



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
Mike Robinson

REGULAR MEETING – Wednesday, October 20, 2021 County Board Room, Room 172

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

Road & Bridge Committee of the Whole:

Discussion

- | | |
|--|-------|
| 1.) County Engineer's Report | TAB 1 |
| 2.) City of North Branch Safe Routes to School – Resolution of Support | TAB 2 |
| 3.) Final Design Contract for Design of Trunk Highway Portion of TH 8 Recon. Project | TAB 3 |
| 4.) FINAL Contract Payment for the 2021 Seal Coat Project (CP 013-SC-021) | TAB 4 |

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 – Safe Routes to School – Resolution of Support | TAB 2 |
| 3.) R&B Committee Recommendation – Final Design Contract for TH 8 Recon. Project | TAB 3 |
| 4.) R&B Committee Recommendation – FINAL Payment for the 2021 Seal Coat Project | TAB 4 |
| 5.) Minutes from the October 6, 2021 Regular Meeting | TAB 5 |
| 6.) Payment of County's Warrants and Miscellaneous Bills | TAB 6 |

Environmental Services/Zoning Report – Kurt Schneider, Director

- | | |
|---|--------|
| 7.) Director's Report | TAB 7 |
| 8.) Zoning Ordinance Amendment – Accessory Structures and Uses | TAB 8 |
| 9.) Donald and Ann Jones CUP – Rural Retail Tourism Wood Working Shop | TAB 9 |
| 10.) Kelsey Zaavedra CUP – Rural Retail Tourism Farm Stand and Campground | TAB 10 |

Other Business of the County Board

- | | |
|---|--------|
| 11.) Report and Recommendations from the October 12, 2021 B/F Meeting | TAB 11 |
| 12.) 2022 Law Enforcement Services Contracts – TF, Shafer, Center City, Stacy, Harris, RC | TAB 12 |
| 13.) Minnesota Office of Traffic Safety Towards Zero Deaths Grant 2022 | TAB 13 |
| 14.) Contract for Century College SLOT Continuing Education Program | TAB 14 |
| 15.) Health and Human Services Gas/ Gift Card Policies and Procedures | TAB 15 |
| 16.) Out of State Travel Requests – Natl. Adult Protective Services Conf. – San Diego, CA | TAB 16 |

Discussion Items:

- | | |
|----------------------------------|-------|
| • Correspondence | CORR. |
| • Administrator Updates | |
| • Commissioner Committee Reports | |

Adjourn Meeting of the Board of Commissioners

Citizen's Forum:

The Citizen's Forum is provided so individuals may make a comment, statement, question or proposal to the Chisago County Board of Commissioners. Comments, statements, questions or proposals shall be directed to the Board as a whole, and not to individual commissioners or the audience. Individuals are asked to conduct themselves 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.

Due to the COVID-19 Pandemic and Governor Walz Executive Orders, the Chisago County Board of Commissioners have changed the way Citizen's Forum takes place at the Chisago County Board of Commissioner's meetings. Citizens may participate in the Board meetings in one of two ways;

1. Letters may be submitted to individual Commissioners or the County Administrator directly or through the 'Form Center' on the County Website. Letters will be accepted up until 2 hours before the Board meeting time. Commissioners may choose to read the letter before the Board and the public for up to 3 minutes. The letters will not become a part of the formal record, as is consistent with County precedent.
2. Due to the Board's desire to follow the CDC and MDH guidelines, strict social distancing is maintained in the Boardroom and County Government Center at all times. Due to social distancing requirements, the Board will limit the number of individuals in the County Boardroom to no more than 10. However, individuals wishing to participate in Citizen's Forum in-person may sign up via a sign-up sheet, and they will be asked to speak at the microphone for up to 3 minutes during the Citizen's Forum portion of the meeting. The microphone is positioned in the doorway of the County Boardroom so the Board may see and hear the presenter while maintaining social distancing.





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: October 12, 2021
RE: Public Works Director's Report

Construction Update:

- CSAH 11 Rut Repair Project. Complete – striping coming next week
- Maintenance Forces are continuing to work on CR 86, CR 55 and CR 60 prepping for next year's construction projects

Project Development Update:

- CSAH 26 between CSAH 37 and TH 8. Final design and R/W acquisition are ongoing.
- CSAH 23/CSAH 24 Roundabout. Working on final design and R/W.
- Continuing to work on prelim designs for CR 79, CR 86 and CSAH 6 projects.

CSAH 17 Extension

Commissioner Dubose and I met with the Lent Town Board at their October Board meeting to introduce, or reintroduce, the CSAH 17 Extension project.

North Branch Safe Routes to School Project

The City of North Branch is going after funding from the Safe Routes to School program to construct a trail along the east side of CSAH 30, going south to the library. While they do not need the County to act as a sponsor as they are a State Aid city, they do need County support for the application and project. I have included a resolution for Board consideration supporting their efforts.

TH 8 Final Design Contract for Trunk Highway Portion

The final design for the trunk highway portion of the project must be tracked and paid for separately from the local system portion because of the different funding sources. Now that the JPA has been executed by Mndot and the County Board, we have the contract form SRF to do the work. This work will be paid for out of the Project Development Fund from the 2020 Legislative session.

Chisago County Request for Board Action

Meeting Date: October 20, 2021	Item Number: 2
Title of Item for Consideration: City of North Branch Safe Routes to School – Resolution of Support	
Action Requested by: Joe Triplett, P.E.	Department: Public Works
Previous Action on this Matter: None.	
Background: The City of North Branch is pursuing funding from the Safe Routes to School program to construct a trail along the east side of CSAH 30 between TH 95 and the library south of town. North Branch is requesting support for their efforts and the project in the form of a resolution from the County Board. Public Works is in full support of this project. Attachment(s): Resolution	
Action Requested/Recommended: The County Board is respectfully requested to approve a resolution of support for North Branch Safe Routes to School Project. The following motion is suggested: <i>“Move to approve resolution of support for North Branch Safe Routes to School Project.”</i>	
Implications of Action: Resolution will support the City’s efforts to pursue funding for project from Safe Routes to School program Budget/Financial Implications: None. 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 _____

**Chisago County
Board of Commissioners**

**City of North Branch Safe Routes to School –
Resolution of Support**

**RESOLUTION NO. 21/1020-X
CITY OF NORTH BRANCH SAFE ROUTES TO SCHOOL – RESOLUTION OF
SUPPORT**

WHEREAS, \$8 million in SRTS funding is available, with a minimum of \$50,000 and cap of \$500,000 for each project, and

WHEREAS, Chisago County, supports the CSAH 30 (379th St – Maple St) and Maple St (CSAH 30 – 7th Ave) SRTS improvement project to address safety hazards to walking or biking, and

WHEREAS, the proposed CSAH 30 and Maple Street SRTS Improvement project improvements will address the installation of off-street bicycle and pedestrian facilities, pedestrian and bicycle crossing improvements and traffic control devices, and

WHEREAS, there is an AADT of 4,400 along CSAH 30 from 379th St to Maple St, with three bicycle crashes along CSAH 30 from 2010-2019 and 2 vehicle crashes; and 127 students living within 1 mile of the North Branch Area School District Campus, and

WHEREAS, the North Branch SRTS plan and previous approved SRTS engineering plans and specifications for the project have identified the need for the CSAH 30 and Maple St SRTS Improvement project, and

WHEREAS, the CSAH 30 and Maple St SRTS Improvement project will benefit the entire North Branch Area School Campus grades K-12 a total of 2,452 students, including the Education Center (Pre-K and K 174); Sunrise River Elementary (Grades 1-5: 844); Middle School (Grades 6-8: 587); High School (Grades 9-12: 847)

WHEREAS, the project will benefit students, pedestrians, and cyclists across multiple agencies, and,

WHEREAS, the funding for the project will be secured through the City of North Branch, and

WHEREAS, Chisago County supports the City of North Branch for the construction of the project and the City of North Branch agreement to maintain such improvements, and

NOW, THEREFORE, BE IT RESOLVED THAT,

1. Chisago County supports the CSAH 30 and Maple Street SRTS Improvement project and application to be submitted by the City of North Branch.
2. Chisago County supports the City of North Branch on the construction of the project and that the City of North Branch agrees that to maintain such improvements.
3. The City of North Branch assures that it will pay all costs associated with the project beyond the SRTS grant award.

Chisago County Request for Board Action

Meeting Date: October 20, 2021	Item Number: 3
Title of Item for Consideration: Final Design Contract for Design of Trunk Highway Portion of TH 8 Reconstruction Project	
Action Requested by: Joe Triplett, P.E.	Department: Public Works
Previous Action on this Matter: Approved SRF Final Design Contract for Local System on July 7, 2021.	
Background: Public Works requires assistance from SRF Consulting for the final design of the trunk highway for the TH 8 Reconstruction project. Due to the different funding sources, the work done on the trunk highway needs to be contracted, tracked and paid separate from the work associated with the local system portion of the project. This represents that trunk highway component to the project and will be funded entirely by funds from the Project Development Fund from the 2020 Legislative bonding appropriation the county received. Attachment(s): • Contract	
Action Requested/Recommended: The County Board is respectfully requested to approve the Final Design Contract for Design of Trunk Highway Portion of TH 8 Reconstruction Project with SRF Consulting. The following motion is suggested: <i>“Move to approve the Final Design Contract for Design of Trunk Highway Portion of TH 8 Reconstruction Project with SRF Consulting.”</i>	
Implications of Action: Will allow Public Works to finish design of the trunk highway system. Budget/Financial Implications: Design services of this contract are paid for from the 2020 Legislative appropriation without levy funding. 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 _____

PROFESSIONAL & TECHNICAL SERVICES CONTRACT

THIS CONTRACT, and amendments and supplements thereto, is between the County of Chisago (hereinafter County), and SRF Consulting Group, Inc., 701 Wayzata Blvd., Suite 100, Minneapolis, MN 55416, 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 professional/technical design services provide for the final design of the TH8 Reconstruction project from I-35 to Karmel Avenue within the MN DOT Right of Way; and

WHEREAS, the CONTRACTOR has made representations to the County 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 October 20, 2021, or upon the date the final required signature is obtained by County, whichever occurs later, and shall remain in effect until January 1, 2024, 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. **CONTRACTOR'S DUTIES.** The CONTRACTOR shall perform such duties as described in CONTRACTOR'S proposal dated October 12, 2021, entitled "Proposal to Perform Final Design for US Hwy 8 in Chisago County from I-35 to Karmel Avenue (SP 1308-29), a copy of which is attached hereto as **Attachment A** and incorporated herein by reference.
- 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 not exceed One Million, Six Hundred Seventy-Nine Thousand, Four Hundred Twenty and 47/100 Dollars (\$1,679,420.47) pursuant to **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.

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: Joe Triplett, PE
Public Works Director/County Engineer
Address: 31325 Oasis Rd., Rm 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: Brian Johnson, PE
Company: SRF Consulting Group, Inc.
Address: 3701 Wayzata Blvd., Suite 100, Minneapolis, MN 55416-3791
Telephone: 763-475-0010
E-Mail: bjohnson@srfconsulting.com
Fax:

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. 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.

VI. **ASSIGNMENT.** The CONTRACTOR shall neither assign nor transfer any rights or obligations under this contract without the prior written consent of County.

VII. **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.

VIII. **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.

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 of 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. **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: 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.

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

APPROVED:

1. **CONTRACTOR - SRF Consulting Group, Inc.**

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:
Title: Chair, Chisago County Board of Commissioners
Date:

CERTIFIED:

By:
Title: Clerk to the Board
Date:

REVIEWED AS TO FORM:

JANET REITER, COUNTY ATTORNEY, CHISAGO COUNTY
By: 
Name and Title: Jeffrey B. Fuge, Assistant County Attorney
Date: October 13, 2021



SRF 12151.03

October 12, 2021

Joseph Triplett, PE
Public Works Director/County Engineer
Chisago County
313 North Main Street, Suite 400
Center City, MN 55012

Subject: Proposal to perform Final Design for US Hwy 8 in Chisago County from I-35 to Karmel Avenue (SP 1308-29)

Dear Joseph Triplett:

Based on your request, SRF Consulting Group, Inc. (SRF) is pleased to submit this proposal to provide final design professional services for the next phase of the US Hwy 8 Reconstruction project from I-35 to Karmel Avenue, within MnDOT Right-of-Way. Key tasks and deliverables required to deliver this next phase of the project include Final Roadway Design, Supplemental Environmental Documentation, Traffic Engineering, Lighting, Water Resources, Utility Coordination, Structural Design and Geotechnical Investigation.

Our continued goal for this project is to improve safety and mobility by upgrading US Hwy 8 to a 4-lane divided roadway to accommodate current and future traffic volume demands and gap acceptance from side streets. Direct access along US Hwy 8 will be better managed through consolidation and/or frontage/backage road systems. This project will provide enhanced accommodations for pedestrians and bicyclists by preserving a location for the Swedish Immigrant Trail on the north side of US Hwy 8 and upgrading pedestrian curb ramps and cross walks to meet current ADA standards.

On-going Public and Agency involvement will be critical to the success of the project as the objective is to develop roadway improvements that meet the near and long-term goals of FHWA, MnDOT, Chisago County, Washington County, Forest Lake, Wyoming, and Chisago City and the Comfort Lake/Forest Lake Watershed District. In addition, the varied concerns, issues, and values of project stakeholders will need to be considered and incorporated into the project development process to achieve broad community acceptance and support of the project.

www.srfconsulting.com

3701 Wayzata Boulevard, Suite 100 | Minneapolis, MN 55416-3791 | 763.475.0010

Equal Employment Opportunity / Affirmative Action Employer

Scope of Services and Basis of Payment/Budget

We propose to carry out the work as stated in Attachment A. The Services performed by SRF, and its subconsultant Braun Intertec, pursuant to this agreement shall not exceed \$1,679,420.47. SRF billing is Cost Plus Fixed Fee. Braun billing is Fixed Hourly.

Changes in the Scope of Services

It is understood that if the scope or extent of work changes, the cost will be adjusted accordingly. Before any out-of-scope work is initiated, however, we will submit a budget request for the new work and will not begin work until we receive authorization from you.

Acceptance/Notice to Proceed

A signed copy of this letter, mailed or emailed to our office, will serve as acceptance of this proposal and our notice to proceed. The email address is bjohnson@srfconsulting.com.

We sincerely appreciate your consideration of this proposal and look forward to working with you on this project. Please feel free to contact us if you have any questions or need additional information.

Sincerely,

SRF CONSULTING GROUP, INC.



Brian C. Johnson, PE (MN IA SD)
Principal



Kenneth A. Holte, PE
Vice President

BCJ/KAH/ko

Attachment A – Scope of Work, Hours and Fee Schedule

Approved (Chisago County)


(signature)

Name JBE TRIPLETT

Title PUBLIC WORKS DIRECTOR

Date 10/13/21

This cost proposal is valid for a period of 90 days. SRF reserves the right to adjust its cost estimate after 90 days from the date of this proposal.

Table of Contents

Task 1.0 Project Management (Source Type 1010)	2
Task 2.0 Public and Customer Engagement (Source Type 0054)	3
Task 3.0 Final Design Survey (Source Type 1040)	4
Task 4.0 Geometric Layout (Source Type 1140)	4
Task 5.0 Hydraulic Design (Source Type 1141)	5
Task 6.0 Signal Design Plans (Source Type 1251)	6
Task 7.0 Traffic Control Design Plans (Source Type 1254)	7
Task 8.0 Signing/Pavement Marking Plans (Source Type 1255)	8
Task 9.0 Traffic Mgt Sys Plans (Source Type 1256)	8
Task 10.0 Environmental Permit Actv (Source Type 1072)	9
Task 11.0 Retaining Wall Design (Source Type 1190)	10
Task 12.0 Lighting Design Plans (Source Type 1252)	11
Task 13.0 Staging Bypass and Detour Plans (Source Type 3510)	11
Task 14.0 PS&E (Source Type 1300)	12
Task 15.0 Utility Coordination (Source Type 1195)	13
Task 16.0 Wetland Delineation (Source Type 1071)	14
Task 17.0 Environmental Document (Source Type 1071)	15
Task 18.0 Funding Assistance (Source Type 1065)	20
Task 19.0 Underpass Design (Source Type 3538)	20
Task 20.0 Noise Wall Design (Source Type 3538)	22
Typical Components of Plan Sets	22
State-Provided Information	23
Format for Electronic Governmental Unit Deliverables	24

Project Background

The goal of this project is to develop a biddable final plan-set and special provisions for State Project SP 1308-29, Trunk Highway (TH) 8 from I-35 in Forest Lake, Minnesota to Karmel Ave in Chisago City, Minnesota

Overview of Project

- A. Provide Project Management and support for Public/State involvement.
- B. Provide supplemental environmental services.
- C. Provide geotechnical explorations and reporting.
- D. Provide roadway and drainage design plans, specifications and estimates submittals at 60%, 90% and 100%.
- E. Design three new permanent traffic signals at TH 8 intersections with Greenway, County State Aid Highway (CSAH) 23 and County State Aid Highway 36.
- F. Design one signal revision (loop detector replacements and Americans with Disabilities Act (ADA) upgrades) at TH 61/TH 8 North Ramps intersection.
- G. Design one single-lane Roundabout at the intersection of Karmel and TH 8.
- H. Permanent signing design will include square tube sign structures for all new or reconstructed roadways.
- I. Design permanent pavement markings.
- J. Design work zone traffic control, including signing for detour on TH 97 and TH 95.
- K. Develop a basic Traffic Management Plan (without traffic analysis/modeling).
- L. Design for relocation of existing utility and communication devices that are impacted by construction.
- M. Prepare permit applications, assist with all submittals and coordination necessary to secure drainage, wetland, and construction permits needed for the project.
- N. This scope of work covers State Aid, Federal Aid and Cooperative Agreement review and approval process for plan and cooperative agreement submittal requirements.

Task 1.0 Project Management (Source Type 1010)

Under this Task Governmental Unit will:

- 1.1 Prepare, maintain and periodically review the project schedule with the State Project Manager.
- 1.2 Perform internal project management including, work-planning, Quality Assurance/Quality Control, and regular progress meetings.
- 1.3 Document project coordination, communication and correspondence with public agencies, sub-contractors and other regulatory and review agencies.
- 1.4 Review project budget and prepare monthly invoices and progress reports.
- 1.5 Prepare and distribute project communication documentation, including printing/packaging of deliverables at project milestones.
- 1.6 Maintain the Project webpage and provide periodic updates that may include graphics in .PDF format and written updates at project milestones.
- 1.7 Governmental Unit Deliverables:
 - 1.7.1 Project invoices and status reports (monthly)

- 1.7.2 Agendas distributed at least one week prior to meeting
- 1.7.3 Minutes distributed within five working days of meeting
- 1.7.4 Regularly updated project schedules
- 1.7.5 Display maps and graphics
- 1.7.6 Copies of pertinent correspondence
- 1.7.7 Project website updates and graphics

Task 2.0 Public and Customer Engagement (Source Type 0054)

Under this Task Governmental Unit will:

- 2.1 Update public involvement plan previously adopted for the project.
- 2.2 Prepare for and conduct up to 18 Project Management Team (PMT) Meetings. Includes preparation of meeting materials (handouts and displays), verbal presentations, meeting agenda and meeting minutes.
- 2.3 Prepare for and conduct up to 4 Technical Agency Coordination (TAC) w/State Functional Groups. Meetings will be held at State's Waters Edge. Includes preparation of meeting materials (handouts and displays), verbal presentations if desired (includes simple and brief PowerPoint presentations), meeting agenda and meeting summaries.
- 2.4 Prepare for and conduct up to 3 Public Open Houses (includes Public Hearing for Environmental Assessments (EA) and Pre-Construction). Task includes preparation of meeting materials (handouts and displays), verbal presentations if desired (includes simple and brief PowerPoint presentations), meeting agenda and meeting summaries.
- 2.5 Prepare up to two project newsletter updates for distribution including graphical layout, printing and distribution. Each newsletter will be reviewed once by State and revised if needed.
- 2.6 Assign a dedicated communications consultant to handle media needs such as coordinating media interviews, news releases, social media, etc.
- 2.7 Governmental Unit Deliverables:
 - 2.7.1 Updated Public Involvement Plan and associated materials
 - 2.7.2 Project Documentation and copies of materials
 - 2.7.3 Project Newsletters and communications

Task 3.0 Final Design Survey (Source Type 1040)

Under this Task Governmental Unit will:

- 3.1 Obtain additional existing data not previously obtained during preliminary design including match points, underground public utility elevations, as-built roadway plans, and electronic files for other proposed projects in the area.
- 3.2 Locate additional soil borings as needed and plot in plan view. Coordinate with Geotechnical Contractor and review updated geotechnical evaluation report.
- 3.3 Governmental Unit Deliverables:
 - 3.3.1 Gopher One Call and Utility Coordination Documentation
 - 3.3.2 Topographic design file and survey data

Task 4.0 Geometric Layout (Source Type 1140)

Under this Task Governmental Unit will:

- 4.1 Follow up on any changes or comments from State that affect the Level V 1 Staff Approved Layout (initially submitted during the preliminary design phase). Document comments and responses in a log. Follow up approval from State is required if changes are made.
- 4.2 Compute final horizontal alignment for all roadways within the project limits.
- 4.3 Compute final vertical alignment for all roadways within the project limits.
- 4.4 Develop and compute final roadway super elevation requirements and/or pavement transitions as necessary.
- 4.5 Develop final typical roadway sections for all roadways including pavement sections, median, shoulders, walkway, in slopes, back slopes and ditches.
- 4.6 Develop final model, cross-sections, and contours sufficient to determine drainage areas, construction limits and final profile grades.
- 4.7 Finalize existing and proposed right-of-way. Identify permanent easements, temporary easements based on preliminary roadway geometry and construction limits.
- 4.8 Prepare right-of-way and easement layout and/or exhibits. Layout to include alignments, offsets, and proposed right-of-way (R/W) & easement limits.
- 4.9 Locate soil borings in profile and cross-sectional view as needed.
- 4.10 Perform and integrate pavement design recommendations per alignment.

- 4.11 Coordinate the relocation of public utilities affected by roadway construction or plans for new extensions.
- 4.12 Analyze and incorporate private development access points.
- 4.13 Analyze and prepare layout for guardrail and barrier installations.
- 4.14 Develop contract pay items and funding breakdowns.
- 4.15 Compute and check contract pay item quantities.
- 4.16 Prepare Preliminary Engineer's Estimate of Cost including all estimates for funding breakdowns and cost participation.
- 4.17 Governmental Unit Deliverables:
 - 4.17.1 Level 1 Staff Approved Layout
 - 4.17.2 Final geometrics, alignments, profiles, typical sections, pavement structure, and cross sections
 - 4.17.3 Guardrail/Barrier Layout
 - 4.17.4 Preliminary Cost Estimate

Task 5.0 Hydraulic Design (Source Type 1141)

Under this Task Governmental Unit will:

- 5.1 Collect and review additional drainage data for the corridor. Update design criteria document and regulatory matrix as needed and submit to State for review. Includes one field walk by Water Resources staff.
- 5.2 Coordinate with State preservation project drainage work. State will provide pipe and structure conditions and determine corrective actions for existing features.
- 5.3 Perform catch basin spacing and storm sewer design for urban roadways.
- 5.4 Review staging plans and identify temporary drainage features required that affect construction limits.
- 5.5 Review cross-sections for impacts to drainage and construction limits. Recommend revisions to special ditch grades if necessary.
- 5.6 Assemble final drainage plans and tabulation/profile plans.

- 5.7 Provide temporary drainage for construction staging plans, including drafting all tabulation and profile sheets required for temporary drainage features.
- 5.8 Provide plans and special provisions for any dewatering or temporary bypasses related to culvert construction.
- 5.9 Update HydroCAD models with the final pond configurations for use in design and watershed permit applications.
- 5.10 Prepare drainage-related data for contract special provisions as required.
- 5.11 Analysis, risk assessment, and hydraulic memo for major culvert crossings. Assume up to five culverts over 48-inches.
- 5.12 Prepare stormwater-related Statement of Estimated Quantities (SEQ) and cost estimate.
- 5.13 Prepare computation submittal packages and electronic files, including design computations, HydroCAD models, drainage area maps, and a regulatory matrix as needed for review of the project.
- 5.14 Identify floodplain impacts and coordinate with Governmental Unit and Watershed District staff to identify potential compensatory storage mitigation sites.
- 5.15 Governmental Unit Deliverables:
 - 5.15.1 Design Computations and Models
 - 5.15.2 Final Drainage Overview Map
 - 5.15.3 Final Drainage Plans (profiles and tabulation on the same sheet) including Drainage Special Provisions and Estimates
 - 5.15.4 Correspondence with regulatory agencies
 - 5.15.5 Regulatory Matrix

Task 6.0 Signal Design Plans (Source Type 1251)

Under this Task Governmental Unit will:

- 6.1 Traffic Signal Design, Special Provisions and Engineer's Estimate (PS&E):
 - 6.1.1 Perform a field review of existing conditions.
 - 6.1.2 Arrange and attend a meeting with the local power company to establish a source of power location for each of the three proposed new permanent traffic signals.

- 6.1.3 Design and prepare draft plans, PS&E for new full-traffic-actuated traffic control signal systems at the intersections of TH 8 with Greenway, CSAH 23 and CSAH 36, and for a revision of the existing signal at TH 61 and the TH 8 North Ramps. Tie in place trunk fiber optic cable into new signal controller cabinets with fiber pigtails. Submit draft PS&E at 60% and 90% completion for State review.
- 6.1.4 Design and prepare draft plans, PS&E for construction temporary traffic signals at the intersections of TH 8 with Greenway, CSAH 23 and CSAH 36. Two temporary signal plans will be needed for each intersection (two major construction stages). Submit draft PS&E at 60% and 90% completion for State review.
- 6.1.5 Address State review comments. Submit final signed traffic signal plans, PS&E as part of the final PS&E package.
- 6.2 Governmental Unit Deliverables:
 - 6.2.1 Draft and Final Permanent Traffic Signal Plans, Special Provisions and Estimate
 - 6.2.2 Draft and Final Construction Temporary Traffic Signal Plans, Special Provisions and Estimate

Task 7.0 Traffic Control Design Plans (Source Type 1254)

Under this Task Governmental Unit will:

- 7.1 Develop an Enhanced Transportation Management Plan (TMP) incorporating traffic analysis/modeling already performed in preliminary design, consistent with State TMP requirements. Prepare and submit draft TMP. Address review comments; submit final signed TMP.
- 7.2 Prepare Work Zone Traffic Control Design, Plans, PS&E. Includes traffic control plans consistent with construction staging, and detour signing plans for a thru traffic detour following TH 97 and TH 95, and a local detour to allow for east end construction between Little Green Lake and Lake Ellen.
 - 7.2.1 Prepare draft work zone traffic control and detour plans, PS&E complete with a State-style staging narrative and quantity tabulations by stage. Submit draft PS&E at 60% and 90% completion for State review.
 - 7.2.2 Address State review comments. Submit final signed plans, special provisions and estimate as part of the final PS&E package.
- 7.3 Governmental Unit Deliverables:

- 7.3.1 Draft and Final Work Zone Traffic Control and Detour Plans, Special Provisions and Estimate
- 7.3.2 Draft and Final Transportation Management Plan

Task 8.0 Signing/Pavement Marking Plans (Source Type 1255)

Under this Task Governmental Unit will:

- 8.1 Signing Design, PS&E:
 - 8.1.1 Perform field inventory of existing signing. Develop existing signing plan.
 - 8.1.2 Design new permanent signing to current State standards along portions of corridor being reconstructed and along new local roads. Design signing beyond construction limits as necessary. Prepare draft plans, special provisions and engineer's estimate (PS&E) at 60% and 90% completion for State review.
 - 8.1.3 Address State review comments. Submit final signed signing plans, special provisions and engineer's estimate as part of the final PS&E package.
- 8.2 Pavement Markings Design, PS&E:
 - 8.2.1 Design new permanent pavement markings along portions of corridor being reconstructed, new road segments, and mill and overlay segments, ensuring that new pavement markings tie into existing markings at project limits. Prepare draft plans, PS&E at 60% and 90% completion for State review.
 - 8.2.2 Address State review comments. Submit final signed pavement marking plans, special provisions and engineer's estimate as part of the final PS&E package.
- 8.3 Governmental Unit Deliverables:
 - 8.3.1 Draft and Final Signing Plans, Special Provisions and Estimate
 - 8.3.2 Draft and Final Pavement Marking Plans, Special Provisions and Estimate

Task 9.0 Traffic Mgt Sys Plans (Source Type 1256)

Under this Task Governmental Unit will:

- 9.1 Intelligent Transportation Systems (ITS) Design, PS&E:
 - 9.1.1 Perform a field review of existing conditions.

- 9.1.2 Design and prepare draft plans, PS&E) for ITS devices that will need to be relocated due to construction impacts (see assumptions for included devices). Submit draft PS&E at 60% and 90% completion for State review.
- 9.1.3 Address State review comments. Submit final signed traffic signal plans, special provisions and engineer's estimate as part of the final PS&E package.
- 9.2 Governmental Unit Deliverables:
 - 9.2.1 Draft and Final ITS Plans, Special Provisions and Estimate

Task 10.0 Environmental Permit Actv (Source Type 1072)

Under this Task Governmental Unit will prepare permit applications for:

- 10.1 Comfort Lake Forest Lake Watershed District:
 - 10.1.1 Prepare and coordinate all technical data and assemble drawings as required by the District. Prepare permit application and provide to State in a signature-ready format.
 - 10.1.2 Two one-hour virtual meetings with two staff.
 - 10.1.3 Ongoing coordination via email and phone.
- 10.2 National Pollutant Discharge Elimination System (NPDES) documentation & Stormwater Pollution Prevention Plan (SWPPP):
 - 10.2.1 Prepare on-line permit application.
 - 10.2.2 Prepare SWPPP, plan sheets and supporting computations for submittal and review to the Minnesota Pollution Control Agency (MPCA). State will supply the SWPPP Template. Over 50 acres of disturbance and drains to an impaired water. Includes two one-hour virtual meetings with two staff.
- 10.3 Department of Natural Resources (DNR) Permit and Coordination:
 - 10.3.1 Prepare on-line Water Permitting and Reporting System (MPARS) permit.
 - 10.3.2 Two one-hour virtual meetings with two staff.
 - 10.3.3 On-going coordination via email and phone.
- 10.4 Section 404/Wetland Conservation Act (WCA) Joint Notification:
 - 10.4.1 Determine wetland impacts for cut and fill and permanent and temporary wetland impacts.

- 10.4.2 Prepare and coordinate all technical data and assemble drawings as required by the application. Prepare permit application and provide to State in a signature-ready format.
- 10.4.3 Attend one WCA/Section 404 pre-permitting with United States Army Corps of Engineers (USACE) and members of the Technical Evaluation Panel (TEP).
- 10.4.4 Ongoing coordination as required, including coordination members of the technical evaluation panel (TEP) and USACE as necessary.
- 10.5 Wetland Mitigation:
 - 10.5.1 Locate suitable wetland mitigation credits for wetland impacts not covered through Minnesota Board of Water & Soil Resources (BWSR) local road replacement program.
 - 10.5.2 Obtain Purchase Agreement(s) from wetland mitigation bank manager(s).
 - 10.5.3 Obtain Bill of Sale(s) of Wetland Banking Credits from wetland mitigation bank manager(s).
 - 10.5.4 Prepare documentation for use of BWSR local road replacement program credits (figures and description of impacts resulting from meeting state/federal design or safety standards/requirements).
 - 10.5.5 Coordinate local road replacement program credit withdrawal with WCA local government unit (LGU) and BWSR.
- 10.6 State Permits:
 - 10.6.1 Obtain required State permits to allow work to be performed within State R/W.
- 10.7 Governmental Unit Deliverables:
 - 10.7.1 Permit applications and approved permits

Task 11.0 Retaining Wall Design (Source Type 1190)

Under this Task Governmental Unit will:

- 11.1 Produce 60% Retaining Wall Plans:
 - 11.1.1 Evaluate cast-in-place and mechanically stabilized earth walls (MSE). Maximum length is 500 foot long wall with a maximum height of 15 feet. No Wall Aesthetics are included.
 - 11.1.2 Prepare a 60% Retaining Wall Plan that consists of general plan and elevation of the proposed retaining wall. Plan shall contain geometric information, existing and proposed utilities, design data and staging information.

- 11.1.3 Prepare 60% Retaining Wall Cost Estimate.
- 11.2 Produce Final Retaining Wall Design, Plans, Cost Estimate and Special Provisions:
 - 11.2.1 Perform final structural design of Cast-in-Place (CIP) concrete retaining wall. Prepare final plans, details, specifications and cost estimates.
 - 11.2.2 Special Provisions - Division SB.
 - 11.2.3 Cost Estimate - Provide estimates at 30%, 60%, 90% and 100%.
- 11.3 Governmental Unit Deliverables:
 - 11.3.1 Final Wall Plans, Special Provisions and Estimates

Task 12.0 Lighting Design Plans (Source Type 1252)

Under this Task Governmental Unit will:

- 12.1 Produce a 60% Lighting Layout at major intersections within the project limits (Goodview, Greenway, Hamlet, Heath, Pioneer, James, 276th St, Viking, Karmel). Includes lighting analysis, site visit, preliminary lighting plans & estimate.
- 12.2 Produce 90% plans related to lighting.
- 12.3 Produce 100% PS&E related to lighting.
- 12.4 Governmental Unit Deliverables:
 - 12.4.1 Final Lighting Plans, Specifications and Estimates that meet State Standards

Task 13.0 Staging Bypass and Detour Plans (Source Type 3510)

Under this Task Governmental Unit will:

- 13.1 Develop and analyze staging alternatives that include added project costs and durations.
- 13.2 Analyze impacts of staging alternative including potential traffic backups and use of alternate routes.
- 13.3 Consider any mitigation if needed. This may add to the project costs but should have minimum impacts on project durations. Identify items like bypasses or temp signal needs. These can possibly be separated from this project and can be built before this even starts. Helps to lessen impacts and duration.
- 13.4 Evaluate staging alternatives and select a preferred alternative.

- 13.5 Define temporary drainage features required and temporary pavement needs that may affect construction limits.
- 13.6 Coordinate staging with traffic control plans.
- 13.7 Address individual access/delivery needs for businesses and/or developments during construction and include in the staging plans.
- 13.8 Prepare a final construction staging scheme and schedule in conjunction with State and Governmental Unit as this may impact overall project limits/impacts and other planned projects.
- 13.9 Coordinate with project partners throughout the process (State Traffic, State Construction, Cities, County, Emergency Medical Services (EMS), etc.).
- 13.10 Governmental Unit Deliverables:
 - 13.10.1 Construction Staging Alternatives Evaluation
 - 13.10.2 Construction Staging Scheme

Task 14.0 PS&E (Source Type 1300)

Under this Task Governmental Unit will:

- 14.1 Prepare title sheet and general layout plan.
- 14.2 Prepare construction staging plan sheets from layouts developed under Task 12.0 for all roadways as required.
- 14.3 Prepare plans for construction details and construction/soils notes including standard plates as required.
- 14.4 Provide erosion control plans consistent with State permit requirements.
- 14.5 Integrate final typical section plan sheets.
- 14.6 Prepare alignment plan and tabulation to include; azimuths for all tangent lines; coordinate values and stationing for all P.C., P.I. and P.T.; coordinate values for all radius points; coordinate values and field ties for control points.
- 14.7 Complete roadway profile sheets including sub-cut depths and descriptions of all benchmark locations. Add soil boring information.
- 14.8 Integrate final watermain and sanitary sewer plans developed by others.
- 14.9 Integrate final signing and striping plan sheets for all roadways.
- 14.10 Prepare Tabulations required for Federal Aid Submittal

- 14.11 Compile and submit plans and a Full Engineers Estimate to State for review and comment.
- 14.12 Address comments on submittals and update plans to incorporate additional design elements and required sheets to complete the plan set, including tabulations and SEQ.
- 14.13 Prepare special provisions related to "specialty pay items" of a form and substance required by the State and Federal Aid.
- 14.14 Submit plans, and other required deliverables to State for review and comment.
- 14.15 Revise Plans, PS&E to reflect comments.
- 14.16 Governmental Unit shall submit Final PS&E for final State Approval.
- 14.17 Governmental Unit Deliverables:
 - 14.17.1 Final Construction Plan
 - 14.17.2 Engineer's Opinion of Probable Construction Costs
 - 14.17.3 Plan Review Checklist
 - 14.17.4 Special Provisions
 - 14.17.5 Lab Services Request Form
 - 14.17.6 Utility Certification Form
 - 14.17.7 State Aid Plan Review Checklist
 - 14.17.8 Provide all State required geotechnical reports with final plan submittal

Task 15.0 Utility Coordination (Source Type 1195)

Under this Task Governmental Unit will:

- 15.1 Perform Utility Coordination per State 12 Step Program Manual and Checklist.
- 15.2 Prepare for three Utility Coordination meetings, meeting documentation, and follow up correspondence.
- 15.3 Prepare utility location file from Utility maps and surface survey data.
- 15.4 Tabulate conflicts and make recommendations based on cost effectiveness and conflict minimization techniques.
- 15.5 Governmental Unit Deliverables:

15.5.1 Utility Quality Level D File

15.5.2 Tabulation of Conflicts and Recommendations for required changes to existing facilities

Task 16.0 Wetland Delineation (Source Type 1071)

Under this Task Governmental Unit will:

16.1 Perform a Level 1 (desktop) wetland review:

16.1.1 Complete Level 1 (desktop) wetland delineation. Create maps depicting hydric soils, National Wetlands Inventory (NWI), DNR Public Waters, parcel data, contour data, and project area.

16.1.2 Prepare wetland technical memorandum, documenting Level 1 (desktop) wetland review methodology and findings.

16.2 Level 2 (field) wetland review:

16.2.1 Complete a wetland delineation for the project area. Wetland delineations will be completed per the 1987 USACE Wetland Delineation Manual and Northcentral and Northeast Regional Supplement, regulatory guidance, and Minnesota WCA standards.

16.2.1 Record a minimum of one sampling transect per delineated wetland providing at least one wetland plot and one upland plot. Data collection to include vegetation, soils, and hydrologic indicators.

16.2.3 Photograph each delineated wetland.

16.2.4 Record wetland boundaries, water resource boundaries, and sampling pit locations with a sub-meter accurate Global Positioning System (GPS) unit.

16.2.5 Download and post-process GPS data.

16.2.6 Complete a wetland delineation report per USACE and WCA standards. Complete WCA/USACE Joint Application Form for wetland boundary/type.

16.2.7 Submit wetland delineation report and joint application form for review. Revise as per comments (if necessary).

16.2.8 Submit wetland delineation report and joint application form to WCA LGU and USACE.

16.2.9 Arrange, coordinate, and facilitate one on-site TEP meeting in support of delineated wetland boundaries.

16.2.10 Provide additional information as requested and revise report per comments from WCA LGU, USACE, and/or TEP (if necessary).

16.2.11 Convert final approved wetland shapefiles to Computer-aided design (CAD) (in .dgn format) and provide to State.

16.3 Governmental Unit Deliverables:

16.3.1 Level 2 wetland delineation report for review (electronic .dgn and pdf copy).

16.3.2 Determine wetland impacts based on Level 2 wetland delineation.

16.3.3 WCA/USACE Joint Application Form for wetland boundary / type (electronic pdf copy).

16.3.4 Hard copies of signed WCA/USACE Joint Application Form for wetland boundary / type and State-reviewed wetland delineation report to WCA LGU (up to five copies, as requested).

16.3.5 Wetland boundary shapefiles in .dgn format.

Task 17.0 Environmental Document (Source Type 1071)

Under this Task Governmental Unit will:

17.1 Coordinate with State:

17.1.1 Coordinate early with State. Purpose of meeting is to review studies completed to date, confirm National Environmental Policy Act (NEPA) class of action (Class III, EA and Finding of No Significant Impact (FONSI)), determine NEPA path (using trunk highway process), and confirm no State environmental review (no Environmental Assessment Worksheet (EAW)). State Trunk Highway (State and Office of Environmental Stewardship (OES)) to coordinate with Federal Highway Administration (FHWA), if necessary. (Completed under preliminary engineering agreement with Governmental Unit.)

17.2 Coordinate with Other Agencies:

17.2.1 Prepare State Trunk Highway early notification memorandum (ENM), including figures, and submit to State Metro. State Metro to distribute ENM to State functional groups and DNR. (Completed under preliminary engineering agreement with Governmental Unit.)

17.2.2 Section 7, Endangered Species Act. Coordinate with State OES regarding federal threatened and endangered species. May affect, not likely to adversely affect determination for northern long-eared bat. No effect determination for all other listed species in Chisago County.

17.2.3 Section 106, National Historic Preservation Act. Coordinate Section 106 review with State CRU. No new cultural resources surveys. TH 8 project footprint is within area of

potential effects (APE) from cultural resources surveys completed with 2013 EAW. State Cultural Resources Unit (CRU) to provide a no historic properties determination.

- 17.2.4 Submit Natural Heritage Information System (NHIS) review request to DNR. No adverse effects to state-listed species. No surveys for state-listed species required.
- 17.2.5 Prepare form AD-1006 (Farmland Protection Policy Act) and submit to Natural Resources Conservation Service (NRCS).
- 17.3 Purpose and Need Statement:
 - 17.3.1 Update purpose and need statement as necessary to incorporate new information from traffic analyses. Update to reflect current State and FHWA purpose and need guidance. (Completed under preliminary engineering agreement with Governmental Unit.)
- 17.4 Prepare Alternatives Evaluation:
 - 17.4.1 Prepare alternatives evaluation section of the EA, describing alternatives considered and rationale for identification of a preferred alternative.
- 17.5 Prepare Project Cost, Funding, and Schedule:
 - 17.5.1 Prepare a summary of project costs, funding sources and schedule.
- 17.6 Confirm Social, Economic, and Environmental (SEE) Impact Evaluation:
 - 17.6.1 Confirm no Section 6(f) Involvement
 - 17.6.2 Section 106, National Historic Preservation Act (summarize Section 106 determination from State CRU)
 - 17.6.3 Section 7, Endangered Species Act (summarize Section 7 determination from OES)
 - 17.6.4 State Threatened and Endangered Species (confirm no effect determination provided by DNR)
 - 17.6.5 Relocation and Right of Way
 - 17.6.6 Contaminated Properties and Regulated Materials
 - 17.6.7 Farmland Protection Policy Act of 1981
 - 17.6.8 Air Quality (qualitative Carbon monoxide (CO) and Mobile Source Air Toxics (MSAT) analysis, conformity determination)
 - 17.6.9 Greenhouse Gas (GHG) analysis
 - 17.6.10 Highway Traffic Noise

- 17.6.11 Construction Noise
- 17.6.12 Floodplain Management/Floodplain Assessment
- 17.6.13 Wetlands and Section 404, Clean Water Act. Prepare State Trunk Highway Wetland Impact Assessment and Two-Part Finding form. See Task 16.0 for wetland delineation.
- 17.6.14 Water Pollution and Stormwater Management
- 17.6.15 Indirect and Cumulative Effects
- 17.6.16 Temporary Construction Impacts
- 17.6.17 Economics
- 17.6.18 Social Impacts (travel patterns and access, accessibility, community facilities and public services, community cohesiveness, transportation sensitive populations)
- 17.6.19 Considerations Relating to Pedestrians and Bicyclists
- 17.6.20 Transit (no impacts to transit services)
- 17.6.21 Environmental Justice (no disproportionately high and adverse impacts to low-income and/or minority populations in study area)
- 17.6.22 Environmental Management Plan (EMP) (State Green Sheets)
- 17.7 Confirm Hazardous Materials/Potentially Contaminated Sites:
 - 17.7.1 Prepare contaminated/regulated materials checklist for cooperative construction projects form and submit to State Contaminated Materials Management Team (CMMT).
 - 17.7.2 State CMMT will determine a Phase I Environmental Site Assessment (ESA) is required. Phase I ESA to be prepared by Sub-Contractor. Submit Phase I ESA to CMMT for review.
 - 17.7.3 Coordinate Phase I ESA with Sub-Contractor.
 - 17.7.4 Summarize Phase I ESA findings for draft EA.
 - 17.7.5 Coordinate with State and submit environmental due diligence form 1 (EDD-1) to CMMT.
- 17.8 Confirm Section 4(f) Involvement:
 - 17.8.1 Confirm Section 4(f) temporary occupancy for proposed connection to Hardwood Creek Regional Trail (Official With Jurisdiction).
- 17.9 Prepare Traffic Noise Analysis:

- 17.9.1 Prepare traffic noise analysis based on 2017 State Noise Requirements. Traffic noise impacts to be based on Leq levels. Analysis of daytime conditions only.
- 17.9.2 Perform field measurements (i.e., noise monitoring) at up to eight receptor locations within the project area. Locations for field measurements to be determined in consultation with the State.
- 17.9.3 Identify representative receptor locations for inclusion in the traffic noise analysis.
- 17.9.4 Perform model validation. Develop existing conditions model with traffic input from field measurements. Compare field measurement results to existing conditions model output. Noise model will be considered validated (i.e., model results within 3 dBA, Leq of field measurements). No adjustments to the model input are necessary.
- 17.9.5 Determine worst case noise hour. Model traffic noise levels at representative receptor locations for up to six different hours during the morning and afternoon. Modeled hour with the highest Leq levels will be identified as the worst noise hour.
- 17.9.6 Prepare the noise analysis modeling for the existing conditions, future 2040 no-build alternative, and future 2040 build alternative (worst noise hour condition).
- 17.9.7 Prepare the analysis of noise abatement measures (i.e., noise walls) for impacted receptors. None of the modeled noise walls meet State's feasibility and reasonableness requirements. No public involvement with traffic noise analysis required.
- 17.9.8 Prepare traffic noise analysis for land use planning. Identify representative traffic noise levels at various set-back distances from TH 8.
- 17.9.9 Prepare traffic noise analysis report for inclusion in EA.
- 17.10 Prepare Draft and Final EA:
 - 17.10.1 Prepare report purpose and highway section description sections of draft EA.
 - 17.10.2 Prepare EA figures and graphics (project and area location maps, project layout figures, typical sections, aquatic resources map, etc.).
 - 17.10.3 Prepare State coordination, approvals/permits required, and public involvement sections of draft EA.
 - 17.10.4 Assemble draft EA for Governmental Unit and State review State and OES.
 - 17.10.5 Revise draft EA as per Governmental Unit and State comments. Submit revised EA for FHWA review. State OES to transmit draft EA to FHWA.
 - 17.10.6 Revise draft EA as per FHWA comments.

- 17.10.7 Submit final EA to County, State (Metro and OES), and FHWA for approval.
- 17.12 Coordinate EA Public Comment Period:
 - 17.12.1 Distribute EA to Environmental Quality Board (EQB) distribution list and other interested parties.
 - 17.12.2 Coordinate EA notice of availability with Governmental Unit and State public affairs. State public affairs to provide EA notice of availability press release to local media.
 - 17.12.3 Prepare EA notice of availability for publication in EQB Monitor.
 - 17.12.4 Prepare legal advertisement (EA notice of availability and public hearing). State public affairs to publish legal ad in local newspaper.
 - 17.12.5 Obtain court reporting services for public hearing (included under direct expenses).
 - 17.12.6 EA public hearing included under Task 2.6.
- 17.13 Prepare Request for FONSI:
 - 17.13.1 Prepare responses to substantive comments on the EA.
 - 17.13.2 Prepare draft Federal FONSI document. Provide to Governmental Unit and State (Metro and OES) for review. Revise as per Governmental Unit and State comments.
 - 17.13.3 Submit revised Federal FONSI document to State. State OES to transmit Federal FONSI document to FHWA.
 - 17.13.4 Revise Federal FONSI document as per FHWA comments. Submit Final Federal FONSI document to Governmental Unit and State (Metro and OES). State OES to submit to FHWA for FONSI decision.
 - 17.13.5 Distribute FONSI decision, concluding Federal environmental review process.
- 17.14 Attend internal project coordination meetings during development of preliminary design layout and EA. Review of draft and final environmental documents.
- 17.15 Governmental Unit Deliverables:
 - 17.15.1 Draft and final EA (electronic PDF format)
 - 17.15.2 Traffic noise analysis report (attachment to EA) (electronic PDF format)
 - 17.15.3 State trunk highway wetland impact assessment and two-part finding (attachment to EA) (electronic PDF format)
 - 17.15.4 EMP (attachment to EA) (electronic PDF format)

- 17.15.5 Distribution of approved EA
- 17.15.6 EA notices of availability (to be distributed by County)
- 17.15.7 Draft and final FONSI document (electronic PDF format)
- 17.15.8 Distribution of FONSI decision

Task 18.0 Funding Assistance (Source Type 1065)

Under this Task Governmental Unit will:

- 18.1 Work with the State to identify grant opportunities and explore innovative funding mechanisms to assist in the project's funding needs.
- 18.2 Prepare up to one regional or state grant applications that require a moderate level of effort. These types of applications may include the Metropolitan Council's Regional Solicitation, State Bonding Requests, and State's Transportation and Economic Development (TED) grants, Highway Safety Improvement Program (HSIP), or Cooperative Agreements. Services to be covered under this task may include, but not limited to, the preparation of grant applications, coordinating of grant materials, data collection, grant research, funding implementation plans, and meetings with potential grantees.
- 18.3 Prepare a BUILD GRANT application.
- 18.4 Governmental Unit Deliverables:
 - 18.4.1 Outline of eligible project elements for each funding source and probability in securing the funds
 - 18.4.2 Up to three Regional or State grant applications

Task 19.0 Underpass Design (Source Type 3538)

Under this Task Governmental Unit will:

- 19.1 Prepare Feasibility Study:
 - 19.1.1 Analyze up to 3 concept alternatives (Bridge A, B and C). Minimum clear width = 12 feet. Minimum clear height = 10.0 feet.
 - 19.1.2 Concept construction cost estimates: 1 estimate per bridge site (3 total maximum)
 - 19.1.3 Feasibility Report: Contains text, figures, preliminary drainage and estimates developed for concepts.

19.2 Bridge A – TH 8 over Trail Underpass A:

- 19.2.1 Preliminary Bridge Plan: Review & Approval by State Bridge Preliminary Unit
- 19.2.2 30% Bridge Plan: Review & Comment by State Bridge Design Unit.
- 19.2.3 60% Bridge Plan: Review & Comment by State Bridge Design Unit.
- 19.2.4 90% & Final Bridge Plan: Review & Comment by State Bridge Design Unit. Approval by State Bridge Engineer
- 19.2.5 Retaining Wall Design: Up to 300' of Precast Modular Block Wall (PMBW) required at underpass at 60%, 90% and Final design stages.
- 19.2.6 Estimates at 60%, 90% and Final design stages.

19.3 Bridge B – TH 8 over Trail Underpass B:

- 19.3.1 Preliminary Bridge Plan: Review & Approval by State Bridge Preliminary Unit.
- 19.3.2 30% Bridge Plan: Review & Comment by State Bridge Design Unit.
- 19.3.3 60% Bridge Plan: Review & Comment by State Bridge Design Unit.
- 19.3.4 90% & Final Bridge Plan: Review & Comment by State Bridge Design Unit. Approval by State Bridge Engineer.
- 19.3.5 Retaining Wall Design: Up to 300' of PMBW required at underpass at 60%, 90% and Final design stages.
- 19.3.6 Estimates at 60%, 90% and Final design stages.

19.4 Bridge C – TH 8 over Trail Underpass C:

- 19.4.1 Preliminary Bridge Plan: Review & Approval by State Bridge Preliminary Unit.
- 19.4.2 30% Bridge Plan: Review & Comment by State Bridge Design Unit.
- 19.4.3 60% Bridge Plan: Review & Comment by State Bridge Design Unit.
- 19.4.4 90% & Final Bridge Plan: Review & Comment by State Bridge Design Unit. Approval by State Bridge Engineer.
- 19.4.5 Retaining Wall Design: Up to 300' of PMBW required at underpass at 60%, 90% and Final design stages.
- 19.4.6 Estimates at 60%, 90% and Final design stages.

- 19.5 Special Provisions - Division SB: One special provision for all structures on project at 90% and Final design stages.
- 19.6 State Form 90: Culvert Rating Form: Submit one per bridge with Final design documents.
- 19.7 Governmental Unit Deliverables:
 - 19.7.1 Feasibility figures, estimates and text
 - 19.7.2 Preliminary bridge plans
 - 19.7.3 Final bridge plans
 - 19.7.4 Construction cost estimates
 - 19.7.5 Special Provisions, Division SB
 - 19.7.6 Load Rating Form

Task 20.0 Noise Wall Design (Source Type 3538)

Under this Task Governmental Unit will:

- 20.1 Prepare the necessary noise wall plans (including, location, profile, and cross sections) in accordance with current State standards. Assume wall is a maximum length of 2,000 feet and maximum height of 15 feet. Provide changes in drawings that comply with foundations and/or subgrade corrections recommended by State's Foundations Unit and State's District Soils Office reports. Provide structural calculations for walls that are not covered by State's Standard Plans.
- 20.2 Use the wall type, size, and location information from the Preliminary Plan, plus any additional information provided by State, to design the retaining wall system with consideration of economy, visual quality, and constructability. Walls must be offset a minimum of ten feet from the Right of Way line.
- 20.3 Develop line and grade for the proposed noise wall, utilize MnDOT Standard Plan Sheets for a concrete post and panel design, and prepare the required plan sheets and specifications.
- 20.4 Governmental Unit Deliverables:
 - 20.4.1 Noise Wall Plans

Typical Components of Plan Sets

The 60% plan will include:

- 1. Title Sheet
- 2. Construction plans

3. General Layout
4. Typical Sections
5. Estimated quantities
6. In Place Topography and Utility Plans
7. Removals Plan Sheets
8. Tabulation Sheets including Miscellaneous Drainage Tabulations
9. Detail sheets including, ADA details, and retaining wall details
10. Standard Plans
11. Paving Plans
12. Alignment & Profile Plans
13. Superelevation Plans
14. Construction & Soils notes
15. Intersection Details
16. Pedestrian Curb Ramp Details
17. Drainage Plans and Profiles and Tabulations
18. Treatment Basin and Rate Control Area Contours and Details
19. Erosion control plans
20. SWPPP
21. Complete cross-sections
22. Earthwork tabulations
23. Turf Establishment plans
24. Traffic control plans
25. Traffic Signal Plans
26. Signing plans
27. Lighting plans
28. Striping plans
29. Construction cost estimate – Includes cost splits

The 90% plan will be a complete plan-set. In addition to the 60% items it will include:

1. Special Provisions
2. Exhibits for cooperative construction agreement
3. Construction cost estimate – Includes cost splits

The 95% plan will have signatures on the plan-set. In addition to the 90% items it will include:

1. Final Submittal Memo
2. Utility Project Manager Checklist
3. State Quality Control Check Process Forms
4. Construction cost estimate – Includes cost splits

State-Provided Information

The State will provide the following information and data:

1. Existing Sign locations
2. All existing Design Surveys Information

3. Materials Design Recommendation
4. State's geometric design standards and exceptions:
<http://dotapp7.dot.state.mn.us/edms/download?docId=623068>
5. Detour Routes Locations
6. State's electronic project directory standards and file naming standards
7. State's Computer Aided Design (CADD) Standards at:
<http://www.dot.state.mn.us/caes/files/pdf/State-caddstandardsdocumentation.pdf>
8. State's Quality Management Process for Design-bid-build projects at:
<http://www.dot.state.mn.us/design/qmp/documents/QMP-manual.pdf>
9. State's Pavement Message Guidelines at:
<http://www.dot.state.mn.us/trafficeng/pavement/index.html>
10. Temporary Traffic Control template sheets at:
<http://www.dot.state.mn.us/trafficeng/workzone/ttc-templates.html>
11. Signing plan information at:
<http://www.dot.state.mn.us/trafficeng/signing/signingplansheets.html>
12. Current Transport Pay Item List at: <http://transport.dot.state.mn.us/Reference/refItem.aspx>
13. The State's Standard Plans and Plates at: <http://standardplans.dot.state.mn.us/> and
<http://standardplates.dot.state.mn.us/stdplate.aspx>
14. Specific special provisions examples to be utilized on the project.
15. Example plan sets if requested
16. Seeding manual at: <http://www.dot.state.mn.us/environment/erosion/pdf/seedingmanual.pdf>
17. SWPPP template if needed
18. Metro District Design Guidelines
19. Metro District Traffic Guidelines
20. Metro District Hydraulic Guidelines
21. Metro District Survey Guidelines
22. Existing Signal Plans, Fiber Optic (F/O) Plans, Lighting Plans and associated Wiring Diagrams along TH 8
23. MnDOT System ID Number, Traffic Engineering (TE) Number, and Information on State furnished signal items

Format for Electronic Governmental Unit Deliverables

All deliverables will be provided to the State in native format and uploaded to ProjectWise. Specific required formats:

- (CADD): Microstation V8i, using State Level 2 CADD Standards
- Design computations: Excel
- Geopak Database (GPK file): Design and Survey
- Correspondence (Email, MS Word, PDF)
- 3D models: XML and TIN
- Plans for review: PDF

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Work Tasks	Principal	SR, Associate	Associate	SR, Professional	Professional	Technical	Clerical	Totals
Project Management (Source Type 1010)	185	329	0	0	0	30	31	575
Public and Customer Engagement (Source Type 0054)	700	188	240	0	0	75	16	720
Final Design Survey (Source Type 1040)	3	2	0	10	0	0	0	15
Geometric Layout (Source Type 1140)	80	0	0	508	952	0	0	1540
Hydraulic Design (Source Type 1141)	205	0	0	1200	800	0	0	2205
Signal Design Plans (Source Type 1251)	10	0	0	72	315	0	0	397
Traffic Control Design Plans (Source Type 1254)	28	0	0	195	270	0	0	493
Signing/Pavement Marking Plans (Source Type 1255)	14	0	0	135	265	0	0	414
Traffic Mgt Sys Plans (Source Type 1256)	2	0	0	120	180	0	0	342
Environmental Permit Actv (Source Type 1072)	26	12	46	132	68	20	3	307
Retaining Wall Design (Source Type 1190)	9	25	67	0	30	85	4	220
Lighting Design Plans (Source Type 1252)	2	69	0	0	0	160	0	231
Staging Bypass and Detour Plans (Source Type 3510)	24	30	90	16	70	0	0	230
PS&E (Source Type 1300)	68	72	9	453	740	544	0	1980
Utility Coordination (Source Type 1195)	42	0	0	67	14	0	0	160
Wetland Delineation (Source Type 1071)	0	0	65	65	0	0	0	130
Environmental Document (Source Type 1071)	0	63	12	202	10	0	5	298
Funding Assistance (Source Type 1065)	4	0	100	0	3	0	3	110
Underpass Design (Source Type 3538)	9	68	177	236	314	548	0	1352
Noise Wall Design (Source Type 3538)	5	0	66	0	110	40	0	221
Total Hours	916	904	900	3414	4141	1603	62	11940
Hourly Rate	\$70.00	\$60.00	\$51.00	\$41.00	\$38.00	\$43.00	\$19.00	
Direct Labor Costs	\$64,120.00	\$54,240.00	\$45,900.00	\$139,974.00	\$157,358.00	\$64,120.00	\$1,178.00	\$526,890.00
Overhead Costs @ 163.67% of Direct Labor Costs								\$862,360.86
Fixed Fee @ 13.0% of (Direct Labor Costs + Overhead Costs)								\$180,602.61
Subcontractor see page two								\$107,285.00
Direct Expenses								\$2,282.00
Mileage - 900 miles @ \$0.50 per mile	\$504.00							
REPRODUCTION: 11x17 Plan Copies 4800 @ \$0.10	\$480.00							
PRINTING, Color Copies 500 @ \$0.20	\$100.00							
PERMITS/APPLICATION FEES: 1 @ \$450.00	\$450.00							
COMMUNICATION: Deliveries/Courier 3 @ \$100.00	\$300.00							
COURT REPORTER (for EA Public Hearing): 1 @ \$250.00	\$250.00							
MEALS DUE TO TRAVEL: Lunch 19 @ \$11.00	\$198.00							
Total Contract Amount								\$1,679,420.47

Phase 1	Geotechnical Evaluation	Units	Unit Rate	Cost
Activity 1.1	Site Layout - Staking - Utility Clearance - CADD			\$3,904.00
205	Site layout and utility clearance	16 Hour	\$90.00	\$1,440.00
1862	Utility Trip Charge	2 Each	\$50.00	\$100.00
138	Project Assistant	6 Hour	\$85.00	\$510.00
371	CADD/Graphics Operator	6 Hour	\$125.00	\$750.00
5099	Trimble R8 Rover (horizontal and vertical), per hour	16 Each	\$69.00	\$1,104.00
Activity 1.2	Drilling Services			\$40,336.00
9600	Truck Mounted Drilling Services, per hour	88 Each	\$320.00	\$28,160.00
1073	Sealing Records, each	4 Each	\$75.00	\$300.00
9730	Grout with bentonite, materials per foot	150 Each	\$2.00	\$300.00
1052	Warning signs	6 Each	\$300.00	\$1,800.00
1022	Thin-walled sample tubes (ASTM D 15 87), each	14 Each	\$34.00	\$476.00
9726	Bore hole abandonment, per foot	150 Each	\$2.00	\$300.00
306	Flaggers	72 Hour	\$125.00	\$9,000.00
Activity 1.3	Geotechnical Soil Tests			\$5,740.00
1156	Atterberg Limits- LL and PL (ASTM D 4318), per sample	8 Each	\$130.00	\$1,040.00
1166	200 wash (ASTM C 117), per sample	8 Each	\$90.00	\$720.00
1162	Sieve analysis with 200 wash (ASTM C 136 and C 117), per sample	8 Each	\$160.00	\$1,280.00
1174	Organic content (ASTM D 2974), per sample	14 Each	\$90.00	\$1,260.00
1152	Moisture content (ASTM D 2716), per sample	60 Each	\$24.00	\$1,440.00
Activity 1.4	Evaluation/Analysis/Reports			\$15,760.00
138	Project Assistant	8 Hour	\$85.00	\$680.00
126	Project Engineer	60 Hour	\$155.00	\$9,300.00
128	Senior Engineer	24 Hour	\$215.00	\$5,160.00
125	Project Manager	4 Hour	\$155.00	\$620.00
Activity 1.5	GPR and Pavement Coring			\$7,486.00
252	Bituminous Coring	9 Hour	\$190.00	\$1,710.00
1443	Ground Penetrating Radar, per hour on site (includes equipment)	5 Each	\$222.00	\$1,110.00
1600	GPR Mobilization	100 Miles	\$3.50	\$350.00
1861	Trip Charge	1 Each	\$50.00	\$50.00
126	Project Engineer	12 Hour	\$150.00	\$1,800.00
306	Flaggers	18 Hour	\$125.00	\$2,250.00
1405	Bit wear and patch material, per core	8 Each	\$27.00	\$216.00
Phase 1 Total:				\$73,226.00
Phase 2	Phase II Investigation			
Activity 2.1	Drilling Services			\$15,833.00
9400	GeoProbe Services, per hour	32 Each	\$295.00	\$9,440.00
205	Site layout and utility clearance	4 Hour	\$90.00	\$360.00
1862	Utility Trip Charge	1 Each	\$50.00	\$50.00
288	Project Assistant	2 Hour	\$85.00	\$170.00
9954	Steam cleaning of drill rig and tool, per steam	1 Each	\$157.00	\$157.00
371	CADD/Graphics Operator	1 Hour	\$125.00	\$125.00
9730	Grout with bentonite, materials per foot	375 Each	\$2.00	\$750.00
SUB	Subcontractor Billable - Private Locator	1 Each	\$250.00	\$250.00
9902	Sealing records, each	3 Each	\$75.00	\$225.00
5099	Trimble R8 Rover (horizontal and vertical), per hour	4 Each	\$69.00	\$276.00
9430	Water sampling tubing and consumables, per sample	180 Each	\$8.50	\$1,530.00
SUB2	Traffic Control - Warning Lights	1 Each	\$2,500.00	\$2,500.00
Activity 2.2	Soil Screening/Field analysis			\$4,611.00
310	Environmental Technician III	33 Hour	\$105.00	\$3,675.00
5027	Field filtering water, per sample	3 Each	\$37.00	\$296.00
5036	PID w/10.6 eV lamp, per day	4 Each	\$110.00	\$440.00
1863	ENV Trip Charge	4 Each	\$50.00	\$200.00
Activity 2.3	Laboratory Analysis			\$8,250.00
SUB1	Laboratory Analysis Soil & groundwater (VOCs, PAHs, ORG - GROUND)	30 Each	\$275.00	\$8,250.00
Activity 2.4	Project Management, Work Plan & Reporting			\$5,365.00
371	CADD/Graphics Operator	3 Hour	\$125.00	\$375.00
330	Project Scientist	5 Hour	\$155.00	\$775.00
360	Project Assistant	2 Hour	\$85.00	\$170.00
340	Senior Scientist	15 Hour	\$215.00	\$3,225.00
363	Project Manager	2 Hour	\$155.00	\$310.00
350	Principal Scientist	2 Hour	\$255.00	\$510.00
Phase 2 Total:				\$34,059.00
Contract Total:				\$107,285.00

Chisago County Request for Board Action

Meeting Date: October 20, 2021	Item Number: 4
Title of Item for Consideration: FINAL Contract Payment for the 2021 Seal Coat Project (CP 013-SC-021)	
Action Requested by: Joe Triplett, P.E.	Department: Chisago County Public Works
Previous Action on this Matter: Projects have been previously approved and awarded.	
Background: The final contract payment amount for the 2021 Seal Coat Project is \$29,097.75. The contract amount was \$557,908.50 and the total work certified amount was \$581,955.04.	
Attachment(s): Final Contract Vouchers – 2021 Seal Coat Project (available upon request)	
Action Requested/Recommended: The County Board is respectfully requested to approve the Final Contract Payments for the 2021 Seal Coat Project. The following motion is suggested:	
<i>“Move to approve the 2021 Seal Coat Project.”</i>	
Implications of Action: Board approval at tonight’s meeting will allow the Public Works department to complete the 2021 Seal Coat Project.	
Budget/Financial Implications: None.	
Legal/Policy Implications: The proposed action is in general conformity with normal and routine application of state statutes, and county authority and county policies.	
Administrator’s Recommendation	
Approve	Deny _____
Other _____	
Motion By: _____	Seconded by: _____
To: _____	
Action on Motion:	Aye _____
	Nay _____
	Abstain _____

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
UNOFFICIAL PROCEEDINGS
Wednesday, October 06, 2021**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, October 06, 2021 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, Dunne, Robinson, Montzka. County Administrator Chase Burnham, Clerk of the Board Christina Vollrath, and County Attorney Janet Reiter were present.

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

Commissioner Greene offered a motion to approve the amended agenda. Motion seconded by Dunne. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

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

Chair DuBose gave the gavel to Vice-Chair Greene.

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

On motion by DuBose, seconded by Montzka, the Board moved to add items 1-7 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by DuBose, seconded by Robinson, the board moved to close the HHS Committee Board of the Whole at 6:55 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

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

Board of Commissioners' Consent Agenda:

- 1.) HHS Committee Recommendation – Director's Report
- 2.) HHS Committee Recommendation – Payment of County's Warrants for HHS
- 3.) HHS Committee Recommendation – Out of State Travel – Transporting Client to CT
- 4.) HHS Committee Recommendation – Letter of Agmt with Hazelden Betty Ford Foundation
- 5.) HHS Committee Recommendation – Add Community Health Services Lead (CHS Lead)

- 6.) HHS Committee Recommendation – 2022-2023 County MFIP Biennial Service Agreement
- 7.) HHS Committee Recommendation – MFIP & DWP Program Provider Agreement CJMTS
- 8.) Payment of County's Warrants and Miscellaneous Bills
- 9.) Minutes from the September 15, 2021 Regular Meeting

10 On motion by Robinson, seconded by Montzka, the Board moved to adopt Resolution No. 21/1006-1. Resolution to approve repurchase of commercial property – parcel no. 11.00410.26 Lot 3 Block 1, North Branch Market Place 2nd Addition – Conditioned on payment of entire repurchase price. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

CITIZENS FORUM

TIME – 7:00 p.m.

END TIME – 7:01 p.m.

0 letters, 2 emails, # of **SPEAKERS** = 0

Hometown Fiber Presentation 7:01 – 7:33 p.m.

On motion by Robinson, seconded by Montzka, the Board moved to reconsider the following motion from September 15, 2021 which directed the Planning Commission language to prohibit prohibition commercial outdoor shooting ranges. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Dunne, the Board moved to withdraw the following motion from September 15, 2021 which directed the Planning Commission language to prohibit prohibition commercial outdoor shooting ranges. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Dunne, seconded by Montzka, the Board moved to direct the planning commission to review the draft zoning ordinance no. 08-03 Amendment to Section 5.06 Section C. Conditional Uses and Section 7.32 Shooting Ranges; and Section 7.33 Hunting Clubs and Shooting Preserves and Section 3 definitions. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Greene, seconded by Montzka, the Board moved to appoint Commissioner Greene and Dunne to the Subscriber/User Advisory Committee and schedule a time and place for a meeting of the Subscriber/User Advisory Committee to meet, required under contract. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Dunne, seconded by Greene, the Board moved to approve the CSAH 25 Improvement Project Final Contract Payment. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka. **OPPOSED:** None.

On motion by Montzka, seconded by Greene, the Board moved to approve and execute the Grant Agreement and approve the resolution authorizing acceptance of the State of Minnesota Office of Justice Programs Grant by Chisago County Attorney and the Victim Services Program. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, 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 Greene, seconded by Dunne, the Board adjourned the meeting at 8:17 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Dunne, Robinson, Montzka **OPPOSED:** None.

Chris DuBose, Chair

Attest: _____
Christina Vollrath
Clerk of the Board

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
October 20, 2021**

Item # 6

Payment of County's Warrants & Miscellaneous Bills

County Warrants = \$556,111.23

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>
10/8/2021	\$50.00		Commissioner's Warrants
10/8/2021	\$1,502.08	10/20/2021	Auditor's Warrants
10/15/2021	\$120,805.45		Commissioner's Warrants
10/15/2021	\$48,023.92	10/20/2021	Auditor's Warrants

Lake Area Bank; Derek Anklan; Sheriff; supplies; \$164.75
Lake Area Bank; Matthew Beckman; Sheriff; supplies; \$58.42
Lake Area Bank; Jon Eckel; Enterprise Services; supplies; \$191.83
Lake Area Bank; John Keefe; Assessor; registration/conference; \$1,661.24
Lake Area Bank; Jaime Kelly; Wellness Committee; supplies; \$179.86
Lake Area Bank; Kyle Puelston; Sheriff; registration, supplies, registration; \$633.12
Lake Area Bank; Janet Reiter; Attorney; conference, registration; \$1,020.68
Lake Area Bank; Kurt Schneider; Environmental; registration; \$187.55
Lake Area Bank; Barbara Shimmer; Public Works; registration; \$660.00
Lake Area Bank; Joseph Triplett; Public Works; conference; \$40.00
Lake Area Bank; Dennis Wilton; Sheriff; supplies; \$277.70
Lake Area Bank; Justin Wood; Sheriff; registration; \$250.00
Lake Area Bank; Polly Zais; Sheriff; supplies; \$269.26
Lake Area Bank; Tracy Krona; HHS; travel for client; \$1,094.17
Lake Area Bank; Ami Helmbrecht; HHS; supplies; \$217.91

LATE REIMBURSEMENT – Past 60 Days

- Jodi Budde - \$54.25

*******All Warrants/Bills Available with the Clerk of the Board*******



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: October 13, 2021
Re: **October 20, 2021 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 October 20, 2021, Board meeting.

Action Items:

1. Receive Directors Report
2. Donald and Ann Jones Rural Retail Tourism Conditional Use Permit Wood Working Shop
3. Kelsey Saavedra Rural Retail Tourism Conditional Use Permit Farm Stand/Campground
4. Zoning Code Amendment – Accessory Structures and Use Provisions

Informational Item(s):

Board of Adjustment and Appeals:

The next regularly scheduled Board of Adjustment meeting is scheduled for October 28, 2021 at 7:00 pm. at the Government Center. The Board will also meet on October 27, 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. **Denise Hibben** - Jay Peterson of American Energy LLC, requests a variance on behalf of owner Denise Hibben, to install a residential solar array closer to the County Road than the required setback. This is located at 17539 Pleasant Valley Rd, Franconia Township, S17, T33, R19, (PID# 04.00187.70)

Continued Business:

1. **Joseph Stein** – Property at 495 Herberg Road, Shafer Township; Sec. 35, T. 34, R. 19, (PID# 08.00370.10). Joseph Stein is requesting a variance to be exempted from the 300 feet of road frontage requirement for platted lots in the Agricultural Zoning District.

2. **Larry and Barb Emmerich** – Property at 50560 Bayside Avenue, Nessel Township; Sec. 21, T. 37, R. 22, (PID# 06.00928.00). Larry and Barb Emmerich are requesting a variance to add onto an existing non-conforming garage closer to the road than the required setback and exceed the impervious surface requirement in the RRI Zoning District.

Planning Commission:

The regularly Planning Commission meeting is scheduled for Thursday, November 4, 2021, at 7:00 p.m. in the Lower Level of the Chisago County Government Center. The Commission will also meet on November 2, 2021, at 8:00 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. **Paul and Jenny Steward** - Property at 15765 392nd Street, Amador Township; Sec. 13, T. 35, R. 20, (PID# 01.00254.00). Paul and Jenny Steward are seeking approval of a preliminary plat of three lots from a 20.03 acre tract.
2. **Keith Johnson** – Property located west of Oasis Road/County Road 9 and south of 375th Street, Sunrise Township; Sec. 28, T. 35, R. 20, (PID# 09.00303.10). Johnson CSG2, LLC/Gordian Energy Systems on behalf of Keith Johnson are requesting an Interim Use Permit for a Community Solar Garden.

Old Business:

1. Commercial Shooting Range Ordinance Discussion Staff/Attorney Report
2. Zoning Ordinance Review – Bolton & Menk Schedule

General Department Informational Item(s):

Construction & permit activity continues at what has been a typical seasonal pace, Year-To-Date (YTD) revenue as of October 1st is 89% of projected in excess of \$721,000. The September Year to Date permit activity data is provided as *attached*.

I am pleased to announce as of September 27th that Beth Thorp has joined the Department Staff as the new Land Services Coordinator. You will begin to see her handywork in in the November Board of Adjustment and Planning Commission meeting cycle and I am encouraging her input and critique of our processes and land use/zoning division role(s) with a focus on customer experience.

CLLID staffing discussions at their most recent October meeting included transitional staffing plans and the anticipated current Administrators transition to retirement at yet to be determined time in 2022. There is general agreement/understanding of the LID Board that the Administrator position should be considered for upgrade from .50 FTE to fulltime status. The CLLID Board has also recently identified a need to upgrade their .50FTE Env. Tech position to fulltime. The LID Board has directed their Planning and Budget Workgroup to look at various recommended staffing transition options. If you have interest in the developing LID staffing plan, I encourage reaching out to the elected LID Board accordingly.

Board of Adjustment Variance Request Update - Johnson CSG2, LLC/Gordian Energy Systems on behalf of property owner Keith Johnson *received Roadway Setback Variance Approval* from the 735-foot roadway setback at the September 30th Board of Adjustment meeting. The applicant is now proceeding with their 3rd request of Interim Use Permit approval for a Community Solar Garden on the subject property located west of Oasis Road/County Road 9 and south of 375th Street in Sunrise Township and will be on the November meeting cycle. Please let staff know if you have any questions at this time.

September 2021 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		
	Sept	YTD		Sept	YTD		Sept	YTD		Sept	YTD		Sept	YTD		Sept	YTD		Sept	YTD		Sept	YTD	
Amador	0	1		0	11		1	4		0	2		1	7		0	0		1	3		2	11	
Center City	0	3		4	17		0	5		0	2		1	9		0	0		0	0		0	0	
Chicago City	1	22		13	112		6	47		1	8		0	7		0	0		2	6		3	23	
Chicago Lake	2	12		10	80		4	24		1	22		0	0		0	0		2	17		6	55	
Fish Lake	1	9		9	25		3	11		1	7		1	1		0	0		0	5		2	30	
Franconia	0	3		5	22		1	11		2	11		0	2		0	0		1	5		1	18	
Harris	0	2		1	8		0	3		1	3		0	1		0	0		1	3		2	7	
Lindstrom	2	10		12	83		0	30		1	6		1	7		0	1		0	0		0	0	
Nessel	3	11		2	26		1	6		0	6		0	0		0	0		3	11		5	29	
Rush City	0	13		2	23		2	5		1	4		3	4		0	0		0	0		0	0	
Rushseba	0	3		1	8		0	1		0	2		0	0		0	0		0	3		1	11	
Shafer	0	2		0	7		0	5		0	5		0	1		0	0		2	4		2	11	
Sunrise	1	11		3	23		2	13		3	10		0	2		0	0		1	3		1	22	
TOTAL:	10	102		62	445		20	165		11	88		7	41		0	1		13	60		25	217	
Year to Year Comparison	Sept	YTD		Sept	YTD		Sept	YTD		Sept	YTD		Sept	YTD		Sept	YTD		Sept	YTD		Sept	YTD	
2020	23	95		82	534		28	164		21	101		4	22		0	0		14	59		42	275	
2019	8	109		134	572		14	147		16	95		1	33		0	0		9	57		25	190	
2018	17	114		77	432		13	115		19	85		1	28		1	3		15	80		24	193	
2017	19	116		52	447		20	142		16	91		6	26		0	3		7	50		17	193	



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SWAA LEGISLATIVE POLICY PLATFORM 2022

Approved on SEPTEMBER 23, 2021

LEGISLATIVE PRIORITIES

- **CAPITAL ASSISTANCE PROGRAM:** SWAA supports fully funding the bonding requests for proposed solid waste management projects as a partial match to the funds that counties invest in infrastructure for safe, environmentally sound management of solid wastes mandated by the state.
- **E-WASTE:** SWAA supports the use of manufacturer payments to fully reimburse county collection and recycling costs.
- **LEGISLATIVE SOLID WASTE Commission:** SWAA supports the establishment of a bi-partisan, bi-cameral commission to address solid waste related issues.
- **SOLID WASTE MANAGEMENT TAX USAGE:** SWAA supports allocating 100 percent of the revenue generated by the Solid Waste Management Tax (SWMT) to state and county waste management activities, including increased funding for SCORE (Governor's Select Committee on Recycling and the Environment) grants to counties.
- **ORGANICS:** SWAA supports State encouragement and funding to prevent food waste and divert food scraps and other organics from the MSW stream, and resolve permitting and other issues to facilitate expansion of composting and other organic management facilities and methods.
- **Compostable Products:** SWAA supports standards/labeling requirements for compostable products to reduce processing impacts and costs of contamination at composting facilities.

POLICY POSITIONS

CONSTRUCTION AND DEMOLITION DEBRIS MANAGEMENT

- **RULEMAKING:** SWAA supports construction and demolition rulemaking utilizing a comprehensive stakeholder engagement process that provides an adequate timeline allowing for detailed discussions and collaborative solutions for rule change recommendations that weigh economic and social impacts along with the environmental impacts.

- **C&D SYSTEM CHANGES/SUSTAINABLE BUILDING:** SWAA supports changes in traditional C&D system focusing on voluntary approaches with state support of, and resources for, increasing deconstruction, salvage, recycling, and other reuse and reduction activities.
- **PERMITTING:** SWAA supports the timely issuance of permits that conform to statutory and rule requirements and are free of conditions not in adopted rules or statute. Permit issuance and permit requirements should account for the economic and social costs of implementation.

CONTINUING EDUCATION/STAKEHOLDER MEETINGS

- **REMOTE PARTICIPATION:** SWAA supports all state agency stakeholder meetings, public hearings and all required training, continuing education or refresher courses made available to participate from remote locations and/or be available in digital archive for later review.

ENVIRONMENTAL JUSTICE

- **FAIRNESS IN DECISIONS:** SWAA supports efforts of Minnesotans to live in an environment with clean air, clean water and unpolluted land. SWAA encourages work to incorporate environmental justice considerations as part of an integrated waste management system to achieve the public health and environmental protection goals established in state law.
- **FAIRNESS IN IMPACTS:** SWAA recognizes the potential impacts waste management activities and facilities can have on various social and economic groups in our communities. SWAA seeks solutions that minimize negative impacts and do not burden one group more than another.
- **FAIRNESS IN PROCESS:** SWAA supports the state promulgating rules to set the framework of the use of environmental justice considerations in the siting, environmental review, and permitting of solid waste management facilities.

MARKET DEVELOPMENT

- **STATEWIDE COORDINATION:** SWAA supports coordinated statewide market development for materials recoverable from waste. Market development efforts should: strengthen existing and establish new commodity markets, develop and support high-value uses of recovered materials, create demand for recycled materials and products across all sectors of the economy, and provide funding support to businesses that use recovered materials.
- **GLASS:** SWAA supports high value, beneficial uses of crushed glass; these uses are considered recycling and included in SCORE goals.
- **PLASTIC FILM:** SWAA supports state funding and assistance to support the collection, reuse, and recycling of recovered plastic films, including agricultural plastic and marine wrap.
- **EMERGING/CHALLENGING RECYCLABLE MATERIALS:** SWAA supports creating or strengthening processing capacity and markets for materials like solar panels, wind turbine

blades, plastic film, cartons, flexible packaging, other consumer packaging, compost and other organics materials and products.

NOXIOUS WEEDS DISPOSAL

- For those engaged in the eradication of noxious weeds and invasive species, (i.e. garlic mustard, buckthorn, emerald ash borer or jumping worms) SWAA supports disposal in a suitable MPCA solid waste permitted disposal facility, such as waste-to-energy, landfill or compost facilities able to document meeting the Process to Further Reduce Pathogens (PFRP) requirements. Yard waste facilities may be included if they can document meeting PFRP.

ON-SITE BURNING OF SOLID WASTE

- SWAA supports a state initiative to 'close the loophole' that allows for the continuation of on-site Municipal Solid Waste (MSW) burning activities. This initiative should be implemented at the state level.

ORGANIZED WASTE COLLECTION (INVERSE CONDEMNATION)

- SWAA opposes any legislation which would further restrict, hinder, or impair a local unit of government's ability to organize waste collection services, or which would require a Local Unit of Government (LGU) to compensate a private waste hauler for claimed lost business due to LGU's decision to organize waste collection. SWAA opposes legislation allowing a government unit to opt-out of county waste designation ordinances which would undermine county authority and solid waste management planning and fiscal management.

PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)

- **CLASSIFICATION:** SWAA opposes adding PFAS to Minnesota Environmental Response and Liability Act (MERLA) as doing so would shift responsibility to local taxpayers by making waste facilities responsible for management and clean-up of PFAS.
- **STATE RESOURCES FOR PFAS RESPONSE:** SWAA supports state actions to address PFAS in our environment through producer responsibility. When producer responsibility is insufficient to address the problem, state resources should be used to address this issue of general statewide significance and PFAS source reduction recommendations included in the State PFAS Blueprint. SWAA supports the MPCA working with MDH and an industry stakeholder group (as defined 2021 MN Session Law Chapter 6) to identify PFAS sources received by wastewater and solid waste management facilities.
- **EXEMPTIONS FOR PFAS RECEIVERS:** SWAA recognizes that solid waste management and wastewater treatment facilities, both critical for public health, neither manufacture nor use PFAS but rather are passive "receivers" of PFAS from consumers and industry. Due to society's historic use and disposal of PFAS, these facilities will continue to manage trace amounts of PFAS in their wastewaters, bio-solids, contact waters, and leachates. These facilities should be exempt from MERLA and CERCLA liability due to PFAS.
- **PFAS RESPONSE:** SWAA supports the development of a scientifically based and targeted response plan, jointly developed by the MPCA and these "receivers," that targets methods that

cost-effectively protect human health and the environment.

- **REDUCING PFAS IN THE ENVIRONMENT:** SWAA supports state actions to address PFAS in our environment through producer responsibility.

PROCESSING FACILITIES

- **INCENTIVES:** SWAA supports increased incentives by the state for the retention, development, and permitting of new or expansion of existing solid waste processing and resource management facilities, including organics recovery, organics composting, anaerobic digestion, and waste-to-energy (WTE) facilities and other uses of waste as a resource.
- **SOLID WASTE AS A RENEWABLE ENERGY SOURCE:** SWAA supports recognition of energy recovered from solid waste as renewable energy."
- **RESPONSIBLE LOCAL HANDLING OF WASTE:** SWAA supports a county's or district's ability to perform its solid waste management responsibilities as required by Minnesota Statutes Chapters 400 and 473 without prohibitions and restrictions that prevent responsible local handling of waste. This includes ensuring the viability of resource recovery facilities, which support the state's solid waste management hierarchy and help counties provide an effective, efficient, and environmentally focused waste management system for all residents.

PRODUCT STEWARDSHIP

- **EXTENDED PRODUCER RESPONSIBILITY:** SWAA supports product stewardship among manufacturers, retailers, and consumers, with an emphasis on industry through an Extended Producer Responsibility framework approach, which creates producer-led material and toxicity reductions, reuse, and recycling programs, to deal with a product's life cycle impacts from design through end-of-life management, which does not rely on local government programs and finances.
- **E-WASTE:** SWAA supports efforts to make improvements that would maximize recovery and responsible management of e-waste, including promotion of repair and reuse. Producers must be responsible for the management system(s) and all costs, including transportation and recycling costs. Furthermore, SWAA supports reducing end-of-life costs to consumers through increased manufacturer responsibility.
- **PHARMACEUTICALS AND SHARPS:** SWAA supports maximizing the collection and safe disposal of unwanted prescription and over-the-counter medicines and sharps through an internalized manufacturer financing mechanism that covers the costs of collection, transportation, and end of life disposal, and that does not rely on government funding.
- **SOLAR PANELS and WIND TURBINE BLADES:** SWAA supports addressing end-of-life handling in which the financial burden does not fall onto local governments and taxpayers.
- **PACKAGING WASTE REDUCTION:** SWAA supports an Extended Producer Responsibility approach to reduce the volume and toxicity of product packaging, builds on, and supports existing

reuse and recycling infrastructure and displaces taxpayer funding for these efforts

- **MATTRESSES:** SWAA supports an extended producer responsibility program that addresses statewide, end-of-life handling for all mattresses according to the highest and best use on the waste hierarchy and displaces taxpayer funding for these efforts. The program and program funding must include transparency and accountability measures, should ensure use of existing recycling infrastructure, and provide local governments with a voluntary role in development, evolution, and implementation.

SOLID WASTE DISPOSAL CAPACITY AND CERTIFICATE OF NEED

- **CLEAR PLAN FOR DISPOSAL CAPACITY:** SWAA supports MPCA's development of a clear plan to address statewide diminishing MSW landfill and processing capacity, and a clearly defined process for the issuance and approval of certificate of need (CON) and subsequent environmental review, disposal facility siting and permitting.
- **FULL CAPACITY PERMIT:** To best make use of limited resources, SWAA supports environmental review of solid waste facilities based on the entire site capacity, in phased development, as allowed by rule: permits should be issued for the entire facility capacity.
- **ORGANICS:** SWAA supports State encouragement and funding to prevent food waste and divert food scraps and other organics from the MSW stream, and resolve permitting and other issues to facilitate expansion of composting and other organic management facilities and methods.

SOLID WASTE FINANCING

- **CAPITAL ASSISTANCE PROGRAM (CAP):** SWAA supports increased state funding for the CAP to assist counties with solid waste management projects.
- **SOLID WASTE MANAGEMENT TAX USAGE:** SWAA supports allocating 100 percent of the revenue generated by the Solid Waste Management Tax (SWMT) to state and county waste management activities, including increased funding for SCORE (Governor's Select Committee on Recycling and the Environment) grants to counties.
- **SOLID WASTE MANAGEMENT TAX REFORM:** SWAA supports making the solid waste management tax fairer and more consistent by: (1) set the industrial waste rate at 17%; and (2) change the construction and demolition (C&D) tax rate from \$0.60 per cubic yard to 5% of disposal fee.
- **INCENTIVES FOR RECLAIMING RECYCLABLE MATERIALS:** SWAA supports the state providing monetary incentives for reclaiming recyclable materials from wastes deposited at processing and disposal facilities operating in Minnesota. To accomplish this end, the state would provide payments to the facility for documented reclaimed materials in the amount of the SWMT that had been collected on those materials.

- **NEW SOLID WASTE PROGRAMS:** SWAA opposes any new legislation which would provide for the implementation of any new solid waste related programs if corresponding legislation does not provide for full, long-term sustainable funding -- that is not a tax on solid waste management facilities -- for the implementation, administration, and execution of said program.
- **CLOSED LANDFILL PROGRAM:** SWAA supports adequate funding and preservation of the closed landfill program (CLP), including both the Closed Landfill Investment Fund (CLIF) and the Metropolitan Landfill Contingency Action Trust (MLCAT). Additionally, SWAA supports protecting these funds from uses other than Landfill Cleanup Program uses, in accordance with Minnesota Statutes 115.39 – 115B.444, to generate a sufficient fund balance to take care of the needs of closed landfills throughout Minnesota in the future. Funds previously transferred out of these accounts for balancing state deficits should be repaid on a schedule necessary to address identified priorities.

STATE GOVERNANCE

- **INNOVATIVE TECHNOLOGIES:** SWAA supports state leadership in actively supporting innovative technologies. The state should, through policy, regulatory changes, and financial solutions, provide tools to meet the challenges of evolving waste and recycling streams. Such tools should encourage extracting value out of resources in waste and address emerging environmental/health priorities/challenges.
- **WOOD WASTE AND EMERALD ASH BORER (EAB):** SWAA supports state action to properly respond to the rapidly expanding EAB infestation across the state and the resulting volume of wood waste. SWAA supports creating a wood waste management policy framework consistent with the waste management hierarchy, sustaining and expanding markets and end-uses for wood waste and developing funding mechanisms that avoid additional burdens on counties. SWAA supports substantial state resources to assist counties and communities in slowing the spread of EAB, thereby reducing the surge of wood waste requiring management.
- **LEGISLATIVE SOLID WASTE COMMISSION:** SWAA supports the establishment of a bi-partisan, bi- cameral commission to address solid waste related issues.
- **PROHIBITIVE OR LIMITING LEGISLATION:** SWAA opposes any legislation that limits, prohibits, or interferes with a county's ability to implement any component of its solid waste management plan as required by Minnesota Statutes Chapters 400 and 473.
- **State Permitting Processes:** SWAA supports the need to update and increase efficiency of state permitting processes in ways that establish appropriate health and environmental regulatory oversight without unnecessarily burdening development and operation of new facilities/emerging technologies that serve to advance solid waste and other environmental policies.
- **Compostable Products:** SWAA supports standards/labeling requirements for compostable products to reduce processing impacts and costs of contamination at composting facilities.

WASTE ASSURANCE

- SWAA supports efforts to streamline, modify, or simplify state requirements and reduce barriers to utilizing waste assurance tools.

CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
October 7, 2021 - DRAFT

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, September 2, 2021 at the Chisago County Government Center.

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

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

APPROVAL OF AGENDA – Motion to approve the amended agenda with additional Amador Township Requirement and seven Public Hearing Comments for PID#01.00233.20 made by Chip Yeager. Second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none. Chair Johnson requested to add Tour Protocols to the agenda and asked County Attorney Jeff Fuge for placement on the agenda. County Attorney Fuge indicated prior to the Public Hearing Items. **Motion** to approve the agenda with the addition of Tour Protocols made by Chip Yeager. Second by Dave Whitney. The amended motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none.

RECEIPT OF MATERIALS AND SUBMITTALS INTO THE RECORD - Motion that all applications, submittals, reports with attachments, and other materials were received into the record made by John Sutcliffe. Second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none. Meeting materials distributed in advance to the Planning Commission for their review included: Staff Reports with attachments, Staff Cover Memo with Attachments, Amador Township Requirement, and Seven - Public Hearing Comments for PID#01.0233.20. Copies of all correspondence and meeting materials were made available for electronic distribution and at the entrance of the meeting room.

APPROVAL OF MINUTES – Motion to approve the September 2, 2021 minutes by Dave Whitney. Second by Chip Yeager. The motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none.

Tour Protocols

County Attorney Fuge reviewed the use of Planning Commission tours as an ideal opportunity to gather direct evidence and obtain observations of the property. Using the information to review the application provided by the applicant and land use request. The information collected is not part of evidence until voted into record at the meeting. While on tour many questions can be raised; however, best practice is to mentally collect or written down to bring forth for the public hearing. By doing this, it builds a solid base of the public hearing records with minimum error for minutes and appeal. Planning Commission members can ask additional questions and prompt staff or the applicant during the public hearing for the public record. County Attorney Fuge described the rational of what is reasonable. Dave Whitney expressed concerns about the October tour. Staff had reminded Planning Commission members not to ask questions to assure there would be no violation of the open meeting law. Dave Whitney did not think there were many questions and

appropriate for the review process. The Planning Commission has learned a lot from these tours; by exploring background information and asking staff and the applicant questions. Dave Whitney stated that had not been achieved because staff directed it was not appropriate. County Attorney Fuge reviewed appropriate questions such as general questions concerning property with relation to the application; however, site visits are not the place for questions. Questions raised and answered need to take place during the public hearing. These questions can lead to more in-depth questions. Tours are merely asking for basic information or clarification that are discussed at the public hearing. Dave Whitney indicated that was the intent. County Commissioner DuBose commented he encourages questions on tour to reduce the need of tabling the applicant's application for further information. He believed questions can be asked and not debated on tour to allow the Planning Commission to decide during the public hearing. Frank Storm questioned if the tour was a legal meeting. County Attorney Fuge indicated the site visit and tour is legal in the open meeting law with adequate notice. Tours remain at information gathering not a debate. Frank Storm inquired if Planning Commission members can ask questions of the applicant on the tour. County Attorney Fuge advised they could, but caution going into greater detail of the application. It is recommended to save questions and discussion until the public hearing, which is information received into records at the public hearing. Director Schneider suggested working with County Attorney Fuge to create a fact sheet of tour protocols to assist Planning Commission members of appropriate questions and latitude at tours. Director Schneider indicated staff has been cautious with members to refrain from in depth discussion; which can be a difficult task.

Public Hearing Items:

Donald and Ann Jones – Property at 34604 Redwing Avenue, Shafer Township; Sec. 8, T. 34, R. 19, (PID# 08.00083.10). Donald and Ann Jones are requesting a Conditional Use Permit (CUP) to operate a wood working shop within their accessory structure as Rural Retail Tourism. Director Schneider presented background information on the Jones' CUP application. The parcel size is 10 acres, zoned Agricultural (AG), which allows cabinet/wood shops as a CUP. The proposal is to have a small woodworking business that utilizes the detach pole building. Mr. and Mrs. Jones went through the variance process and received approval to add onto the detached pole building closer to the property line and relocate supports for the lean-to on the pole building. Due to a misunderstanding regarding the north property line, the applicants have addressed and resolved the issue. The business proposal would employ up to three employees, one employee is the applicant. Employees would use the residential home bathroom and parcel has plenty of space for parking. Any smaller products would be sold online, with no storefront. Larger items, doors, windows, and cabinets are made to order and delivered/installed. Lumber will be kept out of sight, minimal use of scraps since the applicants use it for kindling and in the chicken coop. Hazardous materials include paint thinner, paint and varnish. Hours of operation are seven days a week from 5 am to 9 pm within the pole building with closed doors. Any outdoor sawing would be conducted occasionally and not start prior to 7 am and finished by 8 pm. Sawmill would not run continuously. Technical Review Committee met on September 8, 2021 and the proposed CUP is consistent with the County's Comprehensive Plan and compliance with the Zoning Ordinance purpose and intent for a CUP. Shafer Township Board recommended approval with no conditions at their September 9, 2021 meeting. Mr. and Mrs. Jones were present to address questions and concerns. Chair Johnson asked each Planning Commission member and the Jones' for additional questions and comments.

Mr. Jones added the variance was approved for the addition on the pole building, and the sawmill will be indoors with a privacy fence along the north property line screening the buildings from the neighbor. Frank Storm questioned the 5 am start time on Sunday and number of employees. Mr. Jones indicated he is awake early and starts working. He would like to hire a teenager to mentor in the woodworking craft. Dave Whitney asked clarifying questions on the north property setback and the proposed fence being installed. Mr. Jones

indicated the fence will start near the front tree line and continue past the pole building just beyond a pond. Discussion followed on the type of sawmill, capacity the mill has for making rough cut wood/lumber, noise, and piles of logs. Mr. Jones indicated the addition will hold the sawmill and logs will be stored indoors or under the lean-to.

Chair Johnson opened the public hearing and sought comment. With no additional person wishing to speak, ***motion*** by John Sutcliffe to close the public hearing. Second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none. Each Planning Commission member was asked for additional questions and comments. ***Motion*** by Frank Storm to approve of the Conditional Use Permit for a woodworking shop as requested at 34604 Redwing Avenue, PID#08.00083.10 as outlined in the Staff's report, site plan, and narrative of record unless Commission members have changes to the conditions. Commission members discussed the Sunday operating hours and suggested 7 am – 7 pm on Sunday or remove Sunday from operating hours. Commission members discussed outdoor wood storage vs storage of firewood and/or logs. Dave Whitney suggested adding a condition the pole building addition be insulated to assist in noise reduce of the sawmill. Frank Storm withdrew his motion. ***Motion*** by Shellene Johnson to approve of the Conditional Use Permit for a woodworking shop as requested at 34604 Redwing Avenue, PID#08.00083.10 as outlined in the Staff's report, site plan, and narrative of record with the following conditions:

1. This is a Conditional Use Permit to operate a woodworking shop in accordance with Section 8.04 of the Chisago County Zoning Ordinance.
2. The days and hours of the operation are Monday through Saturday 5AM to 9PM; and Sunday from 7 AM to 7 PM year-round for indoor work.
3. Outdoor work, loading and unloading, is limited to 7 AM to 8 PM.
4. There can be no showroom, nor retail customer traffic to the site.
5. Storage of all materials will be underroof and screened from neighboring properties and the road.
6. The use must conform with the relevant criteria of Section 8.04 of the Chisago County Zoning Ordinance as follows:
 - a. Only those persons residing in the home and up to three (3) employees may be employed in the home occupation.
 - b. Signage can consist of no more than one (1) single or double-faced sign with a minimum area of sixteen (16) square feet per side in the AG District.
 - c. No outdoor display or storage of goods or materials is permitted.
 - d. The home occupation is permitted personal vehicles of the residents as well as three employee vehicles, to be stored in the designated area as identified on the site plan as "employee parking".
 - e. The business cannot generate sewage of a nature or type that cannot be treated by a standard on-site sewage system or hazardous wastes without an approved plan for off-site disposal.
7. Verification and approval by the Building Official that the construction work that is commencing falls within the project scope for which the building permit was issued. The Applicant shall be required to amend the building permit to include any work that the Building Official determines to be beyond the building plan approved. Construction must be completed in a manner compliant with the State Building Code, and issuance of a Certificate of Occupancy on the accessory building and addition specifying allowed occupancy of the use as described herein.

8. 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.
9. A 6 ft. tall board on board screening fence shall be constructed and placed along the northerly property line for the full distance of the accessory building, lean-to, and planned building addition.
10. Sawmill activity shall occur in an insulated structure so as to limit noise.

Second by Jim McCarthy. The motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none. Director Schneider recommended a motion for the Findings of Fact for the Jones CUP. **Motion** by Dave Whitney to approve the Findings of Fact for Donald and Ann Jones Conditional Use Permit for a woodworking shop. Second by Shellene Johnson. The motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none.

Kelsey Zaavedra – Property at 40422 Oriole Avenue, Amador Township; Sec. 11, T. 35, R. 20, (PID# 01.00233.20). Kelsey Zaavedra, owner of Heirloomista, is requesting a Conditional Use Permit for Rural Retail Tourism to establish and operate a stand for the sale of agricultural products; offer small-scale land-based workshops, farm tours, as well as establish a two-site campground with a third caretaker resident campsite. Director Schneider presented background information on the Zaavedra CUP application. The parcel size is 5 acres, zoned Agricultural (AG), with the surrounding area with larger active AG uses and some residential parcels mainly 10 acres in size. Ms. Zaavedra is owner of the property and operates a small-scale intensive vegetable farm using sustainable farming methods while resides on-site in a camping trailer. There is a self-contained porta-potty regularly serviced by a contractor. The site has a standalone well and camper water tank is filled with a hose. The farm stand is a permitted use on the property as long as goods originate on-site. Business proposal includes to expand the services to offer land based educational classes, tours, and continue to grow the farm stand to allow for other locally grown/made items such as jams, pickles, eggs, and bread. Currently, the farm stand is open seasonally from 11 am – 2 pm Saturdays, but additional days and/or hours may be added in the future. Tours would consist of 1 – 6 people and run up to two hours that focus on sustainable farming methods, small scale farming, and operating off-grid. Tours could be held any day by appointment but encouraged on either side of the farm stand hours. Workshops/classes would be held up to 15 people at a time to learn basic beekeeping, making hives, seed saving, and gardening.

Ms. Zaavedra would like to offer overnight camping to guests with two campsites. One tent site and one recreation vehicle (RV) site for people to experience the farm. The third campsite is identified as Ms. Zaavedra's caretaker/resident site. Campsite Rules include: primitive camping offered year-round to tenters and seasonally for RV (30 feet or less in length) parking, no sewer/water hookups, well and porta potty available for campers, required to pack out any trash/recycling, no more than four campers per site, quiet hours are 9 pm – 7 am. A small parking lot at the farm shop can accommodate up to five vehicles. Overflow parking is available for up to seven spaces, a total of twelve parking spaces. Access to/from the property is County Road 70/Oriole Avenue and a looping onsite driveway. Technical Review Committee was held on September 8, 2021 and discussed potential impacts and identifiable concerns. County Sanitarian confirmed use of porta potties have been allowed for AG sale stands and small tours when approved by Minnesota Department of Health (MDH). The detached buildings do not have water hook-ups to provide indoor restrooms. Sanitarian is researching to determine if showers or other sanitary facilities are required for a small operation, noting MDH does not regulate campsites of less than five units. Building Official will verify structural occupancy standards of detached accessory building as proposed. It may require standard building code occupancy review and upgrade. Some of the farm activities were occurring this past summer/fall and the

CUP application was initiated via recent code enforcement action. The application is consistent with the County's Comprehensive Plan and in compliance with the Zoning Ordinance purpose and intent for a CUP and notes this is a particularly unique small-scale AG related proposal. Amador Township Board recommended denial due to concerns of neighbors and enforceability of conditions at their September 21, 2021 meeting. Ms. Zaavedra was present to address questions and concerns. Chair Johnson asked each Planning Commission member and Ms. Zaavedra for additional questions and comments.

Ms. Zaavedra clarified the months listed for the educational classes, farm stand and camping. Discussion followed on general seasonal temperatures and parking. Educational classes were recommended March through December and farm stand May through December. Frank Storm had concerns with first responders/fire trucks having enough room on the property. He inquired if the overflow parking could accommodate farm stand patrons along with additional people showing up classes. Director Schneider indicated the Code Enforcement Officer was sent to the property. Many code violations use a CUP to fix and/or come into compliance. Ms. Zaavedra explained how she dealt with sanitation. Discussion followed on the current ordinance excluding tiny homes and use a CUP to circumvent the ordinance. Director Schneider indicated tiny homes are not included the current Zoning Ordinance; a traditional house needs to be a minimum 960 square feet with full perimeter frost foundation and septic system. Jim McCarthy noted the ordinance update and discussions on tiny homes and affordable housing. Ms. Zaavedra noted place was 188 square feet and would like to live year-round on the property.

Chair Johnson opened the public hearing and sought comment.

Lin Strong, 37475 Park Trail – I am Amador Township Chair and the Township is questioning why this application is a conditional use permit (CUP) versus interim use permit (IUP). As conditions are applied to both CUPs and IUPs the County needs to enforce the conditions, otherwise it is worthless.

Gail Schemdel, P.O Box 26 – Kelsey is a farmer using whatever means to continue. If having a campground means being able to live and farm, that is important. Discouraged at the rumors and complaints from people. They have not taken time to get to know Kelsey and have not provided a reasonable explanation why they do not want her to continue. Strong independent woman and a backbone of our community with healthy food. Saddens me to see the hoops that could hinder the growth of her farming businesses.

Andrew Finsness, 315134 295th Street – I am a local mushroom farmer and support Kelsey, her farm, and produce. Friends from the metro area enjoy spending time and money at her farm stand. Consider options for tiny homes in the zoning ordinance to make this work for Kelsey. Work within the system we have and get the system we need. Kelsey needs to live and run her business.

Elizabeth Somiecscs, 9536 380th Street – My husband and I met Kelsey, she is a nice person with a common interest of off grid living. We toured her place and she impressed my husband with her knowledge on pipe fitting for irrigation. Campers and RVs have everything inside and will draw interested people to her property. Tiny homes and off grid living are an alternative in our community and will continue to grow.

Jacquelyn Zifa, 15573 River Road – I am a farmer in Amador Township and this county needs young farmers. Kelsey is passionate, has formal training, and is a partner in a veggie prescription program with her vegetables. The program allows health care providers in the community to write prescriptions for fresh fruits and vegetables. Kelsey is a major producer for this program and if we lose her, we will have additional sick people. Diabetics and the sick use her vegetables. Kelsey gives back to the community and promotes healthy foods and healthy communities.

Pam Larson, 40574 Oriole Avenue – I live north of Kelsey and do not support a campground or unspecified number of educational classes. The neighborhood is quiet. Kelsey's application does not address screening for noise and parking. I do not want to stare at a commercial campground like we have been for the last few years. Kelsey was asked by the Code Enforcement Officer to remove her tiny home, but it has remained. Who knows when the Zoning Ordinance will be updated, is there a timeline, and who know what the perimeters will be for a tiny house? I have no issues with the produces and farm stand. I do not recommend approving the campground.

Diana Schleusner, 40576 Oriole Avenue – I live next to Kelsey, she is a friend, but I am opposed to the campground. I do not have a problem with Kelsey and support the farm stand and produce. I do not want to live next to campers with no privacy. The CUP is wrong when not enforced. I will not be able to enjoy my porch due to the view of the campground and noise it will produce. Nothing personal, strongly opposed to the campground because no one wants to live by it and the CUP is loophole for tiny homes.

John Bartholmy, 40567 Oriole Avenue – I am a neighbor across the road from Kelsey. I support people that farm and agree with the previous speakers/neighbors that a CUP is a loophole for a tiny home. I attended Amador Township meeting and had nightmares how the county cannot or will not enforce its ordinances. Do not open the door for a tiny home to do whatever they want with conditions that cannot be enforced. Campers do not pay taxes and I do not want to listen to the noise every weekend from my deck. I would like clarification on the number of events being proposed. I pay taxes and went through the process; we all should have too. Who in the Planning Commission will respond when issues arise?

Sarah Hunt, 15573 River Road – She was reading a letter provided by Tacy Call since she could not attend. Kelsey is in the farm coop which participates and provides quality produce. Kelsey is professional, has drive, and good for the community. She is a resource with farming organizations that reach out to community. Her business is growing and thriving model of small-scale farming done well. She is a resource, and environmentally safe how she handles water and sanitation on the property. She is in a building phase of something special.

Susan Johnson, 13757 400th Street – Move here 52 years ago and was welcomed into the community. Kelsey is young and trying innovative agriculture. People are providing broad complaints about unimportant things and things that are not going to happen. This style of camping is unique. Kelsey is young, energetic, and trying to find solutions for tiny home. Agitated that we are a small community and accept people, it is not like Kelsey showed up last week, she has been here for four years.

Andrew Hanson-Pierre, 35145 Rood Avenue – I have a vegetable farm in Shafer Township. Read through the county values and Kelsey's business is in line with that value. She is drawing outside revenue into the county with small-scale produce. Large scale farming is not appealing anymore. Appreciate a tiny home ordinance to help Kelsey along with new residences. Happy the Planning Commission is reviewing the application and addressing concerns.

Alyson Sood, 36945 Park Trail – I grew up on large scale farm in southern MN. Difficult to start farming and the willingness to open her farm to others. Not many are willing to do that. Good for the community, appreciate you looking at her application.

Frank Waletzko, 39174 Oriole Avenue – I am Michelle Waletzko, reading a letter on behalf of Frank and Alice Waletzko. Over the years we have seen large farms and the loss of smaller farms. Farms had cows, large families, and worked with neighbors. It has been fun to watch Kelsey make it. She is friendly and stops to visit. People who do not know Kelsey, she means no harm, and brings happiness and produce to people. Kelsey is growing the kind of food we need and is different than large farming. We need more young people, need more small farms, and more farm families. Approve that she stays.

Susie Sandberg, 415 Osceola Avenue South – I struggle why Kelsey's business Heirloomista, a small organic farm has had this negativity? Soaps, open gardens, and infrequent campers a reason to have issue with a tiny house? While not popular in Chisago County, she chooses to live in that space with good water and sanitation. She has moved her small farming business into camping. A thorn for being noncompliant, but the CUP will need to be followed. Amador Township reports the County has enforcement issues, which should not impact Kelsey. Need to find common ground and adjustment. Kelsey is a farmer and trying to fulfill her business. The size of her home is her business and just different in the neighborhood.

Marisa Harder-Chapman, 1501 Elm Street South – I am a former manager at the farmers market and has worked with Kelsey. Farmers are busy, over worked, and under paid. Kelsey has gone about solving this problem a different way. Her farm looks different, has an off grid tiny home, farm stand, grows small scale crops, with families touring the farm. Kelsey has gone above and beyond to be a good neighbor and is a treasure. We need to support our local farms and farmers.

Kifah Mayfield, 27626 Quinlan Avenue – I believe in Kelsey with my whole heart. Immigrant befriend elders in the community that have grown up in community like Kelsey. Our forefathers tried to survive through winter until spring. Everyone cannot afford a mansion. I have seen starvation, mental health issues, and lack of healthy food in my social work career. We need more young people helping in this community. We care about our kids, elders, and natural resources. All that said, I am truly aware of what our county can do. Immigrants strive for liberty, independence, through hard work in this country, that is what I love about this country. Tonight, I have seen and heard the dignity of working hard from Kelsey. I believe Kelsey can follow the CUP conditions. Let's not throw away an asset in our community. Our asset has brought in money into the county from tourism, passionate about our natural resources, and does not hesitate to get healthy food to our children.

Paula Behr, 32448 Elk Court – I am here with my family and Kelsey has been our family farmer for four years and delivers fresh produce to our family. Kelsey has converted the area and it looks beautiful. Need to support rural community, hard work, and her business. Make her farm work with a tiny home that offers a glimpse of the beautiful area with a wide variety of food in a smaller space. Support her livelihood.

Antonio Valdovinos, 6771 Sunrise Road – I am a friend of Kelsey. I have a tiny home in Pine County. I worked with the county to get the tiny home approved. Tiny homes are popular with modern day society. We need to advance our area and ordinances.

Kelsey Zaavedra, 40422 Oriole Avenue – I would like to respond to some comments. I am a farmer and wake up with the sun. I am very sensitive to noise for sleeping. My neighbors have a different noise level acceptance than I do. I have made calls in the middle of the night to report it. I hate to think my neighbors assume it was me. I try to get rest at night and being noisy is not accurate statement. I pay property taxes and my property is classified and assessed as residential instead of AG. I questioned the assessor's office on the criteria for AG. I need a new greenhouse for storing AG equipment, my building permit is around \$200, it adds up. Farmers are

over worked and underpaid, but I am not complaining. I pay my taxes but would like to change my parcel from residential to AG. Appreciate the county figuring out different possibilities to help find resolution.

Written public comments submitted in advance of the meeting:

Lin Strong, Amador Township – 37475 Park Trail

Casey and Misty McCormick – 17443 260th Street

Carissa Espey –

Rick Cedergren – 4624 412th Street

Craig and Susan Johnson –

Tacy and Chuck Call – 43700 Balsam Avenue

Vicki Trytten – 5052 440th Street

Craig Trytten – 5052 440th Street

Submitted public comments above have been accepted into the record and are viewable upon request at the Environmental Services Department upon request.

With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by Jim McCarthy. The motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none. Each Planning Commission member was asked for additional questions and comments. An extensive discussion followed on tiny homes, current ordinance and timeline for updating the ordinance. It was suggested to extend the application to allow for additional time. Director Schneider indicated it was possible the applicant could waive their 60 – day appeal or rights to extend the time period. County Attorney Fuge reported once the County has utilized all time period afforded under Minnesota State Statute, the matter could be extended under the applicant. Discussion followed on the annual CUP Intent to Continue process/review. County Commissioner DuBose asked Ms. Zaavedra if the CUP application was a way to achieve for her to stay in the tiny home. Ms. Zaavedra indicated it was part of the overall function of the farm. She explained her interest, off grid living, and difficulty for young farmers. Chip Yeager explained the county has a zoning ordinance to promote health and safety for residences; tiny homes do raise concerns, but willing to find a way to make this application work. Discussion followed about recommending approval of the CUP application and leave the tiny home decision to County Board. John Sutcliffe asked for clarification if a tiny home pays taxes or need a vehicle license/tab. Director Schneider indicated the accessor's office could address that question. Commission members discussed edits to the conditions of the CUP and not in compliance with state code. ***Motion*** by Frank Storm to approve a Conditional Use Permit for Rural Retail Tourism and small scale three (3) site campground as requested for 40422 Oriole Avenue, PID#01.00233.20 as outlined in the Staff's report, Findings of Fact, site plan, and narrative of record with the following conditions:

1. This CUP shall allow for seasonal rural retail tourism to offer and host agricultural oriented educational and recreational classes, farm market, and associated activities and a three-site campground with the following elements:
 - Farm Stand and Market for sale of agricultural products, merchandise, and goods
 - Farm tours to take place on Saturdays, or by appointment for groups of 6 or less during daylight hours
 - Educational classes not to exceed 25 participants per class and 2 classes per week March thru December.
 - Mandatory on-site caretaker campground campsite occupancy and management of the two (2) designated camp sites (RV site and Tent Site).
2. Seasonal farm stand hours of operation shall be conducted on Saturdays from May through December from 9 AM to 6 PM.

3. Camping may occur year-round for the single tent campsite. Camping may occur seasonally (May – December 15th) for the RV camp site. Caretaker must be in full time residence for the duration of all camping activities. Camping may occur with the following restrictions/conditions:
 - Campsite quiet hours shall be designated from 9 pm to 7 am with no sustained audible noise or camper activities heard beyond the designated property boundaries during such times.
 - Solid waste shall be sufficiently contained, screened, and protected on-site so as to prevent nuisance conditions and shall be self-hauled/removed weekly.
 - Porta potty waste pumping contract(s) and records shall be maintained documenting full-service year-round pumping and disposal of all effluent/waste.
 - One (1) campfire site is allowed per campsite conditioned on a suitable fire plan / fire extinguisher provided per site.
 - No outdoor amplified music shall be permitted at campsites.
4. The maximum attendance at any given time with camping, sales, tours, and workshops associated with the CUP shall be no more than 25 people.
5. All parking shall be accommodated on-site. Additional parking stall area to be designated to accommodate for at least 15 visitors attending workshops at any given time. Proof of parking diagram to be provided and placed on file with staff.
6. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
7. The Permittees shall provide documentation to the County Building Official for the construction of any buildings which will house the public for sales or workshops. All remodeling or retrofitting of the existing buildings shall be subject to relevant State Building Codes, permits, and inspection requirements.
8. Minnesota Building Code/ SSTs, and all other relevant MDH codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met. On-site porta potty may be replaced with compliant SSTs tank privy and/or approved effluent dumping station in accordance with State SSTs regulations and permitting. Pumping and SSTs service records shall be provided upon demand to demonstrate effluent disposal compliance.
9. The Applicants shall provide documentation of contractual porta-potty effluent pumping service agreements per State MDH and SSTs requirements. Outdoor restrooms shall be screened from Oriole Avenue with adequate plantings or fencing so as to not be visible from the road right-of-way.
10. 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. 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. Year-round access and parking for multiple emergency vehicles is required on site, including space to maneuver/turn vehicles on the site. If emergency vehicles are damaged due to the lack of maneuverable space/adequate driveway width/height, owner will receive a bill for items that need repair. Contact the Almelund Fire Chief with questions.

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

Communications and Reports

County Commissioner DuBose reported County Board reviewed the Accessory Structures Ordinance update and had no changes. Commercial Shooting Range Draft Ordinance was contentious with the County Board. It was recommended the draft ordinance go back to the Planning Commission for further review to address setbacks and develop language to limit hours and days of operation for outdoor ranges. County Board agreed a public hearing for this ordinance was premature.

Chair Johnson called for a five-minute recess.

Accessory Structures Ordinance Amendment

Director Schneider provided a brief overview of the ordinance amendment and highlighted additional language. Chair Johnson opened the public hearing and sought comment. With no additional person wishing to speak, ***motion*** by Frank Storm to close the public hearing. Second by John Sutcliffe. The motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none. Each Planning Commission member was asked for additional questions and comments. Chip Yeager inquired if the ordinance amendment will need legal review. County Attorney Fuge reported he did review the ordinance amendment as presented. Frank Storm commented he did not agree with A#3 on parcels ten acre or larger in size, a IUP may be issued to allow a singular accessory building to be constructed for personal storage/use only without the presence of a principal use structure and which no overnight or residential living quarters are allowed. He will be voting against it. ***Motion*** by Dave Whitney to recommend the County Board take action on the Chisago County Zoning Ordinance as it pertains to the use of accessory buildings in the Agricultural Zoning District. Second by Shellene Johnson. Jim McCarthy clarified Frank Storm's comment. The motion was approved 5 - 2 with a roll call vote. Ayes: Whitney, Corban, Sutcliffe, Yeager, and Chair Johnson. Nays, McCarthy and Storm. John Sutcliffe commented he had received a significant amount of calls on the ordinance amendment.

Board of Adjustment Variance Request Update

Director Schneider provided a brief overview of the Keith Johnson – Johnson 2 solar project. This project has been reviewed by the Planning Commission twice. The Board of Adjustment and Appeals (BOA) approved a variance for road setbacks and will not be part of the Planning Commission's review of this application for the third time. The BOA approved different setbacks than the current ordinance. There was great discussion with this unique application. There were convincing comments with persuasive findings. The Planning Commission will review the application at their next meeting, using the current solar ordinance for screening, fencing; except setbacks.

Old Business:

Commercial Shooting Ranges

County Commissioner DuBose had provided the overview during the County Board Liaison communication update. County Attorney Fuge is reviewing several ordinances; how other legal jurisdictions determine/define a private versus public shooting range. County Board has recommended the Planning Commission to identify different scenarios (setback from housing, density of housing, setbacks) and draft ordinance language to address concerns. Dave Whitney suggested referencing State Statute. County Attorney Fuge provided overview of what the Attorney's office has been requested to do and will work with Director Schneider. Jim McCarthy raised his concerns on noise being produced from a shooting range. Frank Storm reviewed best practices and the National Rifle Association (NRA) Handbook. Frank Storm stated his opinion that indoor ranges should be in an industrial park. Chair Johnson asked how soon would the draft language be presented.

Director Schneider indicated December, but there is a possibility of a November review. County Attorney Fuge noted the noise standards will be a priority on the list of concerns to be addressed.

Zoning Ordinance Review & Update

Director Schneider indicated the Bolton & Menk professional services agreement is almost complete with a few items left to be finalized. A schedule has not been developed for the consulting firm. Director Schneider reported the Land Services Coordinator position has been filled by Beth Thorp. Director Schneider and Coordinator Thorp provided a brief background of her previous work/experience. **Motion** to cancel the October 21, 2021 Planning Commission Special Work Session by Frank Storm. Second by Dave Whitney. The motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none. Discussion followed on the commercial shooting research and cancelled tours of each facility. Director Schneider indicated the tours would have provided valuable information but made sense to cancel with the review and comments provided by the County Board on the draft ordinance.

ADJOURNMENT: There being no further business, motion by Frank Storm and second by Shellene Johnson to adjourn. The motion was approved 7 - 0 with a roll call vote. Ayes: Whitney, Corban, McCarthy, Sutcliffe, Yeager, Storm, and Chair Johnson. Nays, none. Meeting was adjourned at 10:37 p.m.

Chisago County Request for Board Action

Meeting Date: October 20, 2021	Item Number: 8
Title of Item for Consideration: Zoning Ordinance Amendment – Accessory Structures and Uses	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services/Zoning - on behalf of the Chisago County Planning Commission
Previous Action on this Matter: On April 21, 2021 the County Board discussed and directed Chisago County Planning Commission review of the Chisago County Zoning Ordinance as it pertains to the use of accessory buildings in the agricultural zones. The Planning Commission began review of the accessory building provisions of the Zoning Ordinance as part of their meeting of May 6, 2021 and carried on monthly review to August 5, 2021. A Commission generated <i>draft</i> ordinance amendment document/language was presented to the County Board for direction on August 18, 2021. On August 18, 2021 The County Board directed the Planning Commission to continue with implementation of the drafted amendments to accessory building provisions of the Zoning Ordinance and cause an October 7th Public Hearing.	
Background: The attached Draft ordinance amendment document has been generated thru direction of the County Board and discussion of the Planning Commission as noted under <i>Previous Action</i>. At their meeting of October 7, 2021, the Planning Commission conducted the requisite public hearing and recommended approval of the request voting 7-0.	
Attachment(s): • Draft Zoning Ordinance Amendment Section 4.08.1 Accessory Structures and Uses in (A), (AP), and (PAT) Districts; and Section 5.06 Agricultural District of Zoning Ordinance No. 08-03	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board review and approve the attached Draft ordinance amendment document as presented by the Planning Commission. The suggested motion(s) to direct the Commission presented as follows: <i>“Move to Approve and Authorize Publication of Zoning Ordinance Amendment No. 102021-1 An Ordinance Amending Section 4.08.1 Accessory Structures and Uses in (A), (AP), and (PAT) Districts; and Section 5.06 Agricultural District; Of The Chisago County Zoning Ordinance No. 08-3, By Amending Accessory Building Construction And Permitting Standards”</i>	
Implications of Action: The Draft Ordinance as presented will be adopted and published.	
Budget/Financial Implications: With the exception of publication costs, there are no direct financial implications at this time.	

Legal/Policy Implications: The Draft ordinance has been reviewed and approved as to form by the County Attorney's Office. Adoption of said ordinance would change local law and policy as pertains to accessory structures.

Administrator's Recommendation

Approve _____

Deny _____

Other _____

ces

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____

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CHISAGO COUNTY
STATE OF MINNESOTA ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 4. GENERAL PROVISIONS; AND SECTION
5. ZONING DISTRICT PROVISIONS; OF THE CHISAGO COUNTY ZONING
ORDINANCE NO. 08-3 BY AMENDING ACCESSORY STRUCTURES AND USES**

Now therefore be it resolved that the Chisago County Board of Commissioners hereby ordains that Section 4.08.1 Accessory Structures and Uses in (A), (AP), and (PAT) Districts; and Section 5.06 Agricultural District of Zoning Ordinance No. 08-03 is hereby amended as follows:

SECTION 4. GENERAL PROVISIONS

4.08.1 Accessory Structures and Uses in (A), (AP), and (PAT) Districts

A. No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot without a principal structure, except or unless:

1. a residential accessory structure is permitted provided a building permit for the principal structure (home) has been issued ~~and the foundation inspection has been completed and approved and the associated principle use home is habitable (certificate of occupancy issued)~~ within 3 years;
2. the structure constitutes a pre-existing accessory building that is/was subsequently split off or subdivided out, or the result of principal structure demolition from a parent parcel, and is maintained and kept in a safe usable

42 condition, may remain on any resulting conforming vacant lot of record prior
43 to the construction of a principal structure;
44

45 3. on parcels 10 acres or larger in size, a IUP may be issued to allow a singular
46 accessory building to be constructed for personal storage/use only without the
47 presence of a principal use structure and which no overnight or residential
48 living quarters are allowed; or
49

50 4. the building qualifies as Agricultural buildings or uninhabited historical
51 buildings as part of a use permitted under Section 5.06 B.7, Section 5.08 B.3
52 or Section 5.09 B.6. ~~constitute an exception.~~

53 B. Accessory buildings larger than one hundred twenty (120) square feet shall
54 require a building permit. All accessory structures including those that do not
55 require permits must adhere to setbacks.

56 C. The commercial storage of fish houses or similar recreational structures is
57 prohibited. Personal storage of fish houses or similar recreational structures must
58 meet all setbacks.

59 D. No detached accessory structure, garage, cellar, tent, trailer, or basement may be
60 built, modified for use, or used, as a dwelling, except temporary manufactured
61 homes as regulated in this Ordinance.

62 E. Detached accessory structures shall be only one story in height, or two stories
63 with the second story consisting entirely of unfinished storage space.
64

65 F. No sanitary facilities are permitted within an accessory building prior to the
66 construction of the principal structure unless authorized by issue of a Interim Use
67 Permit.

68 G. Detached accessory structures shall not include plumbing or fixtures apart from a
69 sink and/or water closet connected to a lawful compliant septic tank and/or
70 system.
71

72 H. Temporary structures must be securely anchored and meet all required setbacks.
73 Temporary structures that due to deterioration or damage no longer provide the
74 use for which they were intended must be removed.
75

76 I. Setbacks from roadways for accessory structures on properties developed under a
77 previous version of this ordinance may be less stringent from current
78 requirements, but not less than the distance required of the primary structure
79 under the provisions of this ordinance at the time of the original development,
80 provided that there are no road projects planned which would conflict with the
81 building site.
82

83
84 **5.06 Agricultural District (A)**

85 B. Permitted Uses.

- 86 15. Horse barns as a principal or accessory use, provided that the barn is not
87 intended for use in a commercial equine operation and contains no
88 residential living quarters ~~and/or sanitary facilities~~.
89

90
91 D. Interim Uses.

- 92
93 8. A singular accessory building for personal use & storage and without the
94 presence of a principal structure pursuant to Section 4.08.1

95
96
97 Passed and approved this ____ day of _____, 2021, by the Chisago County Board of
98 Commissioners.

99
100
101 _____
102 [name], Chairperson
103

104 ATTEST:

105
106 _____
107 Chase Burnham, County Administrator
108

109 Published in the _____ this day of _____, 2021.
110
111

112 Drafted by:
113 Chisago County Environmental Services Department
114 313 N. Main Street
115 Center City, MN 55012
116
117

118 Reviewed and approved as to form
119
120 *s/ Jeffrey B. Fuge*_____ [Insert Date]
121 Jeffrey B. Fuge
122 Assistant County Attorney.

Chisago County Request For Board Action

Meeting Date: October 20, 2021	Item Number: 9
Title of Item for Consideration: Donald and Ann Jones Conditional Use Permit – Rural Retail Tourism Wood Working Shop	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services and Zoning on behalf of the Chisago County Planning Commission.
Previous Action on this Matter: None.	
Background: Donald and Ann Jones are requesting a Conditional Use Permit for Rural Retail Tourism to operate a Wood Working Shop at 34604 Redwing Avenue, Shafer Township, (PID #08.00083.10). At their meeting of October 7, 2021, the Planning Commission conducted the requisite public hearing and recommended approval of the request voting 7-0 with the attached recommended findings and conditions. Pursuant to Minnesota Statute, the 60-day agency action deadline is October 29, 2021. 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 extend the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)). Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such a decision is formally taken at tonight's Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application." - The County Board may Deny the CUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended). Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.	
Attachments: - Planning Commission Recommended Findings and Conditions - Planning Commission Presentation	

- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes (draft)

Action Requested/Recommended It is respectfully requested that the Board affirmatively consider the recommendation of the Planning Commission to approve the Donald and Ann Jones Conditional Use Permit for Rural Retail Tourism to operate a Wood Working Shop at 34604 Redwing Avenue, Shafer Township, (PID #08.00083.10). The following is the suggested language for the motion:

“Move to approve the Donald and Ann Jones Conditional Use Permit for Rural Retail Tourism to operate a Wood Working Shop at 34604 Redwing Avenue, Shafer Township, (PID #08.00083.10) with Findings and Conditions as recommended by the Planning Commission and/or as amended at tonight’s meeting.”

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 CEB

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____

Planning Commission Recommendation of October 7, 2021
Conditional Use Permit – Donald and Ann Jones Rural Retail Tourism Wood Working Shop
34604 Redwing Avenue, Shafer Township, PID #08.00083.10.

RECOMMENDED FINDINGS:

1. **Is the proposal consistent with the Comprehensive Plan and development policies of the County?** The Chisago County Comprehensive Plan has several references to the County's intention to continue to allow and be supportive of home-based businesses. Specifically, within the Agricultural Element (Page 5-2) it states "The purpose of the agricultural element is to encourage long-term commercial agriculture and prevent the premature conversion of agricultural land to non-farm uses. In addition to traditional agricultural uses, it is the intent of Chisago County to allow low density single family residences, agri-business, commercial recreation, rural retail tourism, mineral extraction, home occupations, public uses, recreation and conservation land uses in the agricultural and rural areas of the County." Also under the Economic Development Element (Page 6-22) the Comp Plan includes the following language: "Home occupations shall be continued to be allowed in all districts provided that performance standards are met." Staff has found the proposed Conditional Use Permit to be consistent with the Comprehensive Plan and development policies of the County within the parameters as set forth in the performance standards of Section 8.04 of the Chisago County Zoning Ordinance.
2. **Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?** It is staff's belief that the proposal will not create any demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.
3. **Will the use 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?** The business activity would be mainly conducted indoors, and the site has an adequate (280 feet) setback from the road. The accessory building as constructed (i.e. height, location, size) is allowed in the AG District. Therefore, without the proposed home occupation the site could remain as is. Commission may wish to discuss and seek clarity or conditions concerning the application reference to outdoor cutting after 7 AM.
4. **Will the structure have an appearance that will have an adverse effect upon adjacent properties?** No, the main structure exists, and the addition will be to the rear of the building.
5. **Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use?** As previously stated, the proposed is a woodworking activity as allowed by Conditional Use Permit in the Agriculture District. There is also, in this instance, a nexus to Home Occupation allowance due to the presence of the existing home.
6. **Will the use cause traffic hazard or congestion?** Staff has concluded that the Conditional Use as proposed is not likely to create additional traffic hazard or congestion noting no storefront, online activity; and generally, one delivery per week.

7. **Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?** The Applicant states any intermittent noise generated would be comparable to a lawn mower. Again, outdoor cutting/conditions may be cause for discussion with commission but activities appear to be mainly conducted indoors.

RECOMMENDED CONDITIONS:

1. This is a Conditional Use Permit to operate a woodworking shop in accordance with Section 8.04 of the Chisago County Zoning Ordinance.
2. The days and hours of the operation are Monday through Saturday 5AM to 9PM; and Sunday from 7 AM to 7 PM year round for indoor work.
3. Outdoor work, loading and unloading, is limited to 7 AM to 8 PM.
4. There can be no showroom, nor retail customer traffic to the site.
5. Storage of all materials will be underroof and screened from neighboring properties and the road.
6. The use must conform with the relevant criteria of Section 8.04 of the Chisago County Zoning Ordinance as follows:
 - a. Only those persons residing in the home and up to three (3) employees may be employed in the home occupation.
 - b. Signage can consist of no more than one (1) single or double-faced sign with a minimum area of sixteen (16) square feet per side in the AG District.
 - c. No outdoor display or storage of goods or materials is permitted.
 - d. The home occupation is permitted personal vehicles of the residents as well as three employee vehicles, to be stored in the designated area as identified on the site plan as "employee parking".
 - e. The business cannot generate sewage of a nature or type that cannot be treated by a standard on-site sewage system or hazardous wastes without an approved plan for off-site disposal.
7. Verification and approval by the Building Official that the construction work that is commencing falls within the project scope for which the building permit was issued. The Applicant shall be required to amend the building permit to include any work that the Building Official determines to be beyond the building plan approved. Construction must be completed in a manner compliant with the State Building Code, and issuance of a Certificate of Occupancy on the accessory building and addition specifying allowed occupancy of the use as described herein.
8. 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.
9. A 6 ft. tall board on board screening fence shall be constructed and placed along the northerly property line for the full distance of the accessory building, lean-to, and planned building addition.
10. Sawmill activity shall occur in an insulated structure so as to limit noise.

Jones Conditional Use Permit

PID #08.00083.10

Shafer Township

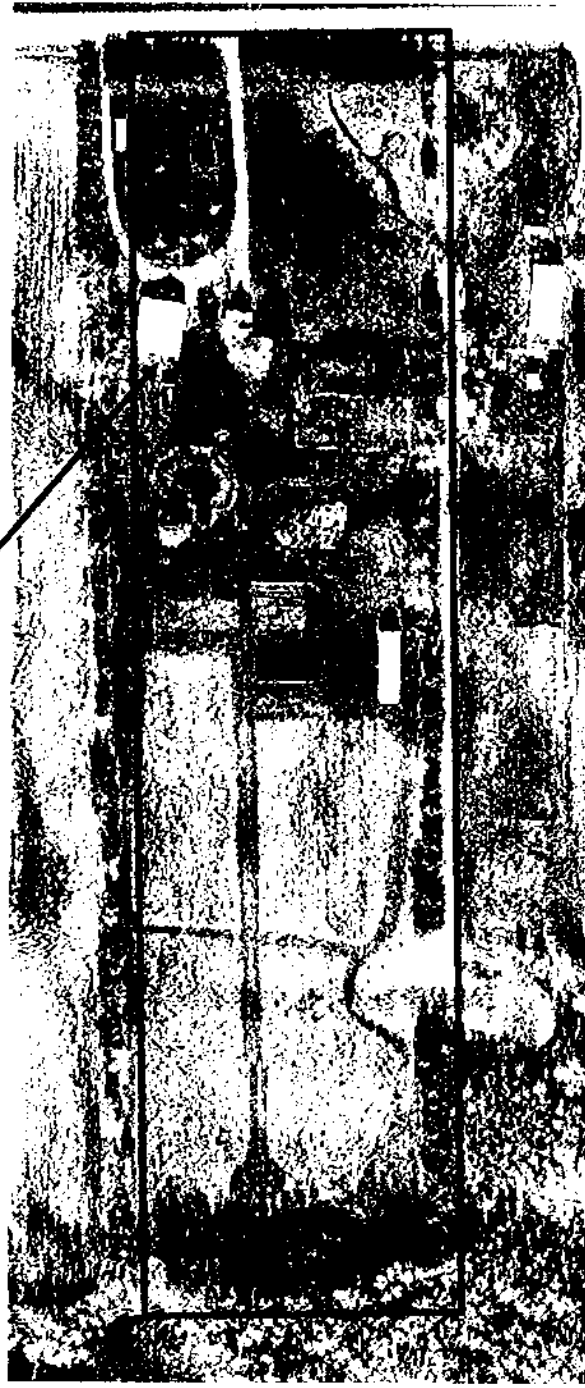
34604 Redwing Avenue

Request

Requesting a
Conditional Use
Permit (CUP) for a
home-based wood
working business.



Property Description



- Parcel - 10 acres
- Zoned Agricultural (AG)
- In 2017 a it was found the property line to the north was not the tree line (off by 20 - 40 feet). Owners to the north and applicants are in the process of rectifying property line issues.
- Applicants are moving driveway and propane tank onto their property.
- Board of Adjustment approved property line setback variance on September 30, 2021 to expand an accessory building and adjust lean-to posts.

Capital Carpentry LLC – Business Proposal

- Woodworking Business
- Employees: Currently – 1 (owner) Future – up to 2
- Hours of Operation: Inside Shop with doors closed: Seven days a week: 5 am – 9 pm
- Hours of Operation: Outdoor cutting: Seven days a week: 7 am – 8 pm
 - Sawmill would never be used continuously during hours of operation
 - Sawmill is no louder than a lawn mower or tractor
- Traffic: Possible delivery vehicle once per week
 - Future employees – Ample parking for extra vehicles
 - Most materials are at the warehouse and brought back by owner
- Sanitation: Employees would use bathrooms in house
- Screening: Typically, lumber is kept under roof and out of sight
- Hazardous Waste:
 - Paint thinner, paint, and varnish
 - Fine wood chips/dust hauled to landfill
 - Wooden scraps used for kindling
 - Larger wood chip used in chicken coop
- Products Sold
 - No storefront
 - Larger products (doors, windows, cabinets) made to order, delivered, and installed
 - Future goal – sell smaller goods online



Review & Recommendation



Shafer Township
September 9, 2021
Recommended approval
with no conditions



Technical Review
September 8, 2021
Wood working shop as
proposed is in compliance
with Zoning Code

60 – Day Deadline
October 29, 2021
Application Complete

August 30, 2021

MOTION TO CONSIDER

But if any new or unknown evidence is uncovered after the completion of this report or during the course of the public hearing, staff has provided the following motion for your consideration:

Recommend Approval of a Conditional Use Permit for a Woodworking shop as requested by Donald and Ann Jones, 34604 Redwing Ave. based on the narrative and site plan on record as provided by Applicant as well as modified at tonight's hearing) and on the findings of fact as presented in Staff's report and the following conditions & conditions:

CONDITIONS:

1. This is a Conditional Use Permit to operate a woodworking shop in accordance with Section 8.04 of the Chisago County Zoning Ordinance.
2. The days and hours of the operation are Monday through Sunday from 5 AM to 9 PM year round for indoor work.
3. Outdoor work, loading and unloading, is limited to 7 AM to 8 PM.
4. There can be no showroom, nor retail customer traffic to the site.
5. Storage of all materials will be underroof and screened from neighboring properties and the road.
6. The use must conform with the relevant criteria of Section 8.04 of the Chisago County Zoning Ordinance as follows:
 1. Only those persons residing in the home and up to eight employees may be employed in the home occupation.
 2. Signage can consist of no more than one (1) single or double-faced sign with a minimum area of sixteen (16) square feet per side in the AG District.
 3. No outdoor display or storage of goods or materials is permitted.
 4. The home occupation is permitted personal vehicles of the residents as well as two employee vehicles, to be stored in the designated area as identified on the site plan as "employee parking".
 5. The business cannot generate sewage of a nature or type that cannot be treated by a standard on-site sewage system or hazardous wastes without an approved plan for off-site disposal.
7. Verification and approval by the Building Official that the construction work that is commencing falls within the project scope for which the building permit was issued. The Applicant shall be required to amend the building permit to include any work that the Building Official determines to be beyond the building plan approval. Construction must be completed in a manner compliant with the State Building Code, and issuance of a Certificate of Occupancy on the accessory building and addition specifying allowed occupancy of the use as described herein.
8. 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.



Staff Report

TO: Chisago County Planning Commission

FROM: Patty Perreault, Office Manager

DATE: September 29, 2021

RE: Donald and Ann Jones, 34604 Redwing Ave.
08.00083.10, Shafer Township

Action to Consider

The Applicants are requesting a Conditional Use Permit (CUP) for a home-based wood working business.

Property Background/Description

Donald and Ann Jones purchased the property at 34604 Redwing Ave in 2013. It is 10 acres in Section 8, T34, R19. The property has a house with attached garage and detached pole building with a lean to, as well as a small shed. They plan to build an addition to the rear of the structure and are currently going through the variance process to accomplish this with a 3.5 foot variance for the addition to the side property line. The variance request/situation developed due to a misunderstanding regarding the north property line, but it has been addressed and resolved. The property is zoned Agricultural which allows Cabinet/Wood shops as a Conditional Use in this District as a standalone use, with or without a residence. Conditional Use is defined as "A use, which because of the potential land use conflicts the use presents, requires reasonable, but special, limitations specific to the use for the protection of the public welfare and consistency with the County Comprehensive Plan".

Site Plan/Proposal Analysis

Mr. Jones has a small woodworking business, and is currently the only employee, he may in the future add up to 2 additional. These employees would use the residential lavatory in the home. The plan is to sell smaller goods online, with no storefront. Larger projects such as doors, windows, and cabinets are made to order and delivered. Most materials are picked up at the lumber warehouse, but there may be up to 1 delivery per week. Lumber is kept under a roof and out of sight, and waste is minimal as scraps are used for kindling, and chips are used for a chicken coop; fine chips or dust is hauled to the landfill. No hazardous materials are involved, other than paint thinner when painting/varnishing. The hours are typically between 5 am to 9 pm, 7 days a week inside of the shop with the doors closed. Any outdoor sawing, which is conducted occasionally, would not start prior to 7 am, would finish by 8 pm, and would never run continuously. The noise from the operating sawmill is comparable to a lawn mower or tractor.

A building permit would be required to change the Occupancy of the building, and the addition or any changes necessary would comply with the State Building Code.



The site shows there is plenty of area for future employee parking and deliveries. The Applicants plans to redo the north loop of the driveway on their property. The addition will be on the west side of the white roofed pole building, 16.5 feet (pending variance) to the property line.

Conditional Use Permit Analysis

The Planning Commission as outlined in 8.04.C 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;*
2. *The use shall 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;*
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;*
4. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;*
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;*

6. *The 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;*
7. *The use shall not cause traffic hazard or congestion; and*
8. *Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness.*

Staff Analysis

Below are several questions that staff has prepared to assist in our analysis of the proposal:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? **The Chisago County Comprehensive Plan has several references to the County's intention to continue to allow and be supportive of home-based businesses. Specifically, within the Agricultural Element (Page 5-2) it states "The purpose of the agricultural element is to encourage long-term commercial agriculture and prevent the premature conversion of agricultural land to non-farm uses. In addition to traditional agricultural uses, it is the intent of Chisago County to allow low density single family residences, agri-business, commercial recreation, rural retail tourism, mineral extraction, home occupations, public uses, recreation and conservation land uses in the agricultural and rural areas of the County." Also under the Economic Development Element (Page 6-22) the Comp Plan includes the following language: "Home occupations shall be continued to be allowed in all districts provided that performance standards are met."** Staff has found the proposed Conditional Use Permit to be consistent with the Comprehensive Plan and development policies of the County within the parameters as set forth in the performance standards of Section 8.04 of the Chisago County Zoning Ordinance.
2. Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? **It is staff's belief that the proposal will not create any demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.**
3. Will the use 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? **The business activity would be mainly conducted indoors, and the site has an adequate (280 feet) setback from the road. The accessory building as constructed (i.e. height, location, size) is allowed in the AG District. Therefore, without the proposed home occupation the site could remain as is. Commission may wish to discuss and seek clarity or conditions concerning the application reference to outdoor cutting after 7 AM.**

4. Will the structure have an appearance that will have an adverse effect upon adjacent properties? **No, the main structure exists, and the addition will be to the rear of the building.**
5. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? **As previously stated, the proposed is a woodworking activity as allowed by Conditional Use Permit in the Agriculture District. There is also, in this instance, a nexus to Home Occupation allowance due to the presence of the existing home.**
6. Will the use cause traffic hazard or congestion? **Staff has concluded that the Conditional Use as proposed is not likely to create additional traffic hazard or congestion noting no storefront, online activity; and generally, one delivery per week.**
7. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? **The Applicant states any intermittent noise generated would be comparable to a lawn mower. Again, outdoor cutting/conditions may be cause for discussion with commission but activities appear to be mainly conducted indoors.**

60-day Review

The application was deemed complete on August 30, 2021. The 60-day deadline will be October 29, 2021.

Township Recommendation

Shafer Township Board reviewed at their meeting on September 9, 2021 and has recommended Approval with no conditions.

Staff Findings

The home Conditional Use Permit as proposed is consistent with the County's Comprehensive Plan goals and intentions within the Economic Development Element of the plan. Following the review of the Technical Review Committee and Planning Staff, the wood working shop as described is determined to be in compliance with the Zoning Code purpose and intent for a Conditional Use Permit.

Upon close of the public hearing on this application, discussion should be held by the Planning Commission on the above observations (#1 through #7) as preliminary drafted by Staff, which items can be amended, deleted, or appended to, in order to serve as findings in favor of approval of the approved CUP. If new or previously unknown information is presented prior to or during the public hearing, that information should be also considered during deliberation on the above Staff observations. If the additional information received significantly alters the character of this application, or if the Planning Commission finds the proposal unacceptable or inappropriate, valid findings in support of an alternate recommendation of decision should be drawn up.

Recommended Action to Consider

- Recommend **Approval** of a Conditional Use Permit Amendment for a Conditional Use Permit for a woodworking shop as requested by Donald and Ann Jones, 34604 Redwing Ave. based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions:
 1. This is a Conditional Use Permit to operate a woodworking shop in accordance with Section 8.04 of the Chisago County Zoning Ordinance.
 2. The days and hours of the operation are Monday through Sunday from 5 AM to 9 PM year round for indoor work.
 3. Outdoor work, loading and unloading, is limited to 7 AM to 8 PM.
 4. There can be no showroom, nor retail customer traffic to the site.
 5. Storage of all materials will be underroof and screened from neighboring properties and the road.
 6. The use must conform with the relevant criteria of Section 8.04 of the Chisago County Zoning Ordinance as follows:
 - a. Only those persons residing in the home and up to eight employees may be employed in the home occupation.
 - b. Signage can consist of no more than one (1) single or double-faced sign with a minimum area of sixteen (16) square feet per side in the AG District.
 - c. No outdoor display or storage of goods or materials is permitted.
 - d. The home occupation is permitted personal vehicles of the residents as well as two employee vehicles, to be stored in the designated area as identified on the site plan as "employee parking".
 - e. The business cannot generate sewage of a nature or type that cannot be treated by a standard on-site sewage system or hazardous wastes without an approved plan for off-site disposal.
 7. Verification and approval by the Building Official that the construction work that is commencing falls within the project scope for which the building permit was issued. The Applicant shall be required to amend the building permit to include any work that the Building Official determines to be beyond the building plan approved. Construction must be completed in a manner compliant with the State Building Code, and issuance of a Certificate of Occupancy on the accessory building and addition specifying allowed occupancy of the use as described herein.
 8. 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.

Alternate Options

- Move to **table action** and extend the initial 60-day period for required action on this Variance application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f)."
- Recommend **Denial** of the Conditional Use Permit request for Donald and Ann Jones, 34604 Redwing Ave. based on the Findings of Fact or other contributing factors deemed appropriate (*insert findings*)

- 1) Inconsistent with County Comprehensive plan, and/or Zoning Ordinance provision(s)

Presents land use impact such as _____ that is unable to be properly mitigated or resolved by condition or proposal mediation.

3.

CC: Donald and Ann Jones, Applicants
County File

Permit #

2021-01279

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee 76

Base Fee 525-

Wetland or Septic Fees -

Plat Compliance Fee -

TOTAL FEE 571.00

Street Location 34604 REDWING AVE SHAPER Tax Parcel # 08.00083.10

Legal Description E-Mail Address:

Owner: DONALD & ANN JONES Day Phone

Address 34604 REDWING AVE SHAPER MN 55074

Applicant (if other than owner) Day Phone ()

Address

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☒
(or amendment to CUP)

Ordinance Amendment ☐

Interim Use Permit ☐
(or amendment to IUP)

Rezoning ☐

Applicable section of ordinance:

Description of request: A CONDITIONAL USE PERMIT FOR
A WOODWORKING SHOP

If Variance Application, Brief
Description of Practical
Difficulty

Signature of Applicant

8/30/21
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.

08-30-2021
Date Received at
Front Counter

10-29-21
60 - Day Review

Date of Public
Hearing:

10-07-21

TOWNSHIP PRESENTATION FORM

Street Location 34604 REDWING AVE SHAFER MN 55074

Legal Description _____

Owner Name DONALD & ANN JONES Day Phone: _____

Address: 34604 REDWING AVE SHAFER MN 55074

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: A CONDITIONAL USE PERMIT
FOR A WOODWORKING SHOP

Date of County Public Hearing: Thurs 10-7-21

Date of Township Presentation: Thurs 9-9-21

TOWNSHIP ACTION TAKEN

Approved ☒ Denied ☐

Reasons and Conditions: _____

Signature of Township Officers: J. D. Huff
W. J. St. P.
Joseph Mattson

Signature of Applicant

Date

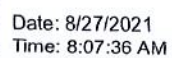
Description of Capital Carpentry LLC

This is a woodworking business owned and operated by Don Jones, currently there are no other employees. At most there would be one or two employees in the future. The goal is to sell smaller goods online, there will be no storefront. Larger projects such as doors, windows, and cabinets are made to order and delivered to be installed.

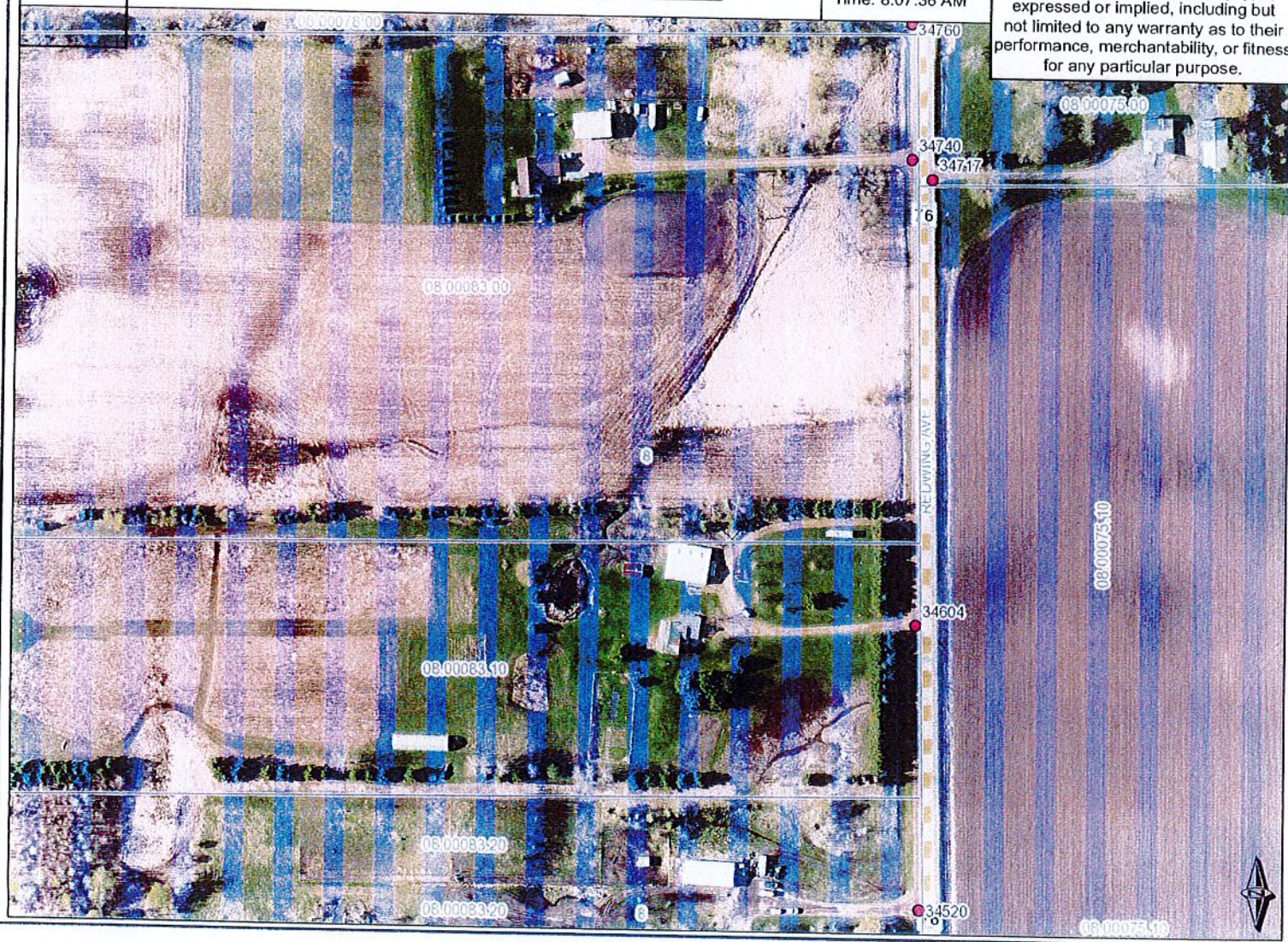
Traffic should not be an issue because at the most I would only have up to 2 employees, I have ample parking for two more vehicles. The one or two employees would be able to use my bathrooms in the house. Most of my materials I pick through at the lumber warehouse and deliver myself. We may have up to one delivery per week.

There are no hazardous materials involved with my woodworking other than paint thinner when and if painting or varnishing. My wooden scraps are either used for kindling for my wood stove or sold/given to friends for kindling. Larger wood chips are used for my chicken coop, and finer wood chips/dust hauled away to the dump. My lumber is typically kept under a roof and out of sight.

My hours of operation are 5am to 9pm 7 days a week inside of my shop with doors kept closed. Humidity and wood do not go well together, I try to keep my shop under 45% humidity in the shop so doors need to be kept closed. Any outdoor cutting would not start before 7am and would stop by 8pm and would never be ran continuously during these hours. My sawmill is no louder than a lawn mower or tractor.



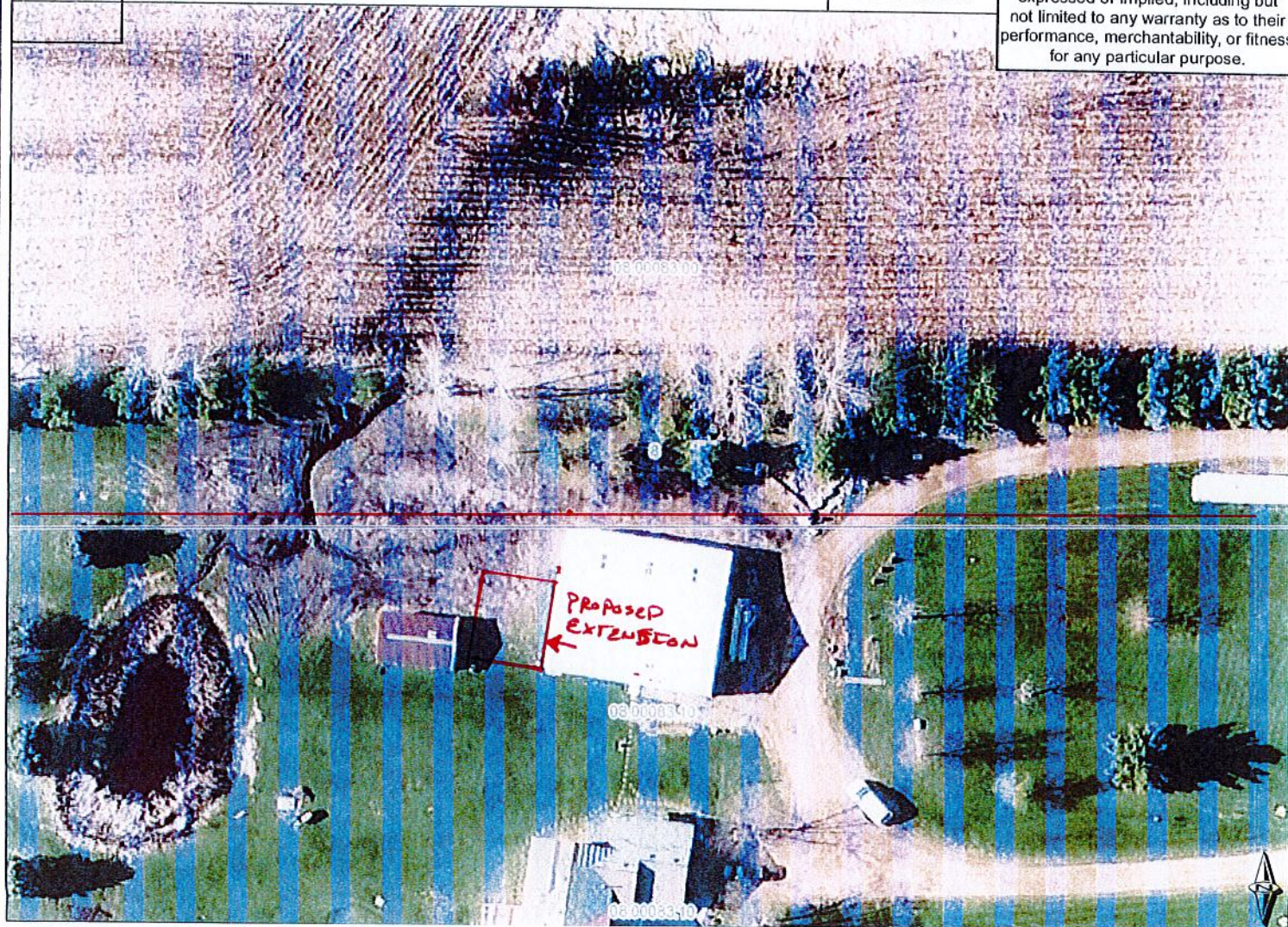
These data are provided on as "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.



0 12.5 25 50 ft

Date: 8/27/2021
Time: 8:04:38 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.



Donald and Ann Jones – Aerial Photo

Property at 34604 Redwing Avenue, Shafer Township; Sec. 8, T. 34, R. 19, (PID# 08.00083.10). Donald and Ann Jones are requesting a Conditional Use Permit to operate a wood working shop within their accessory structure as Rural Retail Tourism.

Jones Property – 



Shafer Township

Sec. 8, T. 34, R. 19

PID # 08.00083.10



Donald and Ann Jones – Aerial Photo

Property at 34604 Redwing Avenue, Shafer Township; Sec. 8, T. 34, R. 19, (PID# 08.00083.10). Donald and Ann Jones are requesting a Conditional Use Permit to operate a wood working shop within their accessory structure as Rural Retail Tourism.

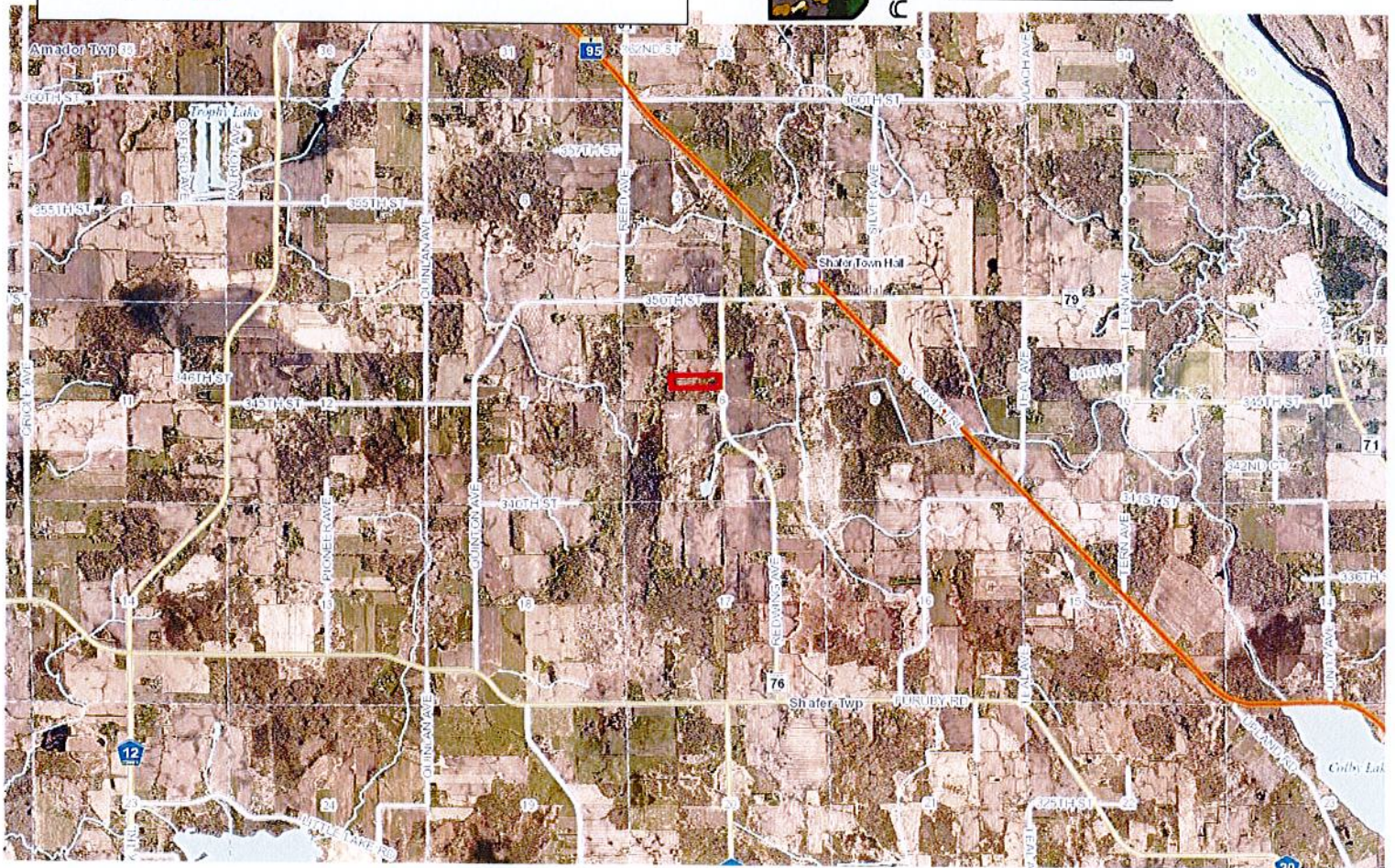
Jones Property – 



Shafer Township

Sec. 8, T. 34, R. 19

PID # 08.00083.10



Donald and Ann Jones – Aerial Photo

Property at 34604 Redwing Avenue, Shafer Township; Sec. 8, T. 34, R. 19, (PID# 08.00083.10). Donald and Ann Jones are requesting a Conditional Use Permit to operate a wood working shop within their accessory structure as Rural Retail Tourism.

Jones Property – 



Shafer Township

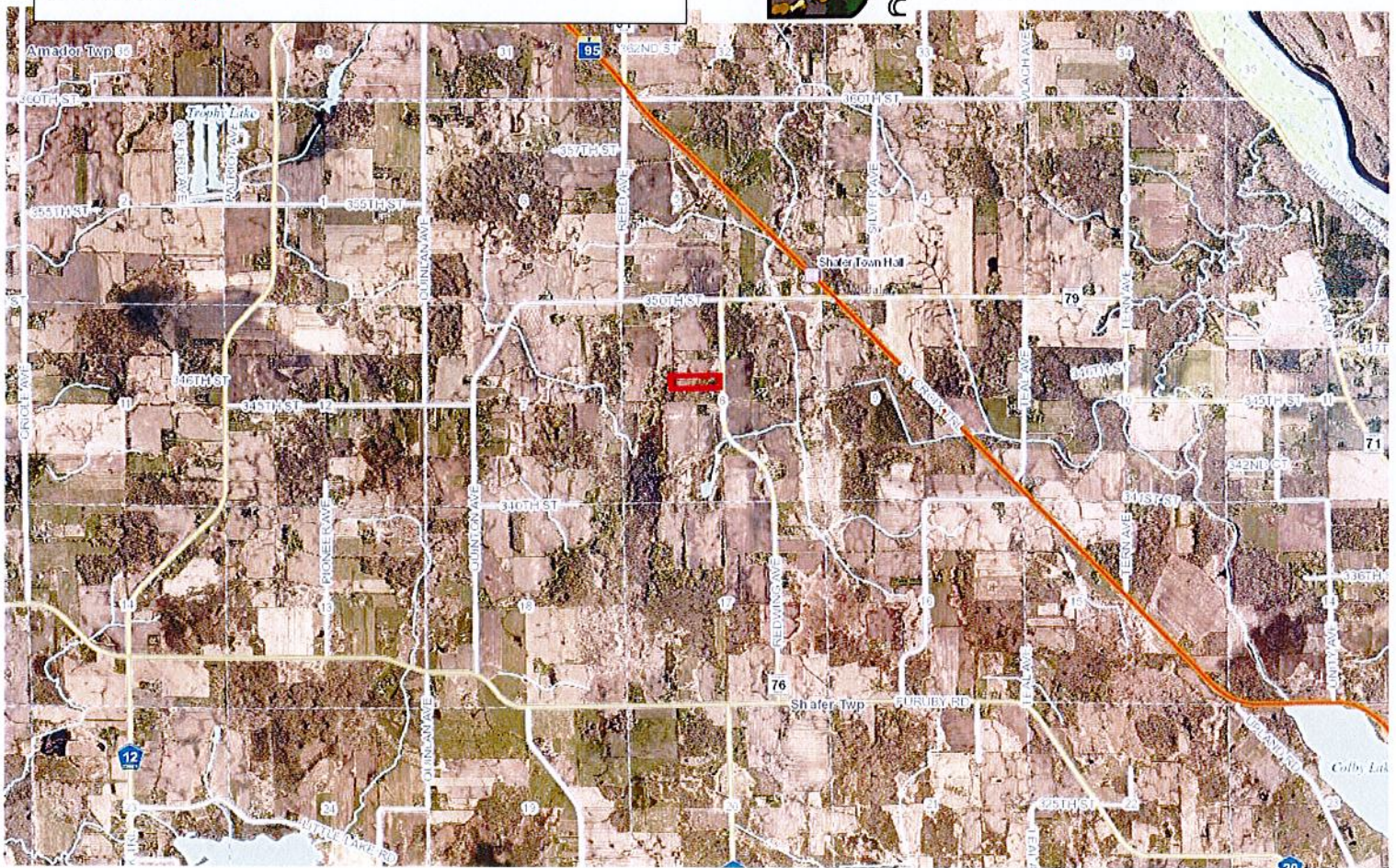
Sec. 8, T. 34, R. 19

PID # 08.00083.10



Property at 34604 Redwing Avenue, Shafer Township; Sec. 8, T. 34, R. 19, (PID# 08.00083.10). Donald and Ann Jones are requesting a Conditional Use Permit to operate a wood working shop within their accessory structure as Rural Retail Tourism.

PID # 08.00083.10



Chisago County Request for Board Action

Meeting Date: October 20, 2021	Item Number: 10
Title of Item for Consideration: Kelsey Zaavedra Conditional Use Permit – Rural Retail Tourism Farm Stand, Tours, Workshops and Campground	
Action Requested by: Kurt Schneider, Director	Department: Environmental Services and Zoning on behalf of the Chisago County Planning Commission.
Previous Action on this Matter: None.	
Background: Kelsey Zaavedra is requesting a Conditional Use Permit for Rural Retail Tourism to operate a Farm Stand for the sale of agricultural products, merchandise, and goods; offer workshops/classes and farm tours; and operate a three (3) site Campground (two sites with a third caretaker site) at 40422 Oriole Avenue, Amador Township, (PID #01.00083.10). At their meeting of October 7, 2021, the Planning Commission conducted the requisite public hearing and recommended approval of the request voting 7-0 with the attached recommended findings and conditions. Pursuant to Minnesota Statute, the 60-day agency action deadline is October 31, 2021. 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 extend the initial 60-day period (up to a total of 120 days), if, before the end of the initial 60-day period, it notifies the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c)). Sufficient time exists for the County Board to extend the initial 60-day period via written notification, if such a decision is formally taken at tonight's Meeting. Any motion to extend this time period should include, at a minimum, direction to staff to prepare a written notification of the County Board's action "to take up to an additional 60 days to further review the record and make a decision on this application." - The County Board may Deny the CUP for legally justifiable reasons, but must state such reasons as part of the official record of decision (either as part of a motion to deny or as part of a failure of a motion to approve). Moreover, such action must be taken prior to the end of the initial 60-day period (or 120-day period if extended). Additionally, State Statute directs (but does not mandate) that written reasons for denial be provided to the applicant prior to the end of the initial 60-day period (or 120-day period if extended) and be consistent with the reasons stated in the record at the time of denial. Typically, such written reasons are prepared and adopted by the body as part of its denial, or at the next scheduled meeting.	

Attachments:

- Planning Commission Recommended Findings and Conditions
- Planning Commission Presentation
- Planning Commission Staff Report & Hearing Packet
- Planning Commission Minutes (draft)

Action Requested/Recommended It is respectfully requested that the Board affirmatively consider the recommendation of the Planning Commission to approve the Kelsey Zaavedra Conditional Use Permit for Rural Retail Tourism to operate a Farm Stand for the sale of agricultural products, offer workshops/classes and farm tours, and a three (3) site Campground at 40422 Oriole Avenue, Amador Township, (PID #01.00083.10). The following is the suggested language for the motion:

“Move to approve the Kelsey Zaavedra Conditional Use Permit for Rural Retail Tourism to operate a Farm Stand for the sale of agricultural products, offer workshops/classes and farm tours, and a three (3) site Campground at 40422 Oriole Avenue, Amador Township, (PID #01.00083.10) with Findings and Conditions as recommended by the Planning Commission and/or as amended at tonight’s meeting.”

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 _____

Planning Commission Recommendation of October 7, 2021
Conditional Use Permit – Kelsey Zaavedra Rural Retail Tourism & Campground
40422 Oriole Avenue, Amador Township, (PID #01.00083.10).

RECOMMENDED FINDINGS:

1. **Is the proposal consistent with the Comprehensive Plan and development policies of the County?** Yes. The Chisago County Comprehensive Plan has several references to the County's intention to continue to allow and be supportive of the establishment of agricultural education, recreational offerings, and rural retail tourism activities:
 - 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 encourage and support agricultural businesses that contribute to economic activity, employment, and tax base of Chisago County (p 5-18)
 - To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into Chisago County economy (p5-18)
 - To continue to allow agricultural activities and related agri-businesses in the AG zoning district (p6-22)
 - 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)
2. **Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?** It is staff's belief that the proposal will not create excessive demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area. Traffic will increase relative to the Ag. Stand, classes, and campsite activity and the site maintains direct access to a paved/improved county road system suitable for traffic loads resulting from the proposed use.
3. **Will the use 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?** Yes. The activities on the site will be very low-level in impact. Smaller, low-key events and classes with fewer than 15 visitors/attendees are described for most activities. The character of the property will remain agricultural with the scale and types of activities requested and consistent with the neighboring properties and area. Staff notes the classes and activity on site will be outdoors or within the basic structures on-site. Attendees will park and travel by car to/from which will impact the County 70 Rd. system in a generally low impact manner.
4. **Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use?** Yes. The Chisago County Zoning Ordinance allows livestock and agriculture as Permitted Uses in the Ag zone, and specifically provides for agricultural education and rural retail tourism uses as

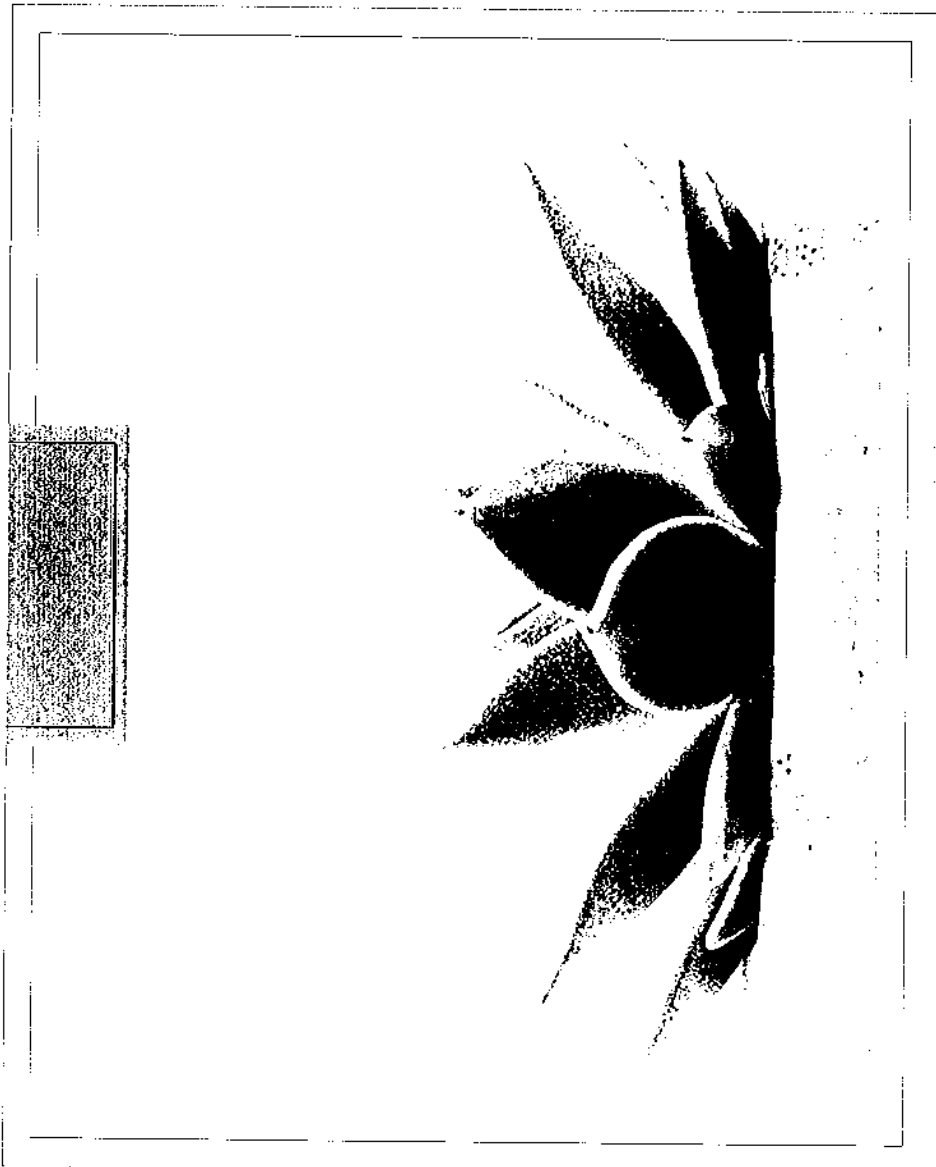
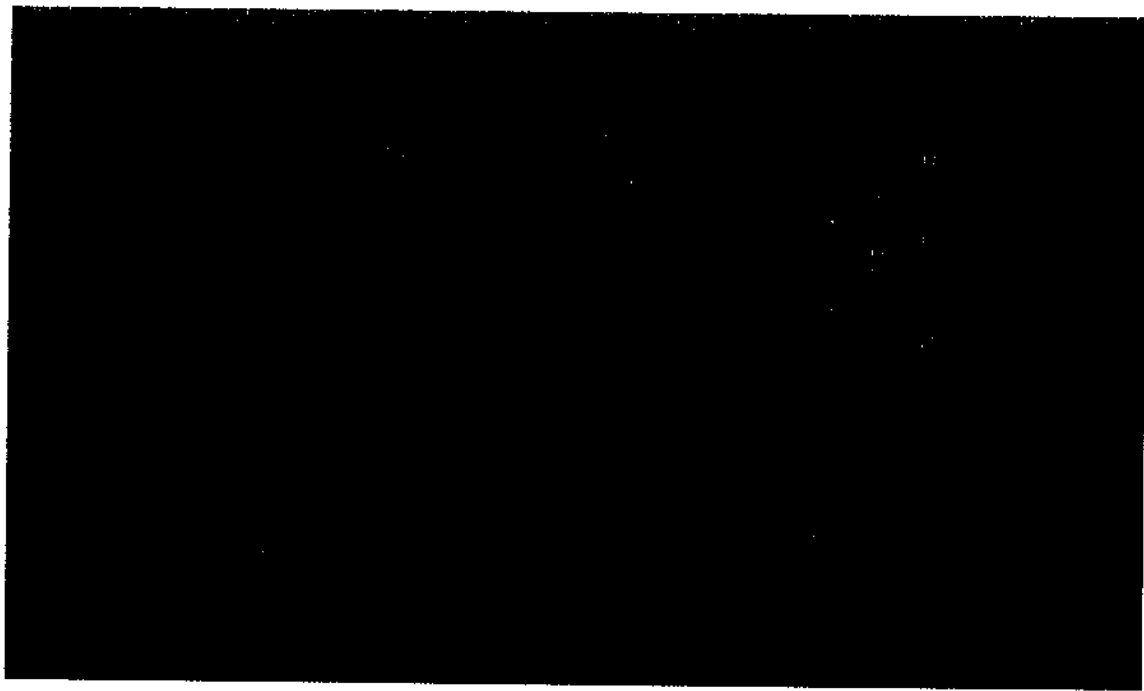
Conditional Uses in the Ag zone. The purpose as outlined in Zoning Ordinance Section 4.15 for Rural Retail Tourism are as follows:

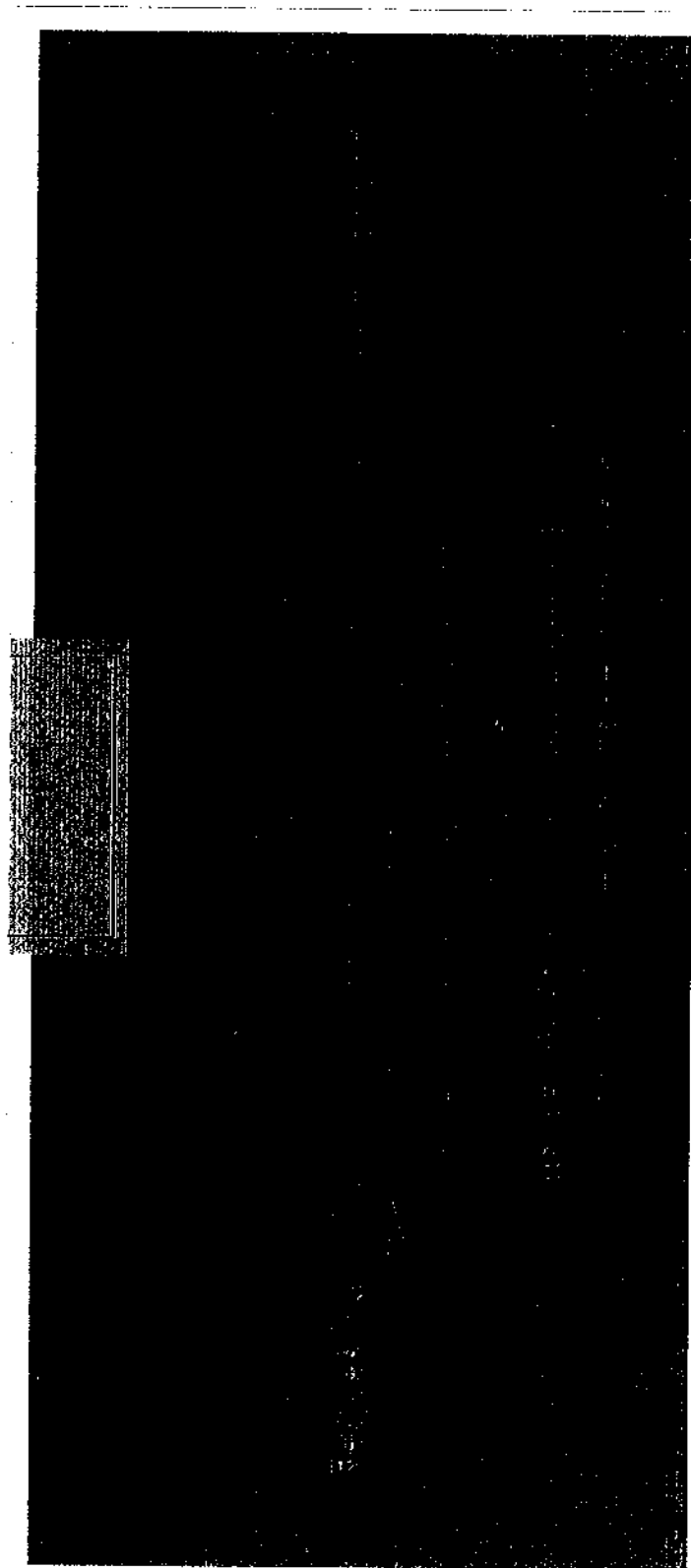
- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscape.;
 - To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that 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.
5. **Will the use cause traffic hazard or congestion?** The County Highway Engineer has reviewed the proposal and did not have concerns or objections to traffic levels, hazard or congestion with this application.
6. **Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness?** No. The proposal is generally agricultural in nature and featuring produce/animals predominantly raised on the property which is similar to surrounding land uses. Five parking stalls are proposed to service the farm stand with room for overflow up to twelve. The small scale of activities will be primarily controlled via the scope of the 1-6-person farm tours and maximum 15-person attendee Ag. related workshops outlined in the proposal.

RECOMMENDED CONDITIONS:

1. This CUP shall allow for seasonal rural retail tourism to offer and host agricultural oriented educational and recreational classes, farm market, and associated activities and a three-site campground with the following elements:
 - Farm Stand and Market for sale of agricultural products, merchandise, and goods
 - Farm tours to take place on Saturdays, or by appointment for groups of 6 or less during daylight hours
 - Educational classes not to exceed 25 participants per class and 2 classes per week March thru December.
 - Mandatory on-site caretaker campground campsite occupancy and management of the two (2) designated camp sites (RV site and Tent Site).
2. Seasonal farm stand hours of operation shall be conducted on Saturdays from May through December from 9 AM to 6 PM.
3. Camping may occur year-round for the single tent campsite. Camping may occur seasonally (May – December 15th) for the RV camp site. Caretaker must be in full time residence for the duration of all camping activities. Camping may occur with the following restrictions/conditions:
 - Campsite quiet hours shall be designated from 9 pm to 7 am with no sustained audible noise or camper activities heard beyond the designated property boundaries during such times.
 - Solid waste shall be sufficiently contained, screened, and protected on-site so as to prevent nuisance conditions and shall be self-hauled/removed weekly.

- Porta potty waste pumping contract(s) and records shall be maintained documenting full-service year-round pumping and disposal of all effluent/waste.
 - One (1) campfire site is allowed per campsite conditioned on a suitable fire plan / fire extinguisher provided per site.
 - No outdoor amplified music shall be permitted at campsites.
4. The maximum attendance at any given time with camping, sales, tours, and workshops associated with the CUP shall be no more than 25 people.
 5. All parking shall be accommodated on-site. Additional parking stall area to be designated to accommodate for at least 15 visitors attending workshops at any given time. Proof of parking diagram to be provided and placed on file with staff.
 6. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
 7. The Permittees shall provide documentation to the County Building Official for the construction of any buildings which will house the public for sales or workshops. All remodeling or retrofitting of the existing buildings shall be subject to relevant State Building Codes, permits, and inspection requirements.
 8. Minnesota Building Code/ SSTS, and all other relevant MDH codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met. On-site porta potty may be replaced with compliant SSTS tank privy and/or approved effluent dumping station in accordance with State SSTS regulations and permitting. Pumping and SSTS service records shall be provided upon demand to demonstrate effluent disposal compliance.
 9. The Applicants shall provide documentation of contractual porta-potty effluent pumping service agreements per State MDH and SSTS requirements. Outdoor restrooms shall be screened from Oriole Avenue with adequate plantings or fencing so as to not be visible from the road right-of-way.
 10. 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. 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. Year-round access and parking for multiple emergency vehicles is required on site, including space to maneuver/turn vehicles on the site. If emergency vehicles are damaged due to the lack of maneuverable space/adequate driveway width/height, owner will receive a bill for items that need repair. Contact the Almelund Fire Chief with questions.





Property Description

Owner: Kelsey

Zoovedio &

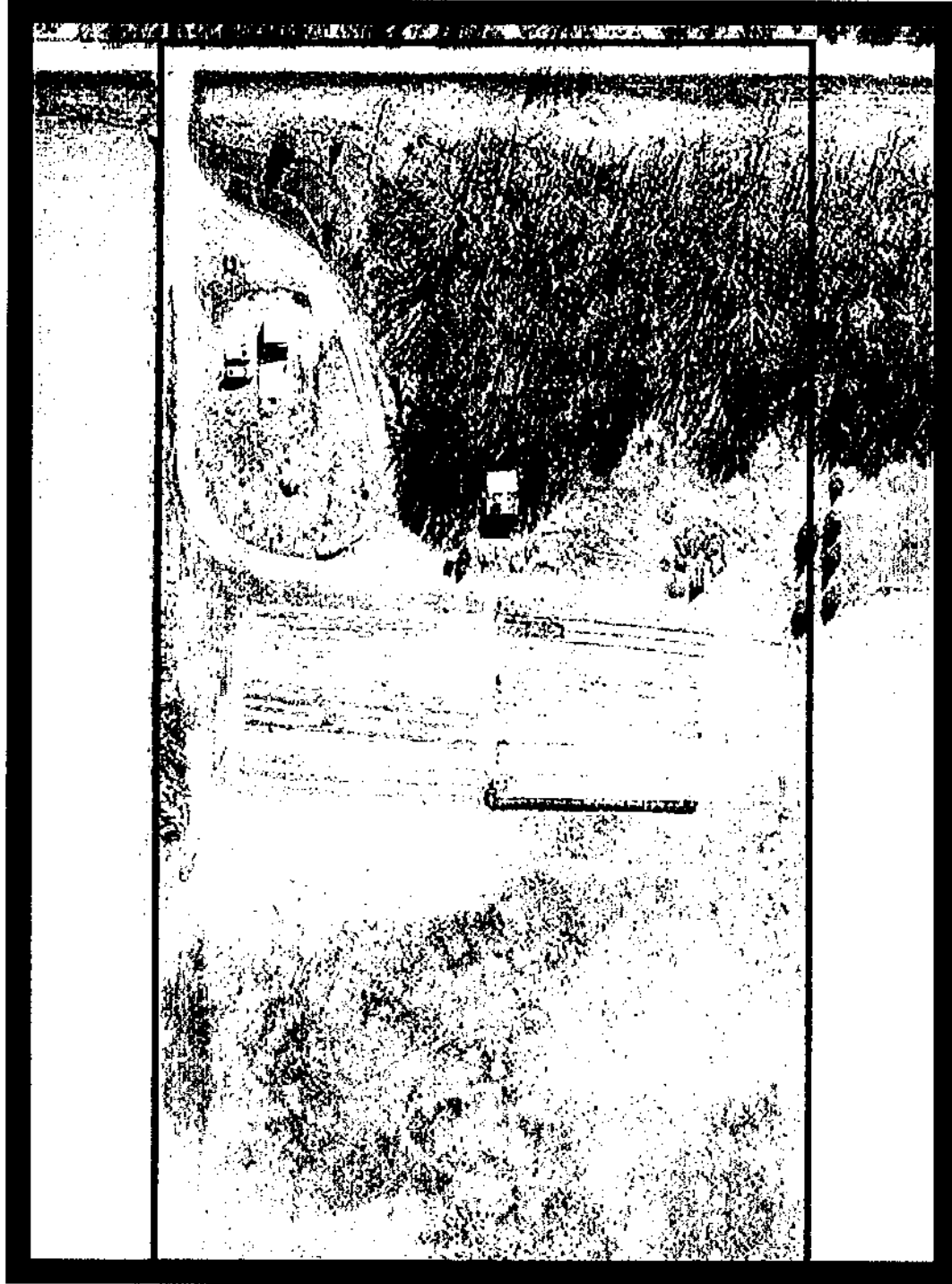
operates

Hemloomista

Parcel Size: 5 acres

Zoned: Agricultural
(AG)

Location: West side
of Oriole Ave (CR
70) between 400th
and 410th Streets





RV Campsite



Tent Campsite

Parking - 5 spots

Porta Potty



Water



Carefaker Site

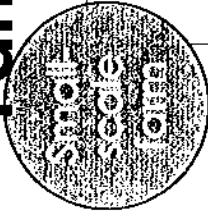
Site Plan

overflow parking

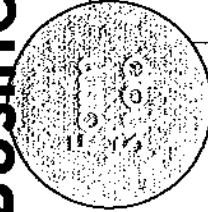


Rural Retail Tourism – Heirloomista

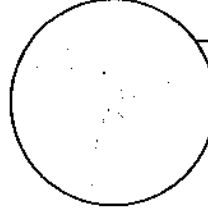
Farm Shop Business Plan



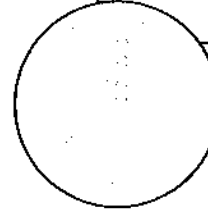
Vegetable farm
using traditional
farming practices



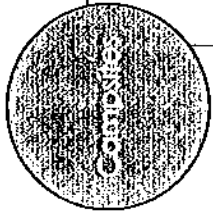
Sell fresh produce
Farmstead products • Honey • Soaps, candles • Seasonal gift sets
CUP necessary to allow future sale of other locally made items



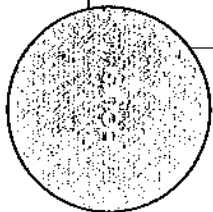
1 – 6 people
Each Tour 1 – 2 hours
Tours open during shop hours or by appointment
Inform on farming, sustainable farming methods and operating off-grid



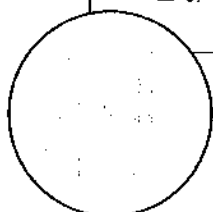
Up to 15 people
Beekeeping Making beehives Seed Saving Starting a garden
Held during Summer months June - August



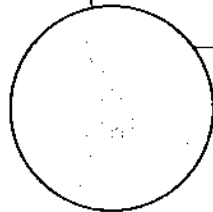
1 – RV site 1 – Tent site 1 –Caretaker/ Resident site	Applicant – serve as permanent resident campground caretaker
--	---



Offered year round for tents	Offered seasonally for RV's
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Porta-potty regularly serviced by Jimmy's Johnny's	Standalone well onsite	Camper water tank is filled with a hose
--	---------------------------	--



No sewer/water hookups would be offered – only self- contained units of 30 ft or less in length would be permitted	On-site well & porta potty available to campers	All campers required to pack out any trash/recycling, no trash service on site	No more than 4 people are allowed per camp site	Quiet hours 9 pm until 7 am
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Heirloomista Campground



Amador Township

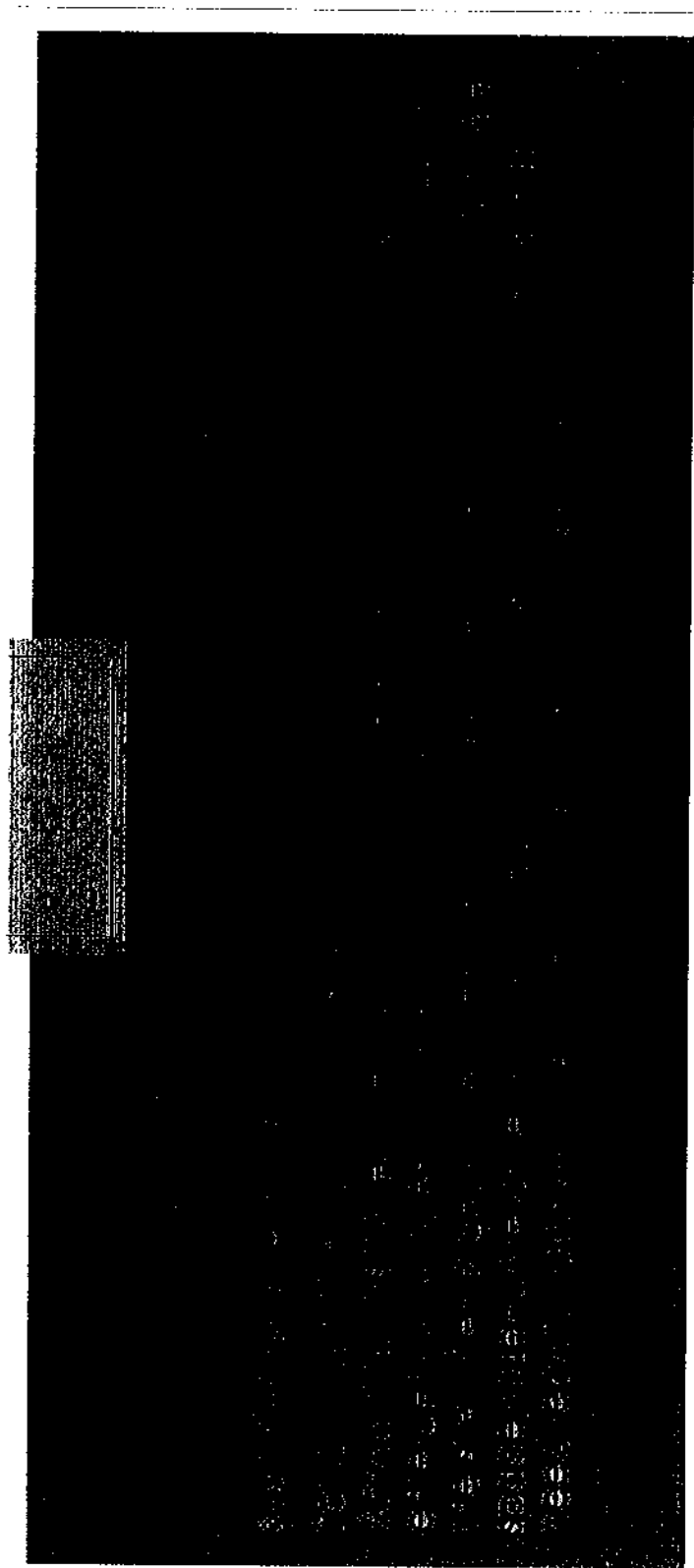
- September 21, 2021
- Denial due to concerns of neighbors
- Enforceability of conditions

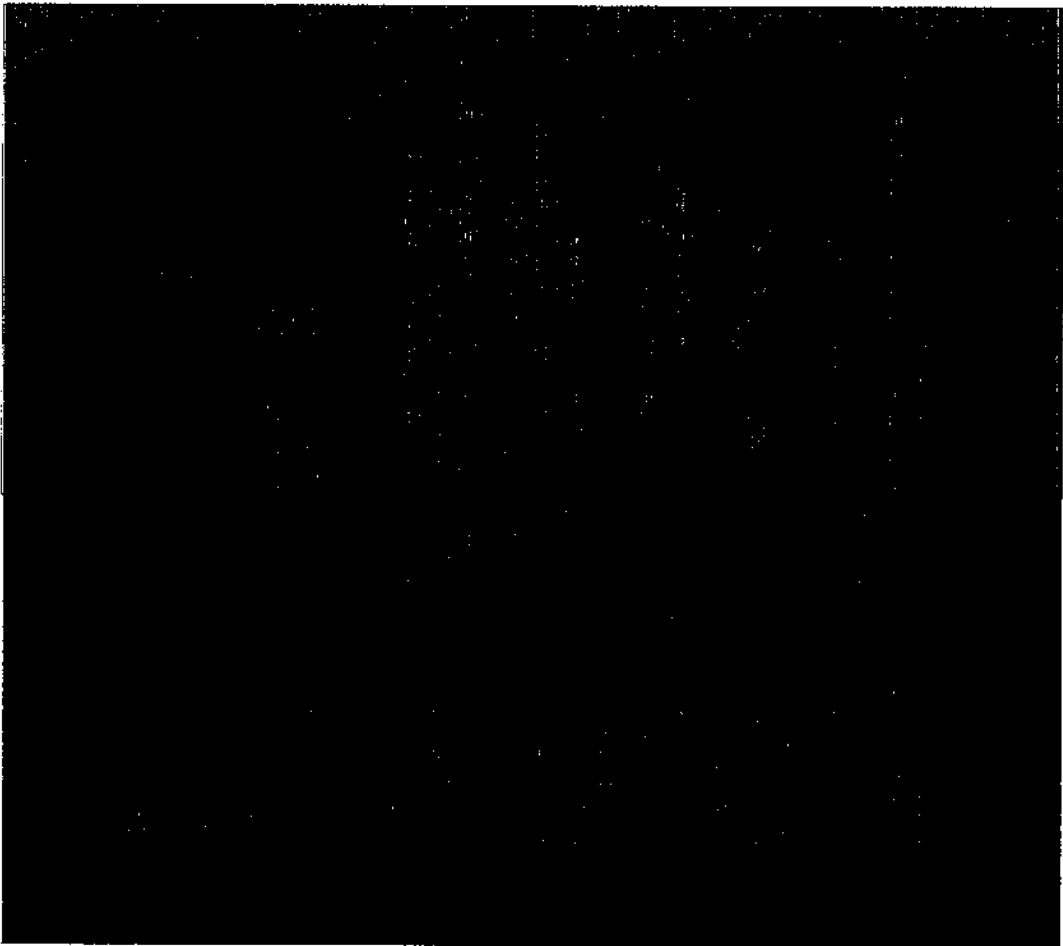
Technical Review

- September 8, 2021
- Consistent with Comprehensive Plan & Zoning regulations

60 – Day Deadline

- October 31, 2021





MOTION TO CONSIDER



1. This CUP shall allow for seasonal rural retail tourism to offer and host agricultural oriented educational and recreational classes, farm market, and associated activities and a three-site campground with the following elements:
 - Farm Stand and Market for sale of agricultural products, merchandise, and goods
 - Farm tours to take place on Saturdays, or by appointment for groups of 6 or less during daylight hours
 - Educational classes not to exceed 15 participants per class and ? classes per week. *(Commission may wish to clarify/discuss participant and class frequency)*
 - Mandatory on-site caretaker campground campsite occupancy and management of the two (2) designated camp sites (RV site and Tent Site).
2. Seasonal farm stand hours of operation shall be conducted on Saturdays from May through December with ? additional weekday(s) to be specified by applicant/commission from 9 AM to 6 PM.
3. Camping may occur year-round for the single tent campsite and seasonally (Spring – Fall) for the RV camp site provided caretaker is in full time residence for the duration of all camping activities. Camping may occur with the following restrictions/conditions:
 1. Campsite quiet hours shall be designated from 9 pm to 7 am with no sustained audible noise or camper activities heard beyond the designated property boundaries during such times.
 2. Solid waste shall be sufficiently contained, screened, and protected on-site so as to prevent nuisance conditions and shall be self-hauled/removed weekly.
 3. Porta potty waste pumping contract(s) and records shall be maintained documenting full-service year-round pumping and disposal of all effluent/waste.
4. The maximum attendance at any given time with camping, sales, tours, and workshops associated with the CUP shall be no more than 25? people. *(Note: Maximum number was not stated in application. Planning Commission may wish to modify based on discussion with Applicant. Noted in the application is max 4 people per campsite and 15 people per class with standard parking for 5 cars at the farm stand and overflow parking up to 12 cars.)*

5. All parking shall be accommodated on-site. Additional parking stall area to be designated to accommodate for at least 15 visitors attending workshops at any given time.
6. Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.
7. The Permittees shall provide documentation to the County Building Official for the construction of any buildings which will house the public for sales or workshops. All remodeling or retrofitting of the existing buildings shall be subject to relevant State Building Codes, permits, and inspection requirements.
8. Minnesota Building Code/ SSTS, and all other relevant MDH codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these required requirements are met. On-site porta potty may be replaced with compliant SSTS tank privy and/or approved effluent dumping station in accordance with State SSTS regulations and permitting. Pumping and SSTS service records shall be provided upon demand to demonstrate effluent disposal compliance.
9. The Applicants shall provide documentation of contractual porta-potty effluent pumping service agreements per State MDH and SSTS requirements. Outdoor restrooms shall be screened from Oriole Avenue with adequate plantings or fencing so as to not be visible from the road right-of-way.
10. 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. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.



Staff Report

TO: Chisago County Planning Commission

FROM: Patty Perreault, Office Manager

DATE: September 29, 2021

RE: Kelsey Zaavedra, Conditional Use Permit for Rural Retail Tourism Stand, Tours, Workshops, and small-scale Campground – 40422 Oriole Avenue; PID #01.00233.20

Action to Consider

The Applicant is requesting a Conditional Use Permit for Rural Retail Tourism to establish and operate a stand for the sale of agricultural products; offer small-scale land-based workshops, farm tours, as well as establish a two-site campground with a third caretaker resident campsite.

Property Background/Description

Kelsey Zaavedra is the sole owner of the property, and operates Heirloomista, a small-scale intensive vegetable farm that uses holistic and traditional farming practices. The Applicant resides on site in a camping trailer. There is a self-contained porta-potty on site which is regularly serviced by Jimmy's Johnny's. There is a standalone well, and the camper water tank is filled by hose. The Applicant plans to continue the residential and agricultural uses of the property. The farm stand is a permitted use on the property provided only goods originating on-site are offered for sale. In addition, the applicant is looking to expand the services to offer land based educational classes, tours, plus continue to grow the farm stand to allow for other locally grown or made items such as jams, pickles, eggs, and bread. Additionally, the applicant would like to offer overnight camping to guests with two camp sites (a tent site, and an RV site). The third camp site is identified as the applicant's caretaker resident campsite.

The subject parcel is 5 acres located on the west side of Oriole Avenue (Co Rd 70), equidistant from 400th and 410th Streets. The parcel is zoned AG, Agricultural. The area surrounding the subject parcel is also zoned AG with larger active agricultural uses, and some residential on tracts of land mainly 10 acres in size.

Site Plan/Proposal Analysis

The property is developed with an open farm-stand type structure and a couple of sheds as well as hoop houses use for agriculture production. The business proposal indicates that through the Farm Stand, customers can purchase fresh produce, pastured chicken, honey, and farmstead products, such as honey soaps, beeswax lip balms, candles, herb salts, and seasonal gift sets. These are produced by the applicant, made by hand in small batches, and meet Minnesota

Department of Agriculture standards. The intent of the applicant is to be permitted to include other locally sourced products in the future, allow farm tours, and host small scale workshop classes centered on sustainability and Ag practices of the property, which necessitates a CUP. Currently the Stand is open seasonally from 11 AM to 2 PM Saturdays, but additional days and/or hours may be added in the future and have not been specified by the applicant.

Farm Tours are proposed to consist of 1 to 6 people and last one to two hours. Tours are meant to share information on supporting farming, operating off-grid, and to educate others on sustainable farming methods. Tours could be held any day by appointment but are encouraged to be conducted on either side of Farm Stand hours (Saturday AM and PM hours). Small scale workshops/classes are proposed to be held with up to 15 people at a time to learn the agricultural related activities such as the basics of beekeeping, making hives, seed saving, and gardening.

Lastly, the applicant has/proposes two campsites and a third caretaker/resident site upon which the applicant resides. The two non-resident campsites are made available for people to experience the farm. Campsite rules proposed include:

- Primitive camping offered year-round to tenters and seasonally for RV parking.
- No sewer/water hookups would be offered, and only self-contained units of 30 feet or less in length would be permitted.
- The existing on-site well and self-contained porta potty on site would be available to campers. All campers would be required to pack out any trash/recycling when leaving as there is no trash service on site.
- No more than four campers are allowed per site
- Quiet hours are held after 9 P.M. until 7 A.M.
- The applicant would serve as the permanent resident campground caretaker, living on-site on the third dry (no installed sewer) campsite.

There is a small parking lot at the Farm Shop that accommodate 5 customer vehicles. Overflow parking is available for up to 7 additional for a total of 12 proposed parking spaces. Suitable terrain exists to support additional designated parking if required. The applicant has two personal vehicles which are parked elsewhere on the property during business hours. Access to/from the site utilizes a single County Rd. 70/Oriole Avenue entrance and a looping on-site driveway

The Technical Review Panel met on September 8th and discussed the potential impacts and/or any identifiable concerns of the proposal.

The County Sanitarian has confirmed that the use of porta potties has been allowed for agricultural sale stands and small tours when approved by the Department of Health. It was verified that none of the detached buildings have water hook-ups to provide indoor restrooms. Staff request in consideration of the CUP to require as a condition of approval that the Applicants provide documentation of ongoing contractual service and an updated site plan showing the location and minimum number of porta potties provided at the point of any new or adjusted service. Outdoor restrooms should not be visible from Oriole Avenue and a screening plan (i.e. plantings or fencing) is recommended to sufficiently screen all porta potties from road right-of-way if they are placed in a manner that does not utilize natural existing screen or

buildings to obstruct their view. Alternatively, the Commission may wish to discuss SSTS holding tank and/or vaulted toilet privy system installation as a consideration of the CUP.

Campground standards for toilets and lavatories are being investigated by staff to determine if showers or other sanitary facilities are required for such a small operation, noting that Mn Dept. of Health does not regulate campsites of less than 5 units. If required by MDH, staff recommends shower or other sanitary facilities be required as a consideration of the CUP.

Staff further identified concerns to address via permit condition(s) to maintain small scale and unobtrusive activity levels should be considered such as limiting the number of people/parking spaces allowed on-site; limiting the number of class attendees and class sessions per day/week; and further identifying class and other farm stand operational hour parameters. Draft permit conditions for are included regarding these additional staff considerations.

Documentation was not included as part of the CUP application for the Building Official to verify structural occupancy standards of the detached accessory building as proposed. Any general public occupancy of said buildings will require standard building code occupancy review and upgrade as determined by Code. Lastly as previously mentioned, some of the farm activities were occurring this past summer/fall and this application was initiated via recent code enforcement action.

Rural Retail Tourism Code Analysis

The Planning Commission as outlined in Zoning Ordinance Section 4.15 shall consider possible effects of the proposed land use based upon the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:

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 A 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 (gallons per day) 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.

Conditional Use Permit Analysis

The Planning Commission as outlined in Zoning Ordinance Section 8.04.C 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;*
2. *The use shall 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;*
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;*
4. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;*
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;*
6. *The 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;*
7. *The use shall not cause traffic hazard or congestion; and*
8. *Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness.*

Staff Analysis

Below are several questions that staff has prepared to assist in our analysis of the proposal:

1. Is the proposal consistent with the Comprehensive Plan and development policies of the County? *Yes. The Chisago County Comprehensive Plan has several references to the County's intention to continue to allow and be supportive of the establishment of agricultural education, recreational offerings, and rural retail tourism activities:*
 - *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 encourage and support agricultural businesses that contribute to economic activity, employment, and tax base of Chisago County (p 5-18)*
 - *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into Chisago County economy (p5-18)*

- *To continue to allow agricultural activities and related agri-businesses in the AG zoning district (p6-22)*
 - *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)*
2. Will the use create and excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area? *It is staff's belief that the proposal will not create excessive demand on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area. Traffic will increase relative to the Ag. Stand, classes, and campsite activity and the site maintains direct access to a paved/improved county road system suitable for traffic loads resulting from the proposed use.*
3. Will the use 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? *Yes. The activities on the site will be very low-level in impact. Smaller, low-key events and classes with fewer than 15 visitors/attendees are described for most activities. The character of the property will remain agricultural with the scale and types of activities requested and consistent with the neighboring properties and area. Staff notes the classes and activity on site will be outdoors or within the basic structures on-site. Attendees will park and travel by car to/from which will impact the County 70 Rd. system in a generally low impact manner.*
4. Is the use in the opinion of the County reasonably related to the overall land use goals of the County and to the existing land use, and consistent with the purposes of the Zoning Ordinance/Zoning District in which the applicant intends to locate the proposed use? *Yes. The Chisago County Zoning Ordinance allows livestock and agriculture as Permitted Uses in the Ag zone, and specifically provides for agricultural education and rural retail tourism uses as Conditional Uses in the Ag zone. The purpose as outlined in Zoning Ordinance Section 4.15 for Rural Retail Tourism are as follows:*
- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscape.;*
 - *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.*

5. Will the use cause traffic hazard or congestion? *The County Highway Engineer has reviewed the proposal and did not have concerns or objections to traffic levels, hazard or congestion with this application.*
6. Will existing nearby properties be adversely affected by intrusion of noise, glare or general unsightliness? *No. The proposal is generally agricultural in nature and featuring produce/animals predominantly raised on the property which is similar to surrounding land uses. Five parking stalls are proposed to service the farm stand with room for overflow up to twelve. The small scale of activities will be primarily controlled via the scope of the 1-6-person farm tours and maximum 15-person attendee Ag. related workshops outlined in the proposal.*

Campground Code Analysis *(staff comments in italics)*

The following Section of 7.21 addresses the Performance Standards as required for Recreational Camping Areas. Staff has provided comments in italics based on the information submitted that address the performance standard criteria -

7.21 Recreational Camping Areas

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 licensing requirement by the Department of Health is triggered as a Recreational Campground Area when there are five (5) or more campsites. The Applicant has indicated she will establish and maintain three campsites only, one of which is the occupied caretaker site. If additional campsites are established in the future an amendment to the CUP would be necessary and the license provision would be applicable for five or more.

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.

Each conditional use 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 application included information on the lot address, etc. and a site plan of the proposed campsite locations. Specific campsite sizes were not included in the narrative, but County Staff has reviewed each campsite pad and notes campsites are estimated to be from 10 ft. (max. 30 ft. RV/camper site) to 50 ft. (tent site) off the nearest property lines and the caretaker site is estimated 75 ft. from the nearest property line. Each campsite is gravel/lawn and constructed to accommodate one RV and one tent. The campsite pads are south and southeast of the Farm Stand. The designated porta potty is central to the property approximately 145 ft – 250 ft. from nearest boundary lines. It does appear the RV

camper site could be adjusted further than 10ft from boundary line if property line setbacks are of concern. The applicant has been planting trees for screening/shelter annually around the perimeter of the property and has obtained grants for plantings to provide windbreaks and prevent topsoil erosion. Each camper has holding tanks for water and sewage so no on-site disposal of sewage/effluent is proposed or to occur on the property. Garbage and waste removal are identified as self-hauled by campers and the applicant on/off the site.

- D. Camping Area Spacing Requirements.
Vehicle and structure spacing requirements shall be consistent with the Minnesota Rules.

Applicant understands compliance with this condition. Site inspection conducted by staff verified there is ample separation between campsites and parking areas.

- 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.

Applicant understands this. No external ground lighting is proposed as part of this application. The only lighting would be from lanterns or external lighting mounted to the recreational vehicles.

- 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.

See above. Applicant understands and agrees to these conditions.

- 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.

N/A No plumbing improvements are proposed.

- 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.

Applicant has indicated that all waste generated is removed from the site by the campers and taken home for disposal, i.e. self-hauled.

- 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 applicant is the property owner and designated caretaker whom will reside on the premises. The applicant has acknowledged/agrees to proper upkeep as a requirement at all times.

Conditional Use Permit Analysis

The Planning Commission as outlined in 8.04.C 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;*
2. *The use shall 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;*
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;*
4. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;*
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;*
6. *The 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;*
7. *The use shall not cause traffic hazard or congestion; and*
8. *Existing nearby properties shall not be adversely affected by intrusion of noise, glare or general unsightliness.*

In response to #2 & #7 above, Staff did not identify any likely increase in demand upon parks, schools, or utilities that would result from the proposed. There is minimal increase in traffic as it relates to the campground that staff has not identified as impactful to the County Rd. that serves the area. It is staff's opinion that the proposed would not create an excessive demand on streets or be a noticeable change in traffic to the area and would not rise to the level of hazard or congestion.

For #3 & #4, the property is screened by heavy forestation between the campsites and road, and as such, there will be minimal direct visible impact. The subject property boundary lines range

from 240 ft. to 500 ft. from immediately adjacent neighboring residences. The permanent sites and caretaker site will be significantly concealed from directly abutting tracts of land, and as such, should not constitute a visual deterrence to potential future development of the neighboring properties. The applicant notes that tree plantings have and will continue to occur on the parcel for many reasons including increased screening.

As previously mentioned for #8, there may be some additional ambient noise generated by campsites, but given a condition stipulating quiet time hours, County Staff anticipates such potential impacts are mitigated and excessive negative impact from this very small scale campground is minimized.

No glare or unsightliness is foreseen as proposed that would be impactful to nearby properties given the heavy woods surrounding the campground; the limited number of campsites; and the generally primitive nature of proposed sustainability, agricultural education, and minimalist site activities.

Staff Findings

The plan as proposed is consistent with the County's Comprehensive Development Plan which identifies offering recreation opportunities that encourage healthy lifestyles and provide clean, safe and accessible places for leisure time activities (pg. 4-6). Additionally, Recreational Camping Areas are a conditional use allowed in the AG zoning district and the proposed is determined to be a reasonable use within performance standards. Lastly, Section 4.15 of the Chisago County Zoning Ordinance specifically encourages the development of rural retail tourism and commercial recreation opportunities, with the following specific allowed uses such as farm or other historical heritage attractions, small scale, low impact special events, 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.

60-day Review

The application was deemed complete on September 1, 2021. The 60-day deadline will be October 31, 2021.

Township Recommendation

Amador Township Board reviewed at their meeting September 21, 2021 and has recommended denial due to concerns of neighbors and enforceability of conditions.

Staff Findings

The Conditional Use Permit request for agricultural sales and activities and rural retail tourism uses as proposed is consistent with the County's Comprehensive Plan goals and intentions. Following the review of the Technical Review Committee and Planning Staff, the requested Conditional Use Permit as described is determined to be in compliance with Zoning regulations and is noted as a particularly unique small scale Agricultural related proposal.

Upon close of the public hearing on this application, discussion should be held by the Planning Commission on the above observations (#1 through #6) as preliminary drafted by Staff, which items can be amended, deleted, or appended to, in order to serve as findings in favor of approval of the CUP. Barring any new or unknown evidence discovered after the completion of this report or during the course of the public hearing, staff has provided below the following affirmative recommended motion with conditions for your consideration:

Recommended Action to Consider

- Recommend **Approval** of a Conditional Use Permit for Rural Retail Tourism and small scale three (3) site campground as requested by Kelsey Zaavedra for the property located at 40422 Oriole Ave, PID01.00233.20, based on the narrative and site plan on record as provided by Applicant (or as modified at tonight's hearing) and based on the Findings of Fact as presented in Staff's report and the following conditions:
 1. *This CUP shall allow for seasonal rural retail tourism to offer and host agricultural oriented educational and recreational classes, farm market, and associated activities and a three-site campground with the following elements:*
 - *Farm Stand and Market for sale of agricultural products, merchandise, and goods*
 - *Farm tours to take place on Saturdays, or by appointment for groups of 6 or less during daylight hours*
 - *Educational classes not to exceed ____ participants per class and ____ classes per week. (Commission may wish to clarify/discuss participant and class frequency)*
 - *Mandatory on-site caretaker campground campsite occupancy and management of the two (2) designated camp sites (RV site and Tent Site).*
 2. *Seasonal farm stand hours of operation shall be conducted on Saturdays from May through December with ____ additional weekday(s) to be specified by applicant/commission from 9 AM to 6 PM.*
 - 3.
 4. *Camping may occur year-round for the single tent campsite and seasonally (Spring – Fall) for the RV camp site provided caretaker is in full time residence for the duration of all camping activities. Camping may occur with the following restrictions/conditions:*
 - *Campsite quiet hours shall be designated from 10 pm to 7 am with no sustained audible noise or camper activities heard beyond the designated property boundaries during such times.*
 - *Solid waste shall be sufficiently contained, screened, and protected on-site so as to prevent nuisance conditions and shall be self-hauled/removed weekly.*
 - *Porta potty waste pumping contract(s) and records shall be maintained documenting full-service year-round pumping and disposal of all effluent/waste.*

5. *The maximum attendance at any given time with camping, sales, tours, and workshops associated with the CUP shall be no more than 25 ___? people. (Note: Maximum number was not stated in application. Planning Commission may wish to modify based on discussion with Applicant. Noted in the application is max 4 people per campsite and 15 people per class with standard parking for 5 cars at the farm stand and overflow parking up to 12 cars.)*
6. *All parking shall be accommodated on-site. Additional parking stall area to be designated to accommodate for at least 15 visitors attending workshops at any given time.*
7. *Signage shall be in accordance with Section 4.14 of the Zoning Ordinance.*
8. *The Permittees shall provide documentation to the County Building Official for the construction of any buildings which will house the public for sales or workshops. All remodeling or retrofitting of the existing buildings shall be subject to relevant State Building Codes, permits, and inspection requirements.*
9. *Minnesota Building Code/ SSTS, and all other relevant MDH codes shall be applicable to the project, all permits and Certificates of Occupancy and Compliance shall be obtained prior to occupancy, and CUP approval shall be considered provisional until such time as these requirements are met. On-site porta potty may be replaced with compliant SSTS tank privy and/or approved effluent dumping station in accordance with State SSTS regulations and permitting. Pumping and SSTS service records shall be provided upon demand to demonstrate effluent disposal compliance.*
10. *The Applicants shall provide documentation of contractual porta-potty effluent pumping service agreements per State MDH and SSTS requirements. Outdoor restrooms shall be screened from Oriole Avenue with adequate plantings or fencing so as to not be visible from the road right-of-way.*

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. 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.

Alternate Options

- **Move to Table Action** and extend the initial 60-day period for required action on this Conditional Use Permit application for up to an additional 30 days, so to allow for further review of the record and to make a decision on this application, as allowed under Minnesota State Statute 15.99 Subd. 3(f)."

- Recommend **Denial** of the Conditional Use Permit for Kelsey Zaavedra for the property located at 40422 Oriole Ave, PID01.00233.20 request based on the Findings of Fact or other contributing factors deemed appropriate *(insert findings)*

1)

CC: Kelsey Zaavedra, Applicant
County File

Permit #

21-1299

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee 46.00

Base Fee 525.00

~~Wetland or Septic Fees~~ _____

Plat Compliance Fee _____

TOTAL FEE 571.00

Street Location 40422 ORIOLE AVE Tax Parcel # 01.00233.20

Legal Description _____ E-Mail Address: ~~KELSEY LOVE~~

Owner: KELSEY LOVE ZAVERA Day Phone ~~(651) 410-1110~~

Address 40422 ORIOLE AVE, NORTH BRANCH, SS056

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

Address S11, T 35, R 20

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☒
(or amendment to CUP)

Ordinance Amendment ☐

Interim Use Permit ☐
(or amendment to IUP)

Rezoning ☐

Applicable section of ordinance: 5.06 C 5 ; 24

Description of request: TO HAVE A SMALL SCALE CAMPGROUND

AND HAVE A RURAL RETAIL TOURISM SHOP.

If Variance Application, Brief

Description of Practical

Difficulty _____

[Signature] 9.1.21
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.

[Signature] 9-1-21

Date Received at
Front Counter

10/31/21

60 - Day Review

Date of Public
Hearing:

10-7-21

TOWNSHIP PRESENTATION FORM

Street Location 40422 ORIOLE AVE

Legal Description _____

Owner Name KELSEY LOVE ZAVALERA

Day Phone: [REDACTED]

Address: 40422 ORIOLE AVE

Applicant : _____
(if other than owner)

Day Phone: () _____

Address: _____

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☒
(or amendment to CUP)

Rezoning ☐

Interim Use Permit ☐

Ordinance Amendment ☐

Description of Request: TO HAVE A SMALL CAMP GROUND WITH A RURAL RETAIL SHOP.

Date of County Public Hearing: THURS 10-7-21

Date of Township Presentation: Tues 9-21-21

TOWNSHIP ACTION TAKEN

Approved ☐

Denied ☒

Reasons and Conditions: LACK OF COUNTY SUPPORT FOR ENFORCING MAJOR CONCERNS OF NEIGHBORS CUP CONDITIONS -

Signature of Township Officers:

[Signature]
[Signature]
Gene Rize

→ OTHER CUP'S ARE NOT IN COMPLIANCE - WHAT IS DIFFERENT ABOUT THIS ONE -

[Signature]

Signature of Applicant

9.7.21
Date

My name is Kelsey Zaavedra and I am the sole owner and operator of Heirloomista. Heirloomista is a small-scale intensive vegetable farm that uses deeply holistic and traditional farming practices. The farm's mission is to heal the earth through agriculture and inspire people to engage with this planet in a meaningful way. Although not everyone likes this type of work and many people have left the field for offices, there is still a strong desire to maintain a rural lifestyle in the remaining agricultural communities.

Land is less accessible with the onset of development. As the times change with many people leaving the farm, the face of farming is also changing. More young farmers are looking to start various enterprises and make a living from the land. In order to do this, it is critical to diversify. By offering various platforms for people to participate in supporting these small farms to succeed, I have chosen to reach people by selling fresh produce in the farm shop, making value-added farmstead products, offering tours, overnight camping and small educational workshops.

Farm Shop:

Customers can purchase fresh produce, pastured chicken, honey, and farmstead products. The produce varies throughout the season but is grown right here on the farm. As a way to diversify income and reach more people, I make valued-added farmstead products from things grown on the farm: Honey soaps, beeswax lip balms, candles, herb salts and seasonal gift sets. These are all made in small batches by hand and by MDA standards. As trends change and demand grows, I am able to use the fruits, herbs, vegetables and flowers to integrate into farmstead products. I would also like to sell other locally made and grown items in the shop like jams, pickles, eggs and bread.

Tours:

There is a growing demand and curiosity for many people who are interested in farming or change the current methods they are used to. I think this is critical to share with people in order to educate people on the importance of keeping farmland in use. The way that I farm and how I operate off-grid is very interesting to many people so the best way to share that is by offering tours. Tours generally consist of 1-6 people and last 1-2 hours. Tours are encouraged on days the shop is open but also available by appointment.

Camping:

Camping offers a safe and familiar way for people to experience the farm and has proven to be popular. I'd like to have two campsites on the farm: One for RV parking; and the other for tent camping. Camping would be offered year round for tent campers and seasonally for RVs. There are no hook ups offered for RVs, as customers are required to be self-sufficient and self-contained. RVs are limited to 30 feet in length. All campers are responsible for their trash and recycling and must pack out when they leave. No more than 4 adults are allowed per campsite. I do not tolerate loud noise after dark. Most campers are looking for a quiet and peaceful stay under the stars so I do not anticipate having noise issues. If so, they will be asked to be respectful of the surrounding area. If they do not comply then they will be asked to leave. I will be the campground caretaker, as required.

Educational classes:

As an additional platform of connecting people with the outdoors, I offer land-based workshops. These workshops are in scale with the size of my farm and aren't usually more than 15 people. Some examples of the things I teach are: making beehives, beekeeping basics, seed saving, and how to start a garden. I'd like to continue offering these classes during the summer months

Business hours:

The farm shop has been open Saturdays from 11:00am-2:00 pm during the harvest season (May-December). As I grow, it's likely the hours will be extended or additional days be added in the week with similar hours. At this time I do not know if the additional day will be a weekday or Sunday, as it depends on what customer needs are.

Parking:

There is a small parking lot at the farm shop that can accommodate five vehicles. Overflow parking is available for up to seven spots. I have two vehicles and they are parked elsewhere on the property during business hours.

Traffic:

I don't anticipate more than 20 cars per day during business hours. Deliveries are minimal due to the fact that most things come from the farm. However, this is a working farm and I do have large shipments once or twice per year, like gravel, mulch or greenhouse parts.

Waste management:

I own a porta potty and have it serviced regularly by Jimmy's Johnnys based out of North Branch. All customers and campers are required to pack out their trash and recycling.

Water:

There is a well on site that customers and campers can use to wash or drink from.

Future growth opportunities:

Small, intimate farm to table dinners during the summer months.

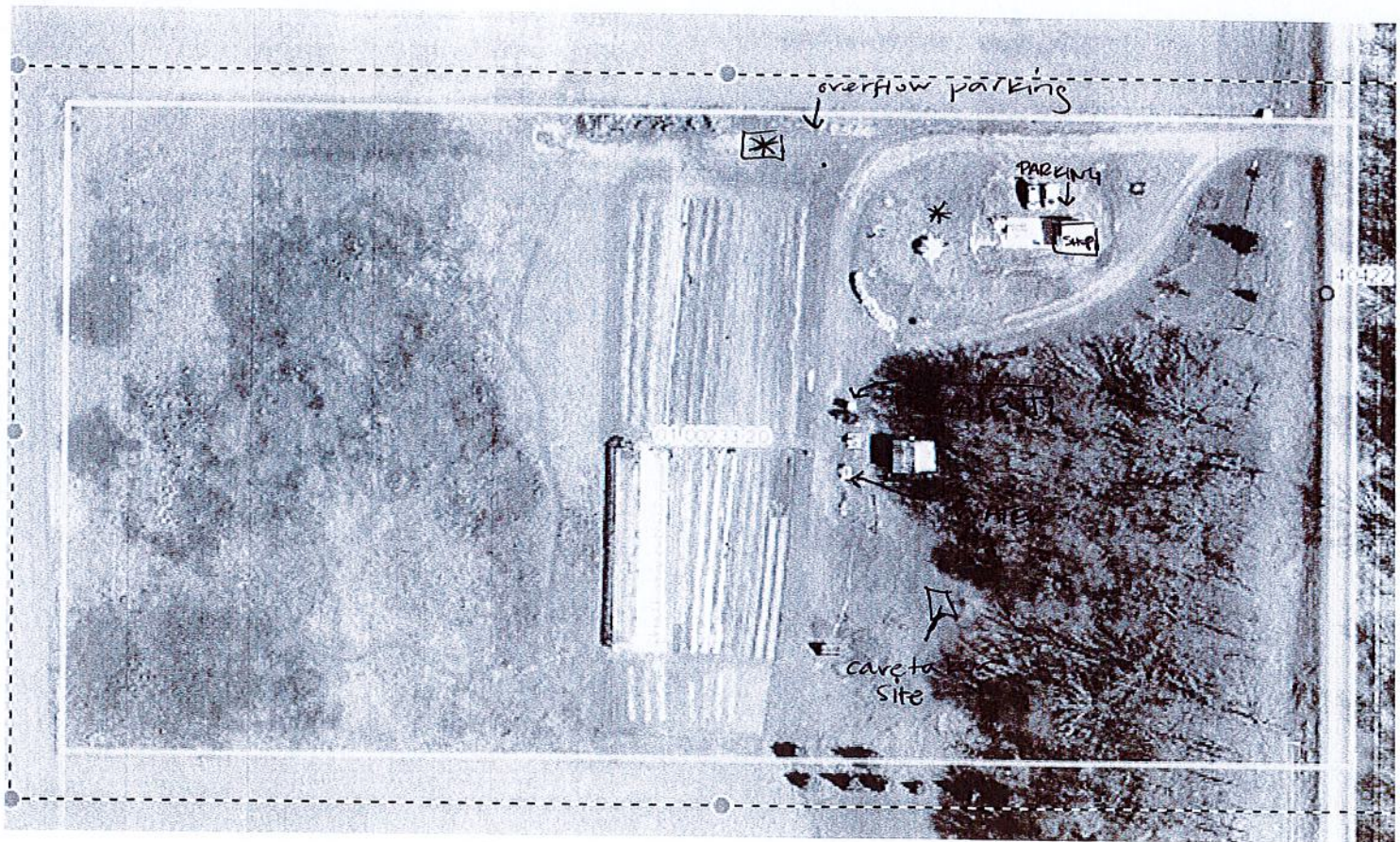
While my goal is to grow my business, it needs to be in scale with the size of my farm. Since this is a five-acre farm, I am not projecting high volume, rather small intimate groups and expanding on items included in my farm shop. Any increase in the line of products sold at the farm shop will be based on what the farm can provide or complementary to local food systems and not mass produced or purchased from large manufacturers.

☒ campsite for RV

PARKING - 5 spots

* campsite for tent

1. distance from campsite to bathroom
is about 50'



40422 ORIOLE AVE
MONTROSE, CO 81401

Kelsey Zaavedra – Aerial Photo

Property at 40422 Oriole Avenue, Amador Township; Sec. 11, T. 35, R. 20, (PID# 01.00233.20). Kelsey Zaavedra, owner of Heirloomista, is requesting a Conditional Use Permit to operate a small-scale recreational campground and operate/sell farmstead products as Rural Retail Tourism.

Zaavedra Property – 



Amador Township

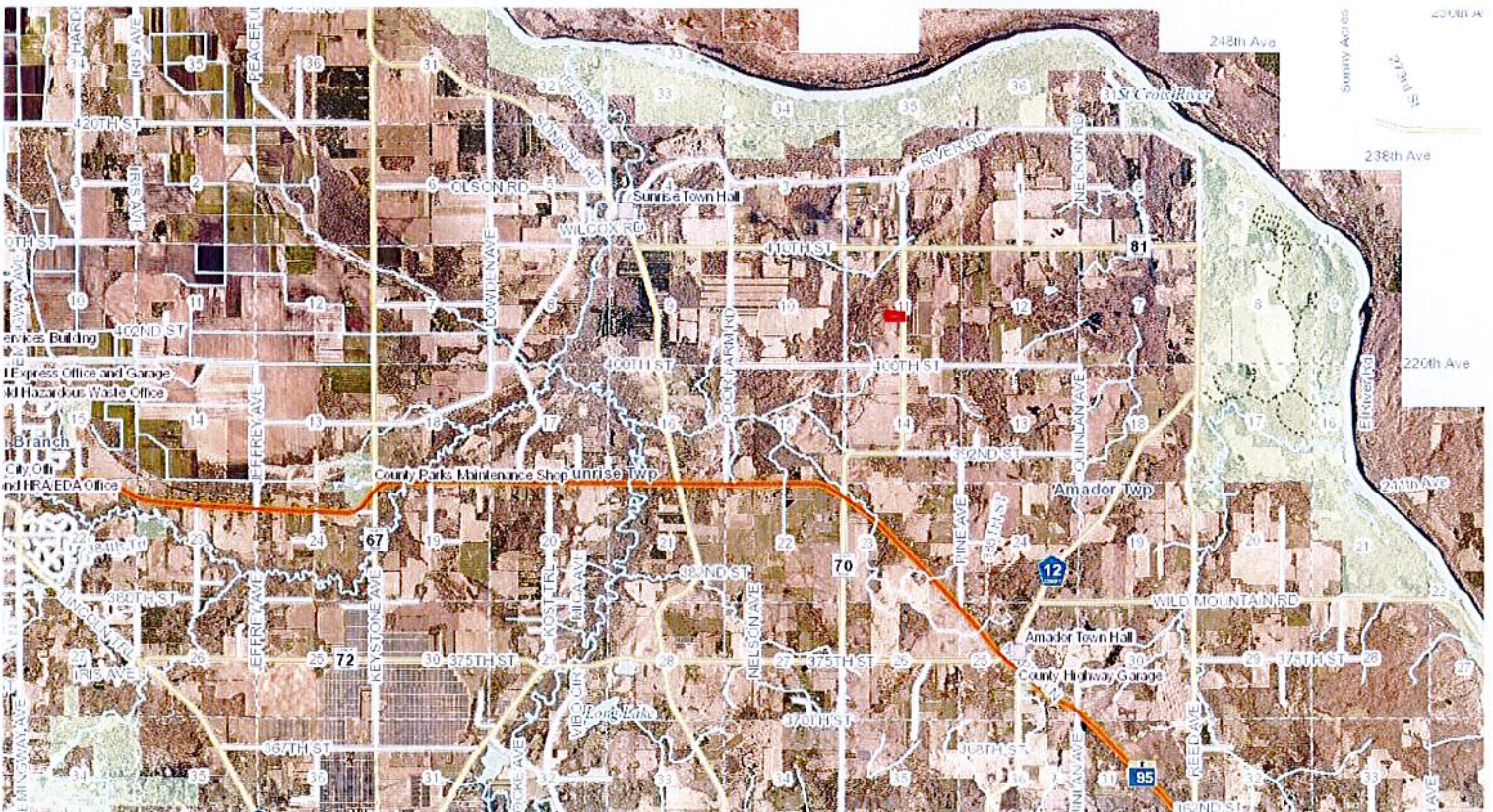
Sec. 11, T. 35, R. 20

PID # 01.00233.20



Property at 40422 Oriole Avenue, Amador Township; Sec. 11, T. 35, R. 20, PID# 01.00233.20). Kelsey Zaavedra, owner of Heirloomista, is requesting a Conditional Use Permit to operate a small-scale recreational campground and operate/sell farmstead products as Rural Retail Tourism.

PID # 01.00233.20



Chisago County Request for Board Action

Meeting Date: October 20, 2021	Item Number: 11
Title of Item for Consideration: Report and Recommendations from the October 12, 2021 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 October 12th Budget and Finance Meeting. Of note are the following, items, along with any recommended Board actions: <u>2022 Capital Improvement Plan – Public Works Equipment Purchases:</u> The B/F Committee received information regarding the 2022 Public Works equipment purchases. County Engineer Joe Triplett presented the quotes received for the 2022 equipment requests for the Public Works Department. • Tandem Snow Plow Truck: \$260,000, quote = \$269,504.00 • Vactron: \$136,000, quote = \$135,683.64 • Water Tank Inserts (x2): \$45,000, quote = \$58,690.00 • Skidsteer: \$75,000, quote = \$73,260.00 • Fecon Head: \$35,000, quote = \$40,991.00 • 938 Aggregate Hauler Loader: \$122,460, quote = \$122,460.00 • Lowboy Trailer: \$40,000, quote = \$38,118.04 • Skidsteer Trailer: \$15,000, quote = \$19,776.20 • 1-ton Tipper Truck: \$70,000, quote = \$76,563.00 <u>Roof Repairs for County Facilities:</u> Enterprise Services Director Jon Eckel presented roof repair quotes from Kuehn Roof Systems. The B/F Committee approved the following amounts: • Rush City Library - \$2,850.00, North Branch Area Library - \$906.00, Chisago Lakes Area Library - \$2,048.00, Wyoming Area Library - \$1,060.00, Harris Shop - \$549.00, Almelund Shop - \$620.00, Chisago County Public Works (Center City) - \$1,442.00, CCSO District Office (Harris) - \$359.00, Household Hazardous Waste Building - \$359.00, Emergency Communications Center - \$453.00, Chisago County Government Center - \$1,390.00 <u>2020 Audit:</u> The State of Minnesota Auditor's office has completed the 2020 Chisago County audit and the audit opinion was presented to the Budget and Finance Committee. The County was found to have NO material deficiencies. The results of the 2020 audit, will lead the SOS to audit Chisago County as a 'low risk' audit. <u>GO 2012B and GO 2010B Bond Refunding:</u> The 2012B and the 2010B bonds can be	

refunded/refinanced for interest cost savings of approximately \$700,000 over the course of the remaining bond payments. The \$700,000 in savings includes the amount of fees and costs of Baker Tilly. The Series 2012B bonds have \$10,245,000 outstanding (final maturity 2/1/2032) and the Series 2010B bonds have \$2,145,000 outstanding (final maturity 2/1/2026). If approved, the Board will finalize the refinancing plan at the November 3, 2021 meeting.

Harris Road Turn Back: County Engineer Joe Triplett and Commissioner Robinson presented to the Committee a road turn back proposal request from the City of Harris for \$150,000 for the turn back of the 'Shooting Range' road in Harris. The Committee discussed and recommended referring the matter to County Attorney Reiter to create an agreement with the City of Harris to turn back the road with a cost to the County up to \$150,000.

These are preliminary discussions, and nothing has been decided.

Action Requested/Recommended: It is respectfully requested that the Chisago County Board accept the October 12th 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 October 12th Budget and Finance Report, approve County Engineer Joe Triplett to order all the equipment listed on the DRAFT 2022 CIP Plan, approve all the individual roof repairs requested by Enterprise Service Director Jon Eckel, accept and acknowledge the 2020 County Audit, approve refunding the 2012B and 2010B Bonds and recommend the creation of the turn back road agreement with a cost of up to \$150,000 from the County for the project."

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

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

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

Administrator's Recommendation

Approve 

Deny _____

Other _____

Motion By:

Seconded by:

To:

Action on Motion:

Aye _____

Nay _____

Abstain _____

Chisago County Request for Board Action

Meeting Date: October 20, 2021	Item Number: 12
Title of Item for Consideration: 2022 Law Enforcement Services Contracts for the Cities of Taylor's Falls, Shafer, Center City, Stacy, Harris and Rush City	
Action Requested by: Sheriff Brandon Thyen	Department: Sheriff's Office
Previous Action on this Matter: Law Enforcement Services contracts for Cities of Taylor's Falls, Shafer, Center City, Stacy, Harris and Rush City expire at end of 2021. These are the new agreements for 2022. The Board has routinely reviewed and approved these contracts in the past.	
Background: The Sheriff's Office provides law enforcement services for the cities of Taylor's Falls, Shafer, Center City, Stacy, Harris and Rush City and currently has a one-year contract agreement to provide those services. The current contract ends December 31, 2021 and the Sheriff's Office and the cities are seeking a new one-year contract for 2022.	
Attachment(s): Agreements to Provide Law Enforcement Services to the cities of Taylor's Falls, Shafer, Center City, Stacy, Harris, and Rush City (<i>available with Clerk of the Board</i>)	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the agreements to provide Law Enforcement Services for the Cities of Taylor's Falls, Shafer, Center City, Stacy, Harris and Rush City. The suggested motion is as follows: <i>"Move to approve the agreements to provide Law Enforcement Services for the cities of Taylor's Falls, Shafer, Center City, Stacy, Harris and Rush City."</i>	
Implications of Action: Every year these agreements will need to be approved by the board due to the need to update contract details.	
Budget/Financial Implications: These agreements have already been factored into the 2022 budget.	
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 _____

Chisago County Request for Board Action

Meeting Date: October 20, 2020	Item Number: 13
Title of Item for Consideration: Minnesota Office of Traffic Safety Towards Zero Deaths Grant 2022	
Action Requested by: Sheriff Brandon Thyen	Department: Sheriff's Office
Previous Action on this Matter: Each fall for approximately the last 10 years.	
Background: 2022 Towards Zero Deaths (TZD) Enforcement grant. Funds to be used by Chisago County Law Enforcement to enforce laws on local roadways. The Minnesota Department of Public Safety (DPS) and The National Highway Traffic Safety Administration (NHTSA) are mandated to promote safety to those who use public roadways. The DPS and NHTSA seek to support traffic safety interventions that have been proven to reduce deaths and severe injury crashes caused by motor vehicle crashes. The DPS and NHTSA have awarded Chisago County the grant to assist with the enforcement and education portions of this mission. Chisago County has been awarded \$49,800.00 for 2022 enforcement. Attachment(s): 2022 Enforcement Budget and Grant Agreement signature page, and 2022 Budget Packet	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve accepting the 2022 Towards Zero Deaths Enforcement Grant. The suggested motion is as follows: <i>“Move to approve acceptance of the Minnesota Office of Traffic Safety 2022 Towards Zero Deaths Enforcement Grant.”</i>	
Implications of Action: Acceptance of this grant will assist in law enforcements involvement with keeping Chisago County roadways a safer place to travel. Budget/Financial Implications: This is an externally funded grant through the Minnesota Department of Public Safety (DPS) and The National Highway Traffic Safety Administration (NHTSA) that has awarded money to Chisago County specifically for traffic enforcement. Chisago County has been awarded \$49,800.00 for the 2022 enforcement grant. 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 _____

Chisago County Request for Board Action

Meeting Date: October 20, 2020	Item Number: 14
Title of Item for Consideration: Contract for Century College SLOT Continuing Education Program	
Action Requested by: Sheriff Brandon Thyen	Department: Sheriff's Office – Jail Division
Previous Action on this Matter: The County Board of Commissioners has previously approved annual contracts with Century College for the SLOT Continuing Education Program.	
Background: The Sheriff's Office has utilized this program for many years to provide additional training opportunities to Corrections, Patrol, and Dispatch staff.	
Attachment(s): Contract for Century College SLOT Continuing Education Program	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve a contract with Century College for continuing education classes, which will assist Corrections, Patrol, and Dispatch staff with meeting annual training requirements. The suggested motion is as follows: <i>“Move to approve the contract with Century College SLOT Program for the 20201-2022 education cycle, a contract with Century College for continuing education classes, which will assist Corrections, Patrol, and Dispatch staff with meeting annual training requirements .”</i>	
Implications of Action: A contract with Century College for continuing education classes will assist Corrections, Patrol, and Dispatch staff with meeting annual training requirements.	
Budget/Financial Implications: The cost of this contract has been accounted for in the current Sheriff's office/Jail Division operating budget.	
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 _____

Chisago County Request for Board Action

Meeting Date: October 20, 2020	Item Number: 15
Title of Item for Consideration: Health and Human Services Gas/ Gift Card Policies and Procedures	
Action Requested by: Robert Benson, Director	Department: Health and Human Services
Previous Action on this Matter: None.	
Background: The Chisago County Health and Human Services Department (CCHHSD) frequently issues gas cards, gift cards and bus tokens to assist residents based upon need. CCHHSD is required to adopt and administer a policy and procedure that identifies the processes for eligibility, request, approval, issuance and report and record keeping. There are specific procedures and policies in place that need to be followed so that their accountability and understanding on when staff should request and distribute. The policy and procedure offered for approval is a departmental policy applicable solely to the CCHHSD. Attachment(s): GAS/ GIFT CARD Policies and Procedure – HHS Policy	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the Chisago County Health and Human Services Department Policy on Gas and Gift Card Policy and Procedure. The following motion is suggested; <i>“Move to approve the Chisago County Gas/ Gift Card Policies and Procedures for the Health and Human Services Department.”</i>	
Implications of Action: Approval of this Policy & Procedures document will ensure that staff understand when and how to request and process gas cards or gift cards.	
Budget/Financial Implications: Adoption and Administration of the policy and procedure involves no expenditure.	
Legal/Policy Implications: The offered policy and procedure has received review and approval of the County Attorney’s Office. The offered policy and procedure are in compliance with all applicable state and federal regulations and County policies and procedures.	
Administrator’s Recommendation	
Approve	Deny _____
Other _____	
Motion By:	Seconded by:
To:	
Action on Motion:	Aye _____
	Nay _____
	Abstain _____

CHISAGO COUNTY HEALTH AND HUMAN SERVICES

Policy & Procedure Manual

Policy Statement

TITLE: Gift/Gas Cards

PURPOSE: This policy outlines the procedures used for application, processing and approval of gift/gas cards and bus tokens distributed to various client groups for approved needs relevant to their case plan. This policy applies to those gift/gas cards and bus tokens that the Chisago County Health and Human Services Department (CCHHSD) may purchase and distribute to various client groups as required or permitted by State of Minnesota program contracts or grant agreements to incentive participation in such programs. This policy also applies in those instances where CCHHSD has determined a need to distribute gift/gas cards or bus tokens as a matter of program and service delivery.

PERSONNEL RESPONSIBLE: Children/Adult Services Social Workers/Case Aides/Public Health

Adopted:

Effective:

Gas/ Gift Cards: Holiday, Walmart, Uber, Incentives

1. **PSOP Cards:** CCHHSD makes available these cards to families that qualify for the Parental Support Outreach Program to help meet the needs and requirements of their case plan. The cards can also be used for the family to access to services and supports to encourage healthy family functioning and/or mitigate child maltreatment concerns. The agency has Wal-Mart, and Holiday, cards available. These cards are only to be used for families open to a Parent Support Outreach workgroup.
2. **Bus Tokens:** Bus tokens are available to clients to assist with transportation. Requests for a bus token are submitted to CCHHSD Accounting.
3. **Gas/Gift Cards:** Each gift/gas card request must use the Chisago County Gas/Gift Card request form. Denominations of the cards available is on the form.
 - All gift/gas cards need the request form completely filled out with regards to client information, client's SSIS Person #, SSIS Workgroup # (if applicable), and type of card requested. Form must be approved by a supervisor.
 - For gas cards (and gift cards that already have on hand), once approved by a supervisor, Accounting will enter a service arrangement into SSIS.
 - For gift cards that are not on hand, once approved by the supervisor, then the social worker or case aide will enter a service arrangement into SSIS. The social worker or case aide will specify what items the gift cards are for on the service arrangement.

- All gift/gas cards will receive a Gift Card Client Verification slip that will need to be signed by the client when the client receives the gift/gas cards. These verification slips are to be returned to Accounting once signed. All gift cards need the request form completely filled out with regards to client information, client's SSIS Person #, SSIS Workgroup # (if applicable), store/location, and service code. All request forms require approval by a supervisor
- CCHSD will determine, process and issue gas/gift cards consistent with all relevant provisions of the program contract or grant agreement through which provides federal or state funding for such gas/gift cards, bus tokens or other incentives, including, but not limited to, determining incentives based on local needs; limiting the amount of gas/gift card, provide incentives to any person who is eligible under applicable federal or state guidance, and applying controls to ensure that federal funding is not combined to provide more than the per person limitation as provided by applicable contract or grant provision and e that the incentives are not double billed.
- CCHSD must gather monthly reports and will include effectiveness of incentive use. CCHSD will provide copies of the incentive distribution logs back to the source of any grants with an invoice and logs will be reconciled with incentives purchased/invoiced before final invoice is paid. CCHSD will not be reimbursed for any lost, stolen, or unaccounted for incentives. Documentation related to incentive use may need to be submitted, if needed, for audit or monitoring purposes.

Chisago County Request for Board Action

Meeting Date: October 20, 2021	Item Number: 16
Title of Item for Consideration: Out of State Travel Requests – National Adult Protective Services Conference (NAPSA) – San Diego, CA	
Action Requested by: Robert Benson, Director	Department: Health & Human Services
Previous Action on this Matter: None.	
Background: The National Adult Protective Services Association (NAPSA) is a national non-profit 501 (c) (3) organization with members in all fifty states. Formed in 1989, the goal of NAPSA is to provide Adult Protective Services (APS) programs a forum for sharing information, solving problems, and improving the quality of services for victims of elder and vulnerable adult mistreatment. The departure date will be November 7th, and the return date will be November 11th. Attachment(s): - Out of State Travel to CA for Amy Peterson - Out of State Travel to CA for Jolene Thorsen	
Action Requested/Recommended: It is respectfully requested that the Chisago County Board of Commissioners approve the Out-of-State Travel Requests for Amy Peterson and Jolene Thorsen to travel to California to attend the NAPSA conference. The suggested motion is as follows: <i>“Move to approve the Out-of-State Travel Requests for Amy Peterson and Jolene Thorsen to travel to California to attend the NAPSA conference in San Diego, CA from November 7th to November 11th.”</i>	
Implications of Action: By attending this conference it will create a cohesive network of research, practice and policy to meet the diverse needs to the ever-changing population of vulnerable adults. Budget/Financial Implications: Grant Funded. 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 _____

Chisago County Out-of-State Travel Request

Date Submitted	10/7/2021
Employee Name	Amy Peterson
Department	Health & Human Services
Destination	San Diego, CA
Purpose of Travel	National Adult Protection Conference
Departure Date	11/7/2021
Return Date	11/11/2021

Total Travel Expenses \$1,622.00

Supervisor Name (PRINT)

Jolene Thorsen

Supervisor's Signature

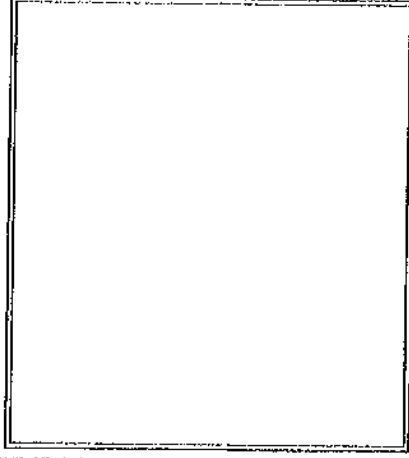
Jolene Thorsen

Date Approved

10/7/21

County Board Signature

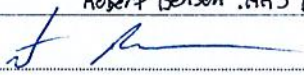
Date Approved



Anticipated Expenses

Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare		\$355.60		\$355.60
Ground Transportation		\$50.00	1	\$50.00
Conference/Registration Fees		\$575.00	1	\$575.00
Lodging		\$173.00	4	\$692.00
Meals			1	\$0.00
Mileage			1	\$0.00
Grand Total				\$1,672.60

Chisago County Out-of-State Travel Request

Date Submitted	10/7/2021		
Employee Name	Jolene Thorsen		
Department	Health and Human Services		
Destination	San Diego, California		
Purpose of Travel	National Adult Protection Conference		
Departure Date	11/7/2021		
Return Date	11/11/2021		
Total Travel Expenses	\$1,622.00		
Supervisor Name (PRINT)	Robert Benson, HHS Director		
Supervisor's Signature		Date Approved	10/8/2021
County Board Signature		Date Approved	

Anticipated Expenses				
Type of Expense	Description of Expense	Daily Expenses (Except Airfare)	# of Days	Total Expenses
Airfare		\$355.60		\$355.60
Ground Transportation		\$50.00	1	\$50.00
Conference/Registration Fees		\$575.00	1	\$575.00
Lodging		\$173.00	4	\$692.00
Meals			1	\$0.00
Mileage			1	\$0.00
Grand Total				\$1,672.60

Hometown Fiber Status Report

October 11, 2021

Project: Broadband Consulting
Project Status: In Progress

Scope of Work

Provide Broadband Consulting Services.

Notes

Hometown Fiber representatives met with the Chisago County Board of Commissioners October 6, 2021, and provided Commissioners with an overview of our work in the County. Part of that presentation included a conversation regarding County broadband goals, priorities and dreams. Due to time constraints, Commissioners were asked to provide that feedback via email. At this time, we have received feedback from one commissioner and also talked with Nancy Hoffman and Katie Malchow.

Status of Key Project Phases

Task	% Complete	Status	Deadline
Document broadband goals and priorities	50%	In Progress	October 19, 2021
Field Assessment of existing broadband	4%	In Progress	December 30, 2021
Correct, as needed, state and federal maps	0%	Not Started	January 15, 2022
Develop pre-engineering cost estimates	8%	In Progress	February 12, 2022
Help develop and score grant applications	25%	In Progress	January 21, 2022
The Broadband Consulting Report:	2%	In Progress	February 12, 2022

Needed from Chisago County

- Feedback from Commissioners or other County leaders regarding goals, priorities & dreams.

Upcoming Activities

Hometown Fiber will continue our field work in Chisago County. We will be driving through the County identifying and locating existing telecom infrastructure for GIS mapping.

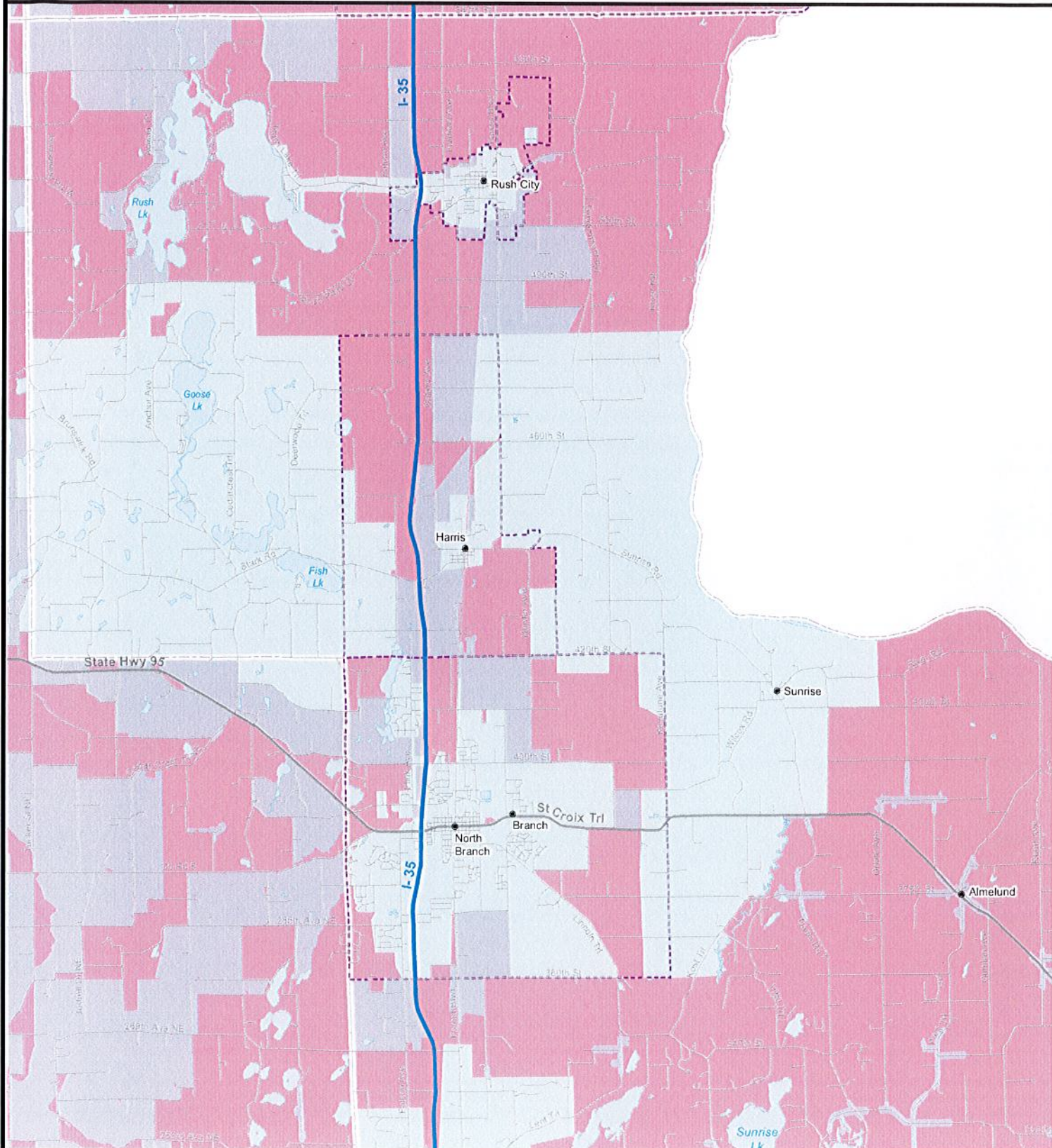
2021 Provider Broadband Service Inventory

Chisago County

Minnesota

Unserved, Underserved
and Served Broadband
Areas

Created April 1, 2021





Action Summary

OCTOBER 2022 ACTION HIGHLIGHTS

Hello MICA Board Members.

In lieu of our October MICA Board Meeting, here is a summary of recent state policy and budget activities as we follow both the potential for Fall Special Session, and prepare for the 2022 regular session.

State Budget Health – Revenue Collections Exceeding Forecast

In case you missed it (ICYMI), Minnesota Management and Budget issued the quarterly [Revenue and Economic Update](#) on Tuesday. The update reported that monthly revenue collections exceeded forecast for the first three months of FY2022 by \$657 million (12.4%). By tax type, Corporate Taxes showed the greatest positive variance – exceeding projections by \$361 million (90.5%), including both higher payments and lower refunds.

Summary of State General Fund Revenue Collections

(\$'s in millions)

	<u>FY 2021 Total</u>	<u>FY2021 \$ Difference</u>	<u>FY 2021 % Difference</u>	<u>FY2022 YTD \$ Difference</u>	<u>FY 2022 YTD % Difference</u>
Individual Income Tax	\$14,103.7	\$1,534.0	10.9%	\$ 155	5.1%
General Sales Tax	\$6,172.6	\$339.8	5.5%	\$ 132	9.7%
Corporate Franchise Tax	\$2,387.4	\$656.0	27.5%	\$ 361	90.5%
Other Revenues	\$3,904.6	\$140.5	3.6%	\$ 10	1.9%
Total Revenues	\$26,568.3	\$2,670.3	10.1%	\$657	

Analysis of FY2022 YTD variances for other tax types suggests some caution as analysts note that at least a portion of the excess individual income tax revenues are attributable to the timing of receipts and refunds, and not necessarily due to wage growth (higher incomes). Even with such caveats, however, the implication is that individual income tax revenues are positive, and corporate franchise and sales tax revenues are exceeding projections.

Additionally, the October Update reaffirmed that the FY2021 ended with actual revenue collections exceeding the projections by \$2.67 billion. Since FY2021 is now closed, those amounts are effectively 'money in the bank.' The reported higher collections are also over and above the actions taken during the 2021 regular and special legislative sessions. Also additionally, at least \$1.15 billion of the ARPA State Fiscal Recovery Funds (SFRF) remains unallocated.

Taken together—the \$2.67 billion positive variance for FY2021, the \$1.15 billion unallocated SFRF's, the year-to-date \$657 million for FY2022, and GDP projections—portend a healthy state budget surplus for the 2022 legislative session.

The revised economic projections from HIS Markit (reported by MMB) suggest that GDP growth will be slightly lower for 2021, but slightly higher than previously forecast for 2022 and 2023. The December state budget forecast will assess all these revenue collection and economic changes, along with revised expenditure projections. For example, to the extent health and social service programs may be experiencing higher costs due to the ongoing pandemic, those revised spending amounts may offset some revenue gains. Alternatively, and reduction in estimated state expenditures would further improve the state budget outlook.

Planning for 2022 Bonding – Even Years, Traditional Bonding Sessions

Even as a healthy state budget condition bodes well for a potential supplemental state budget bill in 2022, the focus of state spending will undoubtedly be on passage of a bonding bill, as it typically is during even-year sessions.

The current state budget forecast assumes debt service costs sufficient to pay for an \$880 million of new general obligations in each even-numbered year (*this baseline amount could be increased in future budget forecasts*). MICA anticipates urging a substantially larger bill in 2022 to ensure county bonding priorities can be achieved.

In July, MMB submitted [\\$5.5 billion in total preliminary bonding requests](#) for state agencies, higher education, and local governments. Undoubtedly, more local requests will be introduced during legislative session. Recent news reports highlight the [\\$1 billion ask put forward by the MnDOT Commissioner](#) for roads and bridges, including \$150 million for local roads and \$200 million for local bridges. Significant transportation funding this session will also be important to positioning funding state and local match requirements associated with federal infrastructure funds being considered by Congress.

Potential Special: Frontline Worker Pay, Agriculture Industry Drought Relief, Other

Recall that the 2021 legislature appropriated \$250 million of federal SFRF's for Frontline Worker Pay and created a nine-member working group to make recommendations by September 6, with the intent that agreed upon recommendations would then be passed during a special session of the legislature.

As the summer 2021 progressed, passage of a relief package for drought-stricken farm operations was added to the priority agenda. Also added to the mix has been the potential for the Senate Majority to take up (and vote down) confirmation of the Health Commissioner in a special session. Last week, Governor Walz met with legislative leaders and shared a letter (*see HHS for section below*) asking them to take actions related to managing the ongoing COVID pandemic, proposals that are opposed by Senate majority. Further, the Governor had previously stated he will not call a special session if the threat of cabinet non-confirmations is on the table. In any event, the Frontline Worker Pay differences between policymakers remain; a special session is quite unlikely if those differences cannot be resolved. In short, a Special Session seems unlikely at this time.

Work Underway on MICA's 2022 Platform Adjustments

All MICA staff groups are in the process of reviewing association platform priorities in light of the 2021 actions, remaining needs, and emerging issues. Team MICA anticipates bringing proposed revisions to the MICA Board for consideration beginning in November.

Bonding and Transportation Matters

With no special session on the horizon, there will most likely be no bonding bill until the 2022 legislative session (beginning January 30th, 2022). Both bonding committees have been touring the state this summer, which MICA has been participating in meetings in regard to projects important to our member counties, such as providing increased funding for local roads and bridges as well as the Local Road Wetland Replacement Program (LGRWRP). These tours are scheduled to continue to the end of calendar year 2021 with a focus on Greater Minnesota projects. Related to this, MICA staff are engaging with various advocacy partners to set strategic direction and work on advocacy of future MICA priorities.

The MICA County engineers are meeting monthly to update and discuss MICA's legislative priorities for the 2022 legislative session, with an estimated completion by December 2021.

Health & Human Services

Governor Walz urges Legislature to Take Immediate Action to Respond to Pandemic by reinstating certain waivers:

- *Addressing Hospital Capacity by temporarily reinstating bed moratorium waivers*
- *Addressing Nursing Home Capacity by continuing temporary waivers related to non-layaway bed requirements*
- *Reinstituting Mortuary Science Storage and Licensing waivers*
- *Allow for Nursing Home Transfer & Discharge by temporarily waiving resident notification timeframes*
- *Allow nursing homes to quickly expand bed options by temporarily reinstating the Nursing Home Non-Layaway Beds waiver*
- *Continue authorized CCAP Payments to Closed Child Care Providers when classroom needs to close due to COVID cases or exposure*
- *Provide Child Care providers with flexibility through temporary suspension of Staff Distribution Requirements*
- *Consider temporary waivers for medical professionals to address critical staffing needs*
- *Modifying requirements to maintain long-term services and supports by not requiring signatures for allowable remote assessments and case management visits*
- *Allowing flexibility for personal care assistance (PCA) service oversight by allowing qualified professionals to provide required in-person oversight via two-way interactive telecommunications*
- *Allow for verbal signatures on applications for assistance when county or tribal offices are closed or when there are concerns of COVID exposure or if there isn't access to internet*

\$300 million program to support childcare providers, improve childcare access for families:

- Minnesota childcare providers have begun applying for monthly direct payments to stabilize their businesses, as part of a \$300 million state grant program that will last through June 2023.
- Another key change starts in November, when the state will raise reimbursement rates for the Child Care Assistance Program.
- The program currently serves more than 30,000 children each month.
- Additional stimulus fund investments totaling \$55 million are estimated to reach 4,000 more children during the next three years.

KARE 11 Investigation: Competency Restoration:

Brandon Stahl; A.J. Lagoe; Steve Eckert

<https://www.kare11.com/article/news/investigations/kare-11-investigates-gap-cases-bus-murder/89-3837fd52-1cec-4f17-8021-1531f47bee69>

Minnesota legislators are calling for an investigation after a Twin Cities TV station's report about a man who did not receive court-mandated mental health treatment and was later charged in a fatal shooting. In February 2020, he was charged with second-degree murder in the [shooting of two people on a Metro Transit bus](#) near Parking Ramp A in the 100 block of N. 9th Street. One person was killed; the other victim survived.

A KARE 11 [investigation](#) found that the individual had never received court-mandated treatment after he was found mentally incompetent to stand trial after pointing a gun at a taxi driver in 2018.

This represents a "'gap" case – where mentally ill criminal defendants found incompetent to stand trial are released back into the community without the necessary mental health treatment and oversight to protect the public. There are calls for DHS to take responsibility and to make sure it is alerted when people are civilly committed. Legislators are also calling for the court system and the Sheriff's Office (Hennepin) to review what went wrong.

Minnesota health care workers sue over vaccine mandate; Federal suit says that forcing compliance violates laws and religious freedoms:

More than 180 health care workers spanning hospital systems across Minnesota are asking for an injunction to stop their employers from mandating that they be vaccinated from COVID-19, saying the directive violates religious freedoms and other state and federal laws. The lawsuit filed in U.S. District Court includes unnamed plaintiffs from hospitals and clinics across Minnesota and identifies nearly two dozen health care institutions as defendants, along with other federal health officials. Those being sued include some of the state's top health care facilities, such as Mayo Clinic, Fairview Health Services, University of Minnesota Physicians and Regions Hospital.

The lawsuit claims that employer mandates are forcing workers, including religious objectors and people who have recovered from the virus, to be vaccinated so that health care institutions can boost their vaccination numbers and get more money in federal subsidies. The lawsuit says the physicians, nurses, technologists and pharmacists behind the lawsuit filed the civil action under pseudonyms because of "pressure on getting vaccinated."

MnCHOICES launch timeline update: At long last, the MnCHOICES revision will now launch on November 15, 2021, rather than November 1, 2021, as previously targeted. This timeline allows DHS to:

- Complete additional user acceptance testing (UAT)
- Make additional improvements in the application to reduce the number of manual workarounds
- Address any defects identified through UAT
- Provide additional time for support planners to train and practice in the MnCHOICES Training Zone.

ASSORTED FYI'S

Assorted Work Groups

MICA staff and partners continue to participate in various interim study groups in preparation for potential legislative recommendations for 2022 related to:

- Funding and funding structure for community corrections and community supervision
- 911 telecommunicators potential certification requirements and enhanced pension benefits
- Growing local government costs due to increased duty disability claims (primarily related to increased PTSD claims)

PUC Considering Temporary PPA for Critical EAB Wood Waste Disposal Option

MICA counties in the Metro area and across southeastern Minnesota heavily rely on access to the St. Paul District Energy (St. Paul Co-generation Plant) for the disposal of wood waste. Continued access to Co-generation facility has become even more important as Emerald Ash Borer (EAB) has spread, and there are currently no other options capable of handling the massive quantities of wood waste generated by EAB. However, the facility's current power purchase agreement (PPA) with Xcel Energy is set to expire at the end of 2022.

While the 2021 legislature authorized a two-year extension of the PPA, it is still up to the PUC to approve the extended PPA and their approval is not assured. Last week, MICA and other partners (The Partnership for Waste to Energy or PWE) sent letters to the PUC encouraging regulators to acknowledge the significant societal benefits to extending the PPA, and to approve to PPA without any expectation of increased tipping fees for wood waste.

From DPS Driver and Vehicle Services

Communities throughout Minnesota were adversely affected when the Department of Public Safety Driver and Vehicle Services division (DPS-DVS) consolidated driver's license exam services during the pandemic into only 24 locations statewide. DPS-DVS is now seeking help in keeping communities informed as they reopen all exam stations by early 2022, including steps being taken to:

- Hire and train nearly 60 vacant driver's license examiners and office staff positions.
- Renew or negotiate leases in communities where an exam station closed.
- Working with local communities to encourage participation in the [third-party proctored knowledge test](#) program.

In particular, DPS-DVS is seeking assistance with promoting awareness of the third-party proctor's opportunity, such as in any media blogs, newsletters, or publications.

Impending OSHA ETS – Vaccines for Employers with 100 Employees or More

In early September, President Biden announced that he would ask the Department of Labor to issue an Emergency Temporary Standard (ETS) requiring vaccines in the workplace for employers with 100 employees or not. The details, implications of potential legal actions, and related issues cannot be fully anticipated until the rule is released and the MN Department of Labor responds to that rule; MN DLI has 30 days after issuance of the anticipated federal OSHA standard to determine whether it will apply as is in Minnesota, or if DLI will issue its own 'at least as effective' standard. Given the potential implications for counties, MICA hosted several information exchanges for member counties to understand and plan for such actions to the extent they apply to counties.

County Use of ARPA Funds

MICA efforts to facilitate exchange of information on eligible uses and county's planned uses for ARPA funds is/has been ongoing over the Summer and Fall.

QUICK FACTS

- November State Budget Forecast — Expected Early December 2021
- January 30, 2022 – 2022 Legislative Session Begins
- February State Budget Forecast — End of February
- May 23, 2022 — Last Possible Day for 2022 Regular Legislative Session