not for the shooting range, but to prevent development of residential housing occurring within 750 feet of the range boundary. The range does not provide that setback boundary. Just to

accommodate the 750-foot setback alone is taking out 13 acres in the range and 31 acres is needed for just one high power bay.

Tom Heinrich – 5480 450th Avenue North, Harris. I am the Treasurer at GRRC and do not support this ordinance and it is not needed. The Planning Commission did not tour GRRC which is an existing range in the County.

M.C. Nelson – 1022 Hidden Oaks Lane, Champlin. I have been a GRRC member since 1962. I disagree with Performance Based Operation and Design Criteria G4. to prove a noise abatement report documenting noise is within limits. Greater definition and design are needed for the security fence. The draft ordinance is poorly written with many ambiguities.

David Beckering – 9595 Fedder Road, Pine City. I am a GRRC member and the draft was a good attempt, but execution was poor. Why was an ordinance needed? Instead, use Statute 87A which has all the standards and design performance criteria. The draft ordinance is an overreach to limit and demonstrate who can be in or out. The Highway 95 restriction of areas makes no sense. The draft was modeled after Stearns County, and their ordinance was not well written. Why wasn't GRRC part of the range tours? Why does the ordinance need to be more restrictive than Statute 87A? A range has the benefit as opposed to a person making the complaint. The person making the complaint has to prove the issue.

Steve Petschel – 2223 Riverdale Road, Mora. I am a 30-year GRRC member and previous board member and Chief Executive Officer. The draft provided will never support a range being built in this County, a deterrent to citizens. The draft ordinance is extremely cost prohibitive; no one could afford to comply with it. This will cause additional shooting in backyards, which is extremely unsafe. I would take a poorly managed gun range any day instead of backyard shooting which is unsafe. The National Rifle Association (NRA) Range Sourcebook is pie in the sky; it provides ideal design criteria but would never happen.

Jeff Rivard – P.O. Box 18, Taylors Falls. I will yield my time to the next speaker.

Mark Damkroger – 1497 373rd Avenue NE, Stanchfield. I encourage people to go to a shooting range or into the shooting sports themselves. To prevent is to make prohibition or expensive maintenance. Section G Performance Based Operation and Design Criteria full perimeter chain-link fence is cost prohibitive. Fencing, required acreage, and berms would not be affordable/viable. I support safety and berms, but this draft should be reviewed again. Sometimes people move close to an existing gun club; if you don't like the noise, don't move next to a gun club and complain after the fact.

Aaron Nysse – 38080 Jeffery Avenue, North Branch. I grew up with high school shooting sports, which was school endorsed. I have many concerns but will focus on the cost of existing ranges. It will force the range to raise fees or no longer be accessible to the public. Our kids in high school are part of this recreation; it fosters and serves kids through a nonconventional sport with scholarships. My concerns apply specifically to established ranges and this ordinance should grandfather existing facilities.

Dave Newell – 7055 Cottonwood Court, Centerville. I am a 25-year GRRC member and Past President. Tour the GRRC range; it is important to see and educate yourself that this is not a group that just shoots stuff up. The GRRC is more than that and it's safe. The most dangerous time when you come to GRRC is the experience of driving on the freeway; our range is safer than the freeway. A range is safer than our golf courses; ambulance/first responders are used more often at a golf course than a gun range. GRRC is an asset to the County with assistance to junior shooter programs and scholarships. It provides kids opportunities to college through shooting scholarships. GRRC has supported Boy Scout Troops from inner cities. Troop members camp

on the GRRC range and get an experience and they in-turn assist with trash pickup along the road twice a year. GRRC and Boy Scouts support each other.

Tom Buck - 41390 Flink Avenue, North Branch. I yield my time to the next person. My comments and concerns have been stated.

Erik Shetney – 1617 Lowry Avenue NE, Minneapolis. I am a current board member of GRRC and tonight there have been good comments. The draft ordinance as presented has technical errors and it's incomplete. References to NRA standards in Statute and this draft references a different version. Difference is primarily air quality for indoor shooting ranges. The draft ordinance does not impact existing clubs within city limits, but the ordinance would have adverse impact on new clubs and/or existing clubs. It does affect residences and will make it difficult for people to shoot on their property. Performance Based Operation and Design Criteria H where "Chisago County shall endeavor to be substantially more restrictive than 87A" is very disturbing.

James O'Meara II – 7741 169th Lane NW, Ramsey. GRRC was missed in the equation; it is grandfathered in and the ordinance would not affect GRRC immediately, but perhaps in the future it may. I am a second generation GRRC member and this is the best range. People around the country say GRRC is the best, Planning Commission should come for a tour. Start the draft over following the tour; the tour will educate and provide terminology. The current draft ordinance stops another organization from building a gun range; I do not approve.

Vince Marier – P.O. Box 175, Chisago City. I am a retired 30-year firearms instructor and have instructed a couple other instructors and numerous kids in the surrounding community. Chisago County has limited shooting opportunities. GRRC has a smaller footprint than what is being proposed and I'm shocked the Planning Commission didn't tour the property. The Commission needs to do the research of what it takes to have a safe range. Youngsters can go on smaller range size, but limited with long range rifle with proper backstops. I am disturbed with the proposed fencing requirement. Most ranges have wildlife everywhere. Wildlife use the buffer and are not affected by shots fired and need that buffer since it is not being used otherwise. The draft ordinance looks like a ban on any new clubs or shooting ranges. I am disappointed.

Steve Naumann – 10560 Matthew Drive, Chisago City. I am a Past President of GRRC. People shooting in their backyard is not safe and I've witnessed unsafe discharge. The Sportsmen's Club in Chisago City would be blocked from relocating to a different area in the County. The acreage required in the draft would cost in the millions alone, which our club could not afford much less Chisago City Sportsmen's Club. Shotgun range off of Highway 8 is nice, but I imagine the neighbors most likely do not enjoy it. We have junior shooters at our club. My neighbors shoot at all hours of the day and night, no one checks on them. Measure 64 decibels on your phone, not much shooting goes beyond. A person does not move to Chisago County to worry about noise. If you are bothered by noise, you should discuss dirt bikes behind the Northern Bar and Grill and snowmobiles in my back yard. I am the person everyone calls from the DNR looking for a place to sight in a deer rifle; I had to set up separate mailbox for all the calls. We have a need for more shooting ranges in the County than what we currently have. GRRC has set hours for shooting, yet neighbors shoot until 10 pm with Tannerite.

Pete Johnson – P.O. Box 58, North Branch. I've helped run trap league the last few years; high school trap has gained the most members in high school sports. Lots of kids shoot practice and record rounds. What I wanted to say has already been covered. Design criteria has been covered by federal and state law. Back in old days we would go out to the dump or gravel pit; no places to put targets and nobody was supervised. Shooting ranges are supervised and safer. I know our range in Chisago City was not toured by the Planning Commission; you should see how we run it. I would defer this ordinance, do more public meetings and take additional consideration. This draft outlines the County never wanting another shooting range.

David Gross – 6420 French Lake Trail, Faribault. I am Past President of GRRC and this draft ordinance took Statute 87A restrictions/mandates and wrote it the wrong way. It appears it was written by an oppositional defiant teenager. MN Statute Section 471.633 preempts all regulation authority in MN, except in 1985 where local government could regulate discharge of firearms. Procedures and standards were established within Statute 87A for the regulation and discharge of firearms; standards were established for noise limits and there are no acreage requirements. The 750-foot buffer zone is meant to be outside the range, not inside the range; it was interpreted backwards. This ordinance cannot be passed lawfully; according to Section 471.633, the ordinance must be identical to state law. What you need to do is kill this proposed ordinance. Enforce the law and following the law. *Clerk's Note – Mr. Gross provided copies of a handout to Planning Commission members explaining the proposed Draft Shooting Range Ordinance is void, of no effect, and must be killed/withdrawn with a list of several reasons provided along with historical and pertinent Statute references.

Joseph Olson – 2247 Roselawn Avenue West, Roseville. I am a former Professor of Law at Hamline University, now William Mitchell. I was the primary proposer of Sections 471.633, 634, and 635 and worked with David Gross in getting 87A passed. Professor Olson reviewed 471.633 regulations and stated that 471.634 was passed about a month after regulating guns in schools in 1995. Statute 471.635 regulates through zoning where firearms are sold by a federally licensed dealer. 633 is broad statute language and 634 and 635 is proof of that. Over-regulation of discharges were left to local municipalities, then the state stepped in and passed 87A.

*Clerk's Note – Remaining speakers provided a verbal announcement of their name and address; spelling may not be accurate.

Richard Bipes – 25 Andover Boulevard NE, Andover. I am the current GRRC President and I understand that GRRC may not be affected due to it being located in Harris. Regardless, GRRC has responsible members; it's a safe and controlled area, an outlet for safe shooting. The ordinance has ambiguous language – would not want to see the history and future of GRRC.

Mark Shost – 7023 340th Street, Stacy. I have been a resident of Chisago County for 25 years and a member of GRRC. This ordinance will not directly impact GRRC now, but it will in the future. The range is always evolving, growing, and improving. Legislation could impact the club in the future and put it in jeopardy. I support more shooting ranges for safety. Shooting in back yards is a huge safety concern. I am really opposed to this ordinance.

Nick Brehm – 17559 306th Street, Shafer – I serve on the Shafer City Council and Planning Commission and I believe the draft ordinance is very poorly written. There are so many ways this could be interpreted. If the Chisago City Sportsmen's Club relocated, there is not a solid 400 acres available in Chisago County. Do you realize the 2,000-yard length for high power rifle, no one could shoot that far except for some military. It will take millions and millions of dollars to build a new range. Why did this draft ordinance come up? Living in the County, I am kind of sick and tired of seeing Chisago County doing everything possible to prohibit guns or take something away from individuals who support shooting or for our kids. I support shooting and it is in the Constitution and it needs to stay.

David Beckering – 9595 Fedder Road, Pine City. Provided a fencing example: Chain link fence for one mile, approximately 6 – 8 feet tall is estimated to be \$130,000.

Kathy Kunze – Woodbury. I'm a member of GRRC and ask that the definition of "firearm" be reviewed. I am a team member of an air rifle program at Forest Lake American Legion Post 225 and the program promotes

shooting safety with young kids. Per the definition, the air rifle program would not be able to expand into Chisago County under current draft language. The draft language calls an air rifle a firearm, which it is not.

Randy Elle – Columbus. I'm a member of GRRC and I participate as a coach in the junior shooting program. Most Veterans of Foreign Wars (VFWs) and American Legions across the country sponsor junior shooting programs and competitions. These programs are held within their facilities, usually banquet halls. Within the draft ordinance these organizations would no longer be able to sponsor safe and proper handling of firearms to children. That creates a major safety issue in the world we live in.

Director Schneider read the following submitted written public hearing comments:

Greg Michalko – 1233 Gabler Avenue SE, Buffalo – I understand the GRRC's range is exempt and currently regulated by City of Harris ordinances. This range is one of the most coveted ranges in the Midwest and it would be tragic to many people active in shooting sports if anything ever happened to it. Members have donated enormous amounts of time and money to make it what it is today. If such an ordinance were to pass there needs to be language specifically exempting GRRC from any of the restrictions in the this proposed ordinance.

Dean R. Michalko -10150 Trail Haven Road, Rogers – The Shooting Range Ordinance that is proposed will have no impact on GRRC's range as they are regulated by the City of Harris' Ordinances and not the Counties, along with the fact that they are an existing facility and Grandfathered in exempting them from future ordinances.

1. I am opposed to ALL new ordinances and restrictions at any governmental level for law abiding firearm owners. Maybe the County could build and operate a facility for public use rather than restricting the construction and operation by others?
2. I oppose any impacts that this ordinance may have on GRRC, a range that was built over 50 years ago. I would like to see language added to the ordinance specifically exempting GRRC from any of the ordinance restrictions under two areas: a) GRRC is an existing facility which is Grandfathered in and exempt from this and future ordinances, and b.) GRRC ordinances are established by the City of Harris, not the County.
3. I question the origin and dimensional characteristics and ballistic performance of the 475 HH Magnum referred to on lines 60/61 of the proposed ordinance?

GRRC is one of the top Shooting Ranges in the 5-State area and its existence should be celebrated with the level of professional operation and caliber of competitive events and competitors that are attracted to the range. Any restrictions would only have a negative impact on the success that this range has had over the last 50+ years!

With no additional person wishing to speak, **motion** by Frank Storm to close the public hearing; second by Jim McCarthy. The **motion passed** 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Chair Yeager asked Planning Commission members for additional comments. Director Schneider reviewed actions available to the Commission. Chair Yeager opened discussion for Planning Commission concerns and comments. General discussion followed on range tours that took place, effort taken in drafting the ordinance and recognition that it was not perfect. Frank Storm asked Assistant County Attorney Fuge if a new shooting range could locate in the County if the ordinance is not adopted; Assistance County Attorney Fuge noted the application would be processed as a Conditional Use Permit (CUP) for Commercial Recreation Area.

Dave Whitney acknowledged the tours and the unsuccessful attempt to meet with GRRC and Chisago City Sportsmen's Club, commenting that the clubs were not overlooked. Whitney commented that many concerns and references to statutes have been raised and he would like legal review. Kelly Corbin indicated it was important to get additional education and history before making a recommendation, adding concerns about ambiguous wording and recommended range sizes. Corbin recommended additional review prior to making a recommendation to County Board. Jim McCarthy noted the draft ordinance restricts land uses and zoning. John

Sutcliffe added that the public raised many requests for further review of the draft ordinance. Discussion followed on range size recommendations, cost of acreage and fencing, and review of ordinance. Jolene Wille indicated a review of the draft ordinance in its entirety would be valuable instead of identifying and focusing on certain sections. Discussion followed on different sections or items that should be reviewed such as: shotguns, handguns, change in acreage, vague or missing definitions. Director Schneider suggested that recommended changes should be by group consensus rather than just one Commissioner's recommendation. **Motion** by Dave Whitney to reduce the minimum acreage for shotgun shooting ranges from 160 acres to 40 acres; second by Frank Storm. A roll call vote was taken and the motion passed 5-1-1. Ayes: Whitney, Chair Yeager, Sutcliffe, Wille and Storm. Nays: McCarthy. Abstained: Corbin. Additional discussion followed on the potential impact on existing clubs, public recommendations/comments for consideration, and the need to review current and missing definitions. **Motion** by Frank Storm to review the draft ordinance in its entirety and consider the public hearing comments/concerns at a special work session; second by Dave Whitney. The motion passed 7-0-. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Chair Yeager thanked audience members for attending and providing comments. The Planning Commission held a 10-minute recess.

Public Hearings – Continued Hearings - None

Old Business

a. Jason Klar – Coordinator Gervais provided a brief update on Klar's request for a Conditional Use Permit (CUP) for Major Home Occupation to conduct educational classes for permit to carry a pistol. The property is located at 47311 Government Road, Sunrise Township, S2, T36, R21 (PID# 09.00485.02). Coordinator Gervais summarized the Planning Commission's second site visit to Jason Klar's property on March 2, 2022. During the site visit, Klar operated a firearm that is utilized for his educational classes and fired twelve rounds while Planning Commission members were listening from various points surrounding the property. Coordinator Gervais read a public comment that was received prior to the January 6, 2022 public hearing via email to a newly created email address listed on the County website that was not read at the last meeting. Staff was unaware of the email account and had not been monitoring email activity.

Monique Milton – 9588 475th Street. On behalf of Carol Milton (46938 Kelly Avenue), Stephen Kes (husband) and myself, I would like to express our concerns and objections. To our knowledge, Klar has been conducting live firing exercises about four times per year since 2016. We were not aware of any safety issues during that time. We have observed significant noise contravene during these events. We hunt on our properties, understand the need for gun safety training and hosting a training four times per year is acceptable. Regardless of "educational value" we feel an outdoor shooting range more than four times per year is excessive and too close for comfort to our properties for the following reasons: First, band of strangers running around loose in the neighborhood with handguns seems like a safety issue. Second, not a big fan of noise disturbing our "peaceful valley". If we wanted to hear shooting, we would like in a metropolitan area. Finally, concerned with safety of people driving on the road while live fire exercises are being held. Who would be responsible if someone was injured or killed? Are students required to register their firearms prior to class?

Coordinator Gervais indicated Maggie Wenger, Minnesota Pollution Control Agency (MPCA) Noise Program provided input and additional resources. Wenger indicated that the way state noise statues are written, intermittent noise does not necessarily exceed the standards. The L10 standards set how loud it can be for 10% of the hour, so gunshots might be very loud individually and not trigger the standards. Coordinator Gervais reviewed the general factors for considering Conditional Use Permits as they relate to nearby properties and intrusion of noise, glare, or general unsightliness under Zoning Ordinance Section 8.04 (CUP). Gervais offered

that the Planning Commission could affirm the January 6, 2022 recommendation of approval per Resolution No. PC2022-0101, affirm the recommendation of approval with revised Findings of Fact and/or condition, or recommend denial by rescinding Resolution No. PC2022-0101 and adopting new Findings of Fact.

Motion by Jim McCarthy to affirm the January 6, 2022 recommendation of approval with Findings of Fact and conditions included in Resolution No. PC2022-0101; second by John Sutcliffe. Chair Yeager proceeded straight to vote without board discussion. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Klar inquired if the Planning Commission had received his additional correspondence discussing the MN Department of Natural Resources' best practices guide for shooting berm design and construction, asking the Commission to reconsider condition no. 12. **Motion to rescind** the previous motion by Frank Storm; second by Kelly Corbin. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Chair Yeager asked Klar to explain his request and expand on his February 24, 2022 correspondence. Klar outlined his conversation with Chuck Niska, Shooting Range Coordinator/Program Manager from DNR and co-author of the Outdoor Shooting Ranges: Best Practices publication (design standards used for condition no. 12). Klar reported that Niska believed the proposed condition of berm design was extreme for the low class frequency and size, and Niska referred Klar to a low cost backstop alternative (Bullet Box) from the same publication to better fit for Klar's program. Klar's second concern is condition no. 9 and the required monitoring of water usage for one year. Klar explained that the septic system has been inspected and passed and installing an extra meter to monitor does not seem necessary. Klar included additional information on noise calculations, standards, and measurements. Robust discussion followed on safety, design and revised designs for berms, bullet boxes, and noise. **Motion** by Frank Storm to edit Condition no. 11 and allow the applicant to install two "Bullet Boxes" instead of the redesign of the shooting berm; second by Jolene Wille. Dave Whitney suggested a bullet box height of ten feet. **Motion Amended** by Frank Storm install two "Bullet Boxes" at a minimum height of nine feet; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. **Motion** by John Sutcliffe to remove Condition no. 9 (required monitoring of water usage); second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Jim McCarthy provided dialog on noise. **Motion** by Jim McCarthy to affirm the Planning Commission's January 6, 2022 recommendation of approval, per Resolution No. PC2022-0101 with amended condition no. 11 and deletion of condition no. 9, for a Conditional Use Permit allowing a Major Home Occupation on property located at 47311 Government Road, PID#09.00485.02; second by Frank Storm. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Revised conditions of approval as follows:

1. The Major Home Occupation shall be operated in conformance with the proposal elements identified in the application for Conditional Use Permit, including the attached written narrative and site plans (maps #1 and #2) dated received November 18, 2021, except as specifically noted below.
2. Any change involving structural alterations, enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require County Board approval of a Conditional Use Permit Amendment.
3. The Conditional Use Permit only applies to property identified as PID 09.00485.02. Neither the classroom portion nor the live fire exercise portion of the class may take place on the applicant's adjacent property identified as 09.00485.03.
4. The applicant may offer no more than 12 classes per year at the subject site.

5. Classes may only be held on Saturdays, beginning no earlier than 7:00 am and ending no later than 3:00 pm. Neither the Conditional Use Permit nor this condition preclude the applicant from utilizing the shooting berm for personal recreational use outside of the stated days and hours of operation.
6. The live fire exercise portion of the class shall be conducted at the shooting berm described in the written narrative and identified on the site plan (map #2) both dated received November 18, 2021. If the applicant wishes to relocate the shooting berm or method used for completing the live fire exercise on the subject site, the applicant must request and obtain approval of a Conditional Use Permit Amendment. This condition does not prohibit the applicant from utilizing an off-site legally authorized commercial shooting range for the live fire exercise.
7. Any noise and/or vibration generated from the use shall be in compliance with Minnesota Pollution Control Agency standards.
8. There shall be no employees other than those persons residing in the dwelling.
- ~~9. The applicant shall monitor water usage for one year, beginning from the date of Conditional Use Permit approval, by installing a water meter and submitting monthly reports to the Department of Environmental Services.~~
9. 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.
10. Violations of the conditions contained herein shall be cause for the revocation of the Conditional Use Permit upon action of the County Board.
- ~~11. The shooting berm shall be redesigned and constructed to meet the MN Department of Natural Resources' suggestions for properly constructed exterior berms, identified in the MN Department of Natural Resources' Outdoor Shooting Ranges: Best Practices guide, as follows: The recommended height of a properly constructed exterior berm is twelve (12) feet, constructed with 1:1 (soil type dependent) sidewall slopes, and a four (4) foot wide flat top. Clean, rock-free earthen material is cheapest to use in construction, and must be re-vegetated immediately after final soil smoothing and shaping is completed, to prevent on-going erosion problems. No woody vegetation should be planted on the side berm, which would tend to weaken the structure. Ditching or sloping to prevent water ponding on the outside of an exterior berm is also recommended.~~
11. The applicant shall install two "Bullet Boxes" designed and constructed to meet the MN Department of Natural Resources' design standards as described in the MN Department of Natural Resources' Outdoor Shooting Ranges: Best Practices guide. The bullet boxes shall be a minimum of nine feet (9') in height.
12. If the applicant's southern parcel, identified as 09.00485.03, is divided, sold or developed, the Conditional Use Permit shall be reviewed by the Chisago County Planning Commission and Board of Commissioners.
- a. **Wild Mountain Properties, LLC** - Andrew Olson and Mark Olson, officers of Wild Mountain Properties, LLC, are requesting a Conditional Use Permit (CUP) Amendment to increase the number of campsites from 13 up to 30 at the Recreational Camping Area, as well as Amendments to other conditions approved in April 2021. The property is zoned Agricultural (AG) District and located at 16906 Wild Mountain Road, Amador Township, S19,

T35, R19, (PID #01.00096.00). Coordinator Gervais provided an update on Wild Mountain Properties' CUP Amendment application, stating that the County Board approved a 60-day extension to the review period and sent the application back to the Planning Commission for further review and discussion. Coordinator Gervais reviewed the following concerns identified by the Planning Commission at the February 3, 2022 meeting and provided related recommended conditions of approval: hours of operation, increased staffing/monitoring of campground, potential of removing campsites, installation of privacy fence, and review of any complaints against the subject site. Gervais commented that the applicants provided additional/updated information showing a reconfiguration of campsites and adjustments to proposed conditions. Staff provided a recommendation of approval with 22 conditions.

It was noted that the property owner's proposed reconfiguration of campsites provided a significant improvement over the previous site plan. Extensive discussion followed about the proposed privacy fence between campsites along the western property boundary and the western property boundary itself. It was noted by the Planning Commission that the cost of installing a wood privacy fence, as recommended by staff, would be expensive; dense landscaping was suggested as an alternative. Mark Olson was available to address comments and concerns. Olson provided an overview of the property line and existing dense vegetation border. County Commissioner DuBose estimated the wooden privacy fence would be 300 feet in length, if only installed adjacent to the campsites closest to the western property boundary. Jim McCarthy commented the intensity of the increased campground use, sites, and traffic were no longer considered low impact land use, in his opinion. He suggested reducing camping to three days a week with a maximum of 75 resident campers at any given time. McCarthy's recommendation was based on previous campground proposals considered by the Planning Commission. Chair Yeager noted there is not much history on the campground as it began operating in 2021. John Sutcliffe, reviewing the applicant's February 8, 2022 written narrative, stated that he resents the applicant's comments that Planning Commission does not review or provide a thorough vetting prior to the meeting. Discussion and suggestions were provided on proposed condition no. 11 (privacy fence). **Motion** by John Sutcliffe to amend condition no. 11 to eliminate the requirement of a privacy fence but maintain landscaping on western, northern and eastern property boundaries; second by Dave Whitney. Frank Storm suggested that fencing could be considered at a later time/date if complaints are received by the County. Director Schneider commented it would be difficult to determine the trigger for review and change. Discussion followed on a previous campground approval and suggested vegetative screening. **Motion Amended** by John Sutcliffe to insert "maintain adequate vegetation screening and, if vegetation screening cannot be maintained, adding a fence would be a viable option". Frank Storm provided the following language for consideration:

11. The property owner shall maintain the existing landscape (trees and shrubbery) along the western, northern and eastern property boundaries at its existing screening value and replace said landscape at its existing screening value if it dies or becomes damaged. If at some point the landscape cannot be maintained or replaced by other vegetation, the property owner may install a privacy fence with an equivalent screening value in those areas where there is no longer landscape.

John Sutcliffe agreed to the modification of the amended motion; second by Frank Storm. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Motion by Jim McCarthy to amend condition no. 6 as follows: This CUP shall allow seasonal camping, as a Commercial Recreation Area, ~~seven~~ three days a week May 1st through October 31st with a maximum of 100 campers. Motion did not receive a second and failed. **Motion** by Frank Storm to adopt Resolution No. PC2022-0303, a resolution recommending approval of an Amendment to a Conditional Use Permit allowing Rural Retail Tourism and Commercial Recreation Area on property located at 16906 Wild Mountain Road, PID#01.00096.00, with Findings of Fact and conditions presented and modified; second by John Sutcliffe. The motion passed 6-1.

Ayes: Whitney, Corbin, Chair Yeager, Sutcliffe, Wille and Storm. Nays: McCarthy. Recommended conditions are:

1. This Conditional Use Permit amends the Conditional Use Permits granted by the Chisago County Board of Commissioners on July 21, 2010 (original CUP), April 18, 2018 (Amendment #1) and April 21, 2021 (Amendment #2) granting approval of Rural Retail Tourism and Commercial Recreation Area uses in the AG District. The specific uses allowed under this CUP include a winery and gathering venue (to include specific uses such as wine tastings, weddings, general gatherings, and other social or corporate activities) and a Recreational Camping Area. This CUP does not include approval of a Microbrewery, as had been approved in 2018. The conditions contained in this CUP supersede all previously approved conditions on the dates provided above.
2. The property shall be developed and used in accordance with the site plan and written narrative stamp dated received February 8, 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.
3. This CUP shall allow year-round use of the property for Rural Retail Tourism purposes (winery and gathering venue) subject to the following hours of operation: Mondays – Thursdays 12:00-7:00 pm, Fridays 2:00-9:00 pm, Saturdays 12:00-9:00 pm, and Sundays 12:00-6:00 pm.
4. Any toxic substances generated from the Rural Retail Tourism use (winery) must be handled in accordance with MPCA standards.
5. The property is limited to a maximum of 30 campsites, including 23 single tent sites, two (2) group sites, and five (5) pop-up camper sites. No water or sewer hook-ups shall be permitted. The property owner shall be allowed to increase the current number of campsites from 13 to 20 immediately, based on current design of the septic system, and shall only be allowed to increase the number of campsites from 20 to 30 if septic system monitoring is conducted one week prior to July 4 and one week following July 4, including daily water meter readings, and favorable analysis is provided by a certified service provider to the Chisago County Department of Environmental Services.
6. This CUP shall allow seasonal camping, as a Commercial Recreation Area, seven days a week May 1st through October 31st.
7. The Commercial Recreation Area (campground) shall be staffed at all times when campers are present. The campground shall be staffed as follows: 1-10 occupied campsites = 1 staff; 11-20 occupied campsites = 2 staff; 21-30 occupied campsites = 3 staff).
8. Campsites along the north and east property lines shall not be located closer than 20 feet to the property line. Further, the Commercial Recreation Area is subject to all Minnesota Department of Health setback, spacing and size requirements. When the County's setback requirements are more restrictive than the State's, the County's setbacks shall supersede.
9. The Commercial Recreation Area (campground) must adhere to the strict observance of quiet hours from 11:00 pm to 7:00 am.
10. The "Wild Vines Campground Policies", stamp dated received January 25, 2022 or as amended from time to time and provided to Chisago County Department of Environmental Services, shall be made a condition of approval. Said amended Policies shall remain sufficiently consistent as or more restrictive than the January 25, 2022 Policies.
11. ~~The property owner shall install and continuously maintain in good repair a contiguous privacy fence between all campsites located adjacent to the western property boundary (identified on the site plan as campsite nos. 21, 1, 4 and 6) and the western property boundary itself. The fence shall be a minimum of 6'~~

~~in height and shall be board on board construction or other construction as approved by the Zoning Administrator. Additionally, the property owner shall install and continuously maintain in good repair permanent property boundary identification, such as fencing or landscaping, between all campsites located adjacent to the northern and eastern property boundaries (identified on the site plan as campsite nos. 20, 19, 24, 18, 17, 16, 15, 26 and 25) and the northern and eastern property boundaries themselves.~~

11. The property owner shall maintain the existing landscape (trees and shrubbery) along the western, northern and eastern property boundaries at its existing screening value and replace said landscape at its existing screening value if it dies or becomes damaged. If at some point the landscape cannot be maintained or replaced by other vegetation, the property owner may install a privacy fence with an equivalent screening value in those areas where there is no longer landscape.
12. All utilities for the Recreational Camping Area must be located underground and there shall be no overhead wires or supporting poles except those essential for lighting purposes.
13. Noise generated from any Rural Retail Tourism and/or Commercial Recreation Area use, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries.
14. The maximum number of customers / guests for all uses combined, including Rural Retail Tourism and Commercial Recreation Area, shall not exceed 300 at any given time.
15. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.
16. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
17. All food preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
18. All liquor service shall comply with all applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.
19. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.
20. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
21. 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.
22. The property owner must notify the Chisago County Department of Environmental Services annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval.

New Business - None

Chair Yeager directed that the Operations/Information Sharing Guidance document and discussion be placed on the April 7, 2022 agenda or special work session. **By Consensus** the Operations/Information Sharing Guidance will be added with the Commercial Shooting Range Ordinance Review on a special work session agenda.

Communications and Reports

- a. **County Board Liaison Report / Update** - County Commissioner DuBose reported the following:
County Board approved AIS Program and Final Plat of Amador Hilltop Estates; and, Health and Human Services (HHS) Department on yearly activity and came in on budget.

The Planning Commission discussed scheduling of the next work session, determining whether to schedule now or direct staff to send out a poll for availability. **By Consensus** the Planning Commission directed staff to send out an electronic poll with possible work session dates.

Miscellaneous – None

Adjourn Meeting – Motion by Frank Storm to adjourn the meeting; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. The meeting was adjourned at 10:13 p.m.

Commercial Shooting Range Ordinance

Public Hearing Protocol

Public Hearings are provided so the public may make known a comment, statement, or opinion concerning the advertised land use or ordinance proposal.

Comments, statements or opinions concerning the proposal shall be directed to the Planning Commission as a whole and not to individual Commissioners or the audience.

The Planning Commission will not deliberate nor take a vote during a public hearing but may ask questions for the sake of clarification of speakers.

A sign-up sheet is available for those persons wishing to testify in the hearing. Those wishing to testify must state their name for the record.

The Commission Chair may discourage duplicative/repeat testimony and limit testimony to three (3) minutes.

We ask that you conduct yourself in a civil and courteous manner, and refrain from the use of profanity. Failure to remain civil may be ruled "out-of-order" by the Chair and the offending person directed to remain silent or leave the meeting.

Public Hearing Purpose

It is requested that the Commission conduct a Public Hearing and receive public comment on the proposed ordinance. Upon conclusion of the public hearing the Commission has discretion on further action(s) and may choose:

- to take the ordinance under further consideration
- offer recommendation(s) concerning further amendment and edit of the draft ordinance
- offer recommendation of adoption of the draft ordinance to the County Board of Commissioners

Zoning Ordinance Background

Current Chisago County Zoning Ordinance **

Does not outline specific performance or other design, setback, site, size, etc. criteria concerning Commercial Shooting Ranges. Lacking any specified criteria, such a commercial use is classified as a "Commercial Recreation" land use eligible for an individualized Conditional Use Permit in the Agricultural Zoning District of the County.

In September 2020 the County Board directed the Planning Commission review the Zoning Ordinance as it pertains to the allowance and performance standards for "Shooting Ranges".

***Note that the Chisago County Zoning Ordinance and this proposed amendment ordinance **does not apply** to land areas within the city limits of any city in the county, including the City of Harris and City of Wyoming, whom are hosts to two existing outdoor shooting ranges.*

Ordinance Development Timeline

November 2020 – A draft ordinance, modeled after the Stearns County ordinance, was presented for Planning Commission discussion. Ordinance discussion continued into the Spring of 2021 but was tabled and prioritized to reconvene in June 2021.

June 2021 – The Planning Commission re-initiated draft ordinance discussion and carried out monthly review since that time.

September 2021 – The Planning Commission took action to forward a draft ordinance to the County Board for review. The County Board directed further Planning Commission consideration of the draft ordinance. Monthly reviews continued thereafter. Efforts to tour existing shooting range facilities also took place during this time.

January 2022 – The Planning Commission again forwarded a draft ordinance to the County Board for consideration at which time direction was offered by the County Board to continue with implementation steps and cause tonight's March 3, 2022 Public Hearing.

Draft Ordinance Highlights

- Expressly identifies and states that nothing within the ordinance shall preclude a private property owner or occupant from exercising their right to discharge firearms in a *non-commercial* manner on their property in a safe and lawful manner.
- Identifies and defines specific shooting range and hunt club use(s) as Conditional Uses in the Agricultural District. Conditional Uses require due process individual public hearing consideration and County Board approval/denial determinations on a case-by-case basis.
- Restricts rifle or other long-distance high velocity firearms range locations to areas north of Hwy. 95.
- Identifies minimum range size and length standards ranging from 160 to 400 acres and 300 to 2,000 yards.
- Allows reduced range size/length proposals with full implementation of **“No Blue Sky”** design and development criteria.
- Requires minimum 750 ft. setback from any development, residential dwelling, commercial, institutional (school, daycare, church) or individual building or other structure for shooting ranges and 1,000 ft. firearms discharge setback for hunt clubs/preserves.

Draft Ordinance Highlights (continued)

- Requires a permanent 750-foot undeveloped land buffer area kept free from development in perpetuity by the shooting range owner.
- Requires explicit design, location, management, operations, noise abatement and safety standards of the National Rifle Association Range sourcebook and Minnesota Statutes.
- Requires noise mitigation measures and noise abatement reporting and documentation as proof of compliance with Minnesota noise Statutes and all applicable Minnesota noise Rules.
- Requires pre-application Community Meeting and outreach of prospective shooting range proposals.
- Requires such other elements as:
 - Full perimeter security fencing
 - Pre and post development environmental reporting and financial surety considerations
 - Specialized Building Code and General Service Administrations design and operations compliance
 - Detailed range rules, policies, safety protocols and operational procedures
 - Prohibition on selling of firearms or alcohol on premise
 - No discharge of lead shot in any wetlands (shooting preserve/hunt clubs)
 - Other such reasonable conditions/restrictions or site development criteria deemed required by Chisago County in the process of Conditional Use Permit review.

Hearing Purpose / Recommended Planning Commission Action

1. Conduct the Public Hearing and receive public comment.
2. Take the ordinance under further consideration and/or offer recommendation(s) concerning further amendment and/or adoption of the draft ordinance to the County Board of Commissioners.

Chisago County Request For Board Action

Meeting Date: March 16, 2022	Item Number: 9
Title of Item for Consideration: Jason Klar Conditional Use Permit – Major Home Occupation Permit to Carry Classes / Outdoor Shooting 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: At their meeting of January 6, 2022, the Planning Commission conducted the requisite public hearing and recommended approval of this request voting 4-2-1 with recommended findings and conditions. At the January 19, 2022, County Board of Commissioners meeting following a failed vote of 2-2 to approve the Conditional Use Permit as recommended by the Planning Commission, the Board of Commissioners moved to extend the review period for a period not to exceed 60 days so as to allow further Planning Commission review on noise and another site visit.	
Background: Jason Klar is requesting a Conditional Use Permit for a Major Home Occupation to conduct Permit to Carry Classes with an outdoor shooting area at 47311 Government Road, Sunrise Township, (PID #09.00485.02). The Planning Commission conducted additional site visit/demonstration activity on March 2, 2022 and further considered this request during their regular meeting of March 3, 2022. The Commission has provided a revised recommendation of approval (7-0 vote) with adjusted conditions incorporating “bullet box” design standards as provided in the attached draft resolution of approval for County Board consideration. The draft March 3, 2022 Planning Commission minutes are attached and provide background on the discussions and considerations of the Planning Commission. Pursuant to Minnesota Statute, the 60-day agency action deadline was extended to March 24, 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; • 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 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 extended 120-day period. Attachments: • Draft Resolution of Approval #22/0316-02 w/recommended findings and conditions of the Planning Commission • March 3, 2022 Planning Commission Minutes (draft) • March 3, 2022 Planning Commission Staff Report & Hearing Packet	

Action Requested/Recommended It is respectfully requested that the Board affirmatively consider the recommendation of the Planning Commission to approve the Jason Klar Conditional Use Permit for Major Home Occupation to conduct Permit to Carry Classes with an outdoor shooting area at 47311 Government Road, Sunrise Township, (PID #09.00485.02). The following is the suggested language for the motion:

“Move to approve Resolution 22/0316-02, A Resolution of the County Board of Commissioners of Chisago County, Minnesota, Approving the Jason Klar Conditional Use Permit for Major Home Occupation to conduct Permit to Carry Classes with an outdoor shooting area at 47311 Government Road, Sunrise Township, (PID #09.00485.02) with Findings and Conditions as recommended by the Planning Commission.”

Implications of Action – Recommended Board action grants the requested Conditional Use Permit and allows, subject to 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 COB

Motion By: _____

Seconded by: _____

To: _____

Action on Motion:

Aye _____

Nay _____

Abstain _____

Commissioner _____ offered the following resolution and moved its adoption:

RESOLUTION NO. 22/0316-_____
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY,
MINNESOTA, APPROVING A CONDITIONAL USE PERMIT ALLOWING A MAJOR HOME
OCCUPATION ON PROPERTY LOCATED AT 47311 GOVERNMENT ROAD
IN SUNRISE TOWNSHIP

WHEREAS, Jason Klar, property owner and applicant, submitted an application dated received November 18, 2021 and considered complete on November 24, 2021 for a Conditional Use Permit allowing a Major Home Occupation; and

WHEREAS, the proposed Major Home Occupation involves educational classes for permit to carry a pistol, with the classroom portion of the class conducted within the residential dwelling and the live fire exercise portion of the class conducted in the rear yard; and

WHEREAS, the subject site is located at 47311 Government Road, Sunrise Township and is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 9.03± acres in size and is legally described as:

PID 09.00485.02
Lot 2, Block 1, Refshaw Acres
Section 02, Township 036, Range 021
Chisago County, MN

WHEREAS, notice was provided and on January 6, 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 Conditional Use Permit with Findings of Fact and conditions per Resolution No. PC2022-0101; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its January 19, 2022 meeting. Following a failed vote of 2-2 to approve the Conditional Use Permit as recommended by the Planning Commission, the Board of Commissioners moved to extend the review period for a period not to exceed 60 days so as to allow further Planning Commission review on noise and another site visit; and

WHEREAS, the Planning Commission conducted the site visit, as directed, on March 2, 2022 and continued discussion about the application at its March 3, 2022 meeting; and

WHEREAS, the Planning Commission recommended approval of the Conditional Use Permit with Findings of Fact and revised conditions per Resolution No. PC2022-0302; and

WHEREAS, the Board of Commissioners considered the application and the Planning Commission's recommendation at its March 16, 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, with a policy of continuing to allow and encourage Home Occupations in all zoning districts if performance standards are met. The County finds that the proposed Major Home Occupation is consistent with the Comprehensive Plan and meets all performance standards provided in Zoning Ordinance Section 4.04 C.

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: Being that the proposed Major Home Occupation will not increase population and will not generate excessive traffic, the County finds that the use will not create any demand on existing parks, schools, streets or other public facilities.

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 County finds that the proposed Major Home Occupation will be sufficiently screened from adjacent development by distance and dense wooded areas.

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 Major Home Occupation will be partially located within a dwelling and partially located in the rear yard. The outdoor portion includes a shooting berm and target stands. There is no evidence to suggest that the appearance of the shooting berm and target stands have had or will have an adverse effect upon adjacent properties; therefore, there's no evidence to suggest that the proposed use will have an aesthetically adverse effect 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 subject site is zoned Agricultural (AG) District and is developed with a single family home and accessory structures. Major Home Occupations are allowed within the AG District with approval of a Conditional Use Permit. The County finds that the proposed Major Home Occupation is clearly secondary in nature to the principal use and is compatible with the existing land use.

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 defines Major Home Occupation and establishes performance standards for approval of Major Home Occupations. The County finds that the proposed Major Home Occupation meets the intent of the defined land use and the intent of the Agricultural (AG) District.

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

Finding #7: The County finds that the proposed Major Home Occupation will not generate a significant increase in traffic, and will, therefore, not cause a traffic hazard or congestion on CR 9 or CR 11.

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

Finding #8: The County finds that the proposed Major Home Occupation will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness, based on distance, existing screening provided by dense wooded areas, and the limited frequency and time involved in the live fire exercise portion of the class (six to eight occurrences per year at 30 minutes to one hour per occurrence).

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

1. The Major Home Occupation shall be operated in conformance with the proposal elements identified in the application for Conditional Use Permit, including the written narrative and site plans (maps #1 and #2) dated received November 18, 2021, except as specifically noted below.
2. Any change involving structural alterations, enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require County Board approval of a Conditional Use Permit Amendment.
3. The Conditional Use Permit only applies to property identified as PID 09.00485.02. Neither the classroom portion nor the live fire exercise portion of the class may take place on the applicant's adjacent property identified as 09.00485.03.
4. The applicant may offer no more than 12 classes per year at the subject site.
5. Classes may only be held on Saturdays, beginning no earlier than 7:00 am and ending no later than 3:00 pm. Neither the Conditional Use Permit nor this condition preclude the applicant from utilizing the existing shooting berm or required bullet boxes for personal recreational use outside of the stated days and hours of operation.
6. The live fire exercise portion of the class shall be conducted at the bullet boxes located in the rear yard. If the applicant wishes to relocate the bullet boxes or method used for completing the live fire exercise on the subject site, the applicant must request and obtain approval of a Conditional Use Permit Amendment. This condition does not prohibit the applicant from utilizing an off-site legally authorized commercial shooting range for the live fire exercise.
7. Any noise and/or vibration generated from the use shall be in compliance with Minnesota Pollution Control Agency standards.
8. There shall be no employees other than those persons residing in the dwelling.
9. 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.
10. Violations of the conditions contained herein shall be cause for the revocation of the Conditional Use Permit upon action of the County Board.
11. The applicant shall install and utilize for class purposes two "Bullet Boxes" designed and constructed to meet the MN Department of Natural Resources' design standards as described in

the MN Department of Natural Resources' *Outdoor Shooting Ranges: Best Practices* guide. The bullet boxes shall be a minimum of nine feet (9') in height.

12. If the applicant's southern parcel, identified as 09.00485.03, is divided, sold or developed, the Conditional Use Permit shall be reviewed by the Chisago County Planning Commission and Board of Commissioners.

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

IN FAVOR THEREOF:

OPPOSED:

Whereupon the proclamation was declared duly passed and adopted.

Approved: March 16, 2022

Rick Greene
Chair, Board of Commissioners

ATTEST: _____
Christina Vollrath
Clerk of the Board



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Conditional Use Permit for Major Home Occupation
 47311 Government Road, Sunrise Township
 DATE: March 3, 2022

ACTION TO CONSIDER

At the direction of the County Board, the Planning Commission conducted a second site visit on March 2, 2022 to observe a live fire demonstration. The Planning Commission will discuss the live fire demonstration and consider its January 6, 2022 recommendation.

SITE & APPLICATION INFORMATION

Applicant(s): Jason Klar
 Property Owner(s): Jason & Crystal Klar
 Location: 47311 Government Road / CR 57
 Sunrise Township
 Section 02, Township 036, Range 021
 PID: 09.00485.02
 Property Area: 9.03 Acres
 Current Zoning: Agricultural (AG) District
 Adjacent Zoning: Agricultural (AG) District
 Date Application Complete: November 24, 2021
 60-Day Review Period: January 23, 2022
 Extended Review Period: March 24, 2022



BACKGROUND

Jason Klar, an NRA certified firearms instructor, applied for a Conditional Use Permit (CUP) for a Major Home Occupation at 47311 Government Road in order to teach permit to carry a pistol classes in the AG District. The use has been classified as a *Major* Home Occupation because the live fire exercise is conducted outside of the dwelling. If there were no outdoor activities proposed, the request would be considered a Minor Home Occupation and would not be subject to the CUP process. The proposed use has been occurring on the subject site for approximately four years (based on verbal comment) and the applicant is seeking CUP approval in order to bring the use into compliance with the County's Zoning Ordinance.

The Planning Commission conducted the requisite public hearing on January 6, 2022 and, after a lengthy discussion, recommended approval of the CUP with Findings of Fact and 13 conditions on a 4-2-1 vote. The application and Commission's recommendation were forwarded to the County Board for consideration on January 19, 2022. Following a failed 2-2 vote to approve the CUP, the County Board

moved to extend the review period “so as to allow further Planning Commission review on noise and another site visit.” The Planning Commission discussed the County Board’s action at its February 3, 2022 meeting and received clarification from County Commissioner DuBose on the direction provided by the County Board. County Board Liaison DuBose offered clarification that the County Board would like the Planning Commission to position themselves near neighbors’ houses while the applicant fires his pistol, using their own ears to determine noise level near the property boundaries. As of the writing of this report, arrangements have been made for the Planning Commission to conduct a site visit on March 2, 2022 to observe a live fire demonstration provided by the applicant in order to evaluate noise. The live fire demonstration is anticipated to emulate the typical student’s requirement to shoot 12 rounds of ammunition. As a reminder, class size is proposed to be 4-10 students with each student required to fire 12 rounds of ammunition, and the live fire portion of class lasts 30 minutes – two hours depending on class size.

The staff report prepared for the January 6th Planning Commission meeting is attached for reference, as well as the corresponding meeting minutes and previously adopted Resolution No. PC2022-0101 recommending approval of the CUP. With one of the major discussion points at the January 6th meeting being noise and the lack of a noise analysis in the application and/or public hearing packet, staff would like to remind the Commission that the Zoning Ordinance does not require submission of a noise analysis as part of the CUP process. If the Commission feels that noise is a concern of any land use request, the Commission can discuss this at the public hearing and request that additional information be provided by the applicant in consideration of the request. As noted, the County Board has requested specific Planning Commission observation of noise produced by firearms at the subject site, which has yet to occur as of writing this report.

As mentioned by staff at the February 3rd meeting, testimony was provided by Monique Milton, 9588 475th Street, Sunrise Township, on January 6th via email. The email was submitted on the afternoon of January 6th, prior to the public hearing, but staff was not aware of the email until the week of January 17th. The email issue has since been corrected by County staff. While the public hearing portion of the review process is complete and no new testimony is being sought, Milton’s email is attached for the Planning Commission’s consideration in light of the fact that it was submitted prior to the public hearing.

Also discussed at the February 3rd meeting was a past CUP request from Jeffrey August (aka Cowboy Mounted Shooting). August’s 2014 request included the following: a Cowboy Mounted Shooting club designed to educate and promote cowboy mounted shooting by hosting educational clinics, hosting educational workshops for club members and hosting Cowboy Sports Association competitions; events were proposed to occur March-October (the 2014 schedule included 14 events during March-October); competitions consisted of 10-15 club members per event, performing in a series of runs where they attempted to shoot balloons mounted on posts in the center of the arena using 45 caliber blanks; competitions were conducted over weekends, with participants arriving on Friday evenings and competing on Saturdays and Sundays (Saturday 10:00 am – dusk and Sunday 12:00 – 6:00 pm); participants were invited to camp overnight on site; and, the arena included an amplified announcers stand and stands for spectators. The August request was quite different than Klar’s request, with noise produced by the discharge of firearms being the primary similarity. Noise was a factor in the County’s denial of the August CUP and the Court of Appeals of Minnesota upheld the County’s ability to consider effects of noise from a landowner’s desired use of property even if noise level does not surpass MPCA standards.

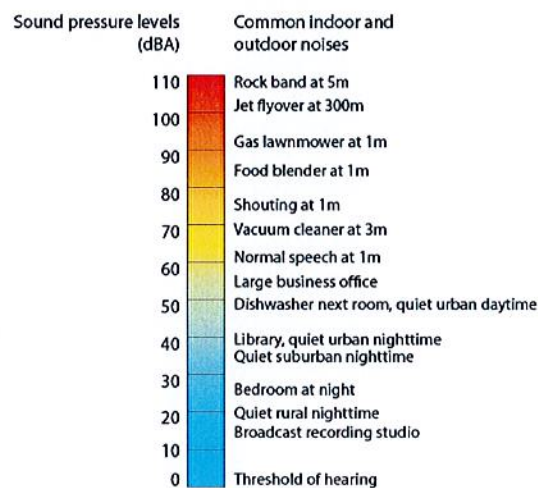
MPCA GUIDANCE

At the February 3rd meeting, staff shared that they had contacted the MPCA to obtain clarification and guidance on the state's noise standards specifically as they relate to the Klar application. Staff had not received a response prior the February 3rd meeting but did receive a response prior to the March 3rd meeting. Maggie Wenger, MPCA Noise Program, shared via email that *"The way the state noise statutes are written, intermittent noise doesn't necessarily exceed the standards. The L10 standards set how loud it can be for 10% of the hour, so gunshots might be very loud individually and not trigger the standards."*

The MPCA website explains that Minnesota's primary noise limits are set by "noise area classifications" (NACs) based on the land use at the location of the person that hears the noise. They are also based on the sound level in decibels (dBA) over ten percent (L10), or six minutes, and fifty percent (L50), or thirty minutes, of an hour. For residential locations (NAC 1) the limits are L10 = 65 dBA and L50 = 60 dBA during the daytime (7:00 a.m. – 10:00 p.m.) and L10 = 55 dBA and L50 = 50 dBA during the nighttime (10 p.m. – 7 a.m.). This means that during the one-hour period of monitoring, daytime noise levels cannot exceed 65 dBA for more than 10 percent of the time (six minutes) and cannot exceed 60 dBA more than 50 percent of the time (30 minutes). (Minn. R. 7030: Noise pollution control)

In regard to intermittent noises, the website explains that some intermittent noises such as horns, garbage trucks, sirens, back-up beeps, etc. can be disruptive, particularly when they occur in the evening or early morning hours. However, these types of noises rarely violate the state's noise standard because they are too short in duration to affect monitoring results for L10 and L50 standards.

The MPCA website also offers an illustration to demonstrate common noise sources and their respective decibel levels:



Decibel level of common noise sources

For more information about the MPCA's noise standards, visit: www.pca.state.mn.us/air/noise-pollution. (Note: hyphen required in "noise-pollution".)

NOTE: The County Board did not direct the Planning Commission to measure the decibel level for purposes of determining compliance with state noise standards. Rather, the County Board directed the Planning Commission to listen to live fire using their own ears to determine noise level and, presumably, to reconsider the Commission's January 6th findings as they relate to perceived noise levels. Zoning

Ordinance Section 8.04 C. includes eight general factors that the Planning Commission shall evaluate when considering Conditional Use Permit requests. Factor #8 states that “existing nearby properties shall not be adversely affected by intrusion of noise, glare, or general unsightliness.” This factor and its corresponding finding most directly correlate to the impact of noise and other intrusions upon nearby properties.

OPTIONS

1. **Take no action**, upholding the Planning Commission’s January 6, 2022 recommendation of approval per Resolution No. PC2022-0101.
2. **Affirm** the Planning Commission’s January 6, 2022 recommendation of approval with revised Findings of Fact and/or conditions.
3. **Amend** the Planning Commission’s January 6, 2022 recommendation of approval by rescinding Resolution No. PC2022-0101 and recommending denial based on revised Findings of Fact.

STAFF RECOMMENDATION & ACTION REQUESTED

Discuss the March 2nd site visit and live fire demonstration and act accordingly. If the Planning Commission motions to recommend new Findings of Fact and/or conditions to support a recommendation of approval (option #2) or motions to recommend denial of the CUP based on new Findings of Fact (option #3), staff will prepare a new resolution based on the Commission’s action.

ATTACHMENTS

1. Staff report prepared for January 6, 2022 Planning Commission meeting
2. January 6, 2022 Planning Commission meeting minutes
3. Resolution No. PC2022-0101 (current recommendation of approval)
4. Public comment received from Monique Milton on January 6, 2022
5. Jeffrey August v. Chisago County Board of Commissioners

CC: Jason Klar, applicant
County File



Staff Report

TO: Planning Commission
 FROM: Beth Thorp, Land Services Coordinator
 SUBJECT: Conditional Use Permit for Major Home Occupation
 47311 Government Road, Sunrise Township
 DATE: January 6, 2022

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a Conditional Use Permit (CUP) allowing a Major Home Occupation in the Agricultural (AG) District in order to conduct educational classes for permit to carry a pistol. The use is being considered a *Major* Home Occupation due to the live fire exercise portion of the class being conducted outside of the residence on the subject property.

SITE & APPLICATION INFORMATION

Applicant(s):	Jason Klar
Property Owner(s):	Jason & Crystal Klar
Location:	47311 Government Road / CR 57 Sunrise Township Section 02, Township 036, Range 021
PID:	09.00485.02
Property Area:	9.03 Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	Agricultural (AG) District
Date Application Complete:	November 24, 2021
60-Day Review Period:	January 23, 2022



BACKGROUND & PROPOSAL ANALYSIS

Jason Klar, an NRA certified firearms instructor, has applied for a Conditional Use Permit for a Major Home Occupation at 47311 Government Road in order to teach permit to carry a pistol classes in the AG District. The use has been classified as a *Major* Home Occupation because the live fire exercise is conducted outside of the dwelling. If there were no outdoor activities proposed, the request would be considered a Minor Home Occupation and would not be subject to the CUP process. The proposed use has been occurring on the subject site for approximately four years (based on verbal comment) and the applicant is seeking Conditional Use Permit approval in order to bring the use into compliance with the County's Zoning Ordinance.

The applicant's written narrative (attached) offers the following information about the proposed use:

- Klar offers six to eight classes per year on Saturdays from 9:00 am – 2:00 pm.

- Class size ranges from four to 10 students and each student is required to fire 12 rounds of ammunition.
- The classroom portion of the class is held within the Klar's residence.
- The live fire exercise portion of the class is held at a shooting berm located near the eastern boundary of the subject property and lasts 30 minutes to one hour depending on class size. The students stand approximately 20 feet from the shooting berm when firing and they shoot in a southerly direction, which is in the direction of an adjacent property owned by Klar.
- All students park on Klar's driveway, creating no impact on County Road 57.
- Klar owns 23 acres in total. (Staff note: this acreage includes two separate parcels and the request for CUP only includes the northerly 9.03-acre parcel identified as PID 09.00485.02. Klar stated that no Home Occupation activity will take place on the southerly 14.07-acre parcel identified as PID 09.00485.03.)

As part of the review process, the Technical Review Committee met on December 15th. The following comments / concerns were identified:

- The County Sanitarian recommended that the applicant monitor water usage for one year by installing a water meter and submitting monthly reports to the Department of Environmental Services.
- Being that the live fire exercise is aimed at a neighboring property, the committee suggested requiring that the height of the shooting berm or any other shooting area features / measures be increased. *It should be noted that the written narrative explains that students shoot from north to south. The distance between the shooting berm and southern property boundary is approximately 515' as measured by staff. Being that the applicant currently owns the property immediately south, the Planning Commission may wish to consider whether or not the height of the shooting berm should be increased / required (or other measures taken as deemed appropriate). The recommended conditions of approval do not include any modifications to the shooting berm. Staff recommends very deliberate review of the shooting berm during the site visit.*

As part of the application process, the County Sanitarian performed a septic certification to ensure that the existing septic system was suitable for increased usage. The Compliance Inspection Form, dated November 24, 2021, indicates that the system is compliant; no issues or concerns were identified.

MAJOR HOME OCCUPATION STANDARDS

The Planning Commission, as outlined in Zoning Ordinance Section 4.04.C, shall consider possible effects of the proposed Major Home Occupation 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*):

C. Major Home Occupations Requiring a Conditional Use Permit.

Purpose: A Conditional Use Permit that allows for a Major Home Occupation is intended to provide an avenue for suitable business growth or other suitable home occupations beyond that which is permitted under Section 4.04 B (Minor Home Occupations).

Intent: It is the intent of this provision to allow for the case by case consideration of the suitability of a Major Home Occupation proposal as a conditionally permitted home based activity. In doing so, the suitability of each proposed home occupations shall be evaluated and determined upon specific

consideration of the size of the property, scale of the business, and environmental (health, safety, welfare) conditions unique to the proposal.

Suitable conditionally permitted Major Home Occupations are those which by determination of the Planning Commission can be allowed as moderate business activities from the home; are deemed to be of a size, scale, and intensity that will not adversely affect the health, safety, or welfare of the public; and, are not otherwise deemed inappropriate at the subject site. The home and residency of the subject property must remain a principal focus of any Major Home Occupation location.

Conditionally permitted Major Home Occupations are not intended to provide a place of business operations for a use that is of such intensity or dependence on public services such that the appropriate location is that of a commercially zoned and publicly serviced county or municipal business district. The adequacy of on-site well and septic and affiliated transportation and roadway classification shall be reviewed and deemed adequate for each Major Home Occupation. If the proposed Home Occupation is deemed to be of such impact that public transportation, police, fire, water, sewer, and other such demands are too great to be served from the home it shall not be approved.

Review of said Home Occupation in this section is to ensure compatibility in residential or agricultural districts. Home Occupations requiring a Conditional Use Permit, as determined by the Zoning Administrator, shall meet the following standards at a minimum with other conditions as deemed necessary to meet the intent of said ordinance:

1. Said Home Occupation is partially or entirely conducted in an accessory building. (This requirement does not apply to the use of accessory buildings existing in the Agricultural (AG) District on or prior to July 24, 1997, to seasonally store recreational vehicles and equipment.) *The classroom portion of the proposed Home Occupation is located within the residence; and, the live fire exercise portion of the proposed Home Occupation is located outdoors at a shooting berm near the eastern property boundary, lasting approximately 30 minutes to one hour during each class event.*
2. Only those persons residing in the home and up to fifteen (15) other persons may be employed on site of a Major Home Occupation. The maximum number of employees must be identified with the permit request and may be restricted to less than fifteen by permit condition if property size or site conditions, parking accommodations, traffic impacts, or other environmental constraint cannot be adequately mitigated as determined by the County. *The request for Conditional Use Permit does not identify any employees other than those residing in the home.*
3. An existing accessory structure subjected to a State Building Code specified change of occupancy or use as a result of a Home Occupation shall be retrofitted to conform to current State Building Code structural standards for the new occupancy or use and shall be certified by an architect or engineer as determined to be necessary by the County Building Official. *The proposed Home Occupation does not identify use of accessory structures.*
4. No outdoor display or storage of goods or materials is permitted. The identification of business waste management and disposal plan, including outdoor placement and screening of refuse and recycling containers, shall be required and may be expressly permitted on an approved site plan. *It does not appear that the proposed Home Occupation includes outdoor display or storage of*

goods or material. The shooting berm and target stands are located outdoors; however, they're located in the rear yard away from view from the road and they would be allowed on the property for personal use (as they were originally intended per the applicant's written narrative) without a CUP.

5. The number, type, size, and nature of business vehicles, trailers, or affiliated equipment parked/stored on the subject property must be expressly identified and may be limited in number or restricted to indoor placement by permit condition. All such vehicle and affiliated equipment parking, including employee parking, shall be detailed on an approved site plan. *It does not appear that the proposed Home Occupation includes any business vehicles, trailers, or affiliated equipment. Further, without any employees other than persons residing in the home, there will be no need for employee parking.*

6. The use must not adversely affect the residential or agricultural character of the surrounding area due to noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation, or any other annoyance. A suitable landscape, fencing, screening, traffic and delivery, and lighting, or other such plan(s) may be required and detailed on an approved site plan.

There is no evidence to suggest that the proposed Home Occupation will cause any adverse impacts to the surrounding area. The use of firearms in the AG District is quite common and could be considered part of the agricultural character. The frequency of use in this particular use is six to eight times (classes) per year and the live fire exercise is reported to last 30 minutes to one hour during each class event. As mentioned above, the applicant has been operating the proposed use for approximately four years, and, in that time, staff is not aware of any complaints from surrounding property owners regarding the proposed use. The applicant commented in an email dated November 18, 2021 that he believes there is significant distance and dense woodlands between the subject site and most of the neighboring properties. The applicant provided approximate distances between the shooting berm and neighboring dwellings:

- North – 710'
- Northeast – 760'
- East – 1,214'
- Southeast – 1,330'
- South-Southeast – 3,480'
- Southwest – 1,110'
- West – 1,420'

Refer to the attached Aerial Location Map (1) for reference.

7. Should the Home Occupation be repair, the items repaired shall be of a size or nature that repair and storage can occur within the accessory structure as allowed by this Ordinance.

The proposed Home Occupation does not include repair.

8. No Home Occupation shall be conducted between the hours of 10 PM and 7 AM unless said Home Occupation is conducted entirely within the principal dwelling.

The applicant's written narrative explains that classes typically begin at 9:00 am and end by 2:00 pm.

9. Home Occupations requiring a Conditional Use Permit shall not generate noise or vibrations in excess of that as outlined in Performance Standards, Section 7.05.
Zoning Ordinance Section 7.05 states that "Noise and vibrations generated from any use shall be in compliance with MN Pollution Control Agency rules. Any use established shall be so operated that no undue or objectionable noise resulting from said use is transmitted beyond the boundaries of that plat line of the site on which such use is located." While the applicant did not provide any information on noise levels, staff does not believe that the proposed use creates / will create undue or objectionable noise. This is based on not having received any noise complaints from surrounding property owners, the limited six to eight occurrences per year at 30 minutes to one hour per occurrence, and the belief that discharge of firearms is a common activity in the AG District.

10. The application and approval of a Conditional Use Permit to allow a Home Occupation may be denied if the Home Occupation proposal and affiliated property is deemed unsuitable pursuant to the intent of this section. The size of the property, scale of the business proposal, and environmental (health, safety, welfare) conditions unique to the proposal must be adequately addressed and mitigated in seeking permit approval.
Staff believes the property, being located in the AG District, is suitable for the proposed Home Occupation. Further, the small scale of the business lends itself well to the AG District as opposed to commercially zoned and publicly serviced county or municipal business district. The Planning Commission should review the application materials and consider suitability when establishing a recommendation for the County Board.

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, with a policy of continuing to allow and encourage Home Occupations in all zoning districts if performance standards are met. The County finds that the proposed Major Home Occupation is consistent with the Comprehensive Plan and meets all performance standards provided in Zoning Ordinance Section 4.04 C.</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; |
| <i>Finding #2</i> | <i>Being that the proposed Major Home Occupation will not increase population and will not generate excessive traffic, the County finds that the use will not create any demand on existing parks, schools, streets or other public facilities.</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 The County finds that the proposed Major Home Occupation will be sufficiently screened from adjacent development by distance and dense wooded areas.*
- 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 Major Home Occupation will be partially located within a dwelling and partially located in the rear yard. The outdoor portion includes a shooting berm and target stands. There is no evidence to suggest that the appearance of the shooting berm and target stands have had or will have an adverse effect upon adjacent properties; therefore, there's no evidence to suggest that the proposed use will have an aesthetically adverse effect 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 subject site is zoned Agricultural (AG) District and is developed with a single family home and accessory structures. Major Home Occupations are allowed within the AG District with approval of a Conditional Use Permit. The County finds that the proposed Major Home Occupation is clearly secondary in nature to the principal use and is compatible with the existing land use.*
- 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 defines Major Home Occupation and establishes performance standards for approval of Major Home Occupations. The County finds that the proposed Major Home Occupation meets the intent of the defined land use and the intent of the Agricultural (AG) District.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 The County finds that the proposed Major Home Occupation will not generate a significant increase in traffic, and will, therefore, not cause a traffic hazard or congestion on CR 9 or CR 11.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8 The County finds that the proposed Major Home Occupation will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness, based on distance, existing screening provided by dense wooded areas, and the limited frequency and time involved in the live fire exercise portion of the class (six to eight occurrences per year at 30 minutes to one hour per occurrence).*

TOWNSHIP RECOMMENDATION

The Sunrise Town Board reviewed the proposed CUP at its December 16th meeting. The Town Board recommended approval of the CUP for Major Home Occupation with no conditions.

STAFF RECOMMENDATION

Staff believes that the proposed CUP for Major Home Occupation 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 Major Home Occupation shall be operated in conformance with the proposal elements identified in the application for Conditional Use Permit, including the attached written narrative and site plans (maps #1 and #2) dated received November 18, 2021, except as specifically noted below.
2. Any change involving structural alterations, enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require County Board approval of a Conditional Use Permit Amendment.
3. The Conditional Use Permit only applies to property identified as PID 09.00485.02. Neither the classroom portion nor the live fire exercise portion of the class may take place on the applicant's adjacent property identified as 09.00485.03.
4. The applicant may offer no more than 12 classes per year at the subject site.
5. Classes may only be held on Saturdays, beginning no earlier than 7:00 am and ending no later than 3:00 pm. Neither the Conditional Use Permit nor this condition preclude the applicant from utilizing the shooting berm for personal recreational use outside of the stated days and hours of operation.
6. The live fire exercise portion of the class shall be conducted at the shooting berm described in the written narrative and identified on the site plan (map #2) both dated received November 18, 2021. If the applicant wishes to relocate the shooting berm or method used for completing the live fire exercise on the subject site, the applicant must request and obtain approval of a Conditional Use Permit Amendment. This condition does not prohibit the applicant from utilizing an off-site legally authorized commercial shooting range for the live fire exercise.
7. Any noise and/or vibration generated from the use shall be in compliance with Minnesota Pollution Control Agency standards.
8. There shall be no employees other than those persons residing in the dwelling.
9. The applicant shall monitor water usage for one year, beginning from the date of Conditional Use Permit approval, by installing a water meter and submitting monthly reports to the Department of Environmental Services.
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.

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 January 23, 2022.

ACTION REQUESTED

Motion to adopt Resolution No. PC2022-0101, a resolution recommending approval of a Conditional Use Permit allowing a Major Home Occupation, 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. Conditional Use Permit application materials:
 - a. Application dated received November 18, 2021
 - b. Written narrative and site plans (maps #1 and #2) dated received November 18, 2021
2. Email correspondence dated November 18, 2021
3. Aerial location map (1) – vicinity map
4. Aerial location map (2) – subject property
5. Draft Resolution No. PC2022-0101

CC: Jason Klar, applicant
County File

60 Day Deadline:

Recording Fee 9.76

Base Fee \$500

Wetland or Septic Fees _____

Plat Compliance Fee _____

TOTAL FEE \$546

Permit # 21-1637

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Street Location 47311 GOVERNMENT RD Tax Parcel # 09.00485.02

Legal Description SEC 02 TWP 036 RANGE 02 E-Mail Address: [REDACTED]

Owner: JASON L. KLAR Day Phone [REDACTED]

Address 47311 GOVERNMENT RD, HARRIS, MN 55032 S2, T36, R21

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

Address Ripshaw Acres 22 B?

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: 4.04 HOME OCCUPATIONS

Description of request: TO OPERATE PERMIT TO CARRY A PISTOL CLASSES IN MY HOME WITH THE LIVE FIRE EXERCISE AT AN EXISTING SHOOTING RANG ON PROPERTY.

If Variance Application, Brief

Description of Practical

Difficulty

Signature of Applicant

11-15-21

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.

1-23-22

60 Day Deadline
(If Application is Complete)

Date of Public
Hearing:

JANUARY 6, 2022

received
11-18-21

(BT)

Questions? Contact the Land Services Coordinator at 651-213-8379

TOWNSHIP PRESENTATION FORM

DETERMINED
COMPLETE:

11-24-21

(BT)

Street Location 47311 GOVERNMENT RD

Legal Description SEC 02, TWP 036, RANGE 021, LOTA, BLK 1

Owner Name JASON KLAR Day Phone: [REDACTED]

Address: 47311 GOVERNMENT RD, HARRIS, MN 55032

Applicant: _____ 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: TO OPERATE PERMIT TO CARRY A PISTOL CLASS IN MY HOME WITH
THE LIVE FIRE EXERCISE AT AN EXISTING SHOOTING BERM ON PROPERTY

Date of County Public Hearing: _____

Date of Township Presentation: _____

TOWNSHIP ACTION TAKEN

Approved ☒ Denied ☐

Reasons and Conditions: NO CONDITIONS

Signature of Township Officers: [Signature]

[Signature]
[Signature]

[Signature]
Signature of Applicant

11-15-21
Date

SCHEDULE OF REQUIRED MEETINGS

This application is for a home business that has very minimal impact to the property or the public. I run a hobby business teaching permit to carry a pistol classes. I am a NRA certified firearms instructor.

I average **6-8 classes per YEAR**. The classes are held only on Saturdays and start at 9am and end between 1&2pm. Class size ranges from 4-10 students and each student is required to fire 12 rounds of ammunition.

The classroom portion is held in my living room and the live fire exercise is held at my shooting berm on the East edge of my property. The live fire portion lasts between 30 min and 2 hrs depending on class size.

There are no changes to my property or buildings due to these classes. I installed the shooting berm and target stands for personal recreational shooting 2 years before I began instructing classes. All student parking is on my driveway and has no impact on the county road.

Several of my closest neighbors have taken my class, more have expressed interest in the class, and most of the others have shot recreationally with me on my property.

I have included some maps to show the property.

Map #1 shows an overview of the property I own (23 acres), the location of the shooting berm, and proximity of neighboring property. For the live fire exercise, the students are no further than 20 feet from the shooting berm and shooting from North to South.

Map #2 shows a closer in satellite view of my property and the yellow line represents where the students complete the live fire exercise.

I would be happy to give a tour of the property to any government employees that feel the need, just call me and we can set up a time.

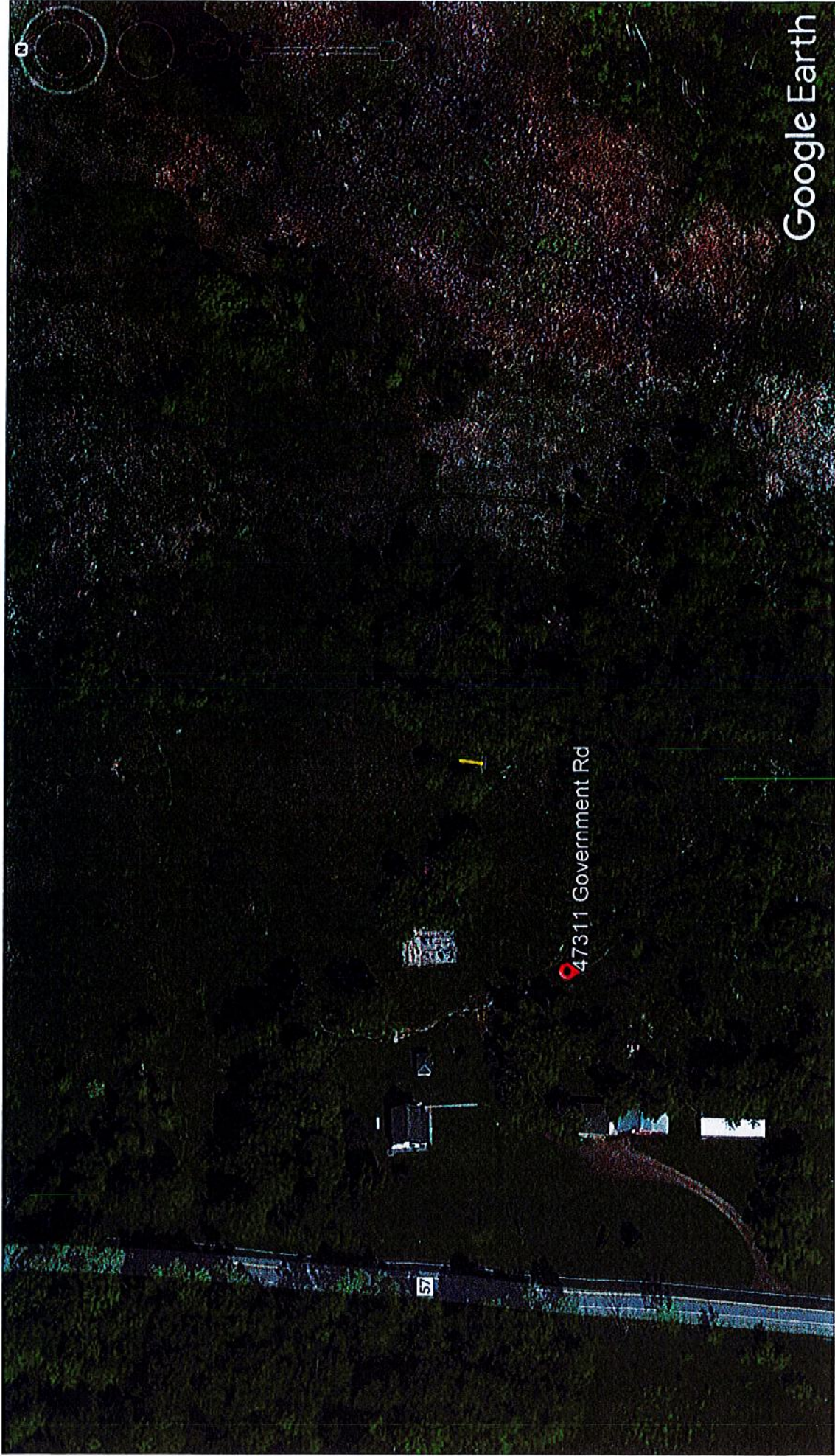
Red outline is property owned by applicant

Blue square is where live fire exercise takes place

The map shows a grid of land parcels, each labeled with a unique identifier. A red outline highlights a specific parcel, and a blue square marks a location within it. The map is oriented with North at the top.

BT NOV 18 2021

#2



BT NOV 18 2021

Beth M. Thorp

From: Jason Klar [REDACTED]
Sent: Thursday, November 18, 2021 6:30 PM
To: Beth M. Thorp
Subject: Re: Application for Conditional Use Permit - please respond
Attachments: Berm.jpg

This is an external email message!

This message originated from outside the Chisago County email system. Use caution when clicking hyperlinks, downloading pictures or opening attachments.

Beth,

No home occupation activity will take place on the southern parcel of land.

The nearest Neighbors dwellings to the shooting berm are: 710 ft to the North; 760ft to the NE; 1,214 ft to the East, 1,330 ft to the SE; 3,480 ft to the SSE 1,110ft to the SW; 1,420ft to the West.

As to the noise, there are NUMEROUS people in the neighborhood that shoot firearms way more regularly than I do including classes and recreationally. There is a lot of distance and dense woodlands between me and most of my neighbors. During my classes if the shooting lasts on the longer end of the spectrum, it's because I'm doing personal 1 on 1 instruction. There's never 10 people firing constantly for 2 hrs. Many of my neighbors have taken my class, many others have shot recreationally with me.

I do not wish to apply as a commercial recreation area as this description does not pertain to what I do.

I have attached a picture of the shooting berm and target stands per your request.

On Thu, Nov 18, 2021 at 3:28 PM Beth M. Thorp <Beth.Thorp@chisagocountymn.gov> wrote:

Hi Jason and Crystal: Thank you for submitting your application for Conditional Use Permit (CUP) for Major Home Occupation. Before determining the application to be complete, I have a few questions and requests for information. Please respond at your earliest convenience but prior to December 1st.

- I see from your supporting documentation that you own two parcels and only the northern parcel is included on the application. This makes sense given that this is the location of your home, but I'd like you to confirm that no Home Occupation activity will take place on the southern parcel.

Technically, I don't believe the Home Occupation could be expanded to include the southern parcel unless the two parcels were combined. A Home Occupation implies that there's a home on the property and, in the case of the southern parcel, there is no home. Again, this could be resolved with a lot combination if you wanted to include both parcels.

- It would be helpful if you could provide estimated distances to neighboring dwellings (N, NE, E and SE).
- It would be helpful if you could provide pictures of the shooting berm and target stands mentioned in your written narrative.
- When considering requests for CUPs, the Planning Commission and County Board consider several factors established by the Zoning Ordinance. One of these factors pertains to possible adverse impacts on neighboring properties from intrusion of noise, glare, or other general unsightliness. I understand from your written narrative that shooting occurs on a limited basis (30 minutes – two hours, six to eight times a year), but I'm hoping if you can provide additional information on noise. Additional information may include detail on the noise level and noise mitigation efforts.
- This is a unique Home Occupation in that it involves outdoor shooting. Staff has discussed that it may be good to process this as a CUP for Major Home Occupation AND Commercial Recreation Area (which includes certain outdoor activities) to cover all the bases. There would be no additional charge for this and the request would still be very specific to your request. Do you have any objections to adding Commercial Recreation Area to your application (your email response is sufficient for making the addition)?

Your written narrative mentions a tour of your property. As a standard practice and as authorized by your application, the Planning Commission tours properties prior to the public hearing. Tours typically take place on the Tuesday morning prior to the Thursday public hearing. You're not required to be present, but you absolutely have the option of showing the commissioners the shooting area if you're available (there's no need to enter the home). This will not be an opportunity to discuss in-depth details of the request; it's simply an opportunity for the commissioners to gain an understanding of your property and the potential impact of the proposed use on the surrounding area.

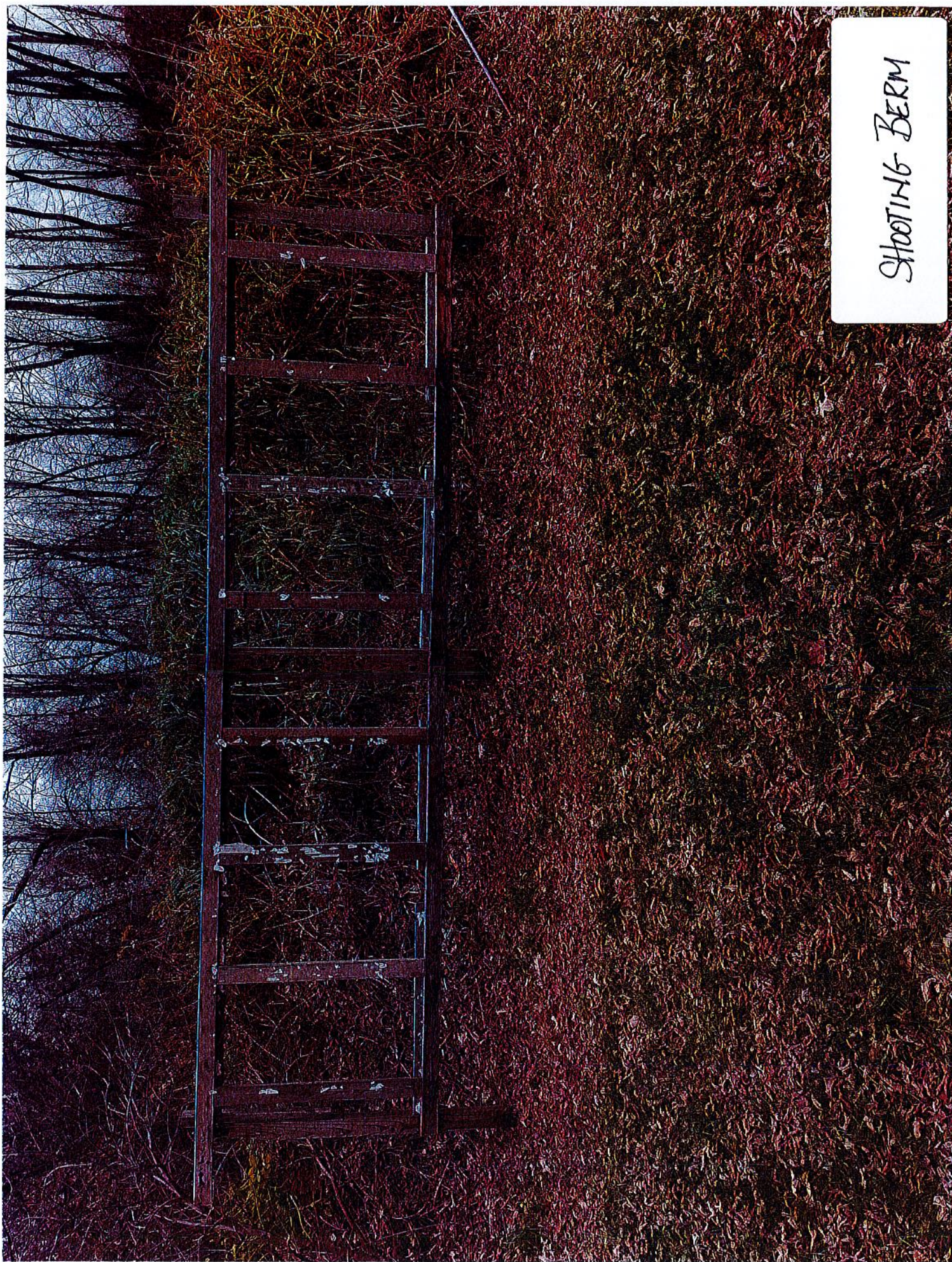
Let me know if you have any questions.

Thank you,

Beth Thorp | Land Services Coordinator
 Environmental Services
 313 N Main St
 Suite 240
 Center City, MN 55012
Beth.Thorp@chisagocountymn.gov
 Phone: 651-213-8379

'Chisago County was created by the State of Minnesota to serve, protect, and enhance the quality of life for those we serve.'

SHOOTING-BERM



Jason Klar – Aerial Location Map (1)

Klar is requesting a Conditional Use Permit to operate a Major Home Occupation at 47311 Government Road, Sunrise Township. The Home Occupation includes firearms training with classes held within the home and live fire exercises at a shooting berm on the property.

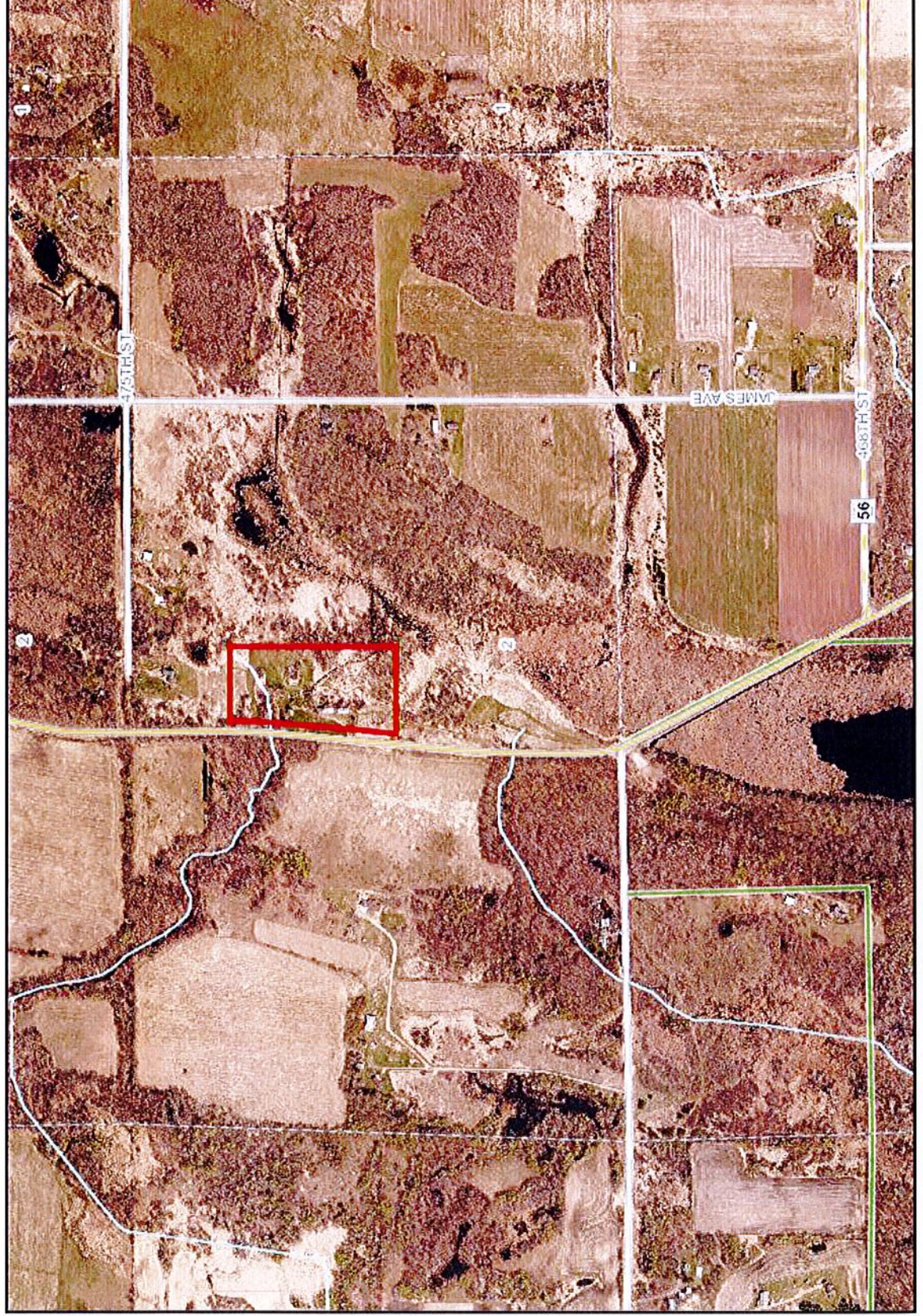


Sunrise Township

Section 02, Township 036, Range 021

PID # 09.00485.02

Klar Property - 



Jason Klar – Aerial Location Map (2)

Klar is requesting a Conditional Use Permit to operate a Major Home Occupation at 47311 Government Road, Sunrise Township. The Home Occupation includes firearms training with classes held within the home and live fire exercises at a shooting berm on the property.

Sunrise Township

Section 02, Township 036, Range 021

PID # 09.00485.02

Klar Property - 



CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
January 6, 2022

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, January 6, 2022 at the Chisago County Government Center.

Staff Present: Beth Thorp, Land Services Coordinator; Kurt Schneider, Environmental Services Director; Diane Sander, Support Specialist; and, Jeff Fuge, Assistant County Attorney.

Coordinator Thorp 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: Frank Storm, Jolene Wille, John Sutcliffe, Chip Yeager, Jim McCarthy, Kelly Corbin, and Dave Whitney. Also present: Ex Officio County Commissioner Chris DuBose. A quorum was established with members present.

NOMINATIONS OF OFFICERS – Coordinator Thorp called for nominations for 2022 Chair. John Sutcliffe nominated Chip Yeager for Chair; second by Dave Whitney. Upon multiple calls, no other nominations were made. All present voted and the nomination was affirmed 6-0-1. Ayes: Whitney, Corbin, McCarthy, Yeager, Sutcliffe, and Storm. Nays: None. Abstained: Wille.

Coordinator Thorp called for nominations for 2022 Vice Chair. Dave Whitney nominated Jim McCarthy for Vice Chair; second by John Sutcliffe. Upon multiple calls, no other nominations were made. All present voted and the nomination was affirmed 6-0-1. Ayes: Whitney, Corbin, McCarthy, Yeager, Sutcliffe, and Storm. Nays: None. Abstained: Wille.

Chair Yeager thanked Shellene Johnson for her work on the Planning Commission and welcomed new Planning Commissioner Jolene Wille.

Approval of Agenda – Motion by Jim McCarthy to approve the agenda as presented; second by Dave Whitney. The motion passed 6-0-1. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, and Storm. Nays: None. Abstained: Wille.

Approval of Minutes – Motion by Frank Storm to approve the December 2, 2021 meeting minutes as presented; second by John Sutcliffe. The motion passed 6-0-1. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, and Storm. Nays: None. Abstained: Wille.

Receive all Materials and Submittals into Record - Motion by Dave Whitney to accept all materials and submittals into the record with the addition of Commissioner McCarthy's information, comments, and photos; second by Jim McCarthy. The motion passed 6-0-1. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, and Storm. Nays: None. Abstained: Wille.

Materials distributed to the Planning Commission in advance of the meeting for their review included: Staff reports with attachments. Materials distributed to the Planning Commission at the meeting included: Commissioner McCarthy's Comments that included: E.A.R. Gunfire Noise Level Reference Chart, WKC Sound Attenuation Calculator distances, and alternative Findings of Fact and photos for the Klar Conditional Use Permit application. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

a. **Jason Klar** – Coordinator Thorp provided a brief background on Mr. Klar's request for a Conditional Use Permit (CUP) for Major Home Occupation in the Agricultural (AG) District in order to conduct educational classes for permit to carry a pistol. The property is located at 47311 Government Road, Sunrise Township, S2, T36, R21 (PID# 09.00485.02). The use is being considered a *Major* Home Occupation due to the live fire exercise portion of the class being conducted outside of the residence on the subject property. The proposed use has been occurring on the property for approximately four years and applicant is seeking a CUP to bring the use into compliance with the County's Zoning Ordinance. Applicant's written narrative states:

- Six to eight classes per year on Saturdays from 9:00 am – 2:00 pm.
- Classroom portion of the class is held within the Klar's residence.
- Class size ranges from four to ten students and each student is required to fire 12 rounds of ammunition.
- The live fire exercise portion of the class is held at a shooting berm located near the eastern boundary of the subject property and lasts 30 minutes to one hour depending on class size. The students stand approximately 20 feet from the shooting berm when firing and they shoot in a southerly direction, which is in the direction of an adjacent property owned by Klar.
- All students park on Klar's driveway, creating no impact on County Road 57.
- Klar owns 23 acres in total. (Staff note: this acreage includes two separate parcels and the request for CUP only includes the northerly 9.03-acre parcel identified as PID 09.00485.02. Klar stated that no Home Occupation activity will take place on the southerly 14.07-acre parcel identified as PID 09.00485.03.)

Technical Review was held on December 15, 2021 and the County's Sanitarian performed a septic certification to ensure that the existing septic system was suitable for increased usage. The inspection was held on November 24, 2021 and was compliant. The Sanitarian recommended the applicant monitor water usage for one year by installing a water meter and submitting monthly reports to Chisago County Environmental Services. County staff also suggested requiring that the height of the shooting berm or any other shooting area features be increased. The Sunrise Town Board recommended approval with no conditions at their December 16, 2021 meeting. Chair Yeager asked each Planning Commission member and Mr. Klar for additional questions and comments.

Mr. Klar indicated he had a pool of knowledge and experience to conduct educational classes and serve as Range Safety Officer. Mr. Klar explained that the classes were more of a hobby and service to the community than a major home occupation. He expressed concerns with the recommended water usage monitoring for one year since he has had no issues to date and the septic was found compliant. Frank Storm asked a variety of questions dealing with outdoor range design standards from various sources. Dave Whitney asked clarifying questions on how the outdoor classroom portion was operated. Mr. Klar reviewed his process from indoor classroom and his operation/transition to Range Safety Officer for the live fire exercise. Mr. Klar indicated his class attendants range from beginner to experienced pistol users. Mr. Klar is not required, but does have liability insurance as an instructor. Jim McCarthy asked if a noise study has been conducted. Mr. Klar indicated he has not done a noise study. Kelly Corbin noted concerns with the CUP going with the property instead of having an end date similar to an Interim Use Permit. John Sutcliffe had concerns with potential development of the southern 14-acre parcel.

Chair Yeager opened the public hearing and sought comment.

John Lesch – Lesch Law Firm representing Clair and Ethel Dickson, adjacent land owners, and is in a pending lawsuit over earthwork and water runoff impacting a hay field. Mr. Lesch pointed out that Mr. Klar was not a good neighbor by ignoring rules for earthwork/drainage. The CUP request will affect the character of the neighborhood and will generate noise or vibrations which go beyond the applicant's property line. Mr. Lesch

presented four letters from neighbors and recommended denial until pending litigation has been resolved.

Chair Yeager read the four letters presented by Mr. Lesch:

Brad Tauer – 8500 470th Street. “I have two concerns about a gun range opening. First, property value falling and second, chasing wildlife away for hunting purposes.”

Glenn and LaDez Mell – 9535 475th Street. “We own property to the south that is farmed. I am out on the property a lot through the growing season. I have concerns if they will be shooting towards my direction where I will be working. Second concern, I do not think their land is large enough to support a shooting range, since there is a County Road on the west, houses on the north and east property sides and my property on the south side. It would be best for an indoor shooting range, would have a yearly calendar of when shooting so neighboring landowners know what is happening.”

Jenna and Eric Lovrien – 46983 James Avenue. “We approve of Klar’s business at his residence if there are limitations. One – two weekends a month at max having a class outdoors that involves shooting. We are outside quite often and do not want to hear shooting constantly on the weekends that are meant to be enjoyed and relaxing. If it is an every weekend occurrence, we are against it. We have no issues with his business in general, just do not want to hear shooting more often than we already do. No Tannerite should be allowed. I believe that has been used a couple of times and neighbors thought someone’s propane tank exploded. Almost in every direction there are children and feel that should also be a consideration.”

Clair and Ethel Dickson – 47258 James Avenue. “We are concerned about live fire exercise portion of the class being conducted outside of the residence. Our objection is to excess unnecessary noise and depreciating property values. Concerns with the shooting range area being too small to be safe and safety of our grandkids and ourselves while we in the woods near the property line. Concerns with location of county road and surrounding residence. Water goes onto our land and result in financial devaluation and request to at least postpone decision until our lawsuit is has been resolved. Semi-automatic gunfire and Tannerite is very loud and annoying. No doubt such activity has negative effects on neighboring propriety and support this permit not to be issued. We don’t have a problem with the classes in the house. It’s the shooting part that we have issue with. Suggestions: firing at indoor range or build an indoor range, limit practice and testing to small caliber arms, let us know when classes with be and how long, and limit classes to no more than once a week.”

Members of the audience provided the following testimony:

Robert Phillips – 9094 475th Street. I live northeast of Klar’s and have taken his class. I moved into the neighborhood and found this class as a way to connect with the community and get to know my neighbors. I hear gunshots throughout the year and it comes from other properties, not just Klar’s property. Classes are small and class/berm meet standards. When classes are held, shooting usually starts around 11:00 – 11:30 and lasts about 60 to 90 minutes. This class is a service to our community, legal to do, and makes our community important.

Reed Miner – 47274 James Avenue. I list east of the shooting berm. I would repeat and reiterate everything Robert Phillips noted. I have no issues with the CUP. I have taken this class; it is safe and professional. Shooting is close to the berm and is safe.

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by John Sutcliffe. The motion passed 6-0-1. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, and Storm. Abstained: Wille.

Jim McCarthy reviewed his previously distributed E.A.R. Gunfire Noise Level Reference Chart and WKC Sound Attenuation Calculator/Study. His calculations demonstrated that the noise level does not meet the county’s ordinance on noise. John Sutcliffe expressed concerns with the southern property, currently owned by Klar,

being sold or developed, and he commented that the berm seems small. Dave Whitney expressed concerns with the berm not being tall enough or wide enough. Dave Whitney discussed a "No Blue Sky" concept (shooting area that is covered and uses baffles, berms, and backstops to prevent shot from leaving range) and suggested that it could be utilized for noise reduction and safety improvement. Lengthy discussion followed on cost effectiveness of building an indoor range, various berm improvements, noise reduction, and renovating an existing accessory structure into indoor range. Frank Storm reviewed properly constructed exterior berm criteria from the Minnesota Department of Natural Resources (DNR) Outdoor Shooting Ranges: Best Practices guide. Per the guide, the recommended height of exterior berms is 12 feet, four-foot-wide flat top, with 1:1 sidewall slopes; with, clean rock-free earthen material, re-vegetated after final construction to prevent erosion problems. Discussion continued on noise standards and legal opinion if the property title could include notation of the CUP or if a legal document could be recorded for potential future owners of the property immediately south.

Motion by Frank Storm to accept staff's recommended conditions nos. 1-11 as presented and add condition 12: The shooting berm shall be redesigned and constructed to meet the MN Department of Natural Resources' suggestions for properly constructed exterior berms, identified in the MN Department of Natural Resources' *Outdoor Shooting Ranges: Best Practices* guide, as follows: *The recommended height of a properly constructed exterior berm is twelve (12) feet, constructed with 1:1 (soil type dependent) sidewall slopes, and a four (4) foot wide flat top. Clean, rock-free earthen material is cheapest to use in construction, and must be re-vegetated immediately after final soil smoothing and shaping is completed, to prevent on-going erosion problems. No woody vegetation should be planted on the side berm, which would tend to weaken the structure. Ditching or sloping to prevent water ponding on the outside of an exterior berm is also recommended.* Second by Dave Whitney. The **motion passed** 6-0-1. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, and Storm. Abstained: Wille.

Discussion on noise standards continued with reference to previous applications and setting precedent. **Motion** by Dave Whitney to edit condition #7 (addition of underlined verbiage): Any noise and/or vibration generated from the use shall be in compliance with Minnesota Pollution Control Agency standards. Applicant will supply Department of Environmental Services with an independent noise study from various locations on the property. The motion did not receive a second; therefore, the motion failed. Discussion was held on adding a condition on the pending lawsuit and need to wait until it has been resolved. Assistant County Attorney Jeff Fuge advised not to add it as a condition. **Motion** by John Sutcliffe to add Condition 13: If the applicant's southern parcel, identified as 09.00485.03, is divided, sold or developed, the Conditional Use Permit shall be reviewed by the Chisago County Planning Commission and Board of Commissioners, and the buyer shall be advised of the CUP. Second by Kelly Corbin. The **motion passed** 6-0-1. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, and Storm. Abstained: Wille.

Motion by Jim McCarthy to recommend denial of the request for Conditional Use Permit based on the request not meeting performance standards for noise and based on alternative Findings of Fact (see below). Second by Kelly Corbin.

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, with a policy of continuing to allow and encourage Home Occupations in all zoning districts if performance standards are met. The County finds that the proposed Major Home Occupation is consistent with the Comprehensive Plan but it does not meet all performance standards provided in Zoning Ordinance Section 4.04 C and Section 7 – Performance Standards.

Finding #3 - The proposed shooting range is not compatible with adjacent uses as it fails to meet the noise performance standard contained in Section 7.05. The proposed indoor training class activity 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 #4 - The proposed Major Home Occupation will be partially located within a dwelling and partially located in the rear yard. The outdoor portion includes a shooting berm and target stands. There is no clear noise data evidence to suggest that the appearance of the shooting berm and target stands have had or will have an adverse effect upon adjacent properties; ~~therefore, there's no evidence to suggest that the proposed use will have an aesthetically adverse effect upon adjacent properties.~~

Finding #5 - The subject site is zoned Agricultural (AG) District and is developed with a single-family home and accessory structures. Major Home Occupations are allowed within the AG District with approval of a Conditional Use Permit. The County finds that the proposed ~~Major Home Occupation training class activity, with the exception of the shooting range,~~ is clearly secondary in nature to the principal use and is compatible with the existing land use. The shooting range is not secondary in nature due to its significant impact on neighboring residential uses.

Finding #6 - The Zoning Ordinance defines Major Home Occupation and establishes performance standards for approval of Major Home Occupations. The County finds that the proposed Major Home Occupation meets the intent of the defined land use and the intent of the Agricultural (AG) District with the exception of the outdoor shooting range.

Finding #8 - The County finds that the proposed Major Home Occupation will ~~not~~ adversely impact nearby properties by intrusion of noise, ~~glare or general unsightliness,~~ based on distance, existing screening provided by dense wooded areas, ~~and the limited frequency and time involved in the live fire exercise portion of the class (six to eight occurrences per year at 30 minutes to one hours per occurrence).~~

The ***motion failed*** 2-4-1 with a roll call vote. Ayes: McCarthy and Corbin. Nays: Whitney, Storm, Sutcliffe, and Chair Yeager. Abstained: Wille.

Motion by John Sutcliffe to recommend approval of the Conditional Use Permit for a Major Home Occupation to conduct educational classes for permit to carry a pistol at 47311 Government Road, PID# 09.00485.02 with Findings of Fact and conditions 1 -11 provided by staff and the addition of Conditions 12 and 13:

1. The Major Home Occupation shall be operated in conformance with the proposal elements identified in the application for Conditional Use Permit, including the attached written narrative and site plans (maps #1 and #2) dated received November 18, 2021, except as specifically noted below.
2. Any change involving structural alterations, enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require County Board approval of a Conditional Use Permit Amendment.
3. The Conditional Use Permit only applies to property identified as PID 09.00485.02. Neither the classroom portion nor the live fire exercise portion of the class may take place on the applicant's adjacent property identified as 09.00485.03.
4. The applicant may offer no more than 12 classes per year at the subject site.

5. Classes may only be held on Saturdays, beginning no earlier than 7:00 am and ending no later than 3:00 pm. Neither the Conditional Use Permit nor this condition preclude the applicant from utilizing the shooting berm for personal recreational use outside of the stated days and hours of operation.
6. The live fire exercise portion of the class shall be conducted at the shooting berm described in the written narrative and identified on the site plan (map #2) both dated received November 18, 2021. If the applicant wishes to relocate the shooting berm or method used for completing the live fire exercise on the subject site, the applicant must request and obtain approval of a Conditional Use Permit Amendment. This condition does not prohibit the applicant from utilizing an off-site legally authorized commercial shooting range for the live fire exercise.
7. Any noise and/or vibration generated from the use shall be in compliance with Minnesota Pollution Control Agency standards.
8. There shall be no employees other than those persons residing in the dwelling.
9. The applicant shall monitor water usage for one year, beginning from the date of Conditional Use Permit approval, by installing a water meter and submitting monthly reports to the Department of Environmental Services.
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.
12. The shooting berm shall be redesigned and constructed to meet the MN Department of Natural Resources' suggestions for properly constructed exterior berms, identified in the MN Department of Natural Resources' *Outdoor Shooting Ranges: Best Practices* guide, as follows: *The recommended height of a properly constructed exterior berm is twelve (12) feet, constructed with 1:1 (soil type dependent) sidewall slopes, and a four (4) foot wide flat top. Clean, rock-free earthen material is cheapest to use in construction, and must be re-vegetated immediately after final soil smoothing and shaping is completed, to prevent on-going erosion problems. No woody vegetation should be planted on the side berm, which would tend to weaken the structure. Ditching or sloping to prevent water ponding on the outside of an exterior berm is also recommended.*
13. If the applicant's southern parcel, identified as 09.00485.03, is divided, sold or developed, the Conditional Use Permit shall be reviewed by the Chisago County Planning Commission and Board of Commissioners, and the buyer shall be advised of the CUP.

Second by Frank Storm. The motion passed 4-2-0. Ayes: Whitney, Chair Yeager, Sutcliffe, and Storm. Nays: McCarthy and Corbin. Abstained: Wille.

b. Douglas Johnson – Coordinator Thorp provided a brief background on the request for Preliminary Plat of DJ's Dream and Rezoning of proposed Lot 1, Block 1, DJ's Dream from Rural Residential I (RRI) District to Agricultural (AG) District. The proposed plat includes two lots created from a 14.10-acre tract; one 5-acre parcel and one 8.06-acre parcel. Current zoning is Rural Residential I (RRI), but Mr. Johnson intends to construct a new residence for himself on Lot 1, Block 1 and would like the ability to have more than 2,000 square feet of

RESOLUTION NO. PC2022-0101

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING A MAJOR HOME
OCCUPATION ON PROPERTY LOCATED AT 47311 GOVERNMENT ROAD IN SUNRISE TOWNSHIP**

WHEREAS, Jason Klar, property owner and applicant, submitted an application dated received November 18, 2021 and considered complete on November 24, 2021 for a Conditional Use Permit allowing a Major Home Occupation; and

WHEREAS, the proposed Major Home Occupation involves educational classes for permit to carry a pistol, with the classroom portion of the class conducted within the residential dwelling and the live fire exercise portion of the class conducted in the rear yard; and

WHEREAS, the subject site is located at 47311 Government Road, Sunrise Township and is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 9.03± acres in size and is legally described as:

PID 09.00485.02
Lot 2, Block 1, Refshaw Acres
Section 02, Township 036, Range 021
Chisago County, MN

WHEREAS, notice was provided and on January 6, 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 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, with a policy of continuing to allow and encourage Home Occupations in all zoning districts if performance standards are met. The County finds that the proposed Major Home Occupation is consistent with the Comprehensive Plan and meets all performance standards provided in Zoning Ordinance Section 4.04 C.

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 Being that the proposed Major Home Occupation will not increase population and will not generate excessive traffic, the County finds that the use will not create any demand on existing parks, schools, streets or other public facilities.

- 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 County finds that the proposed Major Home Occupation will be sufficiently screened from adjacent development by distance and dense wooded areas.*
- 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 Major Home Occupation will be partially located within a dwelling and partially located in the rear yard. The outdoor portion includes a shooting berm and target stands. There is no evidence to suggest that the appearance of the shooting berm and target stands have had or will have an adverse effect upon adjacent properties; therefore, there's no evidence to suggest that the proposed use will have an aesthetically adverse effect 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 subject site is zoned Agricultural (AG) District and is developed with a single family home and accessory structures. Major Home Occupations are allowed within the AG District with approval of a Conditional Use Permit. The County finds that the proposed Major Home Occupation is clearly secondary in nature to the principal use and is compatible with the existing land use.*
- 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 defines Major Home Occupation and establishes performance standards for approval of Major Home Occupations. The County finds that the proposed Major Home Occupation meets the intent of the defined land use and the intent of the Agricultural (AG) District.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 The County finds that the proposed Major Home Occupation will not generate a significant increase in traffic, and will, therefore, not cause a traffic hazard or congestion on CR 9 or CR 11.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8 The County finds that the proposed Major Home Occupation will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness, based on distance, existing screening provided by dense wooded areas, and the limited frequency and time involved in the live fire exercise portion of the class (six to eight occurrences per year at 30 minutes to one hour per occurrence).*

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 Major Home Occupation shall be operated in conformance with the proposal elements identified in the application for Conditional Use Permit, including the attached written narrative and site plans (maps #1 and #2) dated received November 18, 2021, except as specifically noted below.
2. Any change involving structural alterations, enlargement, intensification or expansion of use, or change not specifically permitted by the Conditional Use Permit shall require County Board approval of a Conditional Use Permit Amendment.
3. The Conditional Use Permit only applies to property identified as PID 09.00485.02. Neither the classroom portion nor the live fire exercise portion of the class may take place on the applicant's adjacent property identified as 09.00485.03.
4. The applicant may offer no more than 12 classes per year at the subject site.
5. Classes may only be held on Saturdays, beginning no earlier than 7:00 am and ending no later than 3:00 pm. Neither the Conditional Use Permit nor this condition preclude the applicant from utilizing the shooting berm for personal recreational use outside of the stated days and hours of operation.
6. The live fire exercise portion of the class shall be conducted at the shooting berm described in the written narrative and identified on the site plan (map #2) both dated received November 18, 2021. If the applicant wishes to relocate the shooting berm or method used for completing the live fire exercise on the subject site, the applicant must request and obtain approval of a Conditional Use Permit Amendment. This condition does not prohibit the applicant from utilizing an off-site legally authorized commercial shooting range for the live fire exercise.
7. Any noise and/or vibration generated from the use shall be in compliance with Minnesota Pollution Control Agency standards.
8. There shall be no employees other than those persons residing in the dwelling.
9. The applicant shall monitor water usage for one year, beginning from the date of Conditional Use Permit approval, by installing a water meter and submitting monthly reports to the Department of Environmental Services.
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.
12. The shooting berm shall be redesigned and constructed to meet the MN Department of Natural Resources' suggestions for properly constructed exterior berms, identified in the MN Department of Natural Resources' *Outdoor Shooting Ranges: Best Practices* guide, as follows:

The recommended height of a properly constructed exterior berm is twelve (12) feet, constructed with 1:1 (soil type dependent) sidewall slopes, and a four (4) foot wide flat top. Clean, rock-free earthen material is cheapest to use in construction, and must be re-vegetated immediately after final soil smoothing and shaping is completed, to prevent on-going erosion problems. No woody vegetation should be planted on the side berm, which would tend to weaken the structure. Ditching or sloping to prevent water ponding on the outside of an exterior berm is also recommended.

13. If the applicant's southern parcel, identified as 09.00485.03, is divided, sold or developed, the Conditional Use Permit shall be reviewed by the Chisago County Planning Commission and Board of Commissioners.

Adopted by the Planning Commission of Chisago County, Minnesota, this 6th day of January, 2022.

Kelly Corbin
James McCarthy
Frank Storm
John Sutcliffe

NAY
NAY
AYE
AYE

Dave Whitney
Jolene Wille
Chip Yeager

AYE
AYE
AYE



Chip Yeager
Chair

ATTEST:



Beth Thorp
Land Services Coordinator

Beth M. Thorp

From: Milton, Monique <monique.t.milton@medtronic.com>
Sent: Thursday, January 6, 2022 3:52 PM
To: Planning & Zoning
Subject: Please hear our concerns regarding the hearing of CUP - Carol Milton, Steve Kes & Monique Milton

Importance: High

This is an external email message!

This message originated from outside the Chisago County email system. Use caution when clicking hyperlinks, downloading pictures or opening attachments.

Hi Beth,

On behalf of my Mother **Carol Milton** (46938 Kelly Ave, Harris, MN 55032 – Sunrise Township), and my husband **Stephen Kes** & I (9588 475th Street, Harris MN 55032 – Sunrise Township). I'm sending this email to convey our concerns and objections regarding the application to be heard at the January 6th Planning Commission meeting. Regarding applicant Jason Klar's request for a CUP for *Major* Home Occupation in an Ag district to conduct permit to carry a pistol classes. To our knowledge, Jason has been conducting live firing exercises about 4 times per year since 2016. We are not aware of any safety issue events during that time. We have observed significant noise contravene during these events. We hunt on our properties, and we understand the need for gun safety training, and hosting a firearm training 4 times per year is acceptable. Regardless of the contended "educational value", we feel an outdoor "shooting range" of sorts more than 4 times per year at 47311 Government Rd is excessive, and too close for comfort to our properties for the following reasons.

Objections:

- 1- The idea that a band of strangers running around loose in the neighborhood with handguns seems like a potential safety issue. We live in the country, on ag land because we value country life and enjoy a low crime rate etc.
- 2- Not a big fan of the noise caused - disturbing our "peaceful valley". Again, we choose to live in a rural area because we value nature, growing crops and peaceful quietude. If we wanted to hear constant shooting, we would live in a metropolitan area.
- 3- We are very concerned about the safety of people driving on Government Rd & James Ave while live fire exercises are being held. What about the safety of the nearby land owners in our neighborhood? Who would be responsible if someone was injured or killed...the student registered for the class, or Mr. Klar? How would liability be determined? Are students required to register their firearms prior to the class?

Thank you for hearing our concerns about this matter as we are unable to attend the 1/6 hearing due to health concerns surrounding the recent increase in COVID Omicron cases. Both *Carol Milton* and *Stephen Kes* are in a high risk group because of health issues.

Kind regards,

Monique Milton, AAA

Administrative Assistant III | Partnering with Clinical Research, Medical Science & Pelvic Health

CHISAGO COUNTY BOARD OF COMMISSIONERS, Respondent.

Jeffrey A. **AUGUST**, Relator,

868 N.W.2d 741
Court of Appeals of Minnesota.

No. A14-1475.

Aug. 17, 2015.

Review Denied Dec. 15, 2015.

Synopsis
Background: Landowner sought review of **county** board of commissioners' denial of conditional-use permit (**CUP**).

Holdings: The Court of Appeals, Reilly, J., held that:

[1] board could consider effects of noise from landowner's desired use of property even if noise level did not surpass Minnesota Pollution Control Agency (MPCA) noise standards, and

[2] board permissibly relied on non-expert testimony of neighbors in denying **CUP**.

Affirmed.

West Headnotes (11)

[1] **Zoning and Planning**—Certiorari

A **county** board's decision regarding a conditional use permit (**CUP**) is quasi-judicial and reviewable by writ of certiorari.

1 Cases that cite this headnote

A denial of a conditional use permit (**CUP**) is arbitrary where the applicant establishes that all of the standards specified by the zoning ordinance as conditions of granting the permit are satisfied.

[5] **Zoning and Planning**—Permits, certificates, and approvals

A municipality may not base its denial of a conditional use permit (**CUP**) on unreasonably vague or unreasonably subjective standards.

[4] **Zoning and Planning**—Grounds for grant or denial in general

County zoning authorities have wide latitude in making decisions on conditional use permits, and except in rare cases where there is no rational basis for the decision, it is the duty of the judiciary to exercise restraint and accord appropriate deference to civil authorities in routine zoning matters.

[3] **Zoning and Planning**—Right to Permission, and Discretion
Zoning and Planning—Permits, certificates, and approvals

Appellate court independently reviews a **county** board's decision to grant a conditional use permit (**CUP**) to determine if it is unreasonable, arbitrary, or capricious.

[2] **Zoning and Planning**—Permits, certificates, and approvals

1 Cases that cite this headnote

- [6] **Zoning and Planning** — Permits, certificates, and approvals

The burden on a landowner challenging the denial of a conditional use permit (**CUP**) is lighter than one challenging the approval of a **CUP**.

- [7] **Administrative Law and Procedure** — Review for arbitrary, capricious, unreasonable, or illegal actions in general

In determining whether a governing body acted unreasonably, arbitrarily, or capriciously, appellate court first determines whether the reasons provided by the governing body were legally sufficient; second, if the reasons given are legally sufficient, court must determine if the reasons had a factual basis in the record.

- [8] **Environmental Law** — Concurrent and Conflicting Statutes or Regulations
Zoning and Planning — Entertainment and recreation; theaters and clubs

County board could consider effects of noise from landowner's desired use of property in deciding to deny landowner a conditional use permit (**CUP**) even if noise level did not surpass Minnesota Pollution Control Agency (MPCA) noise standards, in case in which landowner sought to allow use of agricultural property for hosting of mounted **shooting** competitions and **shooting** clinics; were board not allowed to do so, it could put board or landowner at risk for a Minnesota Environmental Rights Act (MERA) violation, since courts had found noise levels to constitute a prima facie MERA violation even when the MPC had not issued a relevant noise standard. M.S.A. § 116B.01 et seq.

- [9] **Zoning and Planning** — Evidence and fact questions

County board permissibly relied on non-expert testimony of neighbors in denying conditional use permit (**CUP**) to landowner, which landowner sought to allow hosting of mounted **shooting** competitions and **shooting** clinics on agricultural property, where neighborhood opposition to **CUP** was based on neighbors' personal experiences with the resulting noise and increase in traffic caused by the **shooting** events, which landowner had been hosting without **CUP**, and neighbors described their personal experiences with the noise caused by events.

- [10] **Zoning and Planning** — Grounds for grant or denial in general

In deciding on whether to grant a conditional use permit (**CUP**), a municipal entity may consider neighborhood opposition when it is based on something more concrete than non-specific neighborhood opposition.

- [11] **Zoning and Planning** — Evidence and fact questions

County board permissibly relied on non-expert testimony of planning commission members in denying conditional use permit (**CUP**) to landowner, which landowner sought to allow hosting of mounted **shooting** competitions and **shooting** clinics on agricultural property, where members of planning commission visited the property and heard firsthand the noise caused by the **shooting** events.

**742 Syllabus by the Court*

In determining whether to grant a conditional-use permit, the responsible government unit may consider the resulting noise from the proposed use even if the noise levels do not exceed the sound level limits promulgated by the responsible state entity.

Attorneys and Law Firms

Terry A. Watkins, Watkins Law Office, LLC, Faribault, MN, for relator.

Paul D. Reuvers, Nathan C. Midolo, Iverson Reuvers Condon, Bloomington, MN, for respondent.

Considered and decided by WORKE, Presiding Judge; REILLY, Judge; and STONEBURNER, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

OPINION

REILLY, Judge.

Relator-landowner Jeffery August challenges respondent Chisago County Board of Commissioners' (county board) denial of his conditional-use permit (CUP) application. August argues that (1) the county board's denial was arbitrary and capricious and (2) the county board erred when it failed to consider certain Minnesota Pollution Control Agency (MPCA) rules. Additionally, August seeks sanctions and attorney fees under Minn.Stat. § 549.211 (2014). We affirm.

FACTS

The Property

In 2003, August purchased a 20-acre tract of land located in the Sunrise Township (the property). The property is zoned for agricultural use. Agricultural use in Chisago County is "intended to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas." Chisago Cnty. Zoning Ord. (CCO) § 5.06(A) (2008). The majority of the land surrounding the property is developed in a rural, residential manner, with farm fields or residential lawns. There is minimal vegetation or barriers screening the property.

During the past few years, August built a fenced-in arena on his property for mounted shooting events. He later built an announcer's booth with a public announcement system to use in connection with the events. In 2013, August formed a club, Cowboy Mounted Shooting, and began hosting mounted shooting competitions and clinics. Mounted shooting competitions consist of 10 to 15 contestants who ride on horseback while attempting to shoot balloons on mounted posts in the center of the arena. Contestants shoot at the balloons with .45 caliber blanks.

August typically holds these competitions on Saturdays from 10:00 a.m. to dusk and on Sundays from noon until 6:00 p.m. In connection with the competitions, contestants and spectators camp overnight in either tents or RVs in an adjacent pasture on the property. In addition to the competitions, August hosts "major shoots," which typically span the course of a three-day weekend. August also offers one-day clinics where club members can train and learn safety skills. The 2014 schedule listed two clinics, five shoots, and five major shoots.

In 2014, after receiving complaints about the property, the Chisago County Department of Environmental Services and Zoning (zoning department) investigated the property. The zoning department determined that August's use of the property did not conform to its zoned use.

CUP Application

The zoning department advised August of the need for a CUP, and August applied for a CUP in May 2014. On May 23, 2014, the zoning department informed August

that his **CUP** application was incomplete. **August** submitted additional information concerning the property and the **CUP** application. The additional information explained that the noise from gunfire would cease just before dusk and that mounted **shooting** events would be limited to seven weekends.

August then met with zoning department staff and agreed to have his application processed as rural retail tourism/commercial outdoor recreation use. **August** submitted an additional letter that addressed the "small-scale" and "low-impact" criteria of the rural retail tourism criteria. The Sunrise Township Planning Commission recommended a limited **CUP**.

Sunrise Township Recommendation

On June 19, 2014, the Sunrise Township Board (township) recommended denying the **CUP** application under section 8.05 of the CCO due to negative impact and the intrusion of noise caused by the proposed use. The township cited to the "noise based on the PA system and approximately 2,000 rounds [fired] per day" as the grounds for its denial.

*744 **Chisago County** Planning Commission Recommendation

On July 3, 2014, the **Chisago County** Planning Commission (planning commission) solicited public comments at a public hearing. Zoning department staff prepared a report in preparation for the hearing. With regard to the possible impact on neighboring properties, the report noted that the noise at the property, as estimated by the staff, "does not exceed, or even approach, the MPCA decibel limit." The report, however, stated that the noise is "easily audible from the four properties visited by Staff" and that "steady gunfire over the daylight hours of many weekends would rise to the level of significant annoyance for neighboring landowners." Ultimately, the report recommended approving the **CUP** with conditions.

At the planning commission public comment hearing, multiple neighbors expressed concerns over

the fairly constant noise from the **shooting**, the volume of **shots** fired being often over 1,000 rounds per day, the use of the loudspeaker, the loss of peace and quiet

and enjoyment of their property, potential property value depreciation, disruption to the rest and repose of small children, animals, livestock and the general negative impact to their quality of life.

All neighbors commenting on the proposed **CUP** agreed that the noise caused by the mounted **shooting** events was significant and disruptive. Conversely, club members spoke in support of granting the **CUP**. When asked by the planning commission if **August** could reduce the number of competitions per season to four, **August** replied that he could not do so because it would not permit his club members adequate access to competition. The planning commission discussed the **CUP** and voted to recommend denial because it would violate "Section 4.15, part D, part five [of the rural retail tourism criteria], 'creates negative impact on the neighborhood by intrusive noise.'"

Chisago County Board of Commissioners' Denial

On July 16, 2014, the **county** board held a public hearing and discussed the **CUP** application. At this meeting, one of the members of the planning commission provided comment during the citizens' forum, stating that he strongly opposed the **CUP**. In addition, a **county** board member voiced concerns regarding the decibel level: "I'm concerned about a legal question which has been raised by the applicant, which I think has not been addressed. And that is the decibel level. I think that that kind of issue ... needs to be addressed...." The **county** board voted to deny the **CUP** application three-to-one with one abstention. Their denial incorporated the findings of the planning commission, denying the **CUP** "based upon its conflict with the required performance characteristics cited in Section 4.15 of the **Chisago County** Zoning Ordinance governing rural retail tourism uses."

August appeals by writ of certiorari.

ISSUES

I. Was the **county** board's denial of the **CUP** application unreasonable, arbitrary, or capricious?

II. Is **August** entitled to attorney fees?

ANALYSIS

I.

[1] [2] A **county** board's decision regarding a **CUP** is quasi-judicial and reviewable by writ of certiorari. *Interstate Power Co. v. Nobles Cnty. Bd. of Comm'rs*, 617 N.W.2d 566, 574 n. 5 (Minn.2000); *745 *Picha v. Cnty. of McLeod*, 634 N.W.2d 739, 741 (Minn.App.2001). We independently review a **county** board's decision to grant a **CUP** to determine if it is unreasonable, arbitrary, or capricious. *RDNT, LLC v. City of Bloomington*, 861 N.W.2d 71, 75 (Minn.2015).

[3] [4] [5] [6] “**County** zoning authorities have wide latitude in making decisions on conditional use permits, and except in rare cases where there is no rational basis for the decision, it is the duty of the judiciary to exercise restraint and accord appropriate deference to civil authorities in routine zoning matters.” *Big Lake Ass'n v. Saint Louis Cnty. Planning Comm'n*, 761 N.W.2d 487, 490 (Minn.2009) (quotations omitted). But “[a] municipality may not base its denial on ‘unreasonably vague or unreasonably subjective’ standards.” *BECA of Alexandria, L.L.P. v. Cnty. of Douglas ex rel. Bd. of Comm'rs*, 607 N.W.2d 459, 463 (Minn.App.2000) (quotation omitted). A denial of a **CUP** is arbitrary where the applicant establishes that all of the standards specified by the zoning ordinance as conditions of granting the permit are satisfied. *Yang v. Cnty. of Carver*, 660 N.W.2d 828, 832 (Minn.App.2003). The burden on a landowner challenging the denial of a **CUP** is lighter than one challenging the approval of a **CUP**. *RDNT, LLC*, 861 N.W.2d at 75 n. 4.

[7] In determining whether a governing body acted unreasonably, arbitrarily, or capriciously, we first determine whether the reasons provided by the governing body were legally sufficient. *RDNT, LLC*, 861 N.W.2d at 75–76. Second, if the reasons given are legally sufficient, we must determine if the reasons had a factual basis in the record. *Id.* at 76. **August** claims that the planning commission did not address the zoning ordinance criteria and failed to provide a proper and sufficient legal basis for the denial of his **CUP**.

A.

The zoning ordinances allow the following as conditional uses for agriculturally zoned property:

Commercial recreation areas that are similar to public recreation areas including private campgrounds, golf courses, swimming pools, resorts, and crafting uses such as quilting and scrapbooking. Restaurants and/or liquor establishments when clearly incidental and associated with the primary commercial recreation use.

Chisago Cnty. Zoning Ord. § 5.06, subd. (C)(5) (2008).

In deciding whether to issue or deny a **CUP**, the **county's** zoning ordinance states, in relevant part, that the planning commission

shall consider possible effects of the proposed conditional use based upon (but not limited to) the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:

1. The Comprehensive Plan and development policies of the **County**;

...

3. The use shall 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;

...

5. The 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;

...

7. The use shall not cause traffic hazard or congestion; and

*746 8. Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness.

Id. § 8.04, subd. C. In addition to the **CUP** requirements, rural retail tourism uses must remain “small-scale and low-impact.” *Id.* § 4.15, subd. D (Supp. 2011). “Small-scale” and “low-impact” land uses are ones that:

1. Do not create an excessive demand upon existing services or amenities;
2. Are screened or able to be screened adequately, or are sufficiently separated from adjacent development or land, to prevent undue negative impact to nearby properties;
3. Will not have an appearance that is inconsistent or incompatible with the surrounding area;
4. Will not cause traffic hazard or undue congestion;
5. Will not negatively impact the neighborhood by intrusion of noise, glare, odor, or other adverse effects.

Id.

The **county** board voted to deny the **CUP** based on its conflict with the rural retail tourism use, specifically the small-scale/low-impact requirement and the impact it will have on the neighborhood "by intrusion of noise, glare, odor, or other adverse effects." The **county** board relied on the criteria enumerated in the **county** zoning ordinances and thereby provided legally sufficient reasons for denying the **CUP**.¹

¹ **August** also challenges the **county** board's consideration of his application under the "rural retail tourism" criteria. The June 12, 2014 notes from a zoning department staff member state that a staff member discussed with **August** the option of proceeding with his **CUP** application as a "hybrid—commercial outdoor recreation processed as a rural retail tourism so as to emphasize the tourism draw—out of town visitors etc." Furthermore, in a June 12, 2014 letter sent by **August** to the zoning department, **August** explained how the **CUP** would contribute to the purpose of rural retail tourism. In this letter, **August** noted that existing nearby properties would be adversely affected by noise. Thus, the **county** board's reliance on the rural retail tourism criteria should not come as a surprise to **August**.

B.

August also contends that the denial of his **CUP** lacks a factual basis because the noise created by the mounted **shooting** does not rise above the sound pressure levels promulgated by the MPCA and that the **county** board erroneously considered neighborhood comments.

1. Noise levels

¹⁸¹ We note that our discussion of the noise decibel limits is in the context of a conditional-use application. The use at issue is not one permitted by the **county's** zoning ordinances. **August** contends that the **county** board cannot consider the effects of noise unless the noise meets or exceeds the controlling noise standards as determined by the responsible government entity. We disagree for the following reasons.

First, a plain reading of section 7.05 does not suggest, as **August** contends, that it is in conflict with the MPCA regulations. Section 7.05 of the **county's** zoning ordinances provides:

Noise and vibrations generated from any use shall be in compliance with Minnesota Pollution Control Agency rules. Any use established shall be so operated that no undue or objectionable noise resulting from said use is transmitted beyond the boundaries of that plat line of the site on which such use is *747 located. This standard shall not apply to incidental traffic, parking, loading, construction, or temporary maintenance operations.

Any use creating periodic earth-shaking vibration shall be prohibited if such vibrations are perceptible to persons beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

CCO § 7.05 (2008). Minnesota Statutes section 116.07, subdivision 2(c) (2014), requires that "[n]o local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the Pollution Control Agency." Because section 7.05 requires that the noise generated from "any use" shall comply with the MPCA's noise standards, we fail to see how the **county** ordinance is in conflict with Minn.Stat. § 116.07, subd. 2(c).² The **county** ordinance does not establish more stringent noise standards.

² We note that the legislature has exempted "skeet, trap or **shooting** sports clubs" from any "standards adopted by any state agency for limiting levels of noise in terms of sound pressure which may occur in the outdoor atmosphere." Minn.Stat. § 116.07, subd. 2a (2014). Thus, **August's** reliance on rule 7030.0040 of the Minnesota Administrative Rules is not persuasive. Moreover, rule 7030.0040 provides that "these standards do not, by themselves, identify the limiting levels of impulsive noise." Impulsive noise is defined

as "either a single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks (with either rise times less than 200 milliseconds or total duration less than 200 milliseconds) spaced at least by 200 millisecond pauses." Minn. R. 7030.0020, subp. 6 (2013). The noise created by mounted **shooting** would presumably qualify as "impulsive noise."

Furthermore, section 7.05 does not establish noise standards different from those promulgated by the MPCA. Rather, the zoning ordinances require that a **CUP** applicant demonstrate that the noise created by the proposed use will not adversely affect neighboring properties, and the rural retail tourism sections require that the use will not impact the neighborhood by intrusion of noise. Accordingly, section 7.05 is not in conflict with the MPCA noise standards, as it does not define any decibel limits for noise considerations.

Second, **August's** argument, in essence, urges this court to adopt, as a matter of law, the proposition that a governing body can consider the effect noise will have on surrounding properties *only if* the noise level surpasses the sound level limits promulgated by the MPCA. Not only did our research reveal no caselaw supporting this proposition but, under our statutory scheme, this proposed rule could place a governing body or property owner at risk for a Minnesota Environmental Rights Act (MERA), Minn.Stat. §§ 116B.01–.13 (2014), violation. *See, e.g., State by Drabik v. Martz*, 451 N.W.2d 893, 896–97 (Minn.App.1990) (upholding temporary injunction under MERA prohibiting certain conduct despite the **county's** prior grant of a **CUP** allowing conduct); *McGuire v. Cnty. of Scott*, 525 N.W.2d 583, 584 (Minn.App.1994) (distinguishing between MERA violations based on enumerated government standards and those based on a general material adverse effect on the environment when homeowner brought MERA claim against the **county** for a highway's violation of the noise pollution rules issued by MPCA); *see* Minn.Stat. § 116B.04 (2014) (requiring that a potential MERA claimant show that the defendant's conduct violates or is likely to violate "any environmental quality standard").

MERA permits any person to maintain a civil action for declaratory or equitable relief against another person "for the protection *748 of the air, water, land, or other natural resources located within the state, whether publicly or privately owned, from pollution, impairment, or destruction." Minn.Stat. § 116B.03, subd. 1. "Pollution, impairment or destruction is any conduct by any person which violates, or is likely to violate, any environmental quality standard, [or] limitation...." Minn.Stat. § 116B.02,

subd. 5. Under MERA, the statutory definition of "person" includes "any natural person, any state, municipality or other governmental or political subdivision or other public agency or instrumentality." *Id.*, subd. 2. And the statutory definition of "natural resources" includes "quietude." *Id.*, subd. 4. Consequently, if a government entity could only consider noise from a proposed use that meets or exceeds the limits enumerated in the administrative rules or statutes then the entity could, by definition, only consider noise levels that establish a prima facie MERA violation. *See Minn. Pub. Interest Research Grp. v. White Bear Rod & Gun Club*, 257 N.W.2d 762, 768 (Minn.1977) (considering noise levels in the context of establishing a prima facie MERA violation even when the MPCA had not issued a standard regulating noise for skeet **shooting**); *Citizens for a Safe Grant v. Lone Oak Sportsmen's Club, Inc.*, 624 N.W.2d 796, 806 (Minn.App.2001) ("But the legislature did not exempt **shooting** sports clubs from MERA claims, only from MPCA's regulatory authority.").

Next, **August** cites to Minn.Stat. § 87A.05 (2014) and asserts, without a cite to the record, that the noise from the mounted **shooting** would fall within the levels allowed by statute for **shooting** ranges. *See* Minn. R. Civ.App. P. 128.02(c) (requiring that each factual assertion be supported by a cite to the record). Upon reviewing the record, we could find nothing in it specifying the actual decibel level of the noise created by the mounted **shooting** events. The **county** zoning staff report stated that it estimated that noise from the property would not exceed the MPCA decibel limits, but the report did not confirm that noise level was measured in accordance with the statutory and administrative rules' guidelines. *See* Minn.Stat. § 87A.05 ("The noise level shall be measured outside of the range property at the location of the receiver's activity according to Minnesota Rules, parts 7030.0010 to 7030.0080.").

2. Citizen observations

^[9] Next, **August** argues that the denial of his **CUP** lacked a factual basis because the **county** board erroneously relied on citizen evaluations and concerns. The **county** maintains that the **county** board is not limited to expert testimony in making a decision and can rely on observations by individuals. We agree.

August relies on *Scott Cnty. Lumber Co. v. City of Shakopee*, 417 N.W.2d 721, 727 (Minn.App.1988), to support his proposition that the **county** board should not have relied on public comment but, instead, only relied on

the zoning department's staff report. In *Scott Cnty. Lumber Co.*, the city council voted to deny a **CUP** to extract gravel from a 130-acre tract of land. *Id.* at 722. The **CUP** applicant met the 12 criteria laid out in the city's zoning code. *Id.* at 727. Additionally, it was "uncontroverted" that the applicant agreed to comply with 20 additional conditions imposed by the city, and multiple different experts testified that the conditions would mitigate "any environmental impacts in the form of noise, dust and water pollution and prevented traffic hazards." *Id.* Experts conducted environmental assessments and sound tests, and these tests supported granting the **CUP**. *Id.* at 722. Experts, landowners, city council members, and the *749 city appraiser all testified at the district court. *Id.* at 722–26.

In reviewing the city's denial, this court first determined that the **CUP** applicant fully complied with all the specified standards in the city code in addition to the 20 additional requirements. *Id.* at 727. Testimony from engineers, a city planner, a soil scientist, and an environmental geologist recommended granting the **CUP**. *Id.* The neighboring landowners' testimony expressed their personal opinions regarding the effect of the gravel operation and provided no expert opinion to support their opinions. *Id.* at 728.

In concluding that the city council's denial of the **CUP** was arbitrary, we explained that "[c]ommunity opposition to a landowner's desire to use his property for a particular purpose is not a legally sufficient reason for denying a conditional use permit," and that the denial must "be based on something more concrete." *Id.* at 728; see *C.R. Investments, Inc. v. Vill. of Shoreview*, 304 N.W.2d 320, 325 (Minn.1981) (stating that neighbors' objections to conditional-use permit application must be based on more than conjecture or speculation); *Yang*, 660 N.W.2d at 833 (finding neighbors' anecdotal comments insufficient when they contained no detail as to how the cars they witnessed may affect traffic circulation). Ultimately, the *Scott Cnty. Lumber Co.* court found that the neighbors' testimony was preferred over the experts' testimony without any adequate supporting reasons and granted the **CUP**. 417 N.W.2d at 728. Moreover, it was uncontroverted that the **CUP** applicant agreed to comply with the 20 additional conditions imposed by the city to minimize the environmental impact of the project. *Id.* at 727–28.

¹⁰¹ Unlike the neighbors' testimony in *Scott Cnty. Lumber Co.*, a municipal entity may consider neighborhood opposition when it is based on something more concrete than non-specific neighborhood opposition. See *Roselawn Cemetery v. City of Roseville*, 689 N.W.2d 254, 260

(Minn.App.2004) ("A city council is free to disregard an expert's opinion when it is presented with conflicting non-experts' opinions, including those of area residents, so long as the reasons are concrete and based on observations, not merely on fear or speculation."); *SuperAmerica Grp., Inc. v. City of Little Canada*, 539 N.W.2d 264, 267 (Minn.App.1995) (listing cases involving preference for non-expert, landowners' opinions over expert opinions), *review denied* (Minn. Jan. 5, 1996). In contrast to *Scott Cnty. Lumber Co.*, in *RDNT, LLC*, the supreme court determined that the city's consideration of "detailed factual complaints from the neighborhood," in addition to traffic studies and engineer testimony stating that traffic would increase, provided a sufficient factual basis to determine that the increase in traffic would harm or injure the neighborhood, public health, safety, and welfare. 861 N.W.2d at 77. The **CUP** applicant argued that the city had no factual basis to deny the application because the streets were not near capacity as acknowledged by the city's engineer and a consulting group. *Id.* at 76. In upholding the denial of the **CUP**, the supreme court noted that "the City determined that street capacity alone was not dispositive as to whether an increase in traffic injures the neighborhood or otherwise harms the public health, safety, and welfare." *Id.* at 77.

Here, it is uncontested that the proposed use of the property will result in noise audible by all neighboring properties. The neighborhood opposition to the mounted **shooting** was based on neighboring residents' personal experiences with the resulting noise and increase in traffic caused by the mounted **shooting** events. *750 In 2008, **August** built the arena on his 20-acre tract of property less than 500 feet from neighboring homes. Without obtaining a **CUP**, **August** has hosted mounted **shooting** competitions since 2011. Residents of the neighboring properties described their personal experiences with the noise caused by 1,500 to 2,000 of fired rounds per weekend. Accordingly, the observations and comments are not speculative, and the **county** board properly relied on these statements in its determination.

¹¹¹ Furthermore, members of the planning commission visited the property and heard, firsthand, the noise caused by the mounted **shooting** events and relied on these observations when making their recommendation. In sum, the **county** board reasonably relied on the landowners' concerns and planning commission members' observations and therefore had a sufficient factual basis to determine that the increase in noise would adversely affect the neighborhood. Thus, the **county** board's decision to deny the **CUP** was not unreasonable, arbitrary, or capricious.

II.

August, on appeal, contends that he is entitled to attorney fees under Minn.Stat. § 549.211 (2014). Rule 139.06, subdivision 1, of the Minnesota Rules of Civil Appellate Procedure requires a party seeking attorney fees to submit a motion for the requested fees under rule 127. In addition to a separate motion, the rule mandates that the motion for fees “must include sufficient documentation to enable the appellate court to determine the appropriate amount of fees.” Minn. R. Civ.App. P. 139.06, subd. 1. Here, **August** did not file a motion for attorney fees nor did he provide the court with an appropriate calculation of his fees. Accordingly, an award of attorney fees is not appropriate here. See *Johnson v. Johnson*, 627 N.W.2d 359, 364–65 (Minn.App.2001) (declining to award a party attorney fees when party did not request fees by motion).

DECISION

Because the **county** board did not err in considering noise that did not reach the decibel levels promulgated by the MPCA, and its decision was supported by a sufficient factual basis, its denial of **August's CUP** was not unreasonable, arbitrary, or capricious.

Affirmed.

All Citations

868 N.W.2d 741

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Chisago County Request For Board Action

Meeting Date: March 16, 2022	Item Number: 10
Title of Item for Consideration: Wild Mountain Properties Conditional Use Permit Amendment(s) and Recreational Camping Expansion	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Zoning - on behalf of the Chisago County Planning Commission
Previous Action on this Matter: In 2010, the property was approved for a CUP to operate a winery known as Wild Mountain Winery; in 2018 an amendment was approved to allow for a gathering venue and microbrewery; and in April 2021 an amendment was approved adjusting permit conditions and uses and allowing 13 recreational campsites. At their meeting of February 3, 2022, the Planning Commission conducted the requisite public hearing for the current Amendment request and voted 7-0 to recommend extending the review period an additional 60 days. The Commission expressed a need to address several concerns and develop additional recommendations / conditions of approval. Areas of Commission consideration included: hours of operation for each use, increased staffing / monitoring of the campground, potential of removing campsites, installation of privacy fencing along the western property boundary, and confirming whether any complaints have been received regarding the subject site. On February 16, 2022, the County Board extended the review period not to exceed April 28, 2022.	
Background: Andrew and Mark Olson of Wild Mountain Properties, LLC are requesting Amendments to conditions on an existing Rural Retail Tourism/Commercial Recreation Conditional Use Permit and to increase the number of Recreational Camping sites from 13 to 30. The subject property is located at 16906 Wild Mountain Road, Amador Township, PID#01.00096.00. At their meeting of March 3, 2022, the Planning Commission further considered this request and voting 6-1 provided recommended findings and conditions of approval in the attached draft resolution for the Board. Pursuant to Minnesota Statute, the current 60-day agency action deadline is April 28, 2022. Among the options for the County Board at tonight's meeting are the following: 1. Approve the CUP amendment, as recommended and with the Findings and Conditions prepared by the Planning Commission and carried forward by County ESD staff; 2. Approve the CUP amendment request, generally as outlined in the Staff Analysis and Report, but with modified Conditions and Resolution of Approval as determined and approved by the County Board at tonight's meeting (to be codified as part of the formal CUP approval); 3. The County Board may further deliberate and continue review of this request taking action no later than the extended 120 day review period ending April 28, 2022. 4. The County Board may deny the CUP amendment request 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 120-day period. 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.

Attachment(s):

- Draft Resolution of Approval #22/0316-03 w/recommended findings and conditions of the Planning Commission
- March 3, Planning Commission Minutes
- March 3, 2022 Planning Commission Staff Report & Hearing Packet

Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the March 3, 2022 Chisago County Planning Commission recommendation to approve the Wild Mountain Winery Conditional Use Permit Recreational Camping Amendment. The suggested motion to approve this action is as follows:

“Move to approve Resolution 22/0316-03, A Resolution of the County Board of Commissioners of Chisago County, Minnesota, Approving the Wild Mountain Properties Conditional Use Permit Amendment application at 16906 Wild Mountain Road, Amador Township, PID#01.00096.00 with findings and Conditions as recommended by the Planning Commission.”

Implications of Action: Recommended Board action grants the requested Conditional Use Permit and allows, subject to 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. 22/0316-_____
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 16906 WILD MOUNTAIN ROAD / CSAH 16
IN AMADOR TOWNSHIP

WHEREAS, Wild Mountain Properties, LLC, property owner and applicant, submitted an application dated received December 29, 2021 and considered complete on December 30, 2021 for an Amendment to a Conditional Use Permit allowing a Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (recreational camping area); and

WHEREAS, the original CUP was granted by the Chisago County Board of Commissioners on July 21, 2010 and subsequent Amendments were granted on April 18, 2018 and April 21, 2021; and

WHEREAS, the subject site is located at 16906 Wild Mountain Road / CSAH 16, Amador Township and is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 15.5± deeded acres in size and is legally described as:

PID 01.00096.00

The West Half of the Southeast Quarter (W ½ of SE ¼) of Section 19, Township 35, Range 19, Chisago County, Minnesota, EXEPTING THEREFROM the following parcels:

1. A strip 50 feet wide lying North of the center line of County State Aid Highway 16.
2. South 1089 feet of the West 400 feet of W ½ of SE ¼, Section 19, Township 35, Range 19.
3. The South 1089 feet of the East 300 feet of the West Half of the Southeast Quarter of Section 19, Township 35, Range 19, Chisago County, Minnesota, and that part of said West Half of the Southeast Quarter lying north of the South 1089 feet thereof, except a strip of land 50 feet in width lying north and adjacent to the center line of County State Aid Highway No. 16 (also known as Wild Mountain Road).

WHEREAS, notice was provided and on February 3, 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, at its February 16, 2022 meeting the County Board extended the review period an additional 60 days as requested by the Planning Commission, expiring on April 29, 2022, to allow evaluation and further review of concerns identified by the Planning Commission at its February 3, 2022 meeting; and

WHEREAS, the Planning Commission continued discussion about the application at its March 3, 2022 meeting and recommended approval of the Conditional Use Permit Amendment with Findings of Fact and conditions per Resolution No. PC2022-0303; and

WHEREAS, the Board of Commissioners considered the application and the Planning Commission's recommendation at its March 16, 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 proposed CUP Amendment 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 develop in such a manner as to cause the least disturbance to woodland ecosystems (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

The County finds that the proposed Rural Retail Tourism and Commercial Recreation Area uses will not create any demand on existing parks, schools, streets, 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 heavy forestation on the subject property, the large size of most of the neighboring parcels and the relative lack of development in the immediate area, 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. Thirteen of the campsites are located in a heavily forested area, offering screening from the adjacent property / property owner, and all other campsites are located in the northern and southern vineyard areas and are generally adjacent to undeveloped

agricultural land. In addition to the heavy forestation, the County is requiring the installation of a privacy fence between the campsites located adjacent to the western property boundary and the western property boundary itself to reduce or eliminate negative impacts to the neighboring property / property owners.

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 Rural Retail Tourism use (winery and gathering venue) is conducted within a structure found to have no adverse appearance effect on adjacent properties. The proposed Commercial Recreation Area use (Recreational Camping Area) is largely screened by forestation or distance from the western and southern property boundaries. Those campsites located adjacent to the northern and eastern property boundaries are situated adjacent to agricultural land.

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 Area 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 an increase in traffic on Wild Mountain Road / CSAH 16 as guests arrive and depart from the Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (campground) uses. However, the County Engineer was given the opportunity to review the proposed use and did not request any additional roadway improvements (i.e. turn lanes). Further, the County Engineer did not note that traffic levels, hazard or congestion were matters of concern with this application.

Factor #8

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

Finding #8

Of the adverse impacts identified in Factor #8, the County believes that noise associated with the Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (campground) may be a concern to nearby properties / property owners. The property immediately west, which is a 9½-acre property developed with a single family home, is the most likely to experience any impacts that may be generated by the intensification of use at the subject site. However, the majority of campsites located near the western property boundary are situated in a heavily forested area as is the single family home on the neighboring property. It is believed that the forestation will provide a visual and sound buffer. To address noise concerns, the County is requiring, as a condition of this CUP, the observance of quiet hours from 11:00 p.m. to 7 a.m. In addition, the County is requiring the installation of a privacy fence between the campsites located adjacent to the western property boundary and the western property boundary itself to reduce or eliminate adverse impacts to the neighboring property / property owners.

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

1. This Conditional Use Permit amends the Conditional Use Permits granted by the Chisago County Board of Commissioners on July 21, 2010 (original CUP), April 18, 2018 (Amendment #1) and April 21, 2021 (Amendment #2) granting approval of Rural Retail Tourism and Commercial Recreation Area uses in the AG District. The specific uses allowed under this CUP include a winery and gathering venue (to include specific uses such as wine tastings, weddings, general gatherings, and other social or corporate activities) and a Recreational Camping Area. This CUP does not include approval of a Microbrewery, as had been approved in 2018. The conditions contained in this CUP supersede all previously approved conditions on the dates provided above.
2. The property shall be developed and used in accordance with the site plan and written narrative stamp dated received February 8, 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.
3. This CUP shall allow year-round use of the property for Rural Retail Tourism purposes (winery and gathering venue) subject to the following hours of operation: Mondays – Thursdays 12:00-7:00 pm, Fridays 2:00-9:00 pm, Saturdays 12:00-9:00 pm, and Sundays 12:00-6:00 pm.
4. Any toxic substances generated from the Rural Retail Tourism use (winery) must be handled in accordance with MPCA standards.
5. The property is limited to a maximum of 30 campsites, including 23 single tent sites, two (2) group sites, and five (5) pop-up camper sites. No water or sewer hook-ups shall be permitted. The property owner shall be allowed to increase the current number of campsites from 13 to 20 immediately, based on current design of the septic system, and shall only be allowed to increase the number of campsites

from 20 to 30 if septic system monitoring is conducted one week prior to July 4 and one week following July 4, including daily water meter readings, and favorable analysis is provided by a certified service provider to the Chisago County Department of Environmental Services.

6. This CUP shall allow seasonal camping, as a Commercial Recreation Area, seven days a week May 1st through October 31st.
7. The Commercial Recreation Area (campground) shall be staffed at all times when campers are present. The campground shall be staffed as follows: 1-10 occupied campsites = 1 staff; 11-20 occupied campsites = 2 staff; 21-30 occupied campsites = 3 staff).
8. Campsites along the north and east property lines shall not be located closer than 20 feet to the property line. Further, the Commercial Recreation Area is subject to all Minnesota Department of Health setback, spacing and size requirements. When the County's setback requirements are more restrictive than the State's, the County's setbacks shall supersede.
9. The Commercial Recreation Area (campground) must adhere to the strict observance of quiet hours from 11:00 pm to 7:00 am.
10. The "Wild Vines Campground Policies", stamp dated received January 25, 2022 or as amended from time to time and provided to Chisago County Department of Environmental Services, shall be made a condition of approval. Said amended Policies shall remain sufficiently consistent as or more restrictive than the January 25, 2022 Policies.
11. The property owner shall maintain the existing landscape (trees and shrubbery) along the western, northern and eastern property boundaries at its existing screening value and replace said landscape at its existing screening value if it dies or becomes damaged. If at some point the landscape cannot be maintained or replaced by other vegetation, the property owner may install a privacy fence with an equivalent screening value in those areas where there is no longer landscape.
12. All utilities for the Recreational Camping Area must be located underground and there shall be no overhead wires or supporting poles except those essential for lighting purposes.
13. Noise generated from any Rural Retail Tourism and/or Commercial Recreation Area use, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries.
14. The maximum number of customers / guests for all uses combined, including Rural Retail Tourism and Commercial Recreation Area, shall not exceed 300 at any given time.
15. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.
16. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
17. All food preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
18. All liquor service shall comply with all applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.
19. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.
20. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.

21. 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.
22. The property owner must notify the Chisago County Department of Environmental Services annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval.

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

IN FAVOR THEREOF:

OPPOSED:

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

Approved: March 16, 2022

Rick Greene
Chair, Board of Commissioners

ATTEST: _____
Christina Vollrath
Clerk of the Board



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Amendment to Conditional Use Permit for Rural Retail Tourism and Commercial Recreation Area
 16906 Wild Mountain Road / CSAH 16, Amador Township
 DATE: March 3, 2022

ACTION TO CONSIDER

The Planning Commission will continue its review of a Conditional Use Permit (CUP) Amendment allowing Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (Recreational Camping Area) in the Agricultural (AG) District. The property owner is requesting the Amendment in order to increase the number of recreational campsites from 13 up to 30 as well as Amendments to other conditions previously approved.

SITE & APPLICATION INFORMATION

Applicant(s):	Wild Mountain Properties, LLC
Property Owner(s):	Wild Mountain Properties, LLC
Location:	16906 Wild Mountain Road / CSAH 16 Amador Township Section 19, Township 035, Range 019
PID:	01.00096.00
Property Area:	14.68 GIS Acres / 15.50 Deed Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Complete:	December 30, 2021
60-Day Review Period:	February 28, 2022
Extended Review Period:	April 29, 2022



BACKGROUND & SITE ANALYSIS

Andrew Olson and Mark Olson, officers of Wild Mountain Properties, LLC, have applied for a Conditional Use Permit (CUP) Amendment in order to increase the number of recreational campsites from 13 up to 30, as well as Amendments to other conditions previously approved, on property located at 16906 Wild Mountain Road. 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.

The Planning Commission conducted the requisite public hearing on February 3, 2022 and, after a lengthy discussion, recommended that the County Board extend the review period to allow for evaluation and review of concerns identified by the Commission during the February 3rd meeting and to develop additional recommendations as requested by the Commission; and, to allow the Planning Commission to consider the application with the additional information. The specific concerns identified by the Commission included: hours of operation for each use, increased staffing / monitoring of the campground, potential of removing campsites 1, 3, 5, 7 and 9, installation of privacy fencing along the western property boundary, and confirming whether the Department of Environmental Services has received any complaints regarding the subject site. As recommended, the County Board extended the review period which now expires on April 29, 2022.

The staff report prepared for the February 3rd Planning Commission meeting is attached for reference, as well as the corresponding meeting minutes and amended draft resolution recommending approval of the CUP Amendment. In addition, the applicant submitted additional information following the February 3rd public hearing to help address concerns identified by the Planning Commission (attached).

EVALUATION OF CONCERNS

Hours of Operation – The existing CUP allows year-round use of the property as a gathering venue (winery, Rural Retail Tourism) Friday – Sunday, 12:00 – 11:00 pm and the campground is allowed to host campers Friday – Sunday (see existing conditions nos. 2 and 15 on page 3 of the February 3rd staff report). The February 3rd draft resolution included Rural Retail Tourism hours of 12:00 – 11:00 pm seven days a week and no limit on camping from May 1st through October 31st.

The applicant's February 8th updated written narrative provides clarification and refinement on the hours of operation in the form of current and proposed hours of operation for the Rural Retail Tourism (winery) and Commercial Recreation Area (campground) uses as follows:

Winery (Gift Shop & Tasting Room)

Current

Fridays 2:00 – 7:00 pm
Saturdays 12:00 – 7:00 pm
Sundays 12:00 – 6:00 pm
No current hours during the week

Proposed

Fridays 2:00 – 9:00 pm
Saturdays 12:00 – 9:00 pm
Sundays 12:00 – 6:00 pm
Mondays – Thursdays 12:00 – 7:00 pm

Campground

Current

Fridays – Check-In at 2:00 pm
Saturdays – Check-In at 12:00 pm
Check-Out by 11:00 am

Proposed

Fridays – Check-In at 2:00 pm
Saturdays – Thursdays – Check-In at 12:00 pm
Check-Out by 11:00 am

Being that the applicants have provided more refined hours of operation for the winery, staff has incorporated these hours into the attached draft Resolution No. PC2022-0303. The draft resolution, similar to the February 3rd draft resolution, includes a condition allowing camping seven days a week from May 1st through October 31st.

PROPOSED CONDITIONS:

3. This CUP shall allow year-round use of the property for Rural Retail Tourism purposes (winery and gathering venue) ~~seven days a week from 12:00 p.m. to 11:00 p.m.~~ subject to the following hours of

operation: Mondays – Thursdays 12:00-7:00 pm, Fridays 2:00-9:00 pm, Saturdays 12:00-9:00 pm, and Sundays 12:00-6:00 pm.

6. This CUP shall allow seasonal camping, as a Commercial Recreation Area, seven days a week May 1st through October 31st.

Increased Staffing / Monitoring of the Campground – The existing CUP does not include a condition pertaining to staffing or monitoring of the campground. The applicant's February 8th updated written narrative explains in Section 4. Capacity Concerns that co-owner Mark Olson and/or family members are always on site when there are campground guests. And, it appears, that staffing is increased as the number of campers increases. In effort to address the Commission's staffing concern and for discussion purposes, staff has incorporated a proposed condition of approval requiring that at least one staff member be present at all times for every 10 occupied campsites or fraction thereof (i.e., 1-10 occupied campsites = 1 staff; 11-20 occupied campsites = 2 staff; 21-30 occupied campsites = 3 staff).

PROPOSED CONDITION:

7. The Commercial Recreation Area (campground) shall be staffed at all times when campers are present. The campground shall be staffed as follows: 1-10 occupied campsites = 1 staff; 11-20 occupied campsites = 2 staff; 21-30 occupied campsites = 3 staff).

Potential of Removing Campsites – The applicant's February 8th updated written narrative details and the site plan shows the reconfiguration of campsites in effort to address concerns about the impact of campsites to the neighboring property / property owners. The updated site plan still shows a total of 30 campsites, but the three that were numbered 5, 7 and 9 on the February 3, 2022 site plan have been relocated northerly and easterly. The February 8th narrative explains that, with the reconfiguration, the campsite closest to the westerly neighboring house will be 300' away.

Staff believes that the campsite reconfiguration helps alleviate potential impacts to the neighboring property / property owners; however, given the limited scope of the site plan, we can't determine the exact distance between campsites 4 and 6 (on the February 8th site plan) to the westerly property boundary. Overall, staff believes the proposed reconfiguration is positive and recommends that the Planning Commission, if it chooses to recommend approval of the CUP Amendment, makes its recommendation based on the February 8th site plan. Staff does note the February 8th site plan continues to show five campsites in close proximity to the westerly property boundary and the Commission may wish to further review and discuss privacy fencing and/or campsite reconfiguration (more discussion on privacy fencing below).

PROPOSED CONDITION:

2. The property shall be developed and used in accordance with the site plan and written narrative stamp dated received ~~January 25, 2022~~ February 8, 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.

Installation of Privacy Fence – The Commission briefly discussed on February 3rd the installation of a privacy fence on the west property boundary to address potential impacts to the neighboring property / property owners. The applicant's February 8th written narrative explains in Section 6. Proposal that the reconfiguration of campsites negates the need for a sound barrier or privacy fencing. The narrative adds

that there is currently a 150' wire fence on the property boundary to serve as a physical barrier, in addition to a yellow rope that runs the length of the property from the southern property boundary to the northern vineyard. The existing CUP (approved in April 2021) includes the following condition: *More permanent property boundary marker, signs, or posts shall be placed as a barrier in place of the yellow tape in the vicinity of campsites 1, 3, 5 and 6* (Note: Campsite numbering based on April 2021 CUP Amendment site plan). Staff acknowledges that the wire fence and rope may create awareness of the property boundary, but we don't agree that these measures negate the need or purpose of a sound barrier or privacy fence discussion. Again, the Commission may wish to discuss and/or recommend installation of privacy fencing. Staff has included a proposed condition of approval in the attached draft resolution for the Commission's consideration.

PROPOSED CONDITION:

11. The property owner shall install and continuously maintain in good repair ~~permanent property boundary identification, such as permanent fencing and signage,~~ a contiguous privacy fence between all campsites located adjacent to the western property boundary (identified on the site plan as campsites nos. ~~15, 1, 3, 5, 7 and 9~~ 21, 1, 4 and 6) and the western property boundary itself. The fence shall be a minimum of 6' in height and shall be board on board construction or other construction as approved by the Zoning Administrator. Additionally, the property owner shall install and continuously maintain in good repair permanent property boundary identification, such as fencing or landscaping, between all campsites located adjacent to the northern and eastern property boundaries (identified on the site plan as campsites nos. ~~14, 12, 20, 19, 24 and 23~~ 20, 19, 24, 18, 17, 16, 15, 26 and 25) and the northern and eastern property boundaries themselves.

Complaints Against the Subject Site – The County's Code Enforcement Officer has confirmed that the Department of Environmental Services has not received any complaints involving 16906 Wild Mountain Road.

In addition to the concerns identified by the Planning Commission on February 3rd, the applicant's February 8th written narrative provides detail on a number of other topics discussed at the February 3rd meeting, including dogs, weddings and dances, and noise. With the exception of deleting "dances" from the proposed conditions of approval and aside from the modified conditions provided above, staff did not modify any other draft / proposed conditions based on the February 8th written narrative. If the Commission recommends approval of the CUP Amendment, the Commission has the ability to modify staff's proposed conditions or recommend other conditions as desired.

FINDINGS OF FACT

The attached draft resolution includes proposed Findings of Fact for the Commission's consideration. The findings are very similar to the findings presented at the February 3rd meeting, with the exception of modified findings for Factors #3 and #8. The findings and proposed modifications are shown below.

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. The proposed findings are largely based on staff's proposed findings and the County Board's action in April 2021.

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

<i>Finding #1</i>	<i>The proposed CUP Amendment 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> <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 develop in such a manner as to cause the least disturbance to woodland ecosystems (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>
<i>Factor #2</i>	<i>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;</i>
<i>Finding #2</i>	<i>The County finds that the proposed Rural Retail Tourism and Commercial Recreation Area uses will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site.</i>
<i>Factor #3</i>	<i>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;</i>
<i>Finding #3</i>	<i>Given the heavy forestation on the subject property, the large size of most of the neighboring parcels and the relative lack of development in the immediate area, 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. Thirteen of the campsites are located in a heavily forested area, offering screening from the adjacent property / property owner, and all other campsites are located in the northern and southern vineyard areas and are generally adjacent to undeveloped agricultural land. <u>In addition to the heavy forestation, the County is requiring the installation of a privacy fence between the campsites located adjacent to the western property boundary and the western property boundary itself to reduce or eliminate negative impacts to the neighboring property / property owners.</u></i>
<i>Factor #4</i>	<i>The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;</i>
<i>Finding #4</i>	<i>The proposed Rural Retail Tourism use (winery and gathering venue) is conducted within a structure found to have no adverse appearance effect on adjacent properties. The proposed Commercial Recreation Area use (Recreational Camping Area) is largely</i>

screened by forestation or distance from the western and southern property boundaries. Those campsites located adjacent to the northern and eastern property boundaries are situated adjacent to agricultural land.

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 Rural Retail Tourism and Commercial Recreation Area 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:</i> <i>• Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.</i> <i>• 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.</i> <i>• Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.</i> <i>• Provide opportunities for new economic growth through Rural Retail Tourism businesses.</i> <i>• 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.</i> <i>• 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.</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 an increase in traffic on Wild Mountain Road / CSAH 16 as guests arrive and depart from the Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (campground) uses. However, the County Engineer was given the opportunity to review the proposed use and did not request any additional roadway improvements (i.e. turn lanes). Further, the County Engineer did not note that traffic levels, hazard or congestion were matters of concern with this application.</i>
Factor #8	The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
Finding #8	<i>Of the adverse impacts identified in Factor #8, the County believes that noise associated with the Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (campground) may be a concern to nearby properties / property owners. The property immediately west, which is a 9½-acre property developed with a single family home, is the most likely to experience any impacts that may be generated by the</i>

intensification of use at the subject site. However, the majority of campsites located near the western property boundary are situated in a heavily forested area as is the single family home on the neighboring property. It is believed that the forestation will provide a visual and sound buffer. To address noise concerns, the County is requiring, as a condition of this CUP, the observance of quiet hours from 11:00 p.m. to 7 a.m. In addition, the County is requiring the installation of a privacy fence between the campsites located adjacent to the western property boundary and the western property boundary itself to reduce or eliminate adverse impacts to the neighboring property / property owners.

STAFF RECOMMENDATION

Although staff has expressed caution with the overall potential increase in number of campers (estimated capacity increase of 68 to 200) and the property owner's / County's ability to monitor and enforce the overall maximum number of customers / guests at 300, staff believes that the proposed Rural Retail Tourism and Commercial Recreation Area uses comply with and are consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. To be clear, the property owner is not proposing an increase to the overall capacity of the subject site, but there may be greater impact to the northern and eastern property boundaries with the installation of new campsites in these areas.

Ultimately, 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, additional staff proposed adjustments in an effort to cleanly incorporate all approved land uses, provide clarification and provide measures for reducing potential impacts to adjacent properties / property owners, and measures to address concerns identified by the Commission. For clarification purposes, 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. Please note that the conditions and campsite numbering are based on the February 8th site plan.

Recommended Condition(s):

1. This Conditional Use Permit amends the Conditional Use Permits granted by the Chisago County Board of Commissioners on July 21, 2010 (original CUP), April 18, 2018 (Amendment #1) and April 21, 2021 (Amendment #2) granting approval of Rural Retail Tourism and Commercial Recreation Area uses in the AG District. The specific uses allowed under this CUP include a winery and gathering venue (to include specific uses such as wine tastings, weddings, general gatherings, and other social or corporate activities) and a Recreational Camping Area. This CUP does not include approval of a Microbrewery, as had been approved in 2018. The conditions contained in this CUP supersede all previously approved conditions on the dates provided above.
2. The property shall be developed and used in accordance with the site plan and written narrative stamp dated received February 8, 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.
3. This CUP shall allow year-round use of the property for Rural Retail Tourism purposes (winery and gathering venue) subject to the following hours of operation: Mondays – Thursdays 12:00-7:00 pm, Fridays 2:00-9:00 pm, Saturdays 12:00-9:00 pm, and Sundays 12:00-6:00 pm.
4. Any toxic substances generated from the Rural Retail Tourism use (winery) must be handled in

accordance with MPCA standards.

5. The property is limited to a maximum of 30 campsites, including 23 single tent sites, two (2) group sites, and five (5) pop-up camper sites. No water or sewer hook-ups shall be permitted. The property owner shall be allowed to increase the current number of campsites from 13 to 20 immediately, based on current design of the septic system, and shall only be allowed to increase the number of campsites from 20 to 30 if septic system monitoring is conducted one week prior to July 4 and one week following July 4, including daily water meter readings, and favorable analysis is provided by a certified service provider to the Chisago County Department of Environmental Services.
6. This CUP shall allow seasonal camping, as a Commercial Recreation Area, seven days a week May 1st through October 31st.
7. The Commercial Recreation Area (campground) shall be staffed at all times when campers are present. The campground shall be staffed as follows: 1-10 occupied campsites = 1 staff; 11-20 occupied campsites = 2 staff; 21-30 occupied campsites = 3 staff).
8. Campsites along the north and east property lines shall not be located closer than 20 feet to the property line. Further, the Commercial Recreation Area is subject to all Minnesota Department of Health setback, spacing and size requirements. When the County's setback requirements are more restrictive than the State's, the County's setbacks shall supersede.
9. The Commercial Recreation Area (campground) must adhere to the strict observance of quiet hours from 11:00 pm to 7:00 am.
10. The "Wild Vines Campground Policies", stamp dated received January 25, 2022 or as amended from time to time and provided to Chisago County Department of Environmental Services, shall be made a condition of approval. Said amended Policies shall remain sufficiently consistent as or more restrictive than the January 25, 2022 Policies.
11. The property owner shall install and continuously maintain in good repair a contiguous privacy fence between all campsites located adjacent to the western property boundary (identified on the site plan as campsite nos. 21, 1, 4 and 6) and the western property boundary itself. The fence shall be a minimum of 6' in height and shall be board on board construction or other construction as approved by the Zoning Administrator. Additionally, the property owner shall install and continuously maintain in good repair permanent property boundary identification, such as fencing or landscaping, between all campsites located adjacent to the northern and eastern property boundaries (identified on the site plan as campsite nos. 20, 19, 24, 18, 17, 16, 15, 26 and 25) and the northern and eastern property boundaries themselves.
12. All utilities for the Recreational Camping Area must be located underground and there shall be no overhead wires or supporting poles except those essential for lighting purposes.
13. Noise generated from any Rural Retail Tourism and/or Commercial Recreation Area use, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries.
14. The maximum number of customers / guests for all uses combined, including Rural Retail Tourism and Commercial Recreation Area, shall not exceed 300 at any given time.
15. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.

16. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
17. All food preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
18. All liquor service shall comply with all applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.
19. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.
20. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
21. 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.
22. The property owner must notify the Chisago County Department of Environmental Services annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval.

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. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The current extended review period expires on April 29, 2022, allowing for the Planning Commission and County Board to consider and act on the request at their April 7th and April 20th meetings.

ACTION REQUESTED

Motion to adopt Resolution No. PC2022-0303, 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. Staff report prepared for February 3, 2022 Planning Commission Meeting
2. February 3, 2022 Planning Commission meeting minutes (draft)
3. Correspondence from applicant dated February 8, 2022 (updated written narrative and site plan)
4. Draft Resolution No. PC2022-0303

CC: Wild Mountain Properties, LLC, applicant
County File



Staff Report

TO: Planning Commission
 FROM: Beth Thorp, Land Services Coordinator
 SUBJECT: Amendment to Conditional Use Permit for Rural Retail Tourism and Commercial Recreation Area
 16906 Wild Mountain Road / CSAH 16, Amador Township
 DATE: February 3, 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 (winery and gathering venue) and Commercial Recreation Area (Recreational Camping Area) in the Agricultural (AG) District. The property owner is requesting the Amendment in order to increase the number of recreational campsites from 13 up to 30 as well as Amendments to other conditions previously approved.

SITE & APPLICATION INFORMATION

Applicant(s):	Wild Mountain Properties, LLC
Property Owner(s):	Wild Mountain Properties, LLC
Location:	16906 Wild Mountain Road / CSAH 16 Amador Township Section 19, Township 035, Range 019
PID:	01.00096.00
Property Area:	14.68 GIS Acres / 15.50 Deed Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Complete:	December 30, 2021
60-Day Review Period:	February 28, 2022



BACKGROUND & SITE ANALYSIS

Andrew Olson and Mark Olson, officers of Wild Mountain Properties, LLC, have applied for a Conditional Use Permit (CUP) Amendment in order to increase the number of recreational campsites from 13 up to 30, as well as Amendments to other conditions previously approved, on property located at 16906 Wild Mountain Road. 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.

The following is a brief history of the CUP and subsequent Amendments:

Date	Action
July 8, 2010 (Original CUP)	Planning Commission recommended approval of CUP to allow a winery with conditions.
July 21, 2010 (Original CUP)	County Board approved CUP to allow a winery with the following conditions: 1. Days and hours of operation shall be from 10:00 am to 6:00 pm, Monday through Saturday, and from noon to 6:00 pm on Sundays, during the months of May through December. 2. Obtain all other required licenses and approvals from the regulating agencies. 3. Any toxic substances generated shall be handled in accordance with MPCA small business waste generator laws. 4. No large-scale events or tourist attractions shall be offered at the winery without an amendment to this CUP. 5. All applicable Zoning, Building and Septic codes shall be followed during the phased expansion of the winery buildings.
April 5, 2018 (CUP Amendment #1)	Planning Commission recommended approval of CUP Amendment to allow a wedding venue and microbrewery in addition to the winery with conditions.
April 18, 2018 (CUP Amendment #1)	County Board approved CUP Amendment to allow a wedding venue and microbrewery in addition to the winery with the following conditions: 1. This permit will amend the existing Conditional Use Permit for Wild Mountain Winery (issued in 2010) to allow additional rural retail tourism activities on-site, such as weddings, dances, gathering, and other social or corporate activities, and a microbrewery, with associated tastings and activities. 2. This CUP shall allow year-round use of the property as a gathering venue with gathering events allowed Friday through Sunday from 12:00 p.m. to 11:00 p.m. 3. All gathering events that include music that could potentially cross property boundaries shall be conducted indoors, and building doors shall remain closed during music. 4. The maximum attendance at any given event shall be limited to 300 guests. 5. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow. 6. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic. 7. Any new access to the venue shall be approved by Chisago County Public Works prior to construction. 8. All food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations. 9. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements. 10. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance. 11. Minnesota Building Code, SSTs, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP amendment approval shall be considered provisional until such time as these requirements are met. 12. 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.
April 1, 2021 (CUP Amendment #2)	Planning Commission tabled CUP Amendment, requesting that the applicant <i>"rewrite the application narrative explaining previously granted CUPs for the winery and gathering venue land uses and clarifying or removing unnecessary conditions that the Commission is being asked to consider and what land uses will go away and stay, and provide additional detail on campground rules, campground operational plan, alcohol,</i>

	<i>parking and traffic flow, noise control, fencing, and fire / safety protocols and measures taken."</i>
April 21, 2021 (CUP Amendment #2) <i>*red = conditions are proposed by property owner to be amended</i>	County Board approved CUP Amendment to allow recreational camping with the following conditions: 1. This permit will amend the existing Conditional Use Permit for Wild Mountain Winery (issued in 2010 and as amended in 2018) to allow additionally recreational camping in conjunction with winery and rural retail tourism activities on-site, such as weddings, dances, gathering, and other social or corporate activities with associated tastings and activities. <i>(Note: Microbrewery has been removed from listing of approved land uses and is no longer approved)</i> 2. This CUP shall allow year-round use of the property as a gathering venue with gathering events allowed Friday through Sunday from 12:00 p.m. to 11:00 p.m. 3. All gathering events that include music that could potentially cross property boundaries shall be conducted indoors, and building doors shall remain closed during music. 4. The maximum attendance at any given event shall be limited to 232 guests. <i>(Note: Maximum number of attendees at events was reduced from 2018 amendment to address potential capacity of campground – 300-68 = 232.)</i> 5. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow. 6. Previously approved (2018) future construction of a gathering venue and/or microbrewery building that would have eliminated existing parking is no longer proposed, approved, or allowed with this permit pursuant to applicants email of April 13, 2021. Proof of parking plan that demonstrates replacement of parking that would have been disrupted with such building in satisfaction of maximum number of occupants is no longer required. 7. Permittee shall ensure that adequate parking/staging area is maintained to accommodate emergency vehicle/first responder traffic. 8. Any new access to the venue shall be approved by Chisago County Public Works prior to construction. 9. All food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations. 10. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements. 11. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance. 12. Minnesota Building Code, SSTS, and all other relevant codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP amendment approval shall be considered provisional until such time as these requirements are met. 13. The site is limited to a maximum of 13 campsites that are comprised of 11 single tent sites and two (2) group sites. 14. Recreational Camping shall be primitive sites that would allow for tents only. No recreational vehicles, campers, or trailers shall be allowed. 15. Seasonal camping is allowed from May 1st to October 31st with reservations limited to Friday through Sunday. 16. Campsites along the north and east property lines shall not be located closer than 20 feet to the property line. 17. The observance of quiet hours from 11 PM to 7 AM. 18. 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. 19. The permit holder must 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. 20. Wild Vines Campground Policies document provided on April 9, 2021, shall be made a condition of approval with the allowance that updated policies may be provided to the county staff as may be amended from time to time provided said updates remain sufficiently consistent or more restrictive as the originally provided Policies. 21. More permanent property boundary line marker, signs, or posts shall be placed as a barrier in place of the yellow tape in the vicinity of camp sites 1, 3, 5 and 6 on the site plan.
February 3, 2022 (CUP Amendment #3)	Planning Commission conducts public hearing to consider CUP Amendment #3.

The subject site is an approximately 15-acre tract of land located on Wild Mountain Road / CSAH 16 in Amador Township, approximately 1¼ miles northeast of Almelund and one mile south of Wild River State Park. The subject site is located in the AG 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 10+ acres in size. The subject site features a single family dwelling (residence of property owner's parents) and detached garage, an existing 3,130 square foot winery building and tasting room, and two additional storage sheds to the north behind the house. The 2018 CUP Amendment included the construction of a new building; however, that building was not constructed and is no longer proposed to be constructed. The single family dwelling and winery building are approximately 850 feet north of Wild Mountain Road / CSAH 16. There is a two-acre vineyard north of the structures, along the north property line, and a similarly sized vineyard south of the structures extending down to the Wild Mountain Road / CSAH 16. The balance of the property is heavily wooded. The topography of the property is extreme, with significant slopes between the road, the structures, and the northernmost portion of the property. The County's GIS Viewer shows that the contours range from 965' at the southern property boundary to 1011' near the northern property boundary, a difference of nearly 50'.

The current conditions of approval include adherence to a "Wild Vines Campground Policy" (condition no. 20). This policy is attached for the Planning Commission's reference.

PROPOSAL ANALYSIS

Campsites:

The April 2021 CUP Amendment granted approval of 13 campsites, including 11 single-tent sites and two group sites. The attached written narrative explains that the property owner, based on the success of the first season, is requesting the ability to increase the number of campsites to 30. The expanded number of campsites is proposed to include: 23 single-tent sites, 2 group sites, and 5 "pop-up" / pull behind camper sites. The attached site plan shows the existing campsites in white and the proposed campsites in yellow. None of the newly proposed campsites will be located closer to any property boundary than the existing campsites. For reference, the site plan shows that the closest distance from existing and proposed campsites to the eastern property boundary is approximately 45', and the closest distance from a proposed campsite to the northern property boundary is 45' and the western property boundary is 100'. Below is a description of the three types of campsites proposed:

- The single-tent sites (23), which accommodate 4-6 people, are approximately 30' x 30' in size with wood chip base, fire ring, and picnic tables at some sites.
- The group sites (2), which accommodate up to four tents and 12-16 people, measure approximately 50' x 50' in size in the lower vineyard and 50' x 80' in the upper vineyard and have a grass base with fire ring and picnic tables.

- The “pop-up” sites (5), which accommodate a single camper / trailer and 4-6 people, measure approximately 45’ x 45’ with a grass base. The sites include electric hook-ups, fire rings, and picnic tables by request. These sites will not include water or sewer hook-ups.

The campground, as detailed above with 30 campsites, could accommodate a total of 200 people at full capacity. This number is up from 68 people, with 13 campsites, per the existing CUP. The existing CUP limits the maximum attendance at any given Rural Retail Tourism (winery and gathering venue) event to 232 guests so that, at full campground capacity of 68, the total number of customers / guests for all uses does not exceed 300. The property owner is proposing a slight modification to this condition (condition no. 4) but is not proposing a change to the overall maximum number of customers / guests. Staff’s primary concern with the proposed modification is the challenge in monitoring and enforcing the maximum capacity of 300 for all uses at all times. The Planning Commission may wish to discuss with the property owner how capacity will be monitored and regulated.

Sanitation Facilities:

The expanded campground is proposed to include two new shower rooms in the existing winery building, in addition to the existing restrooms (shown on diagram in written narrative). This will include one female shower attached to the women’s restroom and a “family” shower with separate access. State requirements for sanitation facilities are described below.

Parking areas, access road and driveway:

The attached site plan illustrates four parking areas (P1-P4).

- P1 – Parking for approximately 65 vehicles. Primarily for winery parking, not campers.
- P2 – Parking for approximately 8 vehicles. Primarily for check-in, deliveries, golf cart loading and unloading. This parking area is for campers, not winery customers.
- P3 – Parking for approximately 20 vehicles. Primarily for campers.
- P4 – Parking for approximately 65 vehicles. Classified as overflow parking.

ADA accessible parking (aka handicap parking) is located at the top of the driveway and in front of the residence. This area is marked with signage and monitored by the host.

The main driveway provides access to the camp office. Per the written narrative, after guests check in, they utilize the access road located on the west side of the processing room and restrooms to access the north parking area next to the camping access trail. All campsites are accessible with a vehicle if necessary (emergency situations); however, the camping access trail is not designed for vehicles. Rather, the campsites are accessed by foot or with custom electric carts / golf carts.

The subject site is served by one access from Wild Mountain Road / CSAH 16. This driveway is the main thoroughfare from CSAH 16 to the winery, campground office and campsites. There is also a secondary driveway running parallel to the main driveway, starting at the southwest edge of the lower main parking area and connecting to the main driveway just north of CSAH 16 (but not connected to CSAH 16). The secondary driveway is used in the event of heavy traffic to help minimize traffic congestion.

Other Requested Amendments:

The April 2021 CUP Amendment was approved by the County Board with 21 conditions (shown above). The request to increase the number of campsites is specifically addressed in condition no. 13, and the property owner is also requesting to modify several other conditions. The specific conditions proposed to be amended are detailed in the attached written narrative, 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 addition to what the applicant is requesting – 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 (*with staff review comments shown in italics*):

2. This CUP shall allow year-round use of the property as a gathering venue with gathering events allowed ~~Friday through Sunday~~ seven days a week from 12:00 p.m. to 11:00 p.m.
3. ~~All gathering events that include music that could potentially cross property boundaries shall be conducted indoors, and building doors shall remain closed during music.~~

The property owner verbally shared with staff that music is currently played outdoors and the property owner believes there have been no negative impacts to adjacent property owners.

4. ~~The maximum attendance at any given event shall be limited to 232 guests. (Note: Maximum number of attendees at events was reduced from 2018 amendment to address potential capacity of campground—300-68=232.)~~ The maximum number of customers / guests for all uses combined, including Rural Retail Tourism and Commercial Recreation Area, shall not exceed 300 at any given time.

As explained above, staff is concerned with the ability to monitor and enforce the maximum capacity of 300 for all uses at all times. The Planning Commission may wish to discuss with the property owner how capacity will be monitored and regulated.

13. The site is limited to a maximum of ~~13~~ 30 campsites that are comprised of ~~11~~ 23 single tent sites, ~~and two (2) group sites, and five (5) pop-up camper sites.~~ No water or sewer hook-ups shall be permitted. The property owner shall be allowed to increase the number of campsites from 13 to 20 immediately, based on current design of the septic system, and shall only be allowed to increase the number of campsites from 20 to 30 if septic system monitoring is conducted one week prior to July 4 and one week following July 4, including daily water meter readings, and favorable analysis is provided by a certified service provider to the Chisago County Department of Environmental Services.

While the focus of the property owner's ability to accommodate additional campsites has been the septic system, the Planning Commission may wish to discuss with the property owner the ability of the subject site to accommodate 200 campers (at full capacity) in addition to potential Rural Retail Tourism (winery and gathering venue) activity.

- ~~14. Recreational Camping shall be primitive sites that would allow for tents only. No recreational vehicles, campers, or trailers shall be allowed.~~
15. Seasonal camping is allowed seven days a week from May 1st ~~to~~ through October 31st ~~with reservations limited to Friday through Sunday.~~

21. ~~More permanent property boundary line marker, signs, or posts shall be placed as a barrier in place of the yellow tape in the vicinity of camp sites 1, 3, 5 and 6 on the site plan.~~

The written narrative explains that the property owner believes this condition has been met (see page 9 of the written narrative) with the installation of metal wire fence, rope, and 10-12 signs. This may be an improvement over what was there previously; however, staff suggests this condition remain and be strengthened to address the increase and new location(s) of campsites as well as continued maintenance of property boundary demarcations. Further, staff is recommending the installation of permanent fencing and/or landscaping adjacent to the northern and eastern property boundaries. It appears from the aerial image that the northern and eastern property boundaries are screened with a solid row of trees, so this condition is intended to ensure that the property will maintain this screening over time.

As part of the review process, the Technical Review Committee met on January 12th. The following comments / concerns were provided:

- The County's Sanitarian reviewed the existing septic design and confirmed that it was designed to accommodate 20 campsites. Pursuant to State Rules, in order for the number of campsites to increase beyond 20 without any modifications to the existing system, the property owner will be required to conduct monitoring (daily water meter reading) during the week prior to July 4 and the week following July 4, have those results analyzed by a certified service provider, and have a favorable analysis provided to the County by the certified service provider. This protocol is required by Minnesota Rule 7081 Subsurface Sewage Treatment System Program.
- The County's Code Enforcement Officer provided the following comments:
 - The Amended CUP should clearly state all uses allowed by the CUP in order to make future interpretation or enforcement easier.
 - The original CUP included hours of operation for the winery; however, the subsequent CUP Amendments have not carried these hours forward. The Amended CUP should include specific hours of operation for all allowed uses.
 - The current CUP does not clearly define where on the property special events are allowed.
 - In regard to the property owner's request to eliminate existing condition no. 3 (music), Code Enforcement Officer Putman suggests that the CUP Amendment clearly define where music is allowed to be played / performed and the volume be regulated.
- The Chisago County Sheriff's Office commented that they were not aware of any problems or complaints reported about the Recreational Camping Area.

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.

The property owner has obtained all necessary licensing and is in contact with the Minnesota Department of Health regarding the proposed expansion.

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 property, being located in the AG District, was granted a CUP Amendment in April 2021 allowing 13 campsites.

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 site plan and written narrative for the Planning Commission's and County Board's consideration. The site plan and written narrative generally touch on all of the items listed above. It's important to note that the site plan is consistent with the site plan accepted and

approved by the County Board in April 2021. The property owner provided an estimate of \$2,000 for sanitation (shower) improvements and there are no other reported construction costs; therefore, it is not required that plans prepared by a registered engineer, architect, or land surveyor be submitted.

D. Camping Area Spacing Requirements.

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

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.

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.

Recreational Camping Vehicles (RCV) include the following:

- Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;
- Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
- Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
- Any folding structure, mounted on wheels designed for travel, recreation, and vacation use.

The State provides the following setback requirements for RCV:

- There must be 10 feet of open space between the sides of adjacent RCVs and their attachments.
- Minimum site size of 2,000 square feet for each RCV.
- All RCVs must be located at least 25 feet from property lines which abut a public street or highway and at least 10 feet from all other property boundary lines.

Other State requirements:

- The water supply system must meet all applicable MDH requirements for public water supplies (MN Rules Chapter 4720) and water wells (MN Rules Chapter 4725).
- Water must be available within 400 feet of every campsite.
- All sewage and waste water must be discharged into an approved municipal sewage system if one is available or an individual on-site sewage treatment system that meets the requirements of the Minnesota Pollution Control Agency rules, Chapter 7080 and any applicable local codes.
- Toilet and shower facilities must be provided in all campgrounds which harbor any RCV which is not equipped with toilet and bathing facilities, in accordance with the schedule in MN Rules Chapter 4630.0900. Toilet and shower facilities shall be adequately heated, ventilated and lighted and have durable, washable, floors, walls, and ceilings. Toilet facilities must be provided within 400 feet of any campsite.
- Properly constructed privies may be provided for toilet facilities provided that they are installed in accordance with local zoning requirements.

- Adequate number of fly tight, watertight and rodent proof containers must be provided for all garbage and refuse. Garbage must be collected for disposal as often as necessary to prevent nuisance conditions and not less than once each week.
- RCAs must be maintained free of accumulations of debris or material which may provide rodent harborage or breeding places for insect pests. RCAs must be maintained free of growths of noxious weeds.
- Domestic animals or pets must not be allowed to run at large or cause any nuisances within an RCA. Any kennels, pens or other facilities provided for animals must be maintained in a sanitary condition.
- A maximum speed limit of 10 miles per hour must be clearly posted throughout the RCA.

The Commercial Recreation Area will be subject to setback and campsite spacing as required by the Minnesota Department of Health. The campsites are staggered throughout the subject site, but in no instance shall the campsites be further than 400 feet from the building due to Department of Health requirements for sanitary facilities.

The site plan included in the application was created with use of Google Maps and does not show all parcel boundaries. The property owner stated, as part of the April 2021 CUP Amendment, that with use of a GPS device they were able to map out the distances from property lines within a few feet of accuracy. Some campsite setbacks are provided on the site plan, with the smallest noted setback being 45'. However, the April 2021 site plan noted that the smallest setback reported at that time was 25' (north and west property boundaries). The property owner is not proposing to locate any new campsites closer to property boundaries than what is currently there. While the Zoning Ordinance does not provide specific setback requirements for campsites, staff would suggest that the Planning Commission consider current and proposed setbacks and determine if they're adequate to minimize impact to adjacent properties / property owners.

- 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 attached written narrative states, under "Location, Size and Characteristics of Campsites", that the five proposed "pop-up" sites will include a "permanent electrical post for power". No additional details were provided; however, the property owner will be subject to the requirements of Section 7.21 E.

The April 2021 CUP Amendment staff report noted that the property owners proposed to install solar lighting along the gravel pathways to provide subtle illumination. There is exterior building lighting on the winery buildings and no changes are proposed to existing building or parking area lighting as part of this application.

- 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 is not proposing to provide campers with laundry facilities; however, all other items have been addressed in the written narrative. The property owner is aware of all State requirements and is making improvements as required.

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 aware of the State plumbing requirements and is making improvements in accordance with these requirements.

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.

The April 2021 CUP Amendment staff report noted that a trash receptacle will be located within each group site and the single sites will have access to garbage receptacles placed throughout the campgrounds at a 1:4 ratio. The property owner is aware of State requirement and agrees that trash removal will be handled in accordance with applicable rules and regulations

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 attached written narrative does not provide detail about the caretaker / operator; however, it was stated in April 2021 that an attendant or caretaker will be in charge of the camping areas at all times. No additional detail was provided in 2021 as to the specifics of when this person is available or how they are available (i.e. on-site or by phone).

RURAL RETAIL TOURISM STANDARDS

The Planning Commission, as outlined in Zoning Ordinance Section 4.15, shall consider possible effects of the proposed Rural Retail Tourism 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.

In accordance with the stated goals of the Chisago County Comprehensive Development Plan, it is the purpose of this subdivision 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.

B. Standards.

Rural Retail Tourism Businesses shall meet the following standards:

1. Rural Retail Tourism businesses shall be located within the AG or RVC Zoning Districts;
2. Rural Retail Tourism businesses shall require a Conditional Use Permit in accordance with Section 8.04 of this Ordinance;
3. Rural Retail Tourism businesses shall be shown to have a unique and demonstrable relationship with Chisago County or its region, and its history, culture, traditions, arts, crafts, lore, natural resources, or other features and amenities, in accordance with the above stated purposes.

C. Allowed Uses.

Allowed Rural Retail Tourism businesses shall include 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.

D. The terms "small-scale" and "low-impact" shall be construed to refer to land uses which:

1. Do not create an excessive demand upon existing services or amenities;
2. Are screened or able to be screened adequately, or are sufficiently separated from adjacent development or land, to prevent undue negative impact to nearby properties;
3. Will not have an appearance that is inconsistent or incompatible with the surrounding area;
4. Will not cause traffic hazard or undue congestion;
5. Will not negatively impact the neighborhood by intrusion of noise, glare, odor, or other adverse effects.

Applications which are determined to be unable to meet the above criteria may be processed as a major commercial conditional use, provided the use is allowed in the relevant Zoning District.

E. All conditional uses for Rural Retail Tourism shall meet the applicable requirements of Section 8.

F. Code Compliance.

An existing structure or SSTS which is subjected to a change in occupancy or GPD loading as a result of an approved CUP for a Rural Retail Tourism business shall be retrofitted and/or upgraded to conform to current code requirements. All existing buildings proposed for use in association with the business shall be certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any use of the structure.

Because the property owner is not proposing any changes to the Rural Retail Tourism aspect of the CUP (winery and gathering venue), staff has not provided any comments on the Rural Retail Tourism standards. This does not preclude the Planning Commission from reviewing and/or discussing the standards and potentially developing new or amended conditions in compliance with these standards.

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. The proposed findings are largely based on staff's proposed findings and the County Board's action in April 2021.

Factor #1	The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;
Finding #1	<i>The proposed CUP Amendment 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> <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 develop in such a manner as to cause the least disturbance to woodland ecosystems (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>The County finds that the proposed Rural Retail Tourism and Commercial Recreation Area uses will not create any demand on existing parks, schools, streets, 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 heavy forestation on the subject property, the large size of most of the neighboring parcels and the relative lack of development in the immediate area, 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. Thirteen of the campsites are located in a heavily forested area, offering screening from the adjacent property / property owner, and all other campsites are located in the northern and southern vineyard areas and are generally adjacent to undeveloped agricultural land.</i>
Factor #4	The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

<i>Finding #4</i>	<i>The proposed Rural Retail Tourism use (winery and gathering venue) is conducted within a structure found to have no adverse appearance effect on adjacent properties. The proposed Commercial Recreation Area use (Recreational Camping Area) is largely screened by forestation or distance from the western and southern property boundaries. Those campsites located adjacent to the northern and eastern property boundaries are situated adjacent to agricultural land.</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;
<i>Finding #5</i>	<i>The County finds that the Chisago County Zoning Ordinance allows Rural Retail Tourism and Commercial Recreation Area 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:</i> <i>• Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.</i> <i>• 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.</i> <i>• Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.</i> <i>• Provide opportunities for new economic growth through Rural Retail Tourism businesses.</i> <i>• 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.</i> <i>• 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.</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;
<i>Finding #6</i>	<i>See Finding #5.</i>
Factor #7	The proposed use will not cause traffic hazard or congestion; and
<i>Finding #7</i>	<i>It is anticipated that there will be an increase in traffic on Wile Mountain Road / CSAH 16 as guests arrive and depart from the Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (campground) uses. However, the County Engineer was given the opportunity to review the proposed use and did not request any additional roadway improvements (i.e. turn lanes). Further, the County Engineer did not note that traffic levels, hazard or congestion were matters of concern with this application.</i>
Factor #8	The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
<i>Finding #8</i>	<i>Of the adverse impacts identified in Factor #8, the County believes that noise associated with the Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (campground) may be a concern to nearby properties / property owners. The</i>

property immediately west, which is a 9½-acre property developed with a single family home, is the most likely to experience any impacts that may be generated by the intensification of use at the subject site. However, the majority of campsites located near the western property boundary are situated in a heavily forested area as is the single family home on the neighboring property. It is believed that the forestation will provide a visual and sound buffer. To address noise concerns, the County is requiring, as a condition of this CUP, the observance of quiet hours from 11:00 p.m. to 7 a.m.

TOWNSHIP RECOMMENDATION

The Amador Town Board reviewed the proposed CUP at its January 18th meeting. The Town Board recommended approval of the CUP Amendment with no conditions.

STAFF RECOMMENDATION

Although staff has expressed caution with the overall potential increase in number of campers (estimated capacity increase of 68 to 200) and the property owner's / County's ability to monitor and enforce the overall maximum number of customers / guests at 300, staff believes that the proposed Rural Retail Tourism and Commercial Recreation Area uses comply with and are consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. To be clear, the property owner is not proposing an increase to the overall capacity of the subject site, but there may be greater impact to the northern and eastern property boundaries with the installation of new campsites in these areas.

Ultimately, 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, provide clarification, and provide measures for reducing potential impacts to adjacent properties / property owners. For clarification purposes, 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 Conditional Use Permit amends the Conditional Use Permits granted by the Chisago County Board of Commissioners on July 21, 2010 (original CUP), April 18, 2018 (Amendment #1) and April 21, 2021 (Amendment #2) granting approval of Rural Retail Tourism and Commercial Recreation Area uses in the AG District. The specific uses allowed under this CUP include a winery and gathering venue (to include specific uses such as wine tastings, weddings, dances, general gatherings, and other social or corporate activities) and a Recreational Camping Area. This CUP does not include approval of a Microbrewery, as had been approved in 2018. The conditions contained in this CUP supersede all previously approved conditions on the dates provided above.
2. The property shall be developed and used in accordance with the site plan and written narrative stamp dated received January 25, 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.
3. **This CUP shall allow year-round use of the property for Rural Retail Tourism purposes (winery and gathering venue) seven days a week from 12:00 p.m. to 11:00 p.m.**
4. Any toxic substances generated from the Rural Retail Tourism use (winery) must be handled in accordance with MPCA standards.

5. The property is limited to a maximum of 30 campsites, including 23 single tent sites, two (2) group sites, and five (5) pop-up camper sites. No water or sewer hook-ups shall be permitted. The property owner shall be allowed to increase the current number of campsites from 13 to 20 immediately, based on current design of the septic system, and shall only be allowed to increase the number of campsites from 20 to 30 if septic system monitoring is conducted one week prior to July 4 and one week following July 4, including daily water meter readings, and favorable analysis is provided by a certified service provider to the Chisago County Department of Environmental Services.
6. This CUP shall allow seasonal camping, as a Commercial Recreation Area, May 1st through October 31st.
7. Campsites along the north and east property lines shall not be located closer than 20 feet to the property line. Further, the Commercial Recreation Area is subject to all Minnesota Department of Health setback, spacing and size requirements. When the County's setback requirements are more restrictive than the State's, the County's setbacks shall supersede.
8. The Commercial Recreation Area (campground) must adhere to the strict observance of quiet hours from 11:00 pm to 7:00 am.
9. The "Wild Vines Campground Policies", stamp dated received January 25, 2022 or as amended from time to time and provided to Chisago County Department of Environmental Services, shall be made a condition of approval. Said amended Policies shall remain sufficiently consistent as or more restrictive than the January 25, 2022 Policies.
10. The property owner shall install and continuously maintain in good repair permanent property boundary identification, such as permanent fencing and signage, between all campsites located adjacent to the western property boundary (identified on the site plan as campsite nos. 15, 1, 3, 5, 7 and 9) and the western property boundary itself. Additionally, the property owner shall install and continuously maintain in good repair permanent property boundary identification, such as fencing or landscaping, between all campsites located adjacent to the northern and eastern property boundaries (identified on the site plan as campsite nos. 14, 12, 20, 19, 24 and 23) and the northern and eastern property boundaries themselves.
11. All utilities for the Recreational Camping Area must be located underground and there shall be no overhead wires or supporting poles except those essential for lighting purposes.
12. Noise generated from any Rural Retail Tourism and/or Commercial Recreation Area use, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries.
13. The maximum number of customers / guests for all uses combined, including Rural Retail Tourism and Commercial Recreation Area, shall not exceed 300 at any given time.
14. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.
15. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
16. All food preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
17. All liquor service shall comply with all applicable Minnesota Department of Public Safety regulations,

and Chisago County liquor licensing requirements.

18. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.
19. [The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.](#)
20. 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.
21. The property owner must notify the Chisago County Department of Environmental Services annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval.

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 February 28, 2022.

ACTION REQUESTED

Motion to adopt Resolution No. PC2022-0201, 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. Conditional Use Permit application materials:
 - a. Application dated received December 29, 2021
 - b. Written narrative and site plan dated received January 25, 2022
2. Aerial location map (1) – subject property
3. Aerial location map (2) – vicinity map
4. Wild Vines Campground Policies dated received January 25, 2022
5. Draft Resolution No. PC2022-0201

CC: Wild Mountain Properties, LLC, applicant
County File

1-1863

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee 774
Base Fee \$1,025

Wetland or Septic Fee _____

Plat Compliance Fee _____

TOTAL FEE \$1,071

Street Location 16906 Wild Mountain Road, Taylors Falls Tax Parcel # 01.00096.00

Legal Description PID # 01.00096.00

Property Owner Andrew & Mark OLSON Day Phone [REDACTED]

Mailing Address 16906 Wild Mountain Road, Taylors Falls, MN 55084/sec 19, T. 35

Email Address [REDACTED] R. 19

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

Mailing Address 16906 Wild Mountain Road, Taylors Falls, MN 55084

Email Address mark.alan.olson@yahoo.com S19, T35, 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: 7.21 Recreational Camping Area

Description of request: CUP amendment For up to 30 Campsites (From 13 campsites)
on site (7.21 Recreational Camping Area).

If Variance application, provide
a brief description of practical
difficulty: _____

Mark Olson 12/29/21
Signature of Applicant 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.

BT DEC 29 2021

Date Received at
Front Counter

FEB 28, 2022

60 - Day Review

(BT)

Date of Public
Hearing:

FEBRUARY 3, 2022

BT DEC 30 2021

DETERMINED
COMPLETE

TOWNSHIP PRESENTATION FORM

Street Location 16906 Wild Mountain Road, Taylors Falls, MN 55084

Legal Description S19 T35 R19

Owner Name Andy & Mark Olson Day Phone: (612) 402-2000

Address: 16906 Wild Mountain Road Taylors Falls, MN 55084

Applicant : _____ 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: CUP amendment For up to 30 Campsites (From 13 Campsites)
on site (7.21 Recreational Camping Area)

Date of County Public Hearing: FEB 3, 2022

Date of Township Presentation: JAN 18, 2022

TOWNSHIP ACTION TAKEN

Recommend Approval ☒ Recommend Denial ☐

Recommended Conditions: _____

Signature of Township Officers:

[Signature]
GEOFF FISK
[Signature]

[Signature]

Signature of Applicant

12/29/21
Date

Chisago County, MN
Conditional Use Permit for Recreational Camping Areas
Supplemental Application Requirements

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 Use Permits shall be subject to the requirements of Chisago County Zoning Ordinance Sections 7.21 and 8.04. Information presented below is intended to aid in communicating application and ordinance requirements.

Each Conditional Use Permit application shall include a site plan drawn to scale. When construction costs exceed \$30,000, plans must be prepared by a registered engineer, architect, or land surveyor. **Applications will not be considered complete without a site plan and the information listed below must be included on the site plan. A detailed written narrative will assist in outlining satisfaction of many application requirements/details and is recommended to be attached to the site plan, if necessary.**

Narrative for Conditional Use Permit Application

Proposed application for Wild Mountain Winery/Wild Vines Campground

Introduction - This narrative is to serve as supplementary information related to conditional use permit application to Wild Mountain Winery for the expansion of the campground operation on the property. Andrew and Mark Olson are applying and are co-owners.

In 2022, Wild Mountain Winery will enter into its 12th year of operation, and Wild Vines Campground will begin its 2nd year of operation. Camping began at our existing sites on August 14, 2021. The inaugural year of operation for the campground was very successful. We enjoyed hosting campers from around the state, and mainly from the Twin Cities area. Feedback we received from the campers was very positive, and we look forward to future interaction with our customers. Besides spending time at our winery/campground, our campers ventured out to enjoy many of the local attractions, restaurant/bar establishments, parks and recreational activities, etc.

Due to the highly successful year we had with the new campground venture, we are asking to expand the operation from 13 campsites to 30 campsites. This will include

BT JAN 25 2022

the addition of two new shower rooms in our existing winery building, and the addition of 5 "pop up" campsites (for pull behind RV campers). These "pop up" sites will be for the pull behind campers, not full RV vehicles with showers and bathroom facilities on board (no dump stations to be installed). The existing septic system and drain field was built for this capacity, and can handle the additional campsites.

Another testament to our successful first year of our campground was the zero complaints we received from our surrounding neighbors. This also marks the 11th year that we have not received a single complaint from our neighbors. None of the new, proposed campsites will be in the vicinity of our neighbor's home, directly to the west of our property.

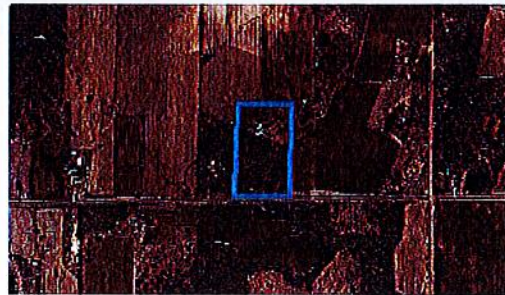


Parcel Information Report

Parcel Number: 01.00096.00

General Parcel Information

Parcel: 01.00096.00
Town: AMADOR TOWNSHIP
School District: CHISAGO LAKES SCHOOL
Acres: 15.50
Section: 19
Township: 035
Range: 019
Plat:
Plat Description:
Block:
Lot:



Legal: W1/2 OF SE1/4 EX STRIP 50 FT WIDE LYING N & TO C/L OF CSAH #16 ALSO EX S 1089 FT OF W 400 FT OF W1/2 OF SE1/4. AND EX THE S 1089 FT OF THE E 300 FT OF THE W 1

Owner Name: WILD MOUNTAIN PROPERTIES LLC
Mailing Address: 414 RUM RIVER DR
City/State/Zip: ISANTI, MN 55040
Property Use Code 1: 300 Commercial
Property Use Code 2:
Property Use Code 3:

Southern property boundary is 620'
West boundary 1030'
North boundary 612'
East boundary 1033'

Campsite Location Map

100'

Wild Mountain Winery

Legend:

- Individual Campsite
- Group Campsite
- Mobile Campsite

Google My Maps

$\downarrow \sim 200'$

CP 14

Location, Size and Characteristics of campsites

 Indicates an individual campsite. Single tent, 4-6 people. Average area is 30'x 30'. Wood chip base, fire ring, picnic tables at some sites.

 Indicates a group campsite. Up to 4 tents depending on size. 12-16 people. Area is approximately 50 x 50 in lower vineyard and 50 x 80 in upper vineyard. Grass base with fire ring and picnic tables.

 Indicates a "pop up" or mobile trailer campsite. Single trailer for 4-6 people. Not designed for 5th wheel trailers. Average area is 45 x 45 with grass base. Includes a permanent electrical post for power. Fire ring and picnic table by request.

Number, location and size of parking areas

1. Main parking area (P1) is located southeast of the residence and immediately north of the south vineyard. This is primarily for winery traffic and not campers. This lot is being expanded to the northern edge of vines and will add approximately 3000 square feet of parking area. (Approximately 21,000 sq ft. finished parking) (Approximately 65 vehicles).
2. Short term/Office parking (P2) is located immediately south of the processing building and next to the restrooms. This is for check in, deliveries, and golf cart loading and unloading. No winery patrons may park in this location, only overnight campers will use this space. Approximately 1000 sq ft. (Approximately 8 vehicles).
3. Handicapped parking is located at the top of the driveway and in front of the residence. This is marked with signage and managed or increased by the host. Approximately 200 sq ft.
4. Campground parking area (P3) is located northwest of the residence and immediately south of the north vineyard. Approximately 7300 sq ft. (Approximately 20 vehicles).
5. Overflow parking (P4) located at the south end of lower vineyard. (Approximately 65 vehicles).
6. Overflow Event parking East side of lower vineyard next to site 23. Limited to events only.

Location of access road serving camping areas

The main entrance road will provide access to the camp office. After guests check in, they will use the access road on the west side of the processing room and restrooms, to access the north parking area next to the camping access trail. The camping access trail enters the wooded area here and turns south. It exits on the main entrance road at a point approximately 240' from the main parking lot. Camping in the north vineyard is access through the main vineyard entrance or from the SE corner entrance to the vineyard. All campsites are accessible with a vehicle, but will be accessed for camping with custom electric carts for moving guests and their camping equipment.

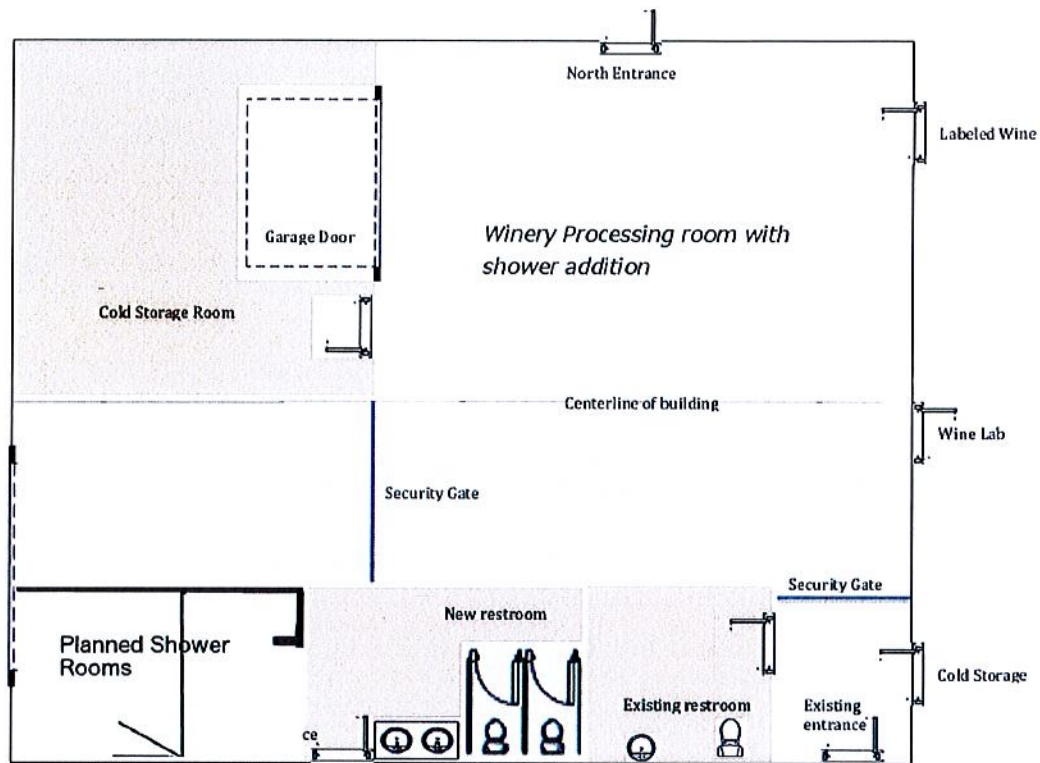
Full name and address of the applicant or applicants; or names and addresses of the partners, if the applicant is a partnership; or the names and addresses of the officers, if the applicant is a corporation; and the name and address of the project developer.

The applicant is a corporation. Wild Mountain Properties, LLC is the name of the corporation that owns the property. The two officers are Andy and Mark Olson. Mark Olson is the president, Andy Olson is the vice president. Mark Olson's address is 414 Rum River Drive, NW, Isanti, MN 55040. Andy Olson's address is 5464 Stagecoach trail N, Stillwater, MN 55082. The project developers are Andy and Mark Olson.

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;

Improvements to sanitary facilities and construction of new septic system made in 2021 were in anticipation of the improvements to the campground. The only new additions to this will be the addition of a shower facility in the same building as the restrooms. This will include two showers; one female shower attached to the women's bathroom, and a second "family" shower with separate access. The current septic was constructed to be able to treat the waste water from showers without modification. A wash basin/outdoor sink was added in 2021. There are no plans for laundry facilities.

The current septic system is approved to handle 20 campsites. We are requesting that upon approval of a new CUP, we could start immediately with 20 campsites (May 1st, 2022). Once the testing/analysis capacity requirement that is going to be conducted around the 4th of July is complete, we would like to go to the 30 campsites. This is contingent upon our system meeting the capacity requirements to be able to host 30 campsites. The testing/analysis will be done daily for two weeks, one before and one after the 4th of July weekend. If successful, we would like to go to 30 campsites as soon as possible after the testing/monitoring period around the 4th of July.



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.

The campground will operate from May 1 to October 31st, annually. Campsites will be available every day of the week. There are 15 campsites that are complete. The additional campsites will be built one at a time, all in the same manner and description as the previously constructed sites (i.e. average area is 30'x 30', Wood chip base, fire ring, picnic table).

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.

There are no road construction plans. The existing driveway (as shown on the site map), is the main thoroughfare from county road 16 to the winery/campground office/campsites. There is a secondary driveway that runs

in parallel to the main driveway, and starts at the southwest edge of the lower, main parking area, and connects to the main driveway just north of the county road 16 entrance. The secondary driveway is used occasionally, in the event of heavy traffic at the winery/campground.

Other General Requirements

- • Vehicle and structure spacing requirements shall be consistent with the Minnesota Rules.
- • 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 water supply system, sewage disposal, and toilet, bathing, laundry facilities, and lighting shall be consistent with the Minnesota Rules.
- • All systems of plumbing shall be installed in accordance with the Minnesota Board of Health regulations and the provisions of the Minnesota Plumbing Code.
- • Garbage and refuse handling and disposal shall be consistent with the Minnesota Rules and the Chisago County Solid Waste Ordinance.
- • 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.
- • A Special Event Temporary Recreational Camping Administrative Permit shall be required for landowners wishing to provide temporary accommodation to attendees at a County-approved (permitted or conditional approval) large gathering event. Such permits shall be processed through the Department of Environmental Services and Zoning and approved by the Zoning Administrator. If you wish to obtain a Special Event Temporary Recreational Camping Administrative Permit rather than a permanent Conditional Use Permit, discuss the application requirements with Department staff.

Requested changes to the current Conditional Use Permit

The following items are requested changes to the existing CUP, certified on July 16, 2021. The number listed at the beginning of each item, directly correlates to the number on the existing CUP, under the "Special Conditions" section that we request be changed or eliminated.

2. We would like to have the option of occasionally having events or gatherings during the week. We are requesting the "Friday through Sunday" language be removed from this condition. The 12:00 p.m to 11:00 p.m. is fine. Our regular business days for the tasting room and bottle shop are Friday through Sunday. We are requesting that we have the flexibility to be open on other days for special events or gatherings.
3. We would like this condition to be removed completely. This condition appears to be a condition that was inadvertently left over from our 2018 CUP, which had conditions on a brand new building we were going to construct, but never happened. The exiting CUP removed all the language of building that building, and a brewery, but left in this about music. We have had outdoor music on our patio on Saturdays, and occasionally Fridays and Sundays for many years. We have never received one complaint for noise, especially since only one neighbor is even close enough to hear the music faintly.
4. Please change the language to limit our number of guests to 300 total at any time. The combination of campers and winery guests would be limited to 300.
13. Change the language to allow for 30 campsites. 5 "popup" camper campsites (no full RVs with toilets and showers on board), 23 single tent primitive sites, 2 group tent primitive sites. Allow us to go to 20 campsites initially (May 1, 2022), and after a successful septic system monitoring/testing conducted in July, allow us to go to 30 campsites.

14. Change 14 to allow us to have 5 "popup" camper campsites. These are not full RVs with showers or toilets. These are the pull behind units that require us to have showers available.

15. Eliminate the "reservations limited to Friday through Sunday" clause. We request to be able to host campers all week from May 1 through October 31st, and allow reservations for camping to take place all year.

21. This condition has been satisfied, and can be removed or reworded. We have a permanent metal wire fence adjacent to our neighbors home, and rope for the remainder of the property line adjacent to their property. The metal wire fence and rope have approximately 10-12 signs that state "private property, keep out," "No trespassing," "Do Not Enter," hanging from the fence.



Wild Mountain Properties, LLC - Aerial Photo

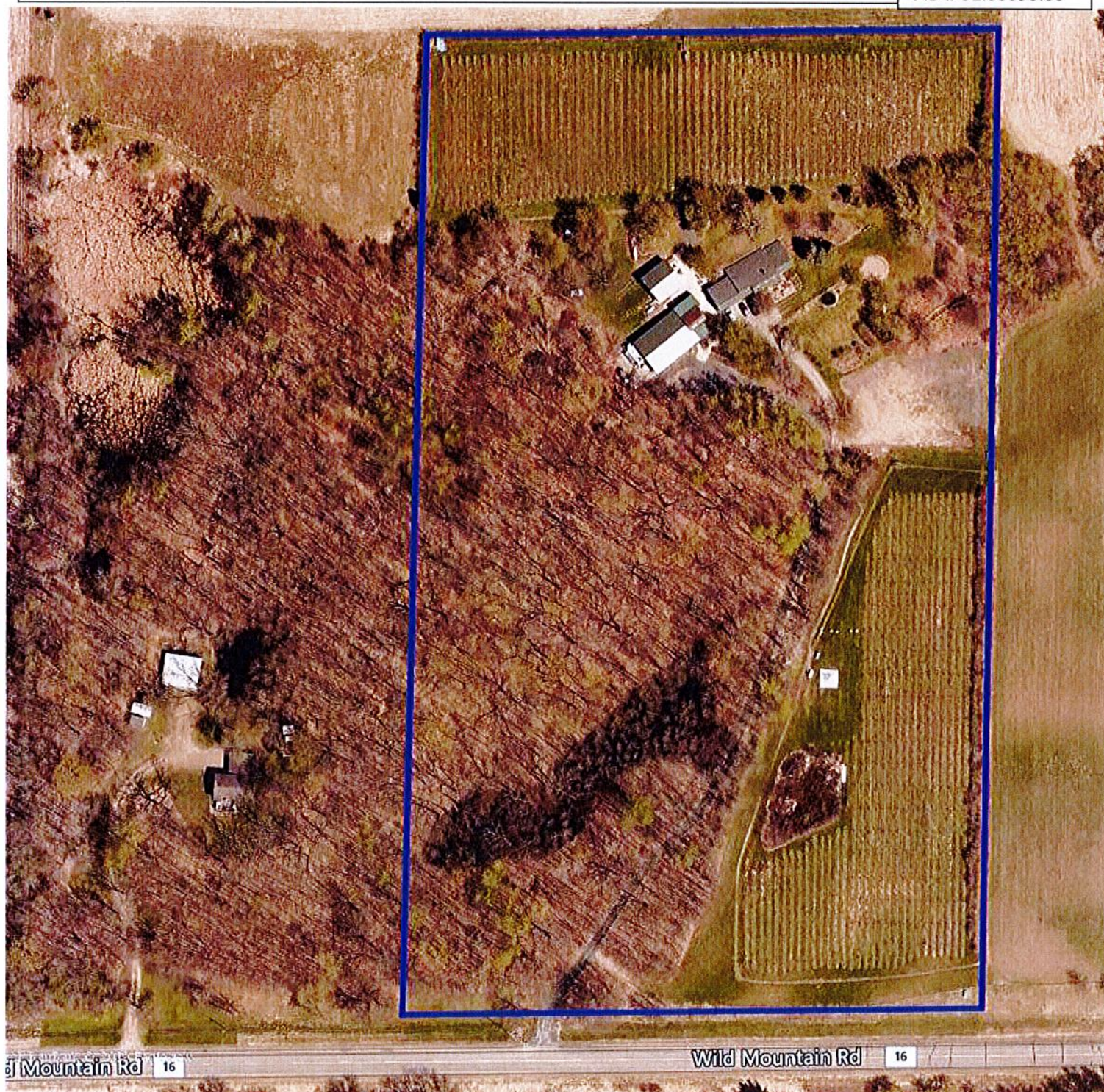
Andrew Olson and Mark Olson, officers of Wild Mountain Properties, LLC, are requesting a Conditional Use Permit Amendment to increase the number of campsites from 13 up to 30 at the Recreational Camping Area, as well as Amendments to other conditions approved in April 2021. The property is zoned Agricultural (AG) District and located at 16906 Wild Mountain Road.

Wild Mountain Properties, LLC Property - 

Amador Township

Sec. 19, T. 35, R. 19

PID # 01.00096.00



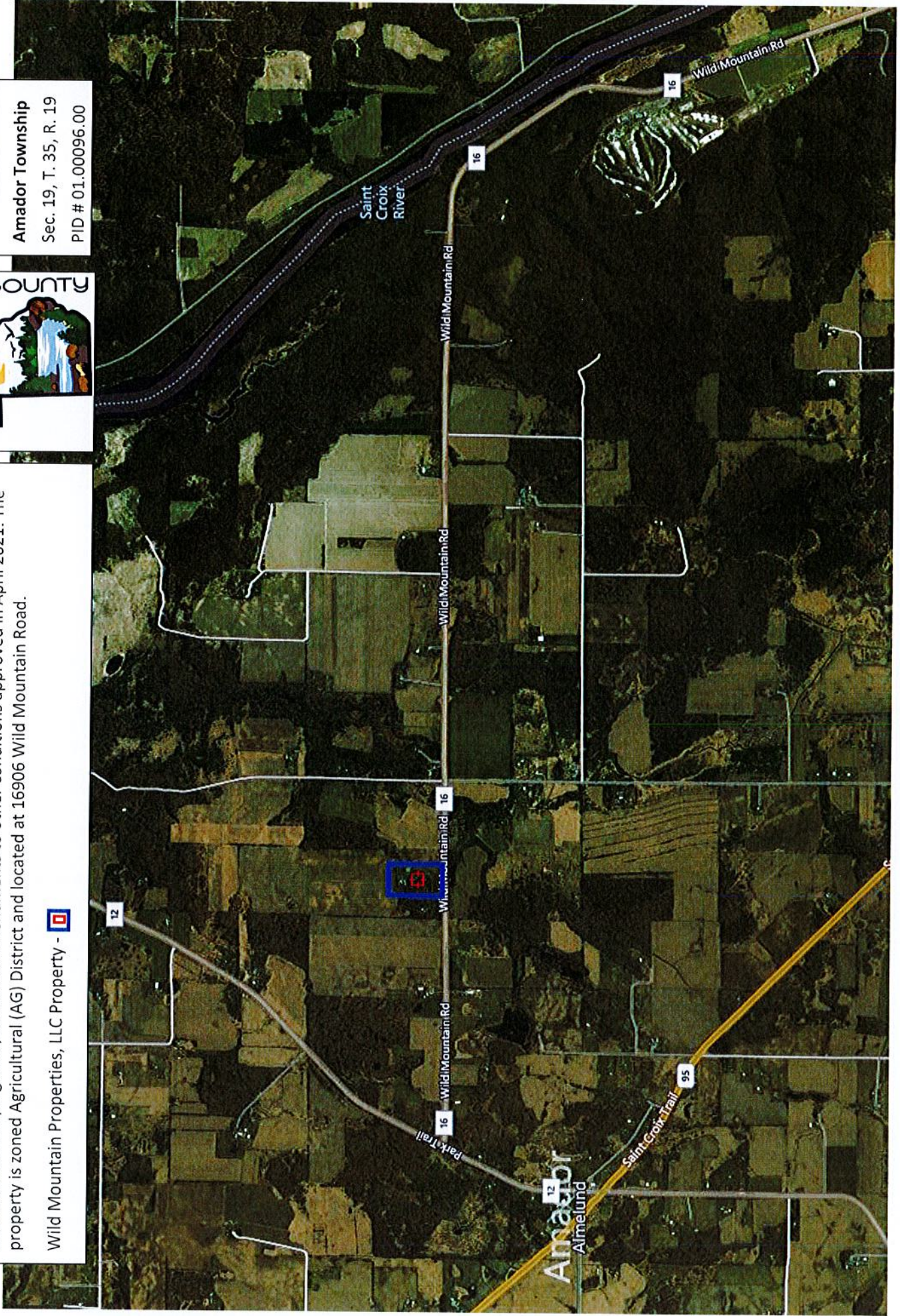
Wild Mountain Properties, LLC - Aerial Photo

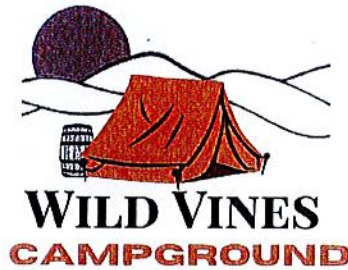
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Wild Mountain Properties, LLC Property - 



Amador Township
Sec. 19, T. 35, R. 19
PID # 01.00096.00





Wild Vines Campground Policies:

- We want all our guests to have a great time at Wild Vines Campground! While having fun please show respect for others and our natural environment by keeping in mind the following policies:
- All reservations require a VALID Credit Card and will be charged one nightly rate at the time of reservation or check in.
- There is a \$5 non-refundable processing fee for all advance reservations.
- Reservations must be completed online or by calling the camp office at 763-297-1322.
- Online reservations will automatically be cancelled if payment is not completed.
- We reserve the right to change your site location based on size of unit and availability.
- Walk-in reservations welcome - sites available on a first-come basis.
- Cancellations with less than 72 hour notice will also result in one night charge for EACH site reserved.
- Please call 763-297-1322 to cancel a reservation.
- All guests and visitors must register at the camp office prior to entering
- All vehicles must display a valid car pass - available at the office.
- Absolutely no refunds on sites after check-in.
- Check-out time by 11:00 a.m. - please contact the office if you need to check out later.
- Please respect the privacy of other campers.
- Loud or unruly groups will be asked to leave with No Refund.
- Alcohol is allowed; however, no alcohol can be brought onto property. Any alcoholic beverage must be purchased from the winery. Any consumption of alcohol by those not of legal drinking age will be reported to the local sheriff's department.
- For your protection and security, campground staff patrol the campground. Please call the office immediately if there are any problems at 763-297-1322. Office staff is available for twenty-four hours. in case of an emergency notify the office or call 911.
- PETS ARE PERMITTED if kept on a leash. Please clean up pet waste and never leave pets unattended. *Barking dogs after 10:00 p.m. violates the campground rules.*
- Fires are permitted only in the provided fire rings. Do not throw glass, cans, or trash in the fire pits or woods. Please show respect to the environment.
- Moving fire rings will result in a \$50.00 fine. Please extinguish fires when retiring for the night or when leaving your campsite. All fires must be out by 12:00 AM. Use water to extinguish fires. Fire extinguishers for emergencies are located at each campsite trail entrance in a wood box. Discharging a fire extinguisher for non-emergency will result in a replacement fee.
- Do not bring your own firewood. Only approved wood is allowed. Wood available in the camp store and other pre approved locations.

- A fine of \$200.00 will be enforced for any cutting of trees or destruction of property. Collecting firewood and deadfall is prohibited. Firewood and fire starters are available at the camp office.
- Radios or other music devices are not permitted.
- Please deposit garbage and recyclables in the receptacles and ensure lids are closed. A campsite left with garbage, burned garbage, or left in general disarray or damages, will result in a minimum of \$25 fine. If damage occurs, a fine will be assessed to repair the damage.
- Personal vehicle use will be prohibited from 10 pm to 7 am except for emergencies. Please notify the office if you must leave during that time. Daily guests must leave by 9:30 pm. Quiet hours are enforced 11 pm to 7 am. Please have fun and show respect for others.
- No more than 4 people per individual site, and 12 people per group site.
- Must be at least 18 years old to camp without adult supervision
- No ATV / Motorbikes
- No Fireworks – No Firearms
- Hammocks are permitted only with approved hammock straps.
- No more than 2 tents per site
- We reserve the right to evict anyone not abiding by these guidelines without a refund.
- Generators of any kind are not allowed.
- Leaving the campground through any property boundary other than the main entrance is strictly prohibited. Crossing marked boundaries or entering private property can result in termination of agreement and eviction from the campground. No refunds will be given.

Any infractions of these policies or damages of Wild Vines Campground or Wild Mountain Winery Property will result in a minimum of a \$25.00 charge per infraction or cost of repair or replacement of damaged property.

To minimize your chance of encountering raccoons, bears, skunks or other wildlife, please:

- Keep coolers and food in your vehicle at night and anytime you are away from your site.
- Take garbage to secured receptacles daily.
- Always keep your campsite clean.
- Questions? Ask at the campground office.

Wild Vines Campground

Date: _____

Campsite No: _____

Number of occupants: _____

Printed name: _____

By signing this contract, you agree to abide by all the above rules of the campground.

Signature _____

**CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
February 3, 2022 - DRAFT**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, February 3, 2022 at the Chisago County Government Center.

Staff Present: Beth Thorp, Land Services Coordinator 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: Frank Storm, Jolene Wille, John Sutcliffe, Chip Yeager, Jim McCarthy, Kelly Corbin, and Dave Whitney. Also present: Ex Officio County Commissioner Chris DuBose. A quorum was established with all members present.

Approval of Agenda – Motion by Kelly Corbin to approve the agenda as presented; second by John Sutcliffe. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Approval of Minutes – Motion by Frank Storm to approve the January 6, 2022 meeting minutes as presented; second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. **Motion** by Dave Whitney to approve the January 20, 2022 Work Session meeting minutes as presented; second by Jolene Wille. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Receive all Materials and Submittals into Record - Motion by Frank Storm to accept all materials and submittals into the record with the addition of three public hearing comments; second by John Sutcliffe. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None. Materials distributed to the Planning Commission in advance of the meeting for their review included: Staff report with attachments. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

a. Wild Mountain Properties, LLC - Andrew Olson and Mark Olson, officers of Wild Mountain Properties, LLC, are requesting a Conditional Use Permit (CUP) Amendment to increase the number of campsites from 13 up to 30 at the Recreational Camping Area, as well as Amendments to other conditions approved in April 2021. The property is zoned Agricultural (AG) District and located at 16906 Wild Mountain Road, Amador Township, S19, T35, R19, (PID #01.00096.00). Coordinator Thorp provided an overview of the Olson's Amendment application and brief history of the CUP. The original CUP was approved in July 2010 to allow a winery. In April 2018, CUP Amendment #1 was approved to allow a wedding venue and microbrewery in addition to the winery. In April 2021, CUP Amendment #2 was approved to allow recreational camping with a maximum of 13 campsites in conjunction with winery and Rural Retail Tourism activities on-site, such as weddings, dances, gathering, and other social or corporate activities. The microbrewery use had been removed per applicant's correspondence during CUP Amendment #2.

The proposed expanded number of campsites includes 23 single-tent sites (accommodating 4-6 people each), 2 group sites (accommodating 12-16 people each), and 5 "pop-up" / pull behind camper sites (accommodating 4-6 people each). Thorp stated that the campground, as proposed, could accommodate a total of 200 people at full capacity and that the total number of campers/winery guests/customers for all uses would remain at 300.

Expanded campground will include two new shower rooms in the existing winery building, in addition to the existing restrooms. Thorp shared that the County Sanitarian confirmed the existing septic system can accommodate up to 20 campsites, and septic monitoring would be required to increase the number of campsites beyond 20. Four separate parking areas were identified and reviewed. Additional requested amendments to existing conditions included:

2. This CUP shall allow year-round use of the property as a gathering venue with gathering events allowed ~~Friday through Sunday seven days a week~~ from 12:00 p.m. to 11:00 p.m.
- ~~3. All gathering events that include music that could potentially cross property boundaries shall be conducted indoors, and building doors shall remain closed during music.~~
4. ~~The maximum attendance at any given event shall be limited to 232 guests. (Note: Maximum number of attendees at events was reduced from 2018 amendment to address potential capacity of campground – 300-68 = 232.)~~ The maximum number of customers / guests for all uses combined, including Rural Retail Tourism and Commercial Recreation Area, shall not exceed 300 at any given time.
13. The site is limited to a maximum of ~~13~~ 30 campsites that are comprised of ~~11~~ 23 single tent sites, ~~and two (2) group sites, and five (5) pop-up camper sites.~~ No water or sewer hook-ups shall be permitted. The property owner shall be allowed to increase the number of campsites from 13 to 20 immediately, based on current design of the septic system, and shall only be allowed to increase the number of campsites from 20 to 30 if septic system monitoring is conducted one week prior to July 4 and one week following July 4, including daily water meter readings, and favorable analysis is provided by a certified service provider to the Chisago County Department of Environmental Services.
- ~~14. Recreational Camping shall be primitive sites that would allow for tents only. No recreational vehicles, campers, or trailers shall be allowed.~~
15. Seasonal camping is allowed seven days a week from May 1st ~~to through~~ October 31st ~~with reservations limited to Friday through Sunday.~~
21. ~~More permanent property boundary line marker, signs, or posts shall be placed as a barrier in place of the yellow tape in the vicinity of camp sites 1, 3, 5 and 6 on the site plan.~~

Technical Review was held on January 12, 2022. County Sanitarian commented monitoring will be required by Minnesota Rule 7081 Subsurface Sewage Treatment System Program to increase beyond 20 campsites. County Code Enforcement Officer provided comments on CUP conditions for easier interpretation and enforcement. Amador Township reviewed the proposed CUP Amendment on January 18, 2022 and recommended approval with no conditions.

Andrew Olson and Mark Olson were present and available to address questions and concerns. They commented they have no interest in hosting weddings or large group events and sold the large tent. They would like flexibility to host smaller events during the week. Years ago, they hosted large weddings close to 300 people attending and did not have a problem accommodating parking on site. The winery has been in operation for twelve years and never had a problem with large number of people and haven't had any complaints. The Olsons stated that they would like the winery hours to be Friday 2 pm – 7.9 pm, Saturday Noon to 7.9 pm, and Sunday will stay the same Noon to 6 pm. Planning Commission members asked a variety of questions to clarify music, fire/emergency services, hours of operation, sufficient staffing for additional campers, trash, and parking. Both Mr. Olsons addressed the following questions/concerns: The winery has acoustical music playing, typically 1-2 people playing guitars; some do utilize small amplifiers. Visitors can sit, drink wine, talk, and enjoy the music at the same time. Music volume is low, no large bands have played. Fire extinguishers are located at each campsite entrance, and campers have access to water and phone number to campground staff. The campground allows dogs. The applicants try to place campers away from neighbors (property located immediately west of the subject site) and staff (at least one if not more) are on the property at all times and patrol the campground at night. Occupancy of the campground determines the number of staff

available onsite. Fire department has been to the property for review of emergency situations and access. Several trees have been removed to accommodate fire trucks. Clarification was requested by the Planning Commission of operation of hours for winery and campground.

Chair Yeager opened the public hearing and sought comment. The following were present at the hearing: *Amada Shoquist and Tyler Massey* – 16822 Wild Mountain Road. We have been at our property for two years and excited to have more than 9 acres next to the winery. We love doing things outside with our young daughter and dog. Last year, we reviewed CUP Amendment #2 site map of the campsites. We felt our concerns were not taken seriously. Campers shuffling around looking for kindling and shining flashlights in our backyard. We did not expect campsites to be that close to our property. We hear loud noises from the woods at all hours and never expected the campground to expand. We have a dog and barks at campers, which can be frustrating for us and winery. The applicants have stated campsites near our house are filled last; not buying it. This does not give us peace of mind for our safety. Home is where our dog could run and where we can feel safe and not worry who is in the woods. We want to support small local business but do not want constant worries. We would like a solution that works best for everyone.

Tyler Massey – 16822 Wild Mountain Road. We have had some issue with some campers in our yard, excessive partying. Listen to campers throw up near our bedroom window. We have had campers on our side of the woods. Tried to look a blind eye to it, but wanted it known.

Coordinator Thorp read the following submitted comments:

Adam Flett and Jillian Chmiel – 17145 Wild Mountain Road. We want to affirm our opposition to the proposed Conditional Use Permit changes. We are on record from the original application for camping (April 2021) as being opposed due to many concerns, and urge the Planning Commission to revisit the original concerns raised by other adjacent landowners in the past. It is our belief that more than doubling the capacity and number of days open to camping will have a compounding effect on issues with noise, impacts on local wildlife, and other natural resources, and the County's assertions in the Findings section of the application about impacts on neighbors and the local ecosystem are greatly underestimated. When we purchased our property with hopes of constructing a new home in 2020, we had no indication that 2 years later we'd be potentially building across from a 300 person campground. The amount of people visiting the Winery was limited to weekends. We're now reconsidering our home plans entirely, as the 'neighborhood' went from rural to now potentially having a small city of campers across the street. We urge the Planning Commission and Board to reject this proposed application for expanding camping.

Quinette and Jeff Cook - 16975 Wild Mountain Road. As landowners across from the Winery, we are opposed to additional campsites and the extension of the number of days available to hold gathering events, including camping (from Friday to Sunday, to seven days a week/24 hours a day). Throughout the hearing packet, the term "believes" is used to address impact concerns. We are on record (April 2021) as opposed to the addition of campsites to the winery and feel the time given to determine the impact of these changes was minimal at best (less than one season/year) and therefore does not warrant granting further changes at this time. As with the prior request, we understand that this proposed amendment will have a negative impact on the environment and surrounding neighbors. These include, but are not limited to:

- Increased traffic to the area, not only on the weekend but also weekdays and 24 hours a day
- Increased noise due to traffic, outdoor music, and human activity (sound, light & campfire smoke carries despite the surrounding forestation; this was discussed with our neighbors)
- Increased litter on adjacent/nearby properties
- Increased fire hazard for adjacent/nearby properties. The current single-lane driveway is both entry and exit for the property; if there is an emergency (particularly fire or weather), this poses a substantial threat

- disruption to wildlife
- The inability of owners/attendants to enforce rules and/or control guests
- Trespassing on neighbors' property (particularly the property to the west of the winery/campsites; anything less than the addition of a privacy fence to run that neighbor's border is insufficient and insensitive)
- Loose or uncontrolled pets

Similar to others in the immediate area, we purchased our property intending to build a home. Our motivation was the peace and quiet that this rural setting provided. The Winery (with limited weekend hours) was not viewed as a negative. The addition of more campsites, entertainment, etc. to the property (7 days a week/24 hours a day) changes that viewpoint and impacts our decision to build. At this time, we urge the Planning Commission and Board to reject the proposed Conditional Use Permit Amendment.

Andrew and Amber Grice – 16655 Wild Mountain Road. We live full-time at our property with our closest border being approximately 425 ft away from Wild Mountain Winery. We moved here from the Twin Cities to enjoy rural living, agriculture, wildlife, and a quiet place to raise our family. We appreciate what the winery has provided for the community and want to continue to support our neighbor's. However, we have multiple neighbor's and believe they all deserve our support as credible concerns have been expressed about this expansion and previous experiences. We believe the Rural Retail Tourism Standards were well thought-out to protect and promote the use of the wonderful landscape we have the pleasure of living in. Allowed uses include activities that are "small-scale" and "low-impact". However, a hospitality operation that includes 30 campsites, winery, music venue, serves food and alcohol, operates year-round, 24/7, and accommodates 300 guests is not "small-scale" or "low-impact" and should be processed as a major commercial conditional use. In our experience, we have been negatively impacted by noise from the winery. However, we found this acceptable as operations were limited to weekends and we were able to have reprieve during the weekdays. Having no break in action in a residential area is unreasonable, does not meet the terms of "small-scale" and "low-impact" and could impact surrounding property owners' ability to enjoy our property as intended. We also have safety concerns related to additional traffic with kids playing nearby, no turning lanes, and frequent visitors. We believe the County has a responsibility to uphold these standards and consider the input of nearby properties. Thank you for considering our input.

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing; second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Planning Commission members indicated the hours of the winery and campground need to be clarified. Jim McCarthy did not support repetitive amendments and the scale of campground, suggesting that the applicants need to identify the full impact/use of property instead of getting more and more with each Amendment. Jim McCarthy expressed concerns over the ability of the 15-acre subject site being able to support 30 campsites, commenting that 30 campsites with 300 people seems too large and not small-scale or low-impact. He added the Planning Commission has denied other requests for campgrounds and this application is asking for more campsites than the denied applications. Concerns were raised with how much of an issue there has been with dogs and noise. Dave Whitney indicated he would not want people in his backyard with flashlights, it would be unsettling and scary. Kelly Corbin had concerns with the campground more than doubling in less than a year with limited time to assess impact with the addition of the gathering venues increasing to year round from Noon to 11 pm. Planning Commission held discussion on possible elimination of campsites 1, 3, 5, 7 and 9, as illustrated on the applicant's site plan, located near the western property boundary, or possible increase of barrier near property line, which could be additional trees and/or a privacy fence. Commissioners suggested that this could help address flashlights or campers crossing the property boundary, but will have little impact on noise. Concerns with higher occupancy could be addressed with limiting capacity or limiting camping to

weekends, or establishing the number of staff and monitoring required on the property. Frank Storm reviewed current and requested amended conditions and suggested edits and clarification of winery/campground operation of hours. **Motion** by Frank Storm, second by Jim McCarthy to recommend that the County Board extend the review period in order to allow staff time to review and address Planning Commission concerns and develop recommendations/conditions for review at the Planning Commission's next meeting on the following matters: concerns on year round use, the possibility of increased staffing and monitoring of campground, the possibility of removing or relocating campsites located adjacent to the western property boundary, the possibility of increasing the barrier and/or fencing located along the western property boundary, and clarification on operation of hours for winery and campground. Staff was also directed to verify if there are any documented complaints on file with the Department of Environmental Services. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

Public Hearings – Continued Hearings - None

Old Business

a. **Jason Klar** – Coordinator Thorp provided a brief update on Mr. Klar's request for a Conditional Use Permit (CUP) for Major Home Occupation to conduct educational classes for permit to carry a pistol. The property is located at 47311 Government Road, Sunrise Township, S2, T36, R21 (PID# 09.00485.02). Coordinator Thorp indicated a public comment was received via email to a newly created email address listed on the County website. Staff was unaware of the email account and had not been monitoring email activity. The public comment was received prior to the public hearing; therefore, staff will present the email submission at the next Planning Commission meeting. Thorp shared that the County Board approved a 60-day extension to the review period, expiring on March 24, 2022. The extension will allow further review by the Planning Commission on noise at another site visit. Coordinator Thorp reviewed correspondence from Assistant County Attorney Jeff Fuge regarding public hearing status and requirements. Staff raised concerns on the method used to analyze noise produced by live fire, explaining that the Department of Environmental Services does not have the necessary equipment. Thorp shared that staff had located a decibel reader but it appeared to have not been calibrated since 2019, and that noise analysis apps for cell phones may be an option. Thorp stated that she had reached out to Minnesota Pollution Control Agency (MPCA) for guidance but had not received a response prior to the meeting. Staff has concerns on reliability and accuracy of cell phone apps. County Commissioner DuBose clarified that the County Board would like the Planning Commission to position themselves near neighbors' houses while the applicant fires his pistol, using their own ears to determine noise level near the property boundaries. DuBose explained that a similar noise analysis had been conducted in the past with a similar land use application. Discussion was held on analysis, decibel levels, the possibility of hiring a third-party professional, winter vs. summer noise level difference, decibel level and duration. Coordinator Thorp summarized that the Planning Commission will conduct a site visit to Jason Klar's property on March 1, 2022 and Mr. Klar will operate a firearm that is utilized for his educational classes for Planning Commission members to hear twelve rounds from two sites, one on each side of the property.

b. **Commercial Shooting Range Ordinance** – Coordinator Thorp informed the Commission that the County Board reviewed the draft Commercial Shooting Range Ordinance at its January 19th meeting and directed the Planning Commission to schedule a public hearing on March 3rd concerning the ordinance amendment. Thorp added that the County Board amended Section 7.32 Indoor/Outdoor Commercial Shooting Range B.2. Shotgun Minimum acreage: 40 160 acres. **Motion** by Frank Storm to set the public hearing date for review of the draft Commercial Shooting Range Ordinance for March 3, 2022; second by Dave Whitney. The motion passed 7-0. Ayes: Whitney, Corbin, McCarthy, Chair Yeager, Sutcliffe, Wille and Storm. Nays: None.

New Business - None

Wild Mountain Winery/Wild Vines Campground Letter of Clarification

To Beth Thorp and the Chisago County Planning Commission

We are writing this letter to clarify some of the issues that were raised at the Chisago County Planning Commission Meeting held on February 3rd. We are also offering a proposal that we hope brings resolution to the concerns raised by our neighboring residents and landowners.

1. **Hours of Operation** We apologize for the confusion regarding the hours of operation. They were not well defined in our CUP application. This is for the operation of the **WINERY** (gift shop & tasting room.)

<u>Current</u>	<u>Proposed Changes</u>
Fridays 2-7	Fridays 2-9 (2 hour increase)
Saturdays 12-7	Saturdays 12-9 (2 hour increase)
Sundays 12-6	Sundays 12-6
No current hours during the week.	Monday thru Thursday 12-7

The weekend hour increase is to accommodate our campers on Fridays and Saturdays. The weekday hours will only be by customer requests or for small gatherings, we do not intend to be open regularly Monday thru Thursday.

The following is the proposed changes for operation of the **CAMPGROUND**:

<u>Current</u>	<u>Proposed Changes</u>
Fridays check-in is 2pm.	Fridays check-in is 2pm
Saturdays check-in is 12 (noon).	Saturday thru Thursday check-in 12 (noon).
Check-out by 11 am.	Check-out by 11 am.

2. **Dogs** We allow pets on our premises. We have been a pet friendly business since opening our doors in 2010. All pets are required to be on a leash at all times. This is highlighted and clearly defined in our campground policy. It also states that barking is prohibited past 10 p.m. and is in direct violation of camping rules. The concern that was raised regarding *"dogs joining together from different campsites, and possibly roaming the campgrounds or entering the neighbor's property"* has never occurred. Our continued monitoring and demonstrated concern for the safety, privacy and quiet for our guests and neighbors will remain a priority and will continue to be enforced.

3. **Wedding and Dances** Please remove the language “dances” from the CUP. We do not host dances. As stated before, we do not intend to host large weddings. In the event of a request for a small ceremony, we would use the group camp site in the upper vineyard and it would be limited to less than 50 people. This should eliminate any concerns about large weddings or gatherings. The 300 maximum people on the property still applies.

4. **Capacity concerns** The discussion regarding having 200 campers on site at one time is not a likely scenario. While this is possible with our proposed capacity limits, it is highly unlikely. This would require booking all campsites at maximum capacity, and as demonstrated thus far with our current 13 sites, has never happened. Last year our typical campers were couples. We cater to couples, not families with children. We allow children, but most customers at the winery are not families. The second assumption is that if this does happen, we would not be capable of handling the situation. It should be clear that if we have a larger number of campers, we will staff accordingly. We would do that on our own as demonstrated by our staffing this past fall. Mark lives at the campground during the summer. He or a family member are on site at all times during camping. If additional help is required, there are accommodations for staffing overnight stays. Andy and Mark, the owners, regularly stay for extended periods at the winery.

5. **Response to neighbor's public remarks** We have tried to be proactive and communicate with our neighbors. We have reached out to them to listen and address their concerns. Mark had a lengthy conversation with Amanda Shoquist prior to the planning commission meeting and it went well in his opinion. Mark shared with her in advance the plan for new campsite locations. He answered her questions and had a positive response to the concerns she shared with him. We have continually offered an open line of communication to them. They have not reached out to Mark or Andy. Thus far, they have only called my parents at their residence with questions. They have not appeared at any other township or county meetings other than the planning commission. For this reason, we are continually surprised when information is shared in the public comment that is inaccurate, misleading and not supported by any evidence or testimony of witness or data. Since we are not able to refute or respond, we can only share what we have experienced and can show evidence of.

We did not have a single complaint during the 2021 camping season. If they had issues, we were not made aware. We would have addressed those issues immediately. We unequivocally deny the report that there was garbage on their property, people vomiting, and people wandering around the woods and onto their property. We monitor our spaces, check on campers, change trash receptacles daily and are a visible

presence to the campers. After our guests leave, we conduct inspections of the sites and make sure they are in the same condition as they were rented. No trash was observed, and especially none on their property. We have strict policies on trash, noise, and destruction of property. Any trash found on site results in a fine. Radios are not permitted. Destruction of property results in a hefty fine. Nightly rounds were conducted, and noise and light discipline was never an issue. Since firewood is available to our guests and specifically written in our policies that "gathering" wood is prohibited, it is preposterous that someone would have been on their property to gather firewood. They would also have had to cross a triple wire fence with no trespassing signage to do so. It is our belief this simply did not happen.

What the planning commission is not aware of are the attempts at retaliation that have happened to us by our neighbors.

Mr. Massey has set up a gun range on his easternmost property line, directly adjacent to one of our northern vineyard campsites (number 15 on the map). He has on several occasions discharged his weapon during our campground hours and in the presence of guests. On at least two occasions during the early hours (7am) on Saturday morning. This seems to be an apparent attempt to startle our guests. This is disturbing to us because of an abundance of land on their western border, where there is no risk of injury or noise disturbances. We understand that he has the right to do so, but it seems to be done purposefully to disrupt our campground guests. To our knowledge, he has never shot his weapon at his gun range during the week, when we are not open. We had a Chisago County deputy out to our property to look at where the gun range was located, when we were informed that it was Tyler's right on his property. This should be documented by the sheriff's department records.

He also detonated a large amount of tannerite once last year, knocking wine glasses off of our shelving and breaking glass. Despite our understanding of his property rights, we did speak with law enforcement to make sure this was documented and in our opinion another form of harassment. It was also detonated on his "range" on the border of our properties. No guests were camping, but guests were present at the winery.

Mr. Massey also constructed a 4 wheeler course that runs along the easternmost property line. He has plenty of land on his Western side, but chose the property line that borders our property. He likes to ride his 4 wheeler and also others with him, primarily during our hours of operation. This also seems to be something done to antagonize our customers. If noise is one of his concerns, he doesn't seem to have any concern for disturbing our family and business..

6. **Proposal** We would like to propose the following changes, to our application and plan, to remedy the concerns of our neighbors, Tyler Massey and Amanda Shoquist.

We are proposing to eliminate the campsites that are closest to their home. Campsites 5,7,9 will be eliminated and moved to different locations on the property (updated map to follow soon). This move would then make campsite 6 the closest campsite to their property, which is at least 300 feet from their home. This would also negate, in our opinion, the need for a sound barrier or privacy fence. Currently there is a 150 foot, wire, metal fence as a physical barrier. This is in addition to the yellow rope that runs the length of the property from the southern border to the northern vineyard and satisfied the conditions in the previous CUP. This move of the campsites should decrease any "potential" noise significantly (see number 7 below), and stop almost any light being observed from their home. We hope this gesture will be accepted as an effort to respond to their concerns.

7. **Noise** The following explanation is supported by the attached documents. Please reference the documents as you read this explanation. This explanation addresses the noise concerns raised by Tyler Massey and Amanda Shoquist (closest neighbors to our southwest, and Andrew Ray Grice and spouse (not positive, but believe this is the names of the occupants in this home), property owners at 16655 Wild Mountain Road, PIN number 01.00148.00 (also to our southwest). These are the two closest neighbors we have that have a house or living dwelling. All other neighbors are farther away, so this discussion will show that they would be even less impacted by noise than these two neighbors. The neighbor that entered a complaint that owns the property directly across from the winery property does not have a home or dwelling on that property. So we are not sure how they are being affected by noise, if they don't live there?

Our bands play on our outside bandstand, or in the tasting room if there is inclement weather. Our bands only play on Fridays or Saturdays in the summer. You can see our last year's band playlist on our website. We have bands scheduled for most Friday nights this summer from July thru mid October. The bands play from 6-9 on these Fridays. The bands play on Saturdays anywhere from 12:30 to 6:30, depending on when we have them start. So you can see that we never go past 9 on Friday, or 6:30 on Saturdays. Never later or earlier.

We do not let the bands play "too loud." Most bands are one or two people playing guitar or some other instrument. Occasionally we have a band with 3-4 musicians. We do not allow them to play with over amplified power, out of respect for our neighbors and customers. The customers enjoy drinking wine and conversing while they listen to the music. People do not enjoy listening to bands at "rock concert" decibel levels. If we were to estimate, we would say the decibel level to be on average 60-70 dB. A concern at the meeting was raised as to whether they have amplifiers. Some of them do, others do not. An amplifier doesn't necessarily mean that the decibel level is high, volume level is still the primary gauge and can be controlled by us.

Document 1 shows the levels of noise, with the agency that displayed this information. This is a good reference to use to relate decibels to known noises.

Document 2 outlines 3 examples of decibel levels from 3 different distances. The website that these calculations came from is on Document 2. Please visit the site and calculate your own distances and results to verify our measurements. Each example corresponds to Documents 3,4,and 5 respectively. Documents 3,4 and 5 were created using the Chisago County interactive map. So the distance measurements are taken directly from the County map.

In each example, we used 100 decibels as the source of noise. We will reiterate that our music is not that loud, but for the sake of these examples, and to give the benefit of doubt to our neighbor's, we will use 100 decibels as the benchmark. The calculation tool also assumes that sound is traveling over a flat featureless terrain, much like the surface of a frozen lake with no snow cover. That is not the case at the winery. The sound from our bands is immediately impeded by the surrounding buildings, the contoured terrain, and the vegetation and trees in the forest. But once again, for sake of argument and to make a conservative estimate, we will ignore those facts.

Example 1, and the corresponding document 3, pertain to the proposal, where campsite 6 would be the closest campsite to our neighbors, Tyler Massey and Amanda Shoquist. Document 3 shows that campsite 6 is approximately 300+ feet from the neighbors home. Assuming that the noise emitting from campsite 6 is at 100 decibels, the resulting decibel level at our neighbor's home would be reduced by 49.5 decibels, leaving a noise level of 50 decibels. Example 1 shows how we entered 100 decibels into the calculator as the decibel level at the source of the noise. We then entered 300 feet as the distance the sound travels to our neighbor's home. The resulting noise level at their home would be 50.5 (equivalent to moderate rainfall, as shown on Document 1. This is assuming the campers at campsite 6 are making sounds at 100 decibels. Realistically, the noise level coming from campsite 6 would be around 60 decibels (normal conversation, as shown on Document 1). Entering 60 decibels into the calculator gives a resulting decibel level at 300 feet to be 10.5 decibels (10 decibels is not even on Document 1, it is below the sound of leaves rustling). This also assumes that our neighbors are outside all night long, listening to the campers at campsite 6. If our neighbors were to be inside their home at night, the decibel level would be reduced by the noise blockage provided by their home. We estimate that decibel level being reduced by their home to be about 20, resulting in a noise level of about 30 decibels (On Document 1, that is equivalent to a whisper).

Example 2, and corresponding Document 4, pertains to the sound being emitted by our bands playing, and the resulting sound heard by our closest neighbors. Once again,

100 decibels was entered into the calculator as the level of sound being emitted from the source (bandstand). 700 feet was entered as the distance to our neighbors home of Tyler Massey and Amanda Shoquist from the bandstand. As shown in example 2, the decibel level reduction is 56.9, resulting in a decibel level of 43.1 at our neighbors home (On Document 1, that is equivalent to a quiet library).

Example 3, and corresponding Document 5, pertains to the sound being emitted by our bands playing, and the resulting sound heard by our other neighbors to the Southwest (The property owned by Andrew Ray Grice and spouse, property owners at 16655 Wild Mountain Road. Once again, 100 decibels was entered into the calculator as the level of sound being emitted from the source (bandstand). 1800 feet was entered as the distance to our more distant neighbor's at the Grice residence. As shown is example 3, the decibel level reduction was 65.1, resulting in a decibel level of 34.9 at our neighbors home (On Document 1, that is equivalent to a whisper). This also assumes that our neighbors are outside to hear the noise. It is not physically possible for the noise level to be above a quiet library or whisper at their residence.

Document 6 is a signed letter from the previous owners who lived at the home of Tyler Massey and Amanda Shoquist. Their names are Alan Thoreen and Karen Holler. They lived in that home from the time the winery was first established in 2010, until July of 2020. As stated in the letter, from that entire 10 year period that they lived there, they were never bothered by activities or noise from Wild Mountain Winery.

We hope that the scientific evidence as presented above, puts to rest the issue of excessive noise levels being produced from the winery or campground. Even with using an inflated number of 100 decibels, and not accounting for sound decreases created by our buildings, land contour, and foliage, neighbors staying outside all night long, our noise levels are well below any level that could be perceived by any neighbor to be a nuisance.

The state noise levels, as regulated by the Minnesota Pollution Control Agency, states that daytime noise levels (7am to 10pm) should not exceed 60-65 decibels as received by the person hearing the noise. Not the noise level being produced, but by the person hearing the sound. Our scientific examples prove that not one scenario comes close to exceeding 60-65 decibels.

We did not find any noise regulations or guidance from the Chisago County website.

6. Completing the Application and Approval Process

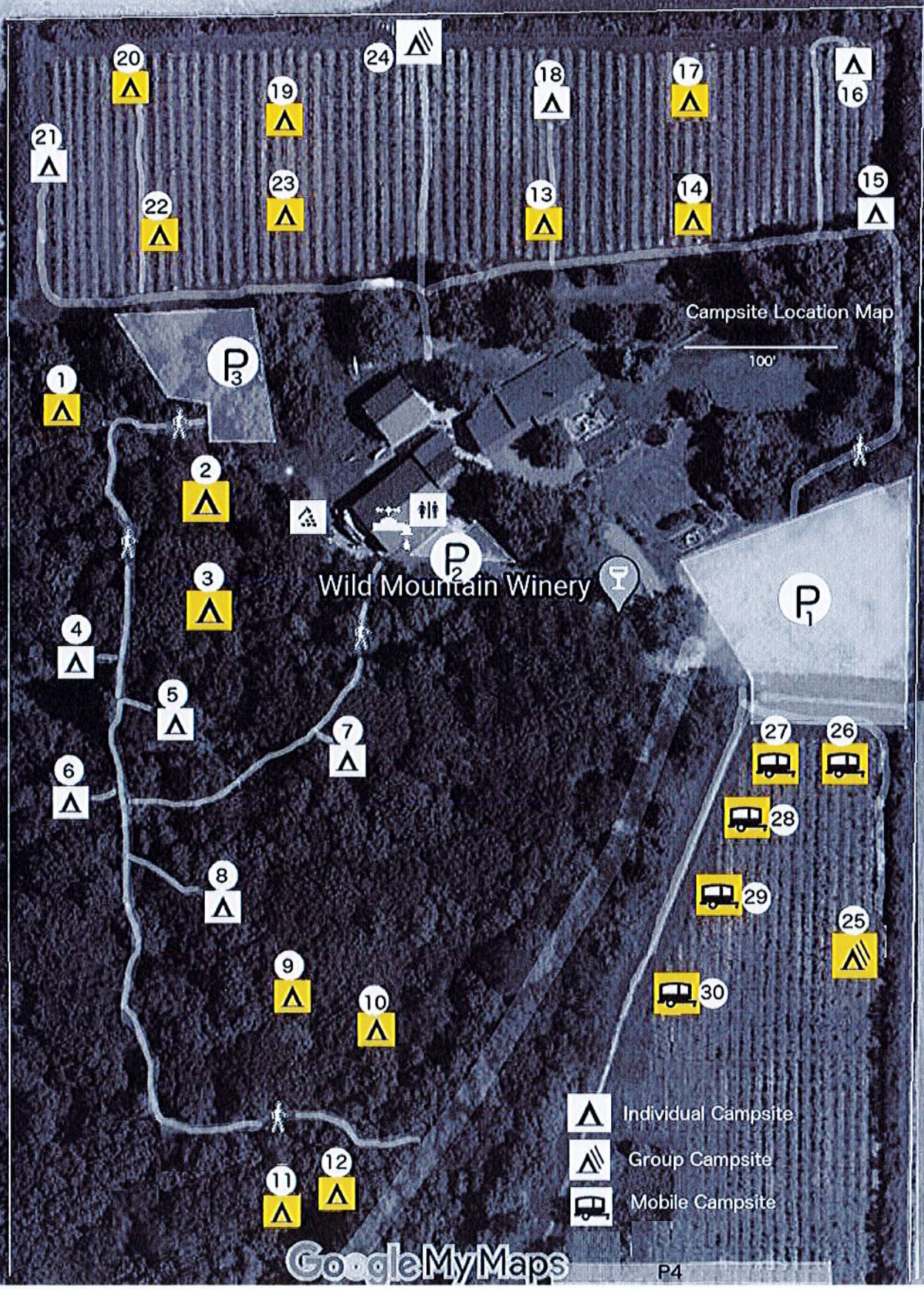
As an applicant and as a business owner in Chisago County, we are struggling with the consistency of the application process and the discrepancies between the different "players" involved in the process. When writing and trying to decipher all of the language and application requirements of the *State of Minnesota, Minnesota Department of Health, Minnesota Department of Agriculture, Minnesota department of public safety, alcohol and gambling, The Tax and Trade Bureau of the federal government and finally Chisago County*, we have found the process helpful and an education. Individuals working to help us have provided documents, tools, consultation, recommendations, points to consider and a myriad of other resources to help us safely and accurately achieve our goals. Even the County Administrative Staff have been exceptional in helping us complete the process with thoroughness.

We have reviewed the Chisago County Comprehensive Plan and development policies and our plans are consistent with them. Chisago County's administrative staff have recommended approval. Amador Township board recommends approval. We have approval from all of the state organizations and have all permits and licenses. We have exceeded all camping limits and regulations and have even helped create new language for special situations such as our Winery and Campground combination. We have constructed additional sanitary facilities and sanitation systems that exceed typical requirements and worked with our local fire and safety departments to ensure we have done our due diligence to make our business safe, clean, and to a high quality standard.

What is difficult to understand is why the County Planning Commission is the exception. After a visit to our property and opportunities to inspect and ask questions, we don't understand how there can be so many "sudden" barriers and delays. We have no choice but to question if materials have been reviewed and a thorough vetting conducted prior to meeting in a "final recommending" session. One member stated in the meeting that they had not had time to review the documents. The process itself was exacerbated by the rules of the meeting and not being able to address ANY of the points raised by the public comments and points brought up by members of the committee themselves. This is not consistent with any part of the process and mirrors what happened a year ago when the board of Commissioners approved our application WITHOUT the approval of the planning commission.

Andy Olson, Mark Olson, owners, Wild Mountain Winery and Wild Vines Campground

Rec'd
Feb. 8,
2022



Google My Maps

P4

LEVELS OF NOISE

In decibels (dB)

Rec'd Feb. 8, 2022

PAINFUL & DANGEROUS		
Use hearing protection or avoid	140	- Fireworks - Gun shots - Custom car stereos (at full volume)
	130	- Jackhammers - Ambulances
UNCOMFORTABLE		
Dangerous over 30 seconds	120	Jet planes (during take off)
VERY LOUD		
Dangerous over 30 minutes	110	- Concerts (any genre of music) - Car horns - Sporting events
	100	- Snowmobiles - MP3 players (at full volume)
	90	- Lawnmowers - Power tools - Blenders - Hair dryers
Over 85 dB for extended periods can cause permanent hearing loss.		
LOUD		
	80	Alarm clocks
	70	- Traffic - Vacuums
MODERATE		
	60	- Normal conversation - Dishwashers
	50	Moderate rainfall
SOFT		
	40	Quiet library
	30	Whisper
FAINT		
	20	Leaves rustling

OCTOBER IS NATIONAL AUDIOLOGY AWARENESS MONTH AND NATIONAL PROTECT YOUR HEARING MONTH

Visit www.HowsYourHearing.org to learn more about audiology and hearing loss.

Think you may have a hearing loss? Click on the "Find an Audiologist" link of the Web site to locate and set up an appointment with an audiologist in your area to get your hearing tested.

Example 1

Document 2

Inverse Square Law Calculator

Use the calculator below to calculate the sound pressure level at distance.

L_{p1} - sound pressure level at location 1 (dB)

Sound Propagation - the Inverse Square Law

https://www.engineeringtoolbox.com/inverse-square-law-d_890.htm

R_1 - distance from source to location 1 (m, ft)

L_{p1} - distance from source to location 2 (m, ft)

Calculate!

dL - Sound Pressure Level Difference (dB): -49.5

L_{p2} - Sound Pressure Level at Distance (dB): 50.5

Example 2

Inverse Square Law Calculator

Use the calculator below to calculate the sound pressure level at distance.

L_{p1} - sound pressure level at location 1 (dB)

Sound Propagation - the Inverse Square Law

https://www.engineeringtoolbox.com/inverse-square-law-d_890.htm

R_1 - distance from source to location 1 (m, ft)

L_{p1} - distance from source to location 2 (m, ft)

Calculate!

dL - Sound Pressure Level Difference (dB): -56.9

L_{p2} - Sound Pressure Level at Distance (dB): 43.1

Example 3

Inverse Square Law Calculator

Use the calculator below to calculate the sound pressure level at distance.

L_{p1} - sound pressure level at location 1 (dB)

Sound Propagation - the Inverse Square Law

https://www.engineeringtoolbox.com/inverse-square-law-d_890.html

R_1 - distance from source to location 1 (m, ft)

L_{p1} - distance from source to location 2 (m, ft)

Calculate!

dL - Sound Pressure Level Difference (dB): -65.1

L_{p2} - Sound Pressure Level at Distance (dB): 34.9



Distance from closest campsite

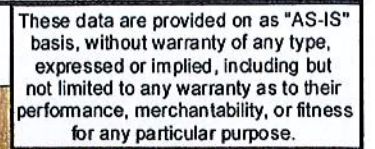
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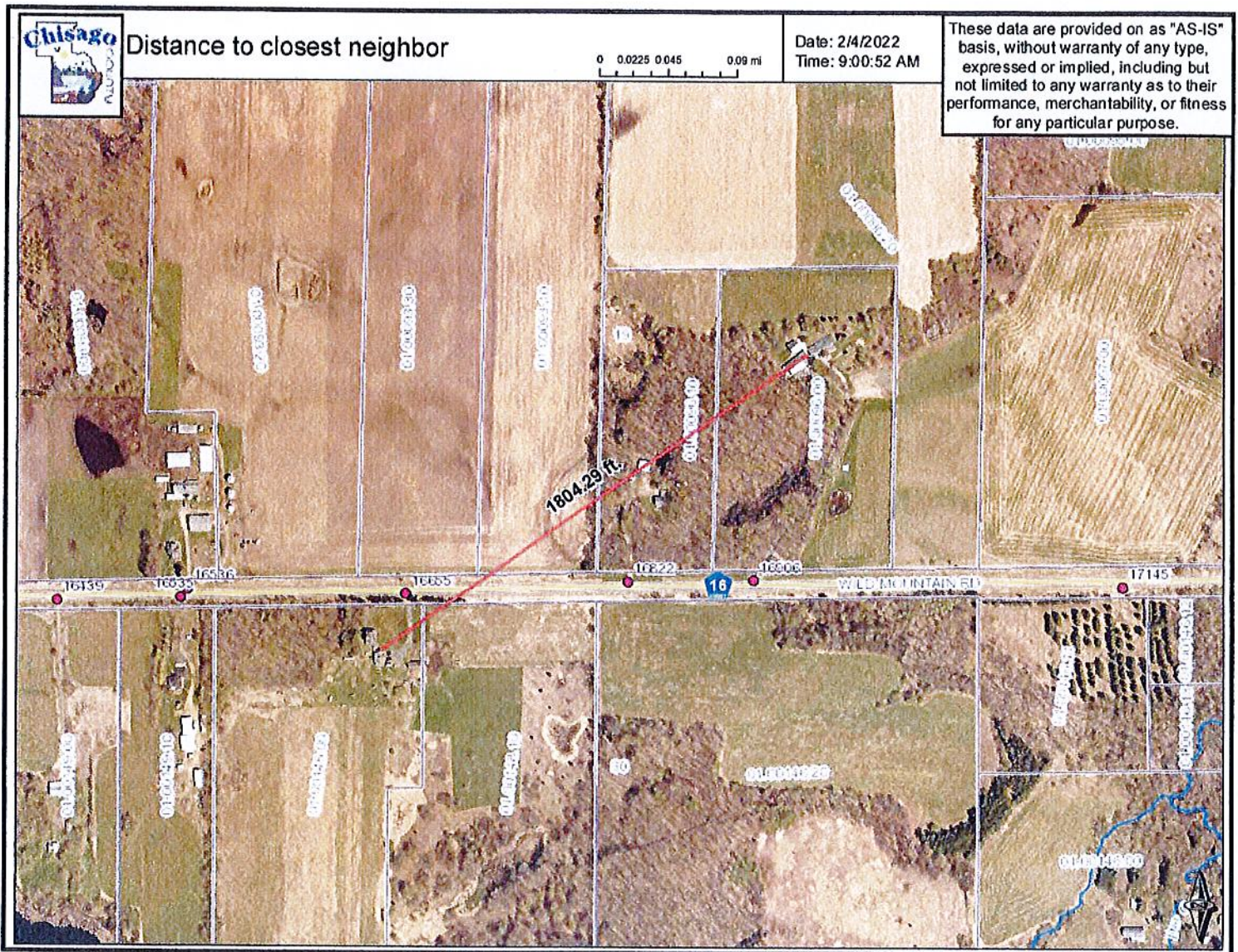
Date: 2/4/2022
Time: 9:56:59 AM

These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.



Document 3 - Corresponds to example 1





As long as I have lived on
Wild Mt. Rd, I have never been
bothered by activities or noises from
Wild Mt Winery -

Karen Holler

RESOLUTION NO. PC2022-0303

**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
16906 WILD MOUNTAIN ROAD / CSAH 16 IN AMADOR TOWNSHIP**

WHEREAS, Wild Mountain Properties, LLC, property owner and applicant, submitted an application dated received December 29, 2021 and considered complete on December 30, 2021 for an Amendment to a Conditional Use Permit allowing a Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (recreational camping area); and

WHEREAS, the original CUP was granted by the Chisago County Board of Commissioners on July 21, 2010 and subsequent Amendments were granted on April 18, 2018 and April 21, 2021; and

WHEREAS, the subject site is located at 16906 Wild Mountain Road / CSAH 16, Amador Township and is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 15.5± deeded acres in size and is legally described as:

PID 01.00096.00

The West Half of the Southeast Quarter (W ½ of SE ¼) of Section 19, Township 35, Range 19, Chisago County, Minnesota, EXCEPTING THEREFROM the following parcels:

1. A strip 50 feet wide lying North of the center line of County State Aid Highway 16.
2. South 1089 feet of the West 400 feet of W ½ of SE ¼, Section 19, Township 35, Range 19.
3. The South 1089 feet of the East 300 feet of the West Half of the Southeast Quarter of Section 19, Township 35, Range 19, Chisago County, Minnesota, and that part of said West Half of the Southeast Quarter lying north of the South 1089 feet thereof, except a strip of land 50 feet in width lying north and adjacent to the center line of County State Aid Highway No. 16 (also known as Wild Mountain Road).

WHEREAS, notice was provided and on February 3, 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, at its February 16, 2022 meeting the County Board extended the review period an additional 60 days, expiring on April 29, 2022, to allow evaluation and review of concerns identified by the Planning Commission at its February 3, 2022 meeting; 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;

<i>Finding #1</i>	<i>The proposed CUP Amendment 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> <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 develop in such a manner as to cause the least disturbance to woodland ecosystems (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>
<i>Factor #2</i>	<i>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;</i>
<i>Finding #2</i>	<i>The County finds that the proposed Rural Retail Tourism and Commercial Recreation Area uses will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site.</i>
<i>Factor #3</i>	<i>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;</i>
<i>Finding #3</i>	<i>Given the heavy forestation on the subject property, the large size of most of the neighboring parcels and the relative lack of development in the immediate area, 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. Thirteen of the campsites are located in a heavily forested area, offering screening from the adjacent property / property owner, and all other campsites are located in the northern and southern vineyard areas and are generally adjacent to undeveloped agricultural land. In addition to the heavy forestation, the County is requiring the installation of a privacy fence between the campsites located adjacent to the western property boundary and the western property boundary itself to reduce or eliminate negative impacts to the neighboring property / property owners.</i>
<i>Factor #4</i>	<i>The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;</i>
<i>Finding #4</i>	<i>The proposed Rural Retail Tourism use (winery and gathering venue) is conducted within a structure found to have no adverse appearance effect on adjacent properties. The proposed Commercial Recreation Area use (Recreational Camping Area) is largely</i>

screened by forestation or distance from the western and southern property boundaries. Those campsites located adjacent to the northern and eastern property boundaries are situated adjacent to agricultural land.

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 Area 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 an increase in traffic on Wild Mountain Road / CSAH 16 as guests arrive and depart from the Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (campground) uses. However, the County Engineer was given the opportunity to review the proposed use and did not request any additional roadway improvements (i.e. turn lanes). Further, the County Engineer did not note that traffic levels, hazard or congestion were matters of concern with this application.*

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

Finding #8 *Of the adverse impacts identified in Factor #8, the County believes that noise associated with the Rural Retail Tourism (winery and gathering venue) and Commercial Recreation Area (campground) may be a concern to nearby properties / property owners. The property immediately west, which is a 9½-acre property developed with a single family home, is the most likely to experience any impacts that may be generated by the*

intensification of use at the subject site. However, the majority of campsites located near the western property boundary are situated in a heavily forested area as is the single family home on the neighboring property. It is believed that the forestation will provide a visual and sound buffer. To address noise concerns, the County is requiring, as a condition of this CUP, the observance of quiet hours from 11:00 p.m. to 7 a.m. In addition, the County is requiring the installation of a privacy fence between the campsites located adjacent to the western property boundary and the western property boundary itself to reduce or eliminate adverse impacts to the neighboring property / property owners.

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 Conditional Use Permit amends the Conditional Use Permits granted by the Chisago County Board of Commissioners on July 21, 2010 (original CUP), April 18, 2018 (Amendment #1) and April 21, 2021 (Amendment #2) granting approval of Rural Retail Tourism and Commercial Recreation Area uses in the AG District. The specific uses allowed under this CUP include a winery and gathering venue (to include specific uses such as wine tastings, weddings, general gatherings, and other social or corporate activities) and a Recreational Camping Area. This CUP does not include approval of a Microbrewery, as had been approved in 2018. The conditions contained in this CUP supersede all previously approved conditions on the dates provided above.
2. The property shall be developed and used in accordance with the site plan and written narrative stamp dated received February 8, 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.
3. This CUP shall allow year-round use of the property for Rural Retail Tourism purposes (winery and gathering venue) subject to the following hours of operation: Mondays – Thursdays 12:00-7:00 pm, Fridays 2:00-9:00 pm, Saturdays 12:00-9:00 pm, and Sundays 12:00-6:00 pm.
4. Any toxic substances generated from the Rural Retail Tourism use (winery) must be handled in accordance with MPCA standards.
5. The property is limited to a maximum of 30 campsites, including 23 single tent sites, two (2) group sites, and five (5) pop-up camper sites. No water or sewer hook-ups shall be permitted. The property owner shall be allowed to increase the current number of campsites from 13 to 20 immediately, based on current design of the septic system, and shall only be allowed to increase the number of campsites from 20 to 30 if septic system monitoring is conducted one week prior to July 4 and one week following July 4, including daily water meter readings, and favorable analysis is provided by a certified service provider to the Chisago County Department of Environmental Services.
6. This CUP shall allow seasonal camping, as a Commercial Recreation Area, seven days a week May 1st through October 31st.
7. The Commercial Recreation Area (campground) shall be staffed at all times when campers are present. The campground shall be staffed as follows: 1-10 occupied campsites = 1 staff; 11-20 occupied campsites = 2 staff; 21-30 occupied campsites = 3 staff).
8. Campsites along the north and east property lines shall not be located closer than 20 feet to the property line. Further, the Commercial Recreation Area is subject to all Minnesota Department of

Health setback, spacing and size requirements. When the County's setback requirements are more restrictive than the State's, the County's setbacks shall supersede.

9. The Commercial Recreation Area (campground) must adhere to the strict observance of quiet hours from 11:00 pm to 7:00 am.
10. The "Wild Vines Campground Policies", stamp dated received January 25, 2022 or as amended from time to time and provided to Chisago County Department of Environmental Services, shall be made a condition of approval. Said amended Policies shall remain sufficiently consistent as or more restrictive than the January 25, 2022 Policies.
11. The property owner shall install and continuously maintain in good repair a contiguous privacy fence between all campsites located adjacent to the western property boundary (identified on the site plan as campsites nos. 21, 1, 4 and 6) and the western property boundary itself. The fence shall be a minimum of 6' in height and shall be board on board construction or other construction as approved by the Zoning Administrator. Additionally, the property owner shall install and continuously maintain in good repair permanent property boundary identification, such as fencing or landscaping, between all campsites located adjacent to the northern and eastern property boundaries (identified on the site plan as campsites nos. 20, 19, 24, 18, 17, 16, 15, 26 and 25) and the northern and eastern property boundaries themselves.
12. All utilities for the Recreational Camping Area must be located underground and there shall be no overhead wires or supporting poles except those essential for lighting purposes.
13. Noise generated from any Rural Retail Tourism and/or Commercial Recreation Area use, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries.
14. The maximum number of customers / guests for all uses combined, including Rural Retail Tourism and Commercial Recreation Area, shall not exceed 300 at any given time.
15. All parking shall be accommodated on-site, with supervised management of ingress and egress traffic to eliminate conflicts in traffic flow.
16. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
17. All food preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
18. All liquor service shall comply with all applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.
19. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.
20. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
21. 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.
22. The property owner must notify the Chisago County Department of Environmental Services annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to

adhere to the conditions of approval.

Adopted by the Planning Commission of Chisago County, Minnesota, this 3rd day of March, 2022.

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

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

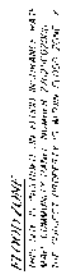
Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator

Chisago County Request For Board Action

Meeting Date: March 16, 2022	Item Number: 11
Title of Item for Consideration: KGRED, LLC/BARBAC, LLC, – Preliminary Plat “Poor Farm Meadows”	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services on behalf of the Chisago County Planning Commission
Previous Action on this Matter: None.	
Background: KGRED, LLC and BARBAC, LLC, property owners, are seeking approval of “Poor Farm Meadows”, a preliminary plat proposal generally located at the northwest corner of 410th Street / CR 81 and Poor Farm Road in Sunrise Township (PID 09.00034.20). The preliminary plat consists of 30.53+/- acres and proposes four (4) new residential lots. The Planning Commission reviewed the proposal and held the requisite public hearing on March 3, 2022. The Commission recommended conditional approval of the preliminary plat voting 7-0. The Preliminary Plat of Poor Farm Meadows is recommended for approval via passage of the attached County Board Resolution with conditions as presented by the Planning Commission. Attachment(s): - Poor Farm Meadows Preliminary Plat - County Board Resolution 22/031601 (<i>Draft for Adoption</i>) - Staff Report to The Planning Commission	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board approve the Poor Farm Meadows preliminary plat. The suggested motion to approve this action is as follows: “Move to approve Resolution 22/0316-01, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Preliminary Plat of Poor Farm Meadows, located in Sunrise Township, at the northwest corner of 410th Street / CR 81 and Poor Farm Road (PID 09.00034.20).”	
Implications of Action: Recommended Board action will grant the requested Preliminary Plat in Sunrise Township. Once prepared and reviewed, final plat approval will be requested of the Board. Budget/Financial Implications: None. Legal/Policy Implications: The proposed activity is 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 _____

COUNTY OF CHICAGO
SUNRISE TOWNSHIP
SEC. 4, T. 35, R. 20

[illegible]

the right of the National Charter of the
American Teacher, Section 4, paragraph 23
on the subject of Mentoring

400 p. 2nd ed.
for comparison of the two editions of the text.

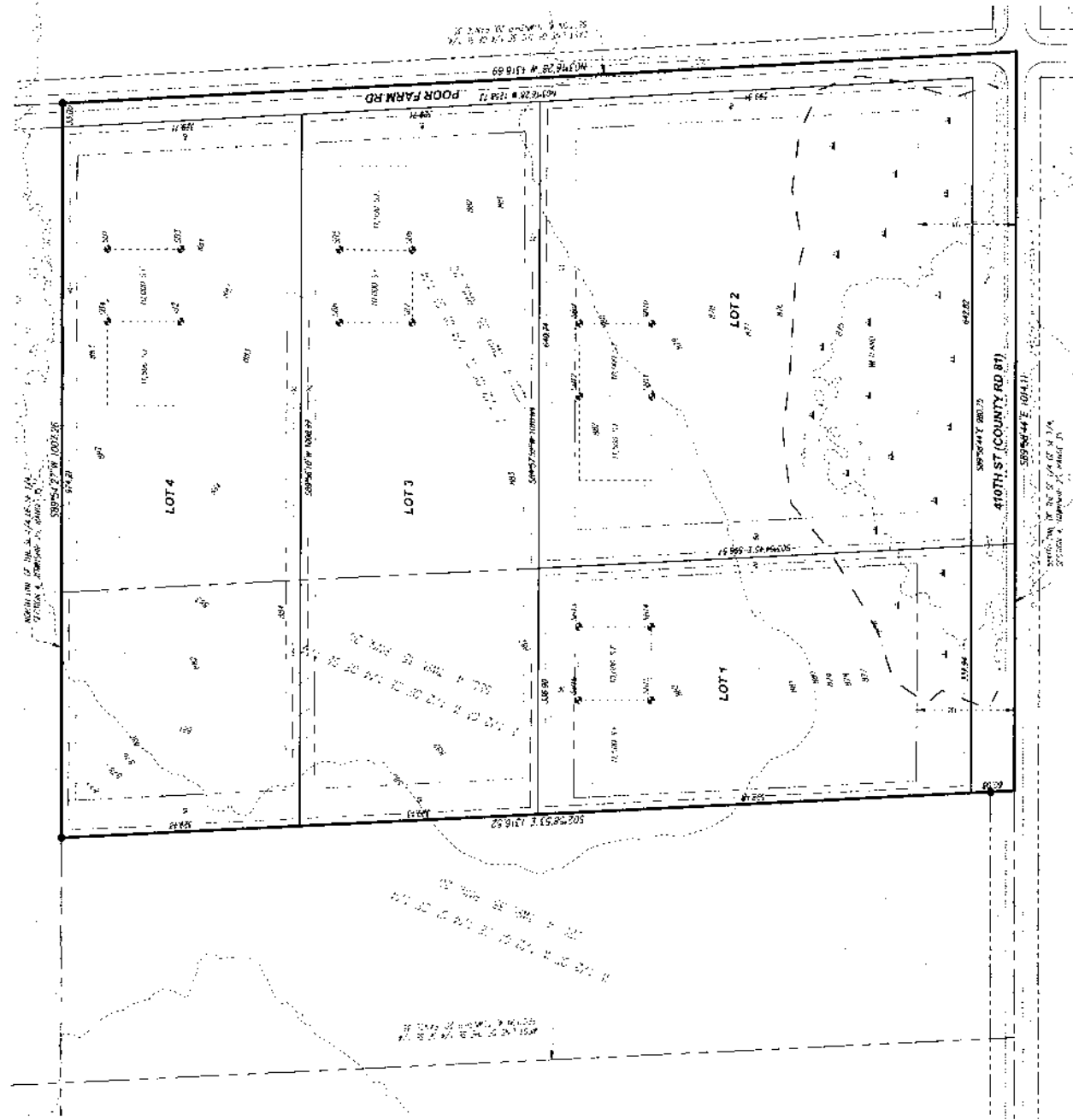
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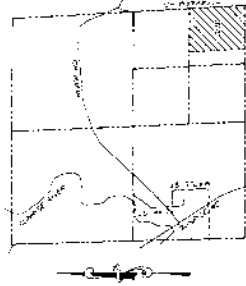
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- $\mathcal{L}_2$ norm: $\|x\|_2 = \sqrt{\sum_i x_i^2}$


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Journal of the American Statistical Association, 1997, Vol. 92, No. 439, 1033-1041

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SECTION 4, T. 2S, R. 2E
Chicago County
Mo. 3645



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**PERFORMANCE
DRIVING DESIGN**

W.C. & F.M. JONES are Authors of *THE*

Commissioner _____ offered the following resolution and moved its adoption:

RESOLUTION NO. 22/0316-01
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY,
MINNESOTA, APPROVING THE PRELIMINARY PLAT OF POOR FARM MEADOWS
AS REQUESTED BY KGRED, LLC AND BARBAC, LLC

WHEREAS, KGRED, LLC and BARBAC, LLC, property owners and applicants, submitted an application dated received January 12, 2022 and considered complete on January 21, 2022 for the Preliminary Plat of Poor Farm Meadows; and

WHEREAS, the subject site is generally located at the northwest corner of 410th Street / CR 81 and Poor Farm Road in Sunrise Township and is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 30.53± acres in size and is legally described as:

PID 09.00034.20

The East Half of Southeast Quarter of Southeast Quarter (E1/2 of SE1/4 of SE1/4) and the East Half of West Half of Southeast Quarter of Southeast Quarter (E1/2 of W1/2 of SE1/4 of SE1/4), all in Section Four (4), Township Thirty-Five (35), Range Twenty (20), Chisago County, Minnesota

WHEREAS, notice was provided and on March 3, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicants and/or property owners, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Preliminary Plat of Poor Farm Meadows with conditions, per Resolution No. PC2022-0301; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its March 16, 2022 meeting and determined the Preliminary Plat of Poor Farm Meadows to be consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby approves the Preliminary Plat of Poor Farm Meadows, subject to the following conditions:

1. The Preliminary Plat is approved per plat drawing stamp dated January 21, 2022. Any deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. The driveway for Lot 2, Poor Farm Meadows must access Poor Farm Road and not 410th Street / CR 81.
3. Prior to request for Final Plat and when ground and weather conditions allow, the County shall verify the soils report and soil borings for suitability of septic systems.
4. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
5. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat, unless an extension of time if requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

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: March 16, 2022

Rick Greene
Chair, Board of Commissioners

ATTEST:

Christina Vollrath
Clerk of the Board



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Preliminary Plat of Poor Farm Meadows
 NW Corner of 410th Street / CR 81 and Poor Farm Road, Sunrise Township
 DATE: March 3, 2022

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Poor Farm Meadows.

SITE & APPLICATION INFORMATION

Property Owner(s): KGRED, LLC and BARBAC, LLC
 Applicant(s): KGRED, LLC and BARBAC, LLC
 General Location: NW corner of 410th Street / CR 81 and
 Poor Farm Road / Sunrise Township
 Section 04, Township 035, Range 020
 PID: 09.00034.20
 Property Area: 30.53 Acres
 Current Zoning: Agricultural (AG) District
 Adjacent Zoning: Agricultural (AG) District
 Date Application Received: January 12, 2022
 Date Application Complete: January 21, 2022
 120-Day Review Period: May 21, 2022



BACKGROUND & DISCUSSION

Property owners and applicants KGRED, LLC and BARBAC, LLC, represented by Ken Johnson and Bob Boyce respectively, are seeking approval of the Preliminary Plat of Poor Farm Meadows. The subject site is 30.53± acres in size and the applicants wish to create a total of four parcels, including one 10.2-acre parcel, two 7.6-acre parcels and one 5-acre parcel. All proposed parcels have sufficient area and frontage on either 410th Street / CR 81 or Poor Farm Road.

SITE PLAN / PROPOSAL ANALYSIS

The land proposed for subdivision is currently undeveloped with elevation ranging from 875' to 884' and a large wetland area located adjacent to the southern boundary. The bulk of the wetland area is to be located on proposed Lot 2, which is the largest proposed lot at 10.5 acres. The proposed lots have been designed to afford future property owners views of the surrounding natural landscape and features.

The subject site is located in the Agricultural (AG) District and is entirely surrounded by the AG District. Adjacent properties are all 20-30 acres in size and either undeveloped / ag land or developed with single family homes and horse farms. The purpose of the AG District is to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas.

Below is a table which outlines minimum requirements for the AG District with corresponding information for the four proposed parcels. As proposed, all four parcels comply with the County's dimensional requirements.

AG District Minimum Requirements	Lot Size 5 acres	Lot Width* 300 feet	Lot Depth** 300 feet	Home Site Area 21,500 square feet
Lot 1	5.0 acres	338± feet	658± feet	21,500 square feet
Lot 2	10.2 acres	660± feet	675± feet	21,500 square feet
Lot 3	7.6 acres	329± feet	1,009± feet	21,500 square feet
Lot 4	7.6 acres	329± feet	1,008± feet	21, 500 square feet

** Lot width, by definition, is measured at the building setback line. Subdivision Ordinance Section 4.03 Lot Requirements states that "Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance."*

*** Lot depth, by definition, is the average distance measured from the front lot line to the rear lot line. Subdivision Ordinance Section 4.03 Lot Requirements states that "the depth of a lot shall not be greater than five times the width."*

Proposed Lot 1 will access 410th Street / CR 81 and proposed Lots 2 – 4 will access Poor Farm Road.

As part of the review process, the Technical Review Committee met on February 9th. The following items were identified and/or discussed during and following the meeting:

- The County's Wetland Specialist reviewed the applicant's wetland delineation report and provided a Notice of Decision approving the report.
- The County's Code Enforcement Officer reviewed the applicant's soil report to verify suitability for septic systems but is unable to verify soil borings until spring due to current winter conditions. Soils verification has been added as a proposed condition of approval.
- The County Engineer requested confirmation that the driveway for proposed Lot 2 would access Poor Farm Road rather than 410th Street / CR 81. The applicant's confirmed that access will be from Poor Farm Road.

Preliminary Plats, per Minnesota Statute, are subject to a 120-day review period rather than the more typical 60-day review period applied to land use requests. The 120-day review period for this application expires on May 21, 2022.

TOWNSHIP RECOMMENDATION

The Sunrise Town Board reviewed the proposed Preliminary Plat at its February 17th meeting and recommended approval with no conditions.

STAFF RECOMMENDATION

Staff believes that the proposed Preliminary Plat complies with and is consistent with the intent of the County's Zoning and Subdivision Ordinances. 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 Preliminary Plat of Poor Farm Meadows with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. The Preliminary Plat is approved per plat drawing stamp dated January 21, 2022. Any deviation from the approved plat drawing shall require further review by the Planning Commission and approval by the County Board.
2. The driveway for Lot 2, Poor Farm Meadows must access Poor Farm Road and not 410th Street / CR 81.
3. Prior to request for Final Plat and when ground and weather conditions allow, the County shall verify the soils report and soil borings for suitability of septic systems.
4. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
5. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat, unless an extension of time if requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Poor Farm Meadows with conditions presented or amended.
2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Preliminary Plat of Poor Farm Meadows based on factors deemed appropriate. *(Note: the Commission will need to include specific factor(s) for denial in its motion.)*
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration, as allowed by Minnesota Statute 15.99. The 120-day review period expires on May 21, 2022.

ACTION REQUESTED

Motion to adopt Resolution No. PC2022-0301, a resolution recommending approval of the Preliminary Plat of Poor Farm Meadows, with conditions as presented or amended.

ATTACHMENTS

1. Preliminary Plat Application Materials
 - Application dated received January 12, 2022
 - Aerial image 1 (subject site)
 - Aerial image 2 (vicinity map)
 - Preliminary Plat drawing stamp dated January 21, 2022
2. Draft Resolution No. PC2022-0301

CC: KGRED, LLC and BARBAC, LLC, applicants
County File

Chisago County Request For Board Action

Meeting Date: March 15, 2022	Item Number: 12
Title of Item for Consideration: 2022 Aquatic Invasive Species Control Partnership Program between Chisago Lakes Lake Improvement District (CLLID), Local Lake Associations	
Action Requested by: Kurt Schneider Director	Department: Environmental Services/Zoning - on behalf of the CLLID
Previous Action on this Matter: This program has been offered from 2012 through 2021. In 2021, the Center Lakes, Green Lake, and Chisago/Lindstrom/Kroon Lake Associations partnered in the program to control Eurasian Watermilfoil, Curly Leaf Pondweed and Phragmites on area lakes. This program is proposed to be offered again in 2022 only and may or may not be continued in 2023.	
Background: Aquatic Invasive Species (AIS) such as Eurasian Watermilfoil and Curlyleaf Pondweed are a serious problem in the Chisago Lakes Chain of Lakes watershed. Recently, invasive Phragmites has become a problem on area lakes. For the past 10 years the CLLID has provided cost share funding to lake associations to help pay for the cost to control Eurasian Watermilfoil and Curlyleaf Pondweed to improve navigation. Over this time, grant funds from the DNR for these programs have decreased and have limited availability. The CLLID has increased cost share opportunities from 50% to 90% to help lake associations make up for the loss of state grant funds. The program helps achieve the CLLID goal to promote the reduction of non-native aquatic invasive species. In 2019, invasive Phragmites along shorelines was added as a plant eligible for treatment funds. This program, as outlined, will provide 90% of the cost for the treatment up to the maximum allowed. This maximum value is based off a proportionate share of the number of littoral acres of the lake (see attached table). Within individual lake associations, funds can be allocated to lakes based on need for treatment. If funding remains at the end of the season, lake associations can apply for up to \$1,000 additional funding, so long as the total program funding does not exceed the budgeted \$30,000. Changes to the 2022 program include: 1. Allow treatments to take place in permanent slow-no-wake zones as designated in Chisago County Ordinance Number 15/0415-1. 2. Only lake associations with 501(c)(3) status are eligible to receive reimbursement funds. 3. All lake associations with 501(c)(3) status are eligible to receive a minimum reimbursement grant of \$1,000. On March 7, 2022, the CLLID board unanimously approved a motion recommending that the County Board approve the CLLID/Lake Association/DNR AIS Control Partnership Program.	
Attachment(s): • 2022 CLLID/Lake Association/DNR AIS Control Partnership Program • Budget Adjustment Request	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider approving the 2022 CLLID/Lake Association/DNR Aquatic Invasive weed	

control partnership program for \$18,900, along with up to \$11,100 from reserves for a total program budget of \$30,000. The suggested motion to approve this action is as follows:

“Move to Approve the 2022 CLLID/Lake Association/DNR aquatic invasive weed control partnership program for \$18,900, along with up to \$11,100 from reserve funds for a total program budget of \$30,000.”

Implications of Action: Recommended Board action would authorize the partnership between the CLLID, lake associations and DNR to control Eurasian Watermilfoil and Curlyleaf Pondweed for purposes of improving navigation, and invasive Phragmites wherever found.

Budget/Financial Implications: The proposal is being brought before the County Board for consideration because the 2022 program in its entirety will exceed \$5,000. Funding for the 2022 CLLID Aquatic Invasive Species partnership program is in the approved 2022 CLLID budget. The CLLID currently has \$18,900 in the Aquatic Invasive Species lake association partnership budget category. Up to \$11,100 in additional reserve funds are needed for a total program budget of \$30,000.

Use of CLLID reserve funds is consistent with the policy to maintain approximately 50% reserve carryover of the CLLID budget, according to recommendations of the State of Minnesota Office of the State Auditor “Fund Balances for Local Government – Office of the State Auditor Statement of Position. No county levy funds are requested.

Legal/Policy Implications: The proposed activity is in conformity with applicable state statutes and County authority and policies.

Administrator’s Recommendation

Approve CLG

Deny _____

Other _____

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____



Budget Adjustment Request 2022

Department Name: Environmental Services
Chisago Lakes Lake Improvement District

Department Head: Kurt Schneider

Reason and description of the proposed change to the Budget:

The approved 2022 LID budget has \$18,900 for Aquatic Invasive Species Lake Association partnerships (618-6840). An additional \$11,100 is needed for a total program budget of \$30,000. The LID Board is respectfully requesting \$11,100 be transferred from reserves to AIS Lake Association partnerships (618-6840) to cover the additional cost of treatments. No county levy funds are requested.

Is this proposed budget change a net expenditure to the county?

Yes/No

No

If yes, can other expenditures be cut from this department to offset this net expenditure?

If a net expenditure, can this change be deferred until next budget year?

Auditor-Treasurer's comments:

2022 Budget Adjustment

Account Description	Account #					Additional \$ Amounts	
	Fund	Dept	Program	Service	Object	Revenue	Expenditure
AIS Lake Association Partnership		618	6840				18,900
Reserves		618				11,100	
Total Revenue & (Expenditures)						\$11,100	\$18,900
Net Revenue/ (Expenditure) change vs. 2022 Budget							\$30,000

County Administrator approval

YES	No
-----	----

 Date

dd/mo/yr

Board approval

YES	No
-----	----

 Date

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After the above approvals have been received, the Auditor-Treasurer's department will forward a copy of this document along with a copy of the "revised" 2022 Budget schedule to the department head requesting the change.

2022 LID/Lake Association/DNR Aquatic Invasive Species Control Partnership Program

Aquatic invasive species, such as Eurasian Watermilfoil, Curlyleaf Pondweed, **invasive** Phragmites and **Purple Loosestrife** are a serious problem in the Chisago Lakes Chain of Lakes watershed. The Chisago Lakes Lake Improvement District (LID) has a goal to promote the reduction or control of non-native aquatic invasive species. The objective is to, when appropriate, provide assistance with costs and grants associated with treatment of or education about non-native aquatic invasive species such as Eurasian Water Milfoil, Curlyleaf Pondweed, **invasive** Phragmites and Purple Loosestrife.

The LID is interested in partnering with lake associations within the LID boundaries to control:

- Eurasian Watermilfoil and Curlyleaf Pondweed for the purpose of improving navigation. Funds are intended to support projects that have received an Invasive Aquatic Plant Management Permit from the DNR and that are **more than** 150 feet from shore.
- The following locations are permanent slow-no-wake zones within the LID per Chisago County Ordinance Number 15/0415-1. These areas are exceptions to the 150 foot restriction. LID funds can be used for treatment within 150 feet of shore in these areas:
 1. Channel between Green Lake (13004102) and Little Green Lake (13004101).
 2. Channel between Chisago Lake (13001200) and South Lindstrom Lake (13002800).
 3. Channel between South Lindstrom Lake (13002800) and North Lindstrom Lake (13003500) including Moonlight Bay.
 4. North Channel between North Lindstrom Lake (13003500) and North Center Lake (13003200).
 5. Channel between North Center Lake (13003200) and South Center Lake (13002700).
 6. Northwest bay of South Center Lake (13002700) abutting Neal Avenue in Lindstrom.
 7. Channel between Spider Lake (13001900) east bay and west bay.
 8. Within 150 feet of the marked limits of the designated swimming beach on South Lindstrom Lake (13002800).
 9. Within 150 feet of the marked limits of the designated swimming beach on Chisago Lake (13001200).
 10. Bull Lake, DNR Public Water Wetland 13015400. Bull Lake is defined as the open water wetland area entirely surrounded by Allemstratt Wilderness Park. Bull Lake does not include the channel connecting North Center and North Lindstrom Lakes.
- Invasive Phragmites and Purple Loostrife wherever found within the LID boundaries. The lake associations are responsible for all permits, property owner permissions, interactions, and potential liabilities.

The LID is offering to provide matching funds to lake associations for cash expenditures on projects to control these invasive species using either herbicides or mechanical control. No reimbursements will be made for time, mileage, labor, etc. incurred by the lake association. These reimbursements are calculated using the cost **after** any non-LID public grants targeted for AIS control.

The LID will provide 90% of the reduced cost for the treatment up to the maximum allowed. This maximum value is based off of the number littoral acres of the lakes that are supported by the appropriate 501(c) lake association within the LID boundaries (see following table). **Only lake associations with 501(c)(3) nonprofit status are eligible to receive reimbursement funds through this program.** The LID encourages smaller lakes without 501(c)3 status to partner with an existing 501(c)3

lake association. Within individual lake associations, funds can be allocated to lakes based on need for treatment. **All lake associations with 501(c)(3) status are eligible to receive a minimum reimbursement grant of \$1,000.**

Lake Association	Littoral (Acres)	% of Total	Matching Grant*
Green Lakes Association Green, Little Green Ellen Lakes	1,343	37.32%	\$11,194.78
Center Lakes Association North & South Center Lakes	1,169	32.48%	\$9,744.37
Chisago Lindstrom Kroon Lakes Association Chisago, North Lindstrom, South Lindstrom, Kroon Lakes	1,087	30.20%	\$9,060.85
Total			\$30,000

The numbers above are included as an example and may be reduced if more lake associations register for this program.

Note: If the entire \$30,000 of the matching grant is not requested by the lake associations, the lake associations can request up to \$1,000 more. Lake associations requesting this additional Grant, must submit a request to the LID board for consideration at or before the November **2022** LID board meeting. The total AIS partnership grant expenditure for **2022** will be less than or equal to \$30,000.

Lakes that currently not part of a lake association must either join one of the existing lake associations or create a new one to be part of this partnership program and submit their request before the **April 2022 LID meeting.**

- This opportunity is for **2022** only. The program may or may not be continued in **2023**.
- Applications must be reviewed by LID staff and submitted to the LID board prior to approval.

Please provide the following prior to treatment

- ~~1. 2021 AIS Treatment Worksheet for lake associations within the Chisago Lakes Lake Improvement District.~~
2. The 501(c)(3) or Employee Identification Number for your lake association.
3. Copy of any grant applications.
4. Copy of DNR Invasive Aquatic Plant Management Permit application. **Permits are a legal requirement.** Information about DNR permits can be found at:
http://www.dnr.state.mn.us/permits/invasive_species/index.html

Invasive Aquatic Plant Management permit applications will be submitted through the online Minnesota DNR Permitting and Reporting System (MPARS).

5. Map or drawing of the proposed treatment area.
6. Funding request for the LID.

Please provide the following after treatment

1. Itemized list of funds spent, including invoices.
2. Copy of all grant contracts indicating monies received.
- ~~3. An updated 2021 AIS Treatment Worksheet indicating actual acres treated, etc.~~
4. Invoice requesting reimbursement from the LID.
5. Not required but appreciated – What were your overall thoughts on the control program? Did the controls meet or exceed your expectations? Were there disappointments?

For additional information on the partnership opportunity, please contact:

Jerry Spetzman

Administrator Chisago Lakes Lake Improvement District

Chisago County Department of Environmental Services and Zoning

Jerry.spetzman@chisagocountymn.gov

651-213-8383

Chisago County Request For Board Action

Meeting Date: March 16, 2022	Item Number: 13
Title of Item for Consideration: Parks Department Mower Trailer Purchase	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Parks
Previous Action on this Matter: The approved 2022 Capital Improvement Plan (CIP) identified up to \$15,000 for purchase of a new Parks Division Mower Trailer.	
Background: Staff solicited competitive quotes for the purchase of a new mower trailer. Pursuant to Chisago County Purchasing Policy the attached proposal from Trailer City for a new 2021 Woodies Steel Utility Trailer (82" x 16', plus 2' dovetail, 3' rear ramp gate) is presented for approval. The 2022 quoted trailer prices were unexpectedly more reasonable then previously determined. Therefore, the current price is reflected within the current quote and savings.	
Attachment(s): - March 8, 2022, Trailer City-Quote 2021 Woodies Steel Utility Trailer- Image	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the new 2021 Woodies Mfg. Steel Trailer purchase and transfer the balance of dedicated CIP funds towards the purchase and installation of dugout enclosure fencing. Two suggested motion(s) to approve this action are presented as follows: 1. <i>"Move to approve the purchase of a Trailer City 2021 Woodies Steel Utility Trailer, not to exceed \$4,250.00 as presented."</i> 2. <i>"Move to transfer the difference of \$10,750 in remaining dedicated CIP funds allocated for purchase of a Parks Division Mower Trailer, approval number (ENVS-0113), towards the Capital Improvement Plan purchase and installation of 5 furnished and installed dugout enclosure fencing, approval number (ENVS-0112), at Ki-Chi Saga County Park."</i>	
Implications of Action: Recommended Board action results in a new purchase for a Parks Division Equipment Asset and transfer of saved CIP funds to another CIP approved project.	
Budget/Financial Implications: The proposal is presented at a cost of \$4,250.00, (not to exceed \$15,000) from previously approved Capital Improvement Plan budget. The dedicated remaining CIP funds of \$10,750.00 will be transferred to another parks CIP project.	
Legal/Policy Implications: The proposal was solicited and obtained in accordance the Chisago County Purchasing Policy.	

063 Approve _____ Administrator's Recommendation Deny _____ Other _____			
Motion By:		Seconded by:	
To:			
Action on Motion:	Aye _____	Nay _____	Abstain _____



14075 St Rd 70
Grantsburg, WI 54840
715-463-2100

www.trailer-city.com

Sold To:

Name: Chicago County Parks
Address: 39084 Keystone Avenue
City, State, Zip: North Branch, MN 55056
Phone: 651-800-0562 Dave
fax 651-674-8418

Date: 03/08/22

Qty.	Item	Description	Unit	Amount
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1	Steel Utility Trailer	2021 Woodies Mfg. 82" x 16' + 2' dovetail, 3' rear ramp gate	\$	4,250.00
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Invoice Total:
Deposit Paid:
Amount Due:

All claims and returned goods MUST be accompanied by invoice copy. All claims must be made within 10 working days after receipt of material. No returns can be made without permission. PAST DUE ACCOUNTS WILL BE SUBJECT TO FINANCE CHARGES.

Received by: _____

Authorized Trailer City Representative _____

DISCLAIMER: Trailer City makes no representation or warranties of any kind, expressed or implied, with respect to merchantability, fitness for a particular purpose or any other matter. All implied warranties of merchantability and fitness for intended use are hereby disclaimed. This disclaimer is specifically made part of the agreement between parties.

Sub Total	\$	4,250.00
5.5% Sales Tax		Exempt
Total	\$	4,250.00
Non Tax Items		
Title Fees		
License Fees		
Fee Total	\$	-

Grand Total \$ 4,250.00



Chisago County Request For Board Action

Meeting Date: March 16, 2022	Item Number: 14
Title of Item for Consideration: Ki-Chi Saga Park Ballfield Covered Dugouts and Fencing Enclosures	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Parks
Previous Action on this Matter: The 2022 Capital Improvement Plan identifies the purchase and installation of six covered dugout and fencing enclosures (8'x 28') at ballfields 1-3 at Ki-Chi Saga County Park at a total cost of \$60,000.	
Background: Pursuant to County Purchasing Policy the attached proposal from Century Fence Company of Forest Lake is presented for approval. Staff solicited competitive quotes from both pre-manufactured models and built-on site covered dugout systems. Built on site dugouts were more feasible to install and a more reasonable funding alternative to pre-manufactured designs. Attachment(s): - March 8, 2022 Century Fence Company Quote #8694-Dugout Covers - March 8, 2022 Century Fence Company Quote #9299-Dugout Enclosure Fencing - Image of ballfield covered dugout at Fenway Park in Forest Lake, MN	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider the Century Fence Company Proposal(s). The suggested motion to approve these action(s) is as follows: <i>“Move to approve the March 8, 2022, Ki-Chi Saga County Park Century Fence Company Covered Dugout and Enclosures Fence purchase and installation proposals #8694 and #9299 as presented”.</i>	
Implications of Action: Recommended board action results in the CIP purchase and installation of the six identified ballfield covered dugouts and fence enclosures within Ki-Chi Saga County Park. Budget/Financial Implications: Proposal #8694 and #9299 are presented at a total cost of \$73,608. The approved CIP budget, approval number (ENVS-0111), planned a \$60,000 project. Staff notes that Parks CIP cost savings of \$10,750.00 from the recommended 2022 Mower Trailer Acquisition (ENVS-0113) is proposed to be incorporated into this capital purchase and the remaining \$2,858 balance due supplemented within Parks operating budget. Legal/Policy Implications: The proposal was solicited and obtained in accordance the Chisago County Purchasing Policy.	
Administrator's Recommendation	
Approve	Deny _____
Other _____	
Motion By:	Seconded by:

To:			
Action on Motion:	Aye _____	Nay _____	Abstain _____

Quote

Century Fence Company
14839 Lake Dr NE
Forest Lake, MN 55025



Quote To:
ESTIMATING DEPARTMENT

Project Location:
Chisago Dugout

Quote #: 8694
Quote Date: 3/8/2022

Description

Furnish and Install:

1) 8' X 28' dugout enclosure.

Includes 7' high fence on sides and rear of dugout with steel plates mounted on top of concrete slab. Roof will be steel 1-5/8" trusses with treated wood stringers and corrugated metal roofing with J-Trim on outside edges.

If an additional post is desired to straighten this fence closure area in lieu of running directly off concrete add \$422.00 to price below.
\$10,118.00 each

6 dugouts

Total cost \$60,708.00

Notes:

Excludes Excavation through rock, Excavation through frost, Permit, Private Utility Locate, Survey of property for fence layout

Quote Valid For 15 days

Buyer's Signature: _____

Date: _____

Submitted by:

*Nathan
Horner*

Acceptance:

This quote when accepted in writing by purchaser and by Century Fence Company becomes a contract between two parties. The conditions on the attached 'Terms and Conditions' are made a part of this contract.

Terms of Payment: Net Cash upon receipt of invoice.

Nathan Horner

Office: 651-464-7373

Cell: 612-670-3520

Email: nhorner@centuryfence.com

Quote

Century Fence Company
14839 Lake Dr NE
Forest Lake, MN 55025



Quote To:
ESTIMATING DEPARTMENT

Project Location:
Chisago Dugout

Quote #: 9299
Quote Date: 3/8/2022

Description

Furnish and Install dugout enclosure fence.

Includes installing fence on sides and rear of dugout roof structure with one walk through from outside and one walk through to field side on each.

\$2,150.00 Each

6 dugouts

Total Price \$12,900.00

Quote Valid For 15 days

Buyer's Signature: _____

Date: _____

Submitted by:

*Nathan
Horner*

Acceptance:

This quote when accepted in writing by purchaser and by Century Fence Company becomes a contract between two parties. The conditions on the attached 'Terms and Conditions' are made a part of this contract.

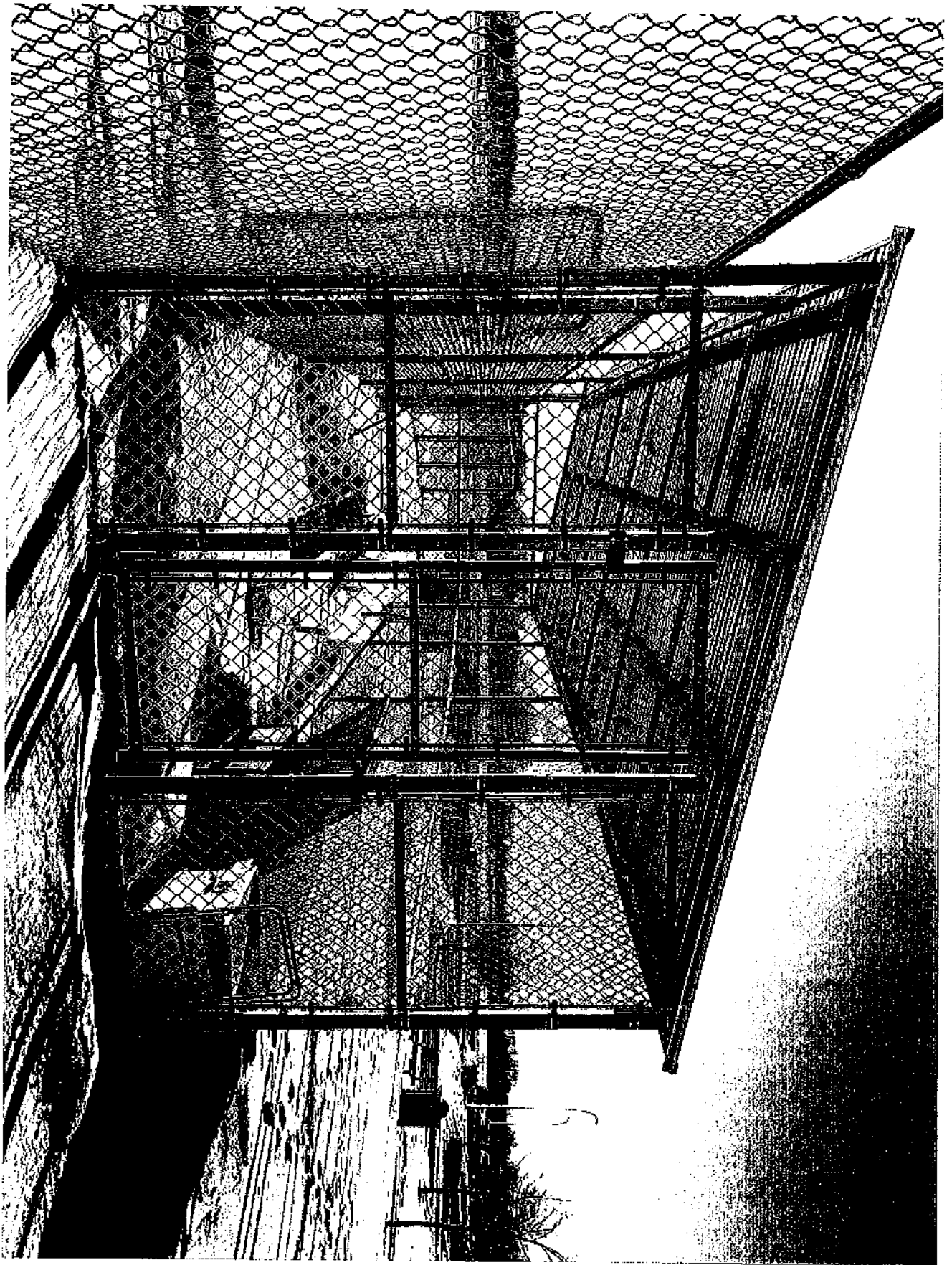
Terms of Payment: Net Cash upon receipt of invoice.

Nathan Horner

Office: 651-464-7373

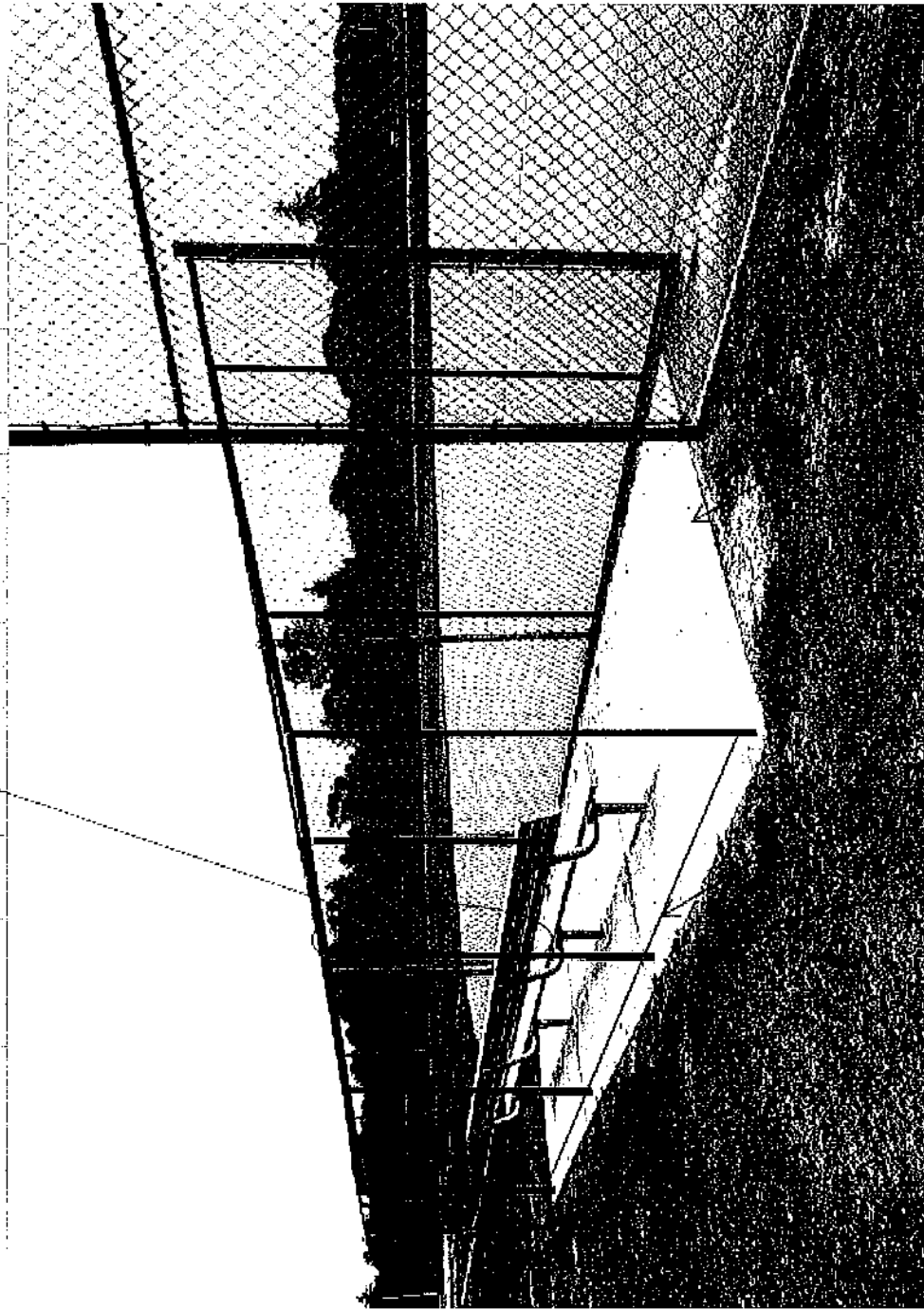
Cell: 612-670-3520

Email: nhorner@centuryfence.com





Optional opening towards outfield installed through fence.



Can leave entire side open for dugout entry from either side or close dugout off from outside.

Rear and sides can be left open or closed in with fence.

Chisago County Request For Board Action

Meeting Date: March 16, 2022	Item Number: 15
Title of Item for Consideration: 2022 Chisago Lakes Lake Improvement District (CLLID) Budget Reallocation/Adjustment Request	
Action Requested by: Kurt Schneider Director	Department: Environmental Services/Zoning - on behalf of the CLLID
Previous Action on this Matter: No previous action on this matter.	
Background: The purpose of this budget reallocation/adjustment request is to better align the existing 2022 CLLID levy with the CLLID Board developed line item designation of their 2022 CLLID budget; and remove CLLID reserve funds use from the annual levy/operations budget. As discussed in global development meetings, future use of CLLID reserve funds will be presented on a case by case basis to the County Board. Attachment(s): 2022 Budget Adjustment Form – CLLID Budget Reallocation/Adjustment Request	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board affirmatively consider approving the 2022 CLLID Budget Reallocation/Adjustment Request. The suggested motion to approve this action is as follows: <i>“Move to approve the 2022 CLLID Budget Reallocation/Adjustment Request.”</i>	
Implications of Action: Recommended Board action would allow the CLLID to continue using the 2022 CLLID Board requested budget. Budget/Financial Implications: The 2022 CLLID levy remains unchanged with no additions or deletions to the levy. No county general levy funds are requested. Legal/Policy Implications: The proposed activity is 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 _____



Budget Adjustment Request 2022

Department Name: Environmental Services
Chisago Lakes Lake Improvement District

Department Head: Jerry Spetzman, CLLID Administrator

The purpose of this budget reallocation/adjustment request is to better align the existing 2022 CLLID levy with the LID Board developed line item designation of their 2022 CLLID budget; and remove CLLID reserve funds use from the annual levy/operations budget. As discussed in global budget development meetings, future use of CLLID reserve funds will be presented on a case by case basis to the County Board. The 2022 CLLID levy remains unchanged with no additions or deletions to the levy. No county general levy funds are requested.

Is this proposed budget change a net expenditure to the county? Yes/No
 If yes, can other expenditures be cut from this department to offset this net expenditure? No
 If a net expenditure, can this change be deferred until next budget year?

Auditor-Treasurer's comments:

2022 Budget Adjustment

Account Description	Account #					Additional \$ Amounts	
	Fund	Dept	Program	Service	Object	Revenue	Expenditure
Navigation Channels		618	6834				(80,000)
Environmental Education		618	6881				(1,500)
Invasive Species		618	6840				(21,600)
Per Diems		618	6111			4,500	
County Staff Support		618	6105			61,399	
Furniture & Equipment		618	6601			4,000	
Miscellaneous Expenses		618	6802				(24,000)
Total Revenue & (Expenditures)						\$69,899	(\$127,100)
Net Revenue/ (Expenditure) change vs. 2022 Budget							(\$57,201)

County Administrator approval YES No Date dd/mo/yr
 Board approval YES No Date dd/mo/yr

After the above approvals have been received, the Auditor-Treasurer's department will forward a copy of this document along with a copy of the "revised" 2022 Budget schedule to the department head requesting the change.

Chisago County Request for Board Action

Meeting Date: March 16, 2022	Item Number: 16
Title of Item for Consideration: Report and Recommendations from the March 9, 2022 Meeting of the Budget and Finance Committee	
Action Requested by: Budget & Finance Committee	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 March 9th Budget and Finance Meeting. Of note are the following, items, along with any recommended Board actions: <u>Brine Equipment for Public Works Trucks:</u> The Committee recommended purchasing the Brine Equipment for County Board approval but for County Engineer to get total quotes and a timeline for installing and equipping the County's equipment. The Committee recommended using ARPA funding for the costs. <u>DRAFT 2023 – 2027 TIP:</u> County Engineer provided the Committee with the updated DRAFT 2023 – 2027 TIP. The Committee recommended forwarding to the County Board of Commissions. <u>Tax/CAMA Software Discussion:</u> County Auditor-Treasurer discussed an upcoming regarding the current Tax and CAMA software the County uses and how it must be replaced because the program is changing. This was for the Committees information only. <u>Audit Assessment of County Information Technology Operations with CLA:</u> County Administrator presented the Committee with the RFP and response from CLA and recommended approval. The Committee recommended approval of the MSA and the project with CLA. Attachment(s): • Fund Balances • MSA with Clifton Allen Larson • Technology Advisory Services SOW	

Action Requested/Recommended: It is respectfully requested that the Chisago County Board accept the March 9th Budget and Finance Report and approve the recommendations from the Budget and Finance Committee. Recommended Board Action, if any, may be undertaken via the above individual motions or via the following encompassing motion:

“Move to accept the March 9th Budget and Finance Report.”

And

“Move to approve and authorize the County entering into a services agreement with CliftonLarsonAllen for IT Consulting Services in an amount not to exceed \$35,000 and on terms and conditions negotiated by the County Administrator and approved as to form by the County Attorney.

“Motion to authorize and direct the County Administrator or his designee to serve as contract administrator on behalf of the County and carry-out and perform those responsibility required of the County consistent with the terms and conditions of such agreement.”

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.

The County Attorney’s Office is currently reviewing the language of the master service agreement that Clifton Larson Allen has asked for. On recommendation of the County Attorney’s Office, Administration has requested Clifton Larson Allen to agree to language providing for insurance coverages, making records available to the state auditor and record retention. The County is awaiting response from CliftonLarsonAllen and the review of the agreement will continue upon receipt of that response

Administrator’s Recommendation

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



CliftonLarsonAllen LLP
29 South Main Street
4th Floor
West Hartford, CT 06107
860-561-4000
CLAconnect.com

March 4, 2022

Chase Burnham
Chisago County
313 N Main Street
Room 170
Center City, MN 55012
USA

This master service agreement ("MSA") documents the terms, objectives, and the nature and limitations of the services CliftonLarsonAllen LLP ("CLA," "we," "us," and "our") will provide for Chisago County ("you," "your," or "the entity"). The terms of this MSA will apply to the initial and each subsequent statement of work ("SOW"), unless the MSA is changed in a communication that you and CLA both sign, or is terminated as permitted herein.

Scope of professional services

CLA will provide services as described in one or more SOW that will reference this MSA. The SOW will describe the scope of professional services; the nature, limitations, and responsibilities related to the specific services CLA will provide; and the fees for such services.

If modifications or changes are required during CLA's performance of requested services, or if you request that we perform any additional services, we will provide you with a separate SOW for your signature. Such SOW will advise you of the additional fee and time required for such services to facilitate a clear understanding of the services.

Our services cannot be relied upon to disclose errors, fraud, or noncompliance with laws and regulations. Except as described in the scope of professional services section of this MSA or any applicable SOW, we have no responsibility to identify and communicate deficiencies in your internal controls as part of any services.

Management responsibilities

The entity acknowledges and understands that our role is to provide the services identified in an SOW and that management has responsibilities that are fundamental to our undertaking to perform the identified services.

Fees and terms

See the applicable SOW for the fees for the services.

Work may be suspended if your account becomes 90 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagements will be deemed to have been completed even if we have not completed the services. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

Payments may be made utilizing checks, Bill.com, your online banking platform, CLA's electronic payment platform, or any other client-initiated payment method approved by CLA. CLA's electronic online bill pay platform claconnect.com/billpay accepts credit card and Automated Clearing House (ACH) payments. Instructions for you to make direct bank to bank wire transfers or ACH payments will be provided upon request.

If automated recurring payments are set up via ACH, CLA will process the payment on the 11th business day after the invoice date via an ACH debit to your bank account. You will provide a completed ACH debit authorization agreement (attached) to CLA along with the signed MSA. You will have 10 business days from the date of the invoice in which to dispute such invoice. If you do not notify CLA of an invoice dispute within 10 business days, the invoice will be deemed undisputed.

Other fees

You also agree to compensate us for any time and expenses, including time and expenses of legal counsel, we may incur in responding to discovery requests or participating as a witness or otherwise in any legal, regulatory, or other proceedings that we are asked to respond to on your behalf.

Finance charges and collection expenses

You agree that if any statement is not paid within 30 days from its billing date, the unpaid balance shall accrue interest at the monthly rate of one and one-quarter percent (1.25%), which is an annual percentage rate of 15%. In the event that any collection action is required to collect unpaid balances due us, reasonable attorney fees and expenses shall be recoverable.

Dispute Resolution

Any disagreement, controversy, or claim ("Dispute") that may arise out of any aspect of our services or relationship with you shall be submitted to non-binding mediation by written notice ("Mediation Notice") to the other party. In mediation, we will work with you to resolve any differences voluntarily with the aid of an impartial mediator.

The mediation will be conducted as specified by the mediator and agreed upon by the parties (i.e., you and CLA). The parties agree to discuss their differences in good faith and to attempt, with the assistance of the mediator, to reach an amicable resolution of the Dispute.

Each party will bear its own costs in the mediation. The fees and expenses of the mediator will be shared equally by the parties.

Limitation of remedies

These limitation of remedies provisions are not applicable for any audit or examination services provided to you.

Our role is strictly limited to the services described in an SOW, and we offer no assurance as to the results or ultimate outcomes of any services or of any decisions that you may make based on our communications with you. You agree that it is appropriate to limit the liability of CLA, its partners, principals, directors, officers, employees, and agents (each a "CLA party").

You further agree that you will not hold CLA or any other CLA party liable for any claim, cost, or damage, whether based on warranty, tort, contract, or other law, arising from or related to this MSA, the services provided under an SOW, the work product, or for any plans, actions, or results of an SOW, except to the extent authorized by this MSA. In no event shall any CLA party be liable to you for any indirect, special, incidental, consequential, punitive, or exemplary damages, or for loss of profits or loss of goodwill, costs, or attorney fees.

The exclusive remedy available to you shall be the right to pursue claims for actual damages that are directly caused by acts or omissions that are breaches by a CLA party of our duties owed under this MSA and the specific SOW thereunder, but any recovery on any such claims shall not exceed the fees actually paid by you to CLA pursuant to the SOW that gives rise to the claim.

Governing Laws, Jurisdiction, and Venue

The MSA is made under and shall be governed by the laws of the state of Minnesota, without giving effect to choice of law principles. This includes dispute resolution and limitation of remedies.

Time limitation

The nature of our services makes it difficult, with the passage of time, to gather and present evidence that fully and fairly establishes the facts underlying any dispute that may arise between you and any CLA party. The parties (you and CLA) agree that, notwithstanding any statute or law of limitations that might otherwise apply to a dispute, including one arising out of this MSA or the services performed under an SOW, for breach of contract or fiduciary duty, tort, fraud, misrepresentation or any other cause of action or remedy, any action or legal proceeding by you against any CLA party must be commenced as provided below, or you shall be forever barred from commencing a lawsuit or obtaining any legal or equitable relief or recovery. An action to recover on a dispute shall be commenced within these periods ("Limitation Period"), which vary based on the services provided, and may be modified as described in the following paragraph:

	Time after the date we deliver the services or work product*
Tax Consulting Services	36 months
Tax Return Preparation	36 months
Examination, compilation, and preparation services related to prospective financial statements	12 months
Audit, review, examination, agreed-upon procedures, compilation, and preparation services other than those related to prospective financial information	24 months
All Other Services	12 months

* pursuant to the SOW on which the dispute is based

If the MSA is terminated or your ongoing relationship with CLA is terminated, then the applicable Limitation Period is the lesser of the above periods or 12 months after termination of MSA or your ongoing relationship with CLA. The applicable Limitation Period applies and begins to run even if you have not suffered any damage or loss, or have not become aware of the existence or possible existence of a dispute.

Confidentiality

Except as permitted by the "Consent" section of this MSA, CLA will not disclose any confidential, proprietary, or privileged information of the entity to any person or party, unless the entity authorizes us to do so, it is published or released by the entity, it becomes publicly known or available other than through disclosure by us, or disclosure is required by law. This confidentiality provision does not prohibit us from disclosing your information to one or more of our affiliated companies in order to provide services that you have requested from us or from any such affiliated company. Any such affiliated company shall be subject to the same restrictions on the use and disclosure of your information as apply to us.

The Internal Revenue Code contains a limited privilege for confidentiality of tax advice between you and our firm. In addition, the laws of some states likewise recognize a confidentiality privilege for some accountant-client communications. You understand that CLA makes no representation, warranty or promise, and offers no opinion with respect to the applicability of any confidentiality privilege to any information supplied or communications you have with us, and, to the extent that we follow instructions from you to withhold such information or communications in the face of a request from a third party (including a subpoena, summons or discovery demand in litigation), you agree to hold CLA harmless should the privilege be determined not to apply to particular information or communications.

The workpapers supporting the services we perform are the sole and exclusive property of CLA and constitute confidential and proprietary information. We do not provide access to our workpapers to you or anyone else in the normal course of business. Unless required by law or regulation to the contrary, we retain our workpapers in accordance with our record retention policy that typically provides for a retention period of seven years. After this period expires, our workpapers and files will be destroyed. Furthermore, physical deterioration or catastrophic events may shorten the time our records are available. The workpapers and files of our firm are not a substitute for the records of the entity.

Pursuant to authority given by law or regulation, we may be requested to make certain workpapers available to a regulator for its regulatory oversight purposes. We will notify you of any such request, if permitted by law. Access to the requested workpapers will be provided to the regulator under the supervision of CLA personnel and at a location designated by our firm. Furthermore, upon request, we may provide copies of selected workpapers to such regulator. The regulator may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

Other provisions

The entity agrees that CLA will not be assuming any fiduciary responsibility on your behalf during the course of this MSA, except as may be assumed in an SOW.

CLA may, at times, utilize external web applications to receive and process information from our clients; however, any sensitive data, including protected health information and personally identifiable information, must redacted by you to the maximum extent possible prior to uploading the document or file. In the event that you are unable to remove or obscure all sensitive data, please contact us to discuss other potential options for transmitting the document or file.

CLA and certain owners of CLA are licensed by the California State Board of Accountancy. However, CLA has owners not licensed by the California State Board of Accountancy who may provide services under this MSA. If

you have any questions regarding licensure of the personnel performing services under this MSA, please do not hesitate to contact us.

During the course of the engagement, there may be communication via fax or email. You are responsible to ensure that communications received by you or your personnel are secured and not shared with unauthorized individuals.

Consent

Consent to use financial information

We regularly aggregate anonymized client data and perform a variety of analyses using that aggregated data. Some of these analyses are published to clients or released publicly. However, we are always careful to preserve the confidentiality of the separate information that we obtain from each client, as required by the AICPA Code of Professional Conduct and various laws. Your acceptance of this MSA will serve as your consent to our use of your anonymized data in performing and reporting on these cost comparison, performance indicator and/or benchmarking analyses.

Unless authorized by law or the client consents, we cannot use a client's tax return information for purposes other than the preparation and filing of the client's tax return. By signing and dating this MSA, you authorize CLA to use any and all information furnished to CLA for or in connection with the preparation of the tax returns under this MSA, for a period of up to six (6) years from the date of this MSA, in connection with CLA's preparation of the types of reports described in the foregoing paragraph. If you do not wish to authorize such use, please strike out this section prior to signing the MSA.

Consent to send you publications and other materials

For your convenience, CLA produces a variety of publications, hard copy and electronic, to keep you informed about pertinent business and personal financial issues. This includes published articles, invitations to upcoming seminars, webinars and webcasts, newsletters, surveys, and press releases. To determine whether these materials may be of interest to you, CLA will need to use your tax return information. Such tax information includes the entity name and address as well as the business and financial information you provided to us.

By signing and dating this MSA, you authorize CLA to use the information that you provide to CLA during the preparation of your tax returns to determine whether to offer you relevant materials. Your consent is valid until further notice. If you do not wish to authorize such use, please strike out this paragraph prior to signing the MSA.

Subcontractors

CLA may, at times, use subcontractors to perform services under this MSA, and they may have access to your information and records. Any such subcontractors will be subject to the same restrictions on the use of such information and records as apply to CLA under this MSA.

Technology

CLA may, at times, use third-party software applications to perform services under this MSA. CLA can provide a copy of the application agreement at your request. You acknowledge the software vendor may have access to your data.

Termination of MSA

Either party may terminate this MSA at any time by giving 30 days written notice to the other party. In that event, the provisions of this MSA shall continue to apply to all services rendered prior to termination.

Agreement

We appreciate the opportunity to be of service to you and believe this MSA accurately summarizes the significant terms of our relationship. This MSA, along with the applicable SOW(s), constitute the entire agreement regarding services to be performed and supersedes all prior agreements (whether oral or written), understandings, negotiations, and discussions between you and CLA. If you have any questions, please let us know. If you agree with the terms of our relationship as described in this MSA, please sign, date, and return.

CliftonLarsonAllen LLP



Michael Pelletier
Managing Principal, CLA Digital
860-561-6869
michael.pelletier@claconnect.com

Response:

This MSA correctly sets forth the understanding of Chisago County

Authorized Signature: _____

Name and Title: _____

Date: _____

Email: _____

Telephone: _____

ADDENDUM #3 – Digital Transformation

The following provisions apply for Digital Transformation services we may provide you.

Non-Solicitation

During the term of this Agreement, and for a period of six (6) months following the expiration or termination thereof, neither party will actively solicit the employment of the personnel of the other party involved directly with providing Services hereunder.

Nature of Relationship

The relationship of CLA with the entity shall be solely that of an independent contractor and nothing in this MSA shall be construed to create or imply any relationship of employment, agency, partnership, or any relationship other than an independent contractor.

We will be responsible for our own property and casualty, general liability, and workers compensation insurance, taxes, professional training, and other personnel costs related to the operation of our business.

Deliverables

You may, solely for its internal business purposes, use, copy, distribute internally, and modify the deliverables described under CLA Services and Responsibilities in the Statement of Work (the “Deliverables”). You shall not, without CLA’s prior written consent, disclose to a third party, publicly quote or make reference to the Deliverables. CLA shall retain all right, title and interest in and to: (i) the Deliverables, including but not limited to all patent, copyright, trademark and other intellectual property rights therein; and (ii) all methodologies, processes, techniques, ideas, concepts, trade secrets and know-how embodied in the Deliverables or that CLA may develop or supply in connection with this Agreement (the “CLA Knowledge”). Subject to the confidentiality restrictions contained in the MSA, CLA may use the Deliverables and the CLA Knowledge for any purpose.

Acceptance

You shall accept Deliverables which conform to the requirements of the SOW, or, where applicable, the acceptance test plan was successfully completed. You will promptly give CLA notification of any non-conformance of the Deliverables with such requirements (“Non-conformity”), and CLA shall have a reasonable period of time, based on the severity and complexity of the non-conformance, to correct the Non-conformity. If you use the Deliverable before acceptance, fail to promptly notify CLA of any non-conformance, or unreasonably delay the beginning of acceptance testing, then the Deliverable shall be considered accepted by you.

Warranty

CLA warrants that the Services shall be performed with reasonable care in a diligent and competent manner. CLA’s sole obligation shall be to correct any non-conformance with this warranty, provided that you give CLA written notice within thirty (30) days after the Services are performed or successful completion of the acceptance test plan, if applicable.

CLA does not warrant and is not responsible for any third-party products or services. Your sole and exclusive rights and remedies with respect to any third-party products or services, are against the third-party vendor and not against CLA.

This section is CLA's only warranty concerning the services and any deliverable, and is made expressly in lieu of all other warranties and representations, express or implied, including any implied warranties of merchantability, non-infringement, or fitness for a particular purpose, or otherwise.

Risk Allocation

As CLA is performing the Services solely for your benefit, you will indemnify CLA, its affiliates and their partners, principals and personnel against all costs, fees, expense, damages and liabilities (including defense costs) associated with any third party claim, relating to or arising as a result of the Services, your use of the Deliverables, or this Agreement.

CLA will indemnify you against any damage or expense relating to bodily injury or death of any person or damage to real and/or tangible personal property incurred while CLA is performing the Services and to the extent caused by the negligent or willful acts or omissions of CLA's personnel or agents in performing the Services.

The provisions of this section are intended to apply in all circumstances, regardless of the grounds or nature of any claim asserted (including contract, statute, any form of negligence, whether of you, CLA, or others, tort, strict liability or otherwise) and whether or not CLA was advised of the possibility of the damage or loss asserted, to the extent not contrary to applicable law.



Create
Opportunities

March 4th, 2022

Technology Advisory Services SOW for:

Chisago County

CLAconnect.com

WEALTH ADVISORY | OUTSOURCING | AUDIT, TAX, AND CONSULTING

Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor. CLA is an independent member of Nexia International, a leading, global network of independent accounting and consulting firms. See www.nexia.com for more information.



Create Opportunities

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Contents

IT Organizational Assessment.....2

 Introduction 2

 Approach..... 2

 Provisions 4

 Fees 6

 Acceptance..... 7

IT Organizational Assessment

This agreement constitutes a Digital Transformation Statement of Work ("SOW") to the Master Service Agreement ("MSA") made by and between CliftonLarsonAllen LLP ("CLA," "we," "us," and "our") and Chisago County ("Client," "you" and "your") dated March 4, 2022. The purpose of this SOW is to outline certain services you wish us to perform in connection with that agreement.

Introduction

Chisago County is a Minnesota based county that leverages a mix of solutions to bring technology to their end users. These technologies are supported with a mix of IT support providers. Recently, Chisago County has encountered challenges with their technology and support models, and as a result, they have reached out to CLA to perform a comprehensive IT Organizational Assessment that will serve to benchmark their current state of IT operations, as well as provide a strategic framework to move forward with.

Approach

We will perform this engagement in accordance with the Statement on Standards for Consulting Services issued by the American Institute of Certified Public Accountants.

For the nonattest services outlined in this SOW, your management agrees to assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, and/or experience to understand and oversee the services; evaluate the adequacy and results of the services; and accept responsibility for the results of the services. Your management is also responsible for ensuring that your data and records are complete and that you have received sufficient information to oversee the services.

The following sections outline the specific approach for the objectives.

Assessment Services

Technology Infrastructure, Systems, and IT Organization Assessment	
Phase I:	Plan: Introductions and Kick Off
Task 1	Kick Off Meeting - Meet/Introduce team members - Review and finalize project plan and timelines
Task 2	Documentation Delivery: - Delivery of Planning Request List - Delivery of Discovery Worksheets - Delivery of Pre-Interview/Meeting Questionnaires
Task 3	Schedule and Finalize: Schedule infrastructure assessment and interviews
Phase II:	Assess: Documentation Review and Onsite Discovery
Task 1	Background Review and Discussion - Collect and review requested documentation and worksheets - CLA internal collaboration - Prepare onsite assessment plan

Technology Infrastructure, Systems, and IT Organization Assessment	
Task 2	Remote Assessment (5-10 days) • Open Discussion and Collaboration ◦ Discuss Organization, Infrastructure, and IT strategy and direction ◦ Review Organization survey findings • Perform Network Scans and Site Surveys ◦ Identify IP ranges, credential management systems, and other access methodologies in use in the environment ◦ Review IT resources at headquarters MDF and select IDF facilities ◦ Run discovery scans and vulnerability scans ◦ Gather, process, and analyze outputs and discuss with IT team for clarification • Interviews ◦ Conduct personnel interviews (6-8 individual staff/groups)
Phase III: Build: Internal Collaboration and Assessment Draft	
Task 1	Collaborations: • Discuss key business drivers, strategic and tactical plans • Discuss future organizational considerations • Discuss short and long-term infrastructure needs • Discuss overall goals and priorities department to department • Discuss standards, best practices, security and regulation
Task 2	Research: • Conduct research as necessary to validate findings and recommendations • Compare IT organizational and infrastructure considerations to: market, peers, strategy, and culture
Task 3	Draft: • Create an Executive Summary presentation with an overview of findings and recommendations for technology infrastructure, systems, and IT staffing commensurate with the Organization's size, goals, regulations/security, and economics • Validate Client Collaboration and Agreement
Task 4	Webinar presentation of initial findings and recommendations to Project Lead and/or Project Team
Task 5	Collaboration and Agreement • Validate Findings • Answer Questions • Obtain Acceptance
Phase IV: Finalize: Final Plan and Presentation	
Task 1	Final Research, Discovery, and Design: • Conduct further discovery as needed based on the draft presentation
Task 2	Prepare Final Deliverables • Findings and Recommendations Document (Infrastructure, Staffing, and Systems) • Organizational Chart

Technology Infrastructure, Systems, and IT Organization Assessment	
	• Sample Job Descriptions • Sample Transition Plan
Task 3	Webinar presentation of Deliverables to Project Team or Board
Other:	Engagement Inclusions
The following responsibilities will be assessed as a part of the technology staffing assessment: • Technology Strategy • Technology Management • Network Administration and Management • Application Administration and Management • Desktop Administration and Management • Service and Support Services • Technology Steering Committee • Security and Risk Management • Budgeting and Inventory • Project Management	
The following technologies will be assessed as part of this engagement as they relate to current and future considerations: • Active Directory • Backup and Redundancy • Cloud Computing • Data Center • Data Classification • Data/Voice Communications and Internet • Email Systems, Spam, Encryption • Help/Support Desk • Instant Messaging • Intranet • LAN and WAN • Managed Services • Microsoft Office Licensing • Mobile Device Management • Multi-Factor Authentication • Remote Access • Security: Encryption • Security: Intrusion Detection and Reporting • Security: Vulnerability Management • Servers (Physical/Virtual) • Storage (SAN and NAS) • Systems Performance & Monitoring • Thin Client Computing (Citrix, RDP, VDI) • Telecommunications/Phones • Wireless • Workstations and Tablets • Application review	

Provisions

Timing

Based on recent planning discussions we are able to begin this engagement, as desired, during the month of March 2022 with an expected completion date, subject to other projects completing, in June 2022. Commencement of services is based upon execution of this SOW and the referenced MSA.

Record retention

Our working papers, including any copies of your records that we chose to make, are our property and will be retained by us in accordance with our established records retention policy. This policy states, in general, that we will retain our working papers for a period of seven years. After this period expires, our working papers and files will be destroyed. Furthermore, physical deterioration or catastrophic events may shorten the time our records are available. The working papers and files of our firm are not a substitute for your records.

Personnel

Our firm has adopted a team approach to client service, which means that CLA will provide you with a team of people who have the relevant knowledge and experience to perform the work plan outlined above. Keith Brooks will lead this engagement and be the primary contact for the above services. Additional CLA consultants will be asked to perform roles necessary to fulfil the requirements of the engagement.

Assumptions

The services provided under this SOW are contingent upon the following assumptions:

- Chisago County will provide CLA with appropriate access to systems or individuals required to carry out this engagement.
- Chisago County will designate an individual as a point of contact for this engagement and this person will be adequately available to answer questions, respond to comments, and address concerns.

Change Management

CLA will use this SOW as the basis for the scope of this engagement. We will monitor scope throughout the engagement, however either you or CLA may initiate change requests. In order to constrain scope, any change requests must be documented and approved by you and CLA prior to the commencement of additional work, using the following process:

- Identify the change/receive the change request
- Measure the impact
- Prioritize and Estimate Effort
- Decide to reduce scope, approve the change request or agree to keep out-of-scope
- Execute a formal Change Control form
- Determine resource and responsibilities
- Track, manage, and complete change request

A formal change request document will be completed and signed by both parties prior to work commencing.

Fees

Professional Services

Professional Services	Total Fees
IT Organization Assessment	\$35,000

Travel Expenses

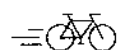
Reimbursable expenditures made by CLA, separate from the professional fees, include travel time at \$150/hr, and the following expenses:

- Airfare/Mileage/Transportation/Parking
- Living expenses at project location (hotel, meals, rental car)

All expenses are billed at actual cost with no markup of charges and pre-approved by First National Bank North as travel is not expected as part of this SOW.

Technology and Client Support Fee

Like many firms, we are investing heavily in technology to enhance the client experience, protect our data environment, and deliver quality services. We believe our clients deserve clarity around fees, and we will continue to be transparent with our fee structure. As such, we include a fee representing 5% of the professional services rendered on each invoice.



Acceptance

CLA appreciates the opportunity to assist your company and believes that this SOW accurately summarizes the terms of our engagement.

If you agree with the terms of this SOW as described herein, please sign and date below and return it to us. By returning this SOW, you are authorizing us to commence our services.

Sincerely,

CliftonLarsonAllen LLP



Michael C. Pelletier
Managing Principal, CLA Digital
860.561.6869
michael.pelletier@claconnect.com

Accepted:

This SOW correctly sets forth the understanding of Chisago County

Authorized Signature

Name (Print)

Title

Date



Chisago County Request for Board Action

Meeting Date: March 16, 2022	Item Number: 17	
Title of Item for Consideration: Letter of Support for State ARMER Funding – HF 2821/SF 2670		
Action Requested by: Chase Burnham, County Administrator	Department: Board of Commissioners	
Previous Action on this Matter: None.		
Background: Effective radios are the backbone of public safety in the State of Minnesota. Our first responders, firefighters, and law enforcement personnel depend upon them to effectively perform their jobs. Radios save lives and serve every constituent of the State of Minnesota. Radios that serve the ARMER system are outdated in many jurisdictions. They are costly to maintain and replace. In local government units, where budgets are tight, it is very difficult to plan for the costly process of replacing this critical infrastructure. Local government units would urge the state to fund a grant program that allows for the critical upgrade of radios. The County asks that the State find a sustainable funding support to support ongoing replacement. Another challenge to replacement radios is that replacing radios is a direct impact of our local taxpayers. Radios are critical to deploying resources, protecting property and life, and protecting our workers. However, they often get overlooked for replacement because there is no existing funding source. Attachment(s): Letter of Support		
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve a letter of support for HF 2821/SF 2670, which seek to provide funding for ARMER Radio support from the MN Legislature. The following motion is suggested; <i>“Move to approve a letter of support for HF 2821/SF 2670, which seek to provide funding for ARMER Radio support from the MN Legislature.”</i>		
Implications of Action: Approval will show the Chisago County Board of Commissioners asking for support from the MN Legislature for ARMER radios.. Budget/Financial Implications: None. Legal/Policy Implications: The proposed activities are in compliance with all applicable state and federal regulations and County policies & procedures.		
Administrator's Recommendation		
Approve	Deny _____	Other _____

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

Chisago County Request for Board Action

Meeting Date: March 16, 2022	Item Number: 18
Title of Item for Consideration: Credit Card Request – Todd McMurray, Social Services Manager	
Action Requested by: Robert Benson, Director	Department: Health and Human Services
Previous Action on this Matter: None.	
Background: The card will be used for expenses within the social services department, the \$3,000 limit is needed due to paying for travel from social service clients. Attachment(s): Todd McMurray: Social Services Manager - \$3,000	
Action Requested/Recommended: The County Board is respectfully requested to approve credit card for Todd McMurray, Social Services Manager in HHS. The following motion is suggested: <i>“Move to approve a credit card for Todd McMurray, Social Services Manager in HHS.”</i>	
Implications of Action: Board approval at tonight’s meeting will allow the County Auditor Office to request a credit card for Todd McMurray, Social Services Manager in HHS. 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 _____

**COUNTY OF CHISAGO
REQUEST FOR COUNTY ISSUED CREDIT CARD**

TO: COUNTY AUDITOR

FROM:

Name (Dept Head) _____
Robert Benson, HHS Director
Department _____

RE: Request for County Issued Credit Card
(Place an X in the applicable box)

☐ Commissioner \$1,500

☐ Department Head \$1,000

☒ Employee \$3,000
policy = \$500

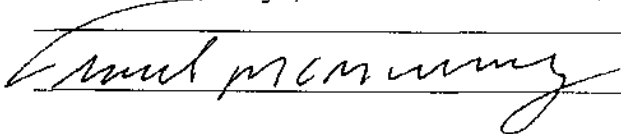
req higher limit

Department Head Portion:

I request the following employee be issued a Chisago County Credit Card:

Employee Full Name (print): Todd McMurray

Title & Department: Social Services Manager, Health and Human Services

Employee Sample Signature: 

Reason why credit card is needed:

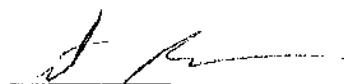
Credit Card is needed so that expenses within the social Services
Department can be paid for, a \$3,000 limit is needed to pay for
Travel for Social Service clients.

The Department Head may recommend an account limit for an employee not to exceed \$3,000. Without exception, the County Board of Commissioners will establish all account limits.

Use of County Issued Credit Card:

County provided credit cards are to be used only for conducting officially approved County business. Official County business includes approved travel (hotels & travel expenses) and registration fees per County policy and any other items approved, per County policies, prior to actual purchase. No alcoholic beverages may be purchased with said card.

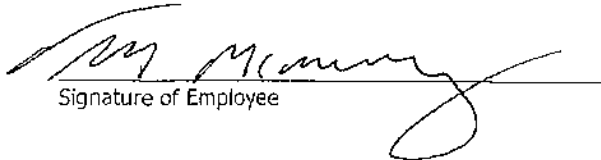
I hereby certify that I have reviewed with the employee the Chisago County Issued Credit Card Policy and the Credit Card User Agreement (Exhibit B).


Signature of Department Head

3-9-2022
Date

Employee Portion:

I have reviewed the Chisago County Issued Credit Card Policy and the Credit Card User Agreement. I agree to abide by these policies and other policies of the County. I consent to the County running a background credit check on my personal credit history if the County deems it necessary.

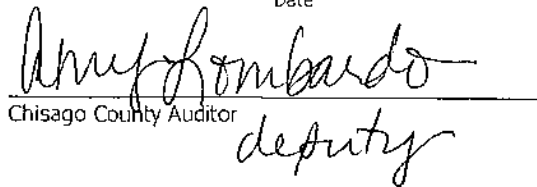

Signature of Employee

3/9/22
Date

***** PLEASE RETURN TO AUDITOR'S OFFICE *****

County Auditor Portion:

Received request on 3/9/22
Date


Chisago County Auditor
deputy

3/8/22
Date

Presented to the Chisago County Board on _____
Date

Action taken by Chisago County Board on _____
Date

- ☐ Approved as requested
☐ Denied
☐ Other

Board Approval Stamp

Employee Portion:

I acknowledge receipt of credit card bearing number _____

Employee Signature

Date

Chisago County Request for Board Action

Meeting Date: March 16, 2022	Item Number: 19
Title of Item for Consideration: Contract with Kantner Consulting L.L.C. – Chisago Public Health	
Action Requested by: Robert Benson, Director	Department: Health & Human Services
Previous Action on this Matter: Approval of a contract with Kantner Consulting Dated April 1, 2021 – March 31, 2022.	
Background: Reflective Practice Supervision uses peers and experienced colleagues to help review nursing practices by reflecting on an individual staff actual experience in home visiting and the supervision of home visiting. The home visiting methodology is primary to the delivery of an accredited Maternal Child Health program, which is true of the Chisago County HHS Maternal Child Health program. Reflective Practice is a required component for entities holding a Healthy Families of America accreditation. Engaging in Reflective Practice is associated with improved quality of care, stimulating personal and professional growth and closing the gap between theory and practice. Chisago County Public Health Division, Maternal Child Health program, has been accredited since July 2015. Chisago county Health and Human Services does not currently have in its staffing contingent personnel credentialed to carry out Reflective Practice supervision. Attachment(s): • Contract between Kantner Consulting L.L.C. and Chisago County Public Health	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners Approve the Contract between Kantner Consulting L.L.C. The suggested motion is as follows: <i>“Move to Approve the Contract between Kantner Consulting L.L.C. and Chisago County”</i>	
Implications of Action: Utilizing Reflective Practice with our Public Health Maternal Child Health professionals, supervisors and clients will increase the effectiveness of the services provided to Chisago County residents. Budget/Financial Implications: The budget will be fulfilled by Grant Dollars. Legal/Policy Implications: 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.	

<i>Administrator's Recommendation</i>							
Approve ____		Deny ____		Other ____			
Motion By:			Seconded by:				
To:							
Action on Motion:		Aye ____		Nay ____		Abstain ____	

**PROFESSIONAL/TECHNICAL SERVICES CONTRACT between
KANTNER CONSULTING L.L.C. and CHISAGO COUNTY**

THIS CONTRACT, and amendments and supplements thereto, is between the County of Chisago, by and through Chisago County Health and Human Services, 313 North Main, Center City, MN 55102 (hereinafter County), and Kantner Consulting L.L.C., 294 Dayton Avenue, Apt. 2E, St. Paul, MN 55102, an independent contractor, not an employee of the County of Chisago (hereinafter CONTRACTOR).

WHEREAS, County, pursuant to Minnesota Statutes Chapter 373.01 and 373.02, is empowered to procure from time to time certain professional/technical services, and

WHEREAS, County is in need of professional/technical services, specifically Reflective Practice Consultation to Public Health staff and,

WHEREAS, the CONTRACTOR represents it is duly qualified and willing to perform the services set forth in this contract,

NOW, THEREFORE, it is agreed:

I. **TERM OF CONTRACT.** This contract shall be effective on April 1, 2022 or upon the date the final required signature is obtained by County, whichever occurs later, and shall remain in effect until March 31, 2023 or until all obligations set forth in this contract have been satisfactorily fulfilled, whichever occurs first. The CONTRACTOR understands that no work should begin under the terms of this contract until all required signatures have been obtained and the CONTRACTOR is notified to begin work by County's authorized representative.

II. **CONTRACTORS DUTIES.**

- A. Facilitate monthly Reflective Practice group for Chisago County Maternal Child Health (MCH) Team. Group sessions will last approximately one and a half (1½) hours each month.
- B. Provide individual Reflective Supervision monthly to Public Health Supervisor and MCH Team Lead working with the Chisago County MCH Team. Each meeting will last forty-five (45) minutes.
- C. Consultation for the above will occur at the Chisago County Health and Human Services office at 6133 402nd St., North Branch, MN 55056.
- D. Provide individual consultation to staff and/or families via phone or in person with Public Health Supervisor approval prior to consultation.

III. **CONSIDERATION AND TERMS OF PAYMENT.**

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

1. Compensation of:

- A. One hundred and fifty dollars [\$150.00] per hour for preparation, meeting follow-up, individual and group consultation and training.
- B. Forty dollars [\$40.00] per hour for travel time. Travel is calculated from Contractor's home or office location (whichever is shorter) to the work site and return.

- C. No mileage payment is included in this contract.
- D. The **total obligation** of County for all compensation and reimbursement to the CONTRACTOR shall not exceed SIX THOUSAND, FIVE HUNDRED DOLLARS [\$6,500.00] for the term of this contract.
- E. No shows and cancellations with less than 48 hours notice will be reimbursed by the County for the scheduled amount of time up to a maximum of two (2) hours. Cancellations due to severe weather and cancellations made with at least 48 hours notice will not be charged.

B. Terms of Payment.

Payment shall be made by County within 35 days of receipt of the invoice for services performed and acceptance of such services by County's authorized representative. CONTRACTOR will submit an invoice by the 10th of the month following the month in which services were provided. The total obligation under the contract will be based on dates of payment, not dates of service. Because Chisago County uses cash basis accounting, all payments must be made during the contract period. Final invoices should be sent by the 10th day of the last month of the contract/calendar year.

All services provided by the CONTRACTOR pursuant to this contract shall be performed to the satisfaction of County, as determined at the sole discretion of its authorized representative, and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. The CONTRACTOR shall not receive payment for work found by County to be unsatisfactory or performed in violation of any applicable federal, state or local law, ordinance, rule or regulation.

IV. **AUTHORIZED REPRESENTATIVES.** All official notifications, including but not limited to, cancellation of this contract must be sent to the other party's authorized representative.

A. County's authorized representative for the purpose of administration of this contract is:

Name:	Robert Benson, Director
Address:	313 North Main Street, Center City, MN 55012
Telephone:	(651)213-5217
E-Mail:	Robert.Benson@chisagocounty.us
Fax:	(651)213-5685

B. The CONTRACTOR'S authorized representative for the purpose of administration of this contract is:

Name:	Linda Kantner, Kantner Consulting L.L.C.
Address:	294 Dayton Avenue, Apt. 2E, St. Paul, MN 55102
Telephone:	651-485-4071
E-Mail:	kand@comcast.net

V. **CANCELLATION AND TERMINATION.**

- A. This contract may be canceled by County at any time, with or without cause, upon thirty (30) days written notice to the CONTRACTOR. In the event of such a cancellation, the CONTRACTOR shall be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed.
- B. The County may immediately terminate this Contract for cause due to any material violation of the terms of the Contract. The CONTRACTOR shall be entitled for any pro rata share of the compensation for approved services rendered.
- C. **Termination for Insufficient Funding.** County may immediately terminate this contract if it does not obtain funding from the Minnesota Legislature or other funding source, or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the CONTRACTOR within a reasonable time of County receiving notice that sufficient funding is not available. County is not obligated to pay for any services that are provided after notice and effective date of termination. However, the CONTRACTOR will be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed to the extent that funds are available. County will not be assessed any penalty if the contract is terminated because of the decision of the Minnesota Legislature or other funding source not to appropriate funds.
- D. Notice of Cancellation, termination, or material modification shall be provided by Certified U.S. Mail.

- VI. **ASSIGNMENT.** The CONTRACTOR shall neither assign nor transfer any rights or obligations under this contract without the prior consent of County's authorized representative and without amendment to this contract. If the duties under this agreement are transferred or assigned, the CONTRACTOR shall be responsible for the performance and payment due and owed the assignee, per Minn. Stat. §471.425.
- VII. **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.
- VIII. **COMPLIANCE WITH APPLICABLE LAWS.** The parties shall comply with all federal, state and local laws. The absence of an immediate enforcement action or commencement of lack of remedial steps to address non-compliance shall not be construed as a waiver of the requirement, nor shall it prohibit later enforcement or action to terminate the agreement by the non-offending party.
- IX. **LIABILITY.** The CONTRACTOR shall indemnify, save, and hold County, its representatives and employees harmless from any and all claims or causes of action, including all attorneys' fees incurred by County, arising from the negligent performance of this contract by the CONTRACTOR or CONTRACTOR'S agents or employees. This clause shall not be construed to bar any legal remedies the CONTRACTOR may have for County's failure to fulfill its obligations pursuant to this contract.
- X. **INSURANCE.**
 - A. *Workers' Compensation.* The contractor certifies it is in compliance with Minnesota Statute §176.181, Subd. 2 pertaining to workers' compensation insurance coverage. The

CONTRACTOR'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 or agents and any claims made by any third party as a consequence of any act or omission on the part of these employees or agents are in no way County's obligation or responsibility.

- B. *Professional Liability Insurance.* Contractor shall maintain and provide proof of professional liability insurance for individual(s) providing professional services under this Contract. The insurance shall provide liability coverage in amounts determined by the Contractor.
- C. The County shall be sent a current certificate of insurance on an annual basis. The certificate must show that the County will receive thirty (30) calendar days' prior written notice in the event of cancellation, nonrenewal, or material change in the described policy.
- D. Insurance coverage by the Contractor in amounts greater than tort liability limits set for municipal corporation, pursuant to Minn. Stat. §466 shall not constitute a waiver of the liability cap(s) available to the County.

XI. **PUBLICITY.** Any publicity given to the program, publications, or services provided resulting from this contract, including, but not limited to, notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the CONTRACTOR or its employees individually or jointly with others, or any subcontractors shall identify County as the sponsoring agency and shall not be released prior to receiving the approval of County's authorized representative.

XII. **GOVERNMENT DATA PRACTICES ACT.** The Parties shall comply with all regulations governing data created, collected, received, stored, used, maintained or disseminated, pursuant to the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. The civil remedies of Minnesota Statute §13.08 apply to the release of the data referred to in this clause by either the CONTRACTOR or County.

In the event the CONTRACTOR receives a request to release the data referred to in this clause, the CONTRACTOR must immediately notify County. County will give the CONTRACTOR instructions concerning the release of the data to the requesting party before the data is released.

XIII. **OWNERSHIP OF MATERIALS, CLIENT RECORDS, AND INTELLECTUAL PROPERTY RIGHTS.**

- A. County shall own all rights, title and interest in all of the materials conceived or created by the CONTRACTOR, 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).

The CONTRACTOR hereby assigns to County all rights, title and interest to the MATERIALS. The CONTRACTOR shall, upon request of County, execute all papers and perform all other acts necessary to assist County to obtain and register copyrights, patents or other forms of protection provided by law for the MATERIALS. The MATERIALS created under this

contract by the CONTRACTOR, its employees or subcontractors, individually or jointly with others, shall be considered "works made for hire" as defined by the United States Copyright Act. All of the MATERIALS, whether in paper, electronic, or other form, shall be remitted to County by the CONTRACTOR, its employees and any subcontractors, and the CONTRACTOR shall not copy, reproduce, allow or cause to have the MATERIALS copied, reproduced or used for any purpose other than performance of the CONTRACTOR'S obligations under this contract without the prior written consent of County's authorized representative.

- B. The CONTRACTOR 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 CONTRACTOR shall indemnify and defend, to the extent permitted by the Attorney General, County at the CONTRACTOR'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 CONTRACTOR 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.

If such a claim or action arises, or in the CONTRACTOR'S or County's opinion is likely to arise, the CONTRACTOR shall, at County's discretion, either procure for County the right or license to continue using the MATERIALS at issue or replace or modify the allegedly infringing MATERIALS. This remedy shall be in addition to and shall not be exclusive to other remedies provided by law.

- XIV. **ANTITRUST.** The CONTRACTOR hereby assigns to the County of Chisago 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.
- XV. **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.
- XVI. **STATE AUDITS.** The books, records, documents, and accounting procedures and practices of the CONTRACTOR 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.
- XVII. **SUBCONTRACTING AND ASSIGNMENT:** CONTRACTOR shall not enter into any subcontract for performance of any services contemplated under this agreement, nor assign any interest in the agreement without the prior written approval of the County. Any assignment may be made subject to such conditions and provisions as the County may impose. If specifically authorized by the County, CONTRACTOR is responsible for the performance of all subcontractors and shall compensate said subcontractors pursuant to the requirements of Minnesota Statute § 471.425.

XVIII. **SURVIVAL OF TERMS.** The following clauses survive the expiration, cancellation or termination of this contract: IX, Liability; XI, Publicity; XII, Government Data Practices Act; XIII, Ownership of Materials and Intellectual Property Rights; XV, Jurisdiction and Venue; and XVI, State Audits.

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

APPROVED:

1. **CONTRACTOR: Kantner Consulting L.L.C.**

CONTRACTOR certifies that the appropriate person(s) have executed the contract on behalf of CONTRACTOR as required by applicable articles, by-laws, resolutions, or ordinances.

Signed:
Title:
Date:

2. **COUNTY OF CHISAGO:
APPROVED**

Signed:
Title: Rick Greene, Chair, County Board
Date:

Certified:

Signed:
Title: Christina Vollrath, Clerk to the Board
Date:

Signed:
Title: Robert Benson, Health and Human Service Director
Date:

Reviewed as to Form:

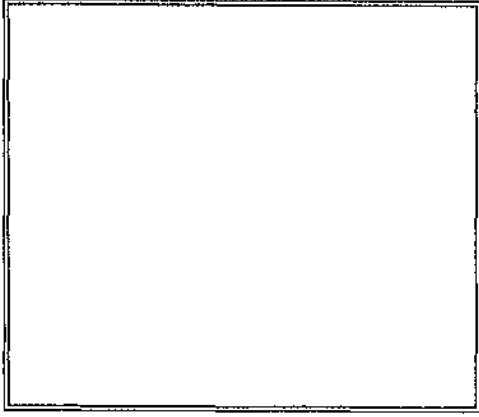
Signed: 
Title: Janet Reiter, Chisago County Attorney
Date: 03/09/2022

Chisago County Request for Board Action

Meeting Date: March 16, 2022	Item Number: 20
Title of Item for Consideration: Out of State Travel Requests – Monthly Client Visit to Connecticut and Transportation to Puerto Rico for Placement	
Action Requested by: Robert Benson, Director	Department: Health and Human Services
Previous Action on this Matter: Prior approved travel requests to see clients in residential placements.	
Background: Chisago County has custody of a client that will need to be visited at a specialized residential treatment center in Connecticut. Health & Human Services is requesting approval of \$950.00 in travel expenses for Christine Johnson (SW Child Services/ Child Protection), Christine Johnson will visit the client from March 31st – April 1st, 2022. These dates allow the Social worker to visit the client. Chisago County has custody of clients that have a Court ordered transportation to Puerto Rico. Health & Human Services is requesting approval of \$3,500.00 in travel expenses for Kim Booker and Sarah Bach (SW Child Services/ Child Protection). The dates will be during April and May, 2022. Attachment(s): • Out of State Travel Request form – Christine Johnson • Out of State Travel Request forms – Kim Booker and Sarah Bach	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the Out-of-State Travel Request for Christine Johnson to travel to Connecticut to provide Child protective services to a client that is residing in a specialized facility there and approve the Out-of-State Travel Request for Kim Booker and Sarah Bach to travel to Puerto Rico to provide Child protective services to a client that is traveling there. The suggested motion is as follows: <i>“Move to approve the Out-of-State Travel Request for Christine Johnson to travel to Connecticut to provide Child protective services to a client that is residing in a specialized facility and the Out-of-State Travel Request for Kim Booker and Sarah Bach to travel to Puerto Rico to provide Child protective services to a client that is traveling there .”</i>	
Implications of Action: By visiting this client, the County is fulfilling the mandated obligation of ensuring safety and well-being for clients who are receiving Child protective services and By escorting these clients, the County is fulfilling the mandated obligation of ensuring safety and well-being for clients who are receiving Child protective services. Budget/Financial Implications: The out of state travel will be paid with Budgeted Levy Dollars Legal/Policy Implications: The proposed activities are in general conformity with applicable state statutes and County authority and policies.	

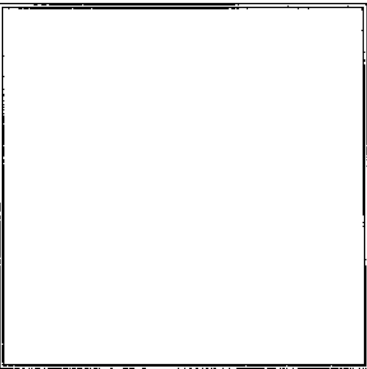
<i>Administrator's Recommendation</i>					
Approve ____		Deny ____		Other ____	
Motion By:			Seconded by:		
To:					
Action on Motion:	Aye ____		Nay ____		Abstain ____

Chisago County Out-of-State Travel Request

Date Submitted	3/9/2022	
Employee Name	Christine Johnson	
Department	Health and Human Services	
Destination	Connecticut	
Purpose of Travel	Monthly contact for Client in the custody of Chisago County placed in Residential Treatment Center/provide supervised parenting time for parents	
Departure Date	31-Mar-22	
Return Date	1-Apr-22	
Total Travel Expenses		
Supervisor Name (PRINT)	Todd McMurray	
Supervisor's Signature	<i>Todd McMurray</i>	Date Approved 3/9/2022
County Board Signature		Date Approved

Anticipated Expenses			
Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days
Airfare	Tickets for SW		
Ground Transportation	Rental Car		1
Conference/Registration Fees			1
Lodging			1
Meals			1
Mileage			1
Grand Total			
			\$950.00

Chisago County Out-of-State Travel Request

Date Submitted	3/4/2022		
Employee Name	Sarah Bach and Kim Booker		
Department	Health and Human Services		
Destination	<u>Puerto Rico</u>		
Purpose of Travel	Court ordered transport/placement of children		
Departure Date	April 2022-May 2022		
Return Date			
Total Travel Expenses			
Supervisor Name (PRINT)	TODD MCMURRAY		
Supervisor's Signature		Date Approved	3/9/2022
County Board Signature		Date Approved	

Anticipated Expenses

Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare	Airline Tickets for SW			\$1,120.00
Ground Transportation	cab/uber rides for transport in Puerto Rico		1	\$300.00
Conference/Registration Fees			1	\$0.00
Lodging	Hotel rooms		1	\$1,600.00
Meals	Daily meals		1	\$480.00
Mileage			1	
		Grand Total		\$3,500.00

Chisago County Government Center

Front Door Court Security

Front Door Court Security														
Prohibited Items		2022												Total
Confiscations		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Prohibited Items Confiscated
Sharp objects		33	32	0	0	0	0	0	0	0	0	0	0	65
Guns, Firearms, Magazines		0	0	0	0	0	0	0	0	0	0	0	0	0
Martial arts and self-defense items		0	0	0	0	0	0	0	0	0	0	0	0	0
Tools & Sporting goods		5	4	0	0	0	0	0	0	0	0	0	0	9
Chemicals and other Dangerous Items		2	0	0	0	0	0	0	0	0	0	0	0	2
Total Prohibited Items Confiscated		40	36	0	0	0	0	0	0	0	0	0	0	76
Bag count		317,678	1,337	1,122										2,459

Services Rendered	2022												Total Services Rendered
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Distruptive/Suspicious Persons Calls	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Assists	0	0	0	0	0	0	0	0	0	0	0	0	0
Officer/Deputy/Probation/911 Assist	0	0	0	0	0	0	0	0	0	0	0	0	0
Emotional Disturbed Persons	0	0	0	0	0	0	0	0	0	0	0	0	0
Handicap/Elderly Assists	4	2	0	0	0	0	0	0	0	0	0	0	6
Escorts to Motor Vehicle	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
Parking Lot Security Inspection	0	5	0	0	0	0	0	0	0	0	0	0	5
Door and Fire Alarms	4	0	0	0	0	0	0	0	0	0	0	0	4
Misc. Services Rendered	1	2	0	0	0	0	0	0	0	0	0	0	3
Total Services Rendered	9	9	0	0	0	0	0	0	0	0	0	0	15

CORR.