

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, April 19, 2023**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, April 19, 2023 at the Chisago County Government Center with the following Commissioners present: Greene, Dunne, Montzka, Dahlberg, Swenson. Also present: County Administrator Chase Burnham, County Attorney Janet Reiter, and Clerk of the Board Christina Vollrath.

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 **passed** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Dahlberg, the Board opened the Road and Bridge Committee of the Whole at 6:30 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

The Board was given updates on the current projects of the Public Works Department from County Engineer Joe Triplett. **No action was taken.**

On motion by Greene, seconded by Swenson, the Board moved items 1-3 to the consent agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Dahlberg, the Board moved to close the Road and Bridge Committee of the Whole at 6:43 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

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

- 1.) R&B Committee Recommendation – County Engineer’s Report
- 2.) R&B Committee Recommendation – Harris Shop Improvements Project
- 3.) R&B Committee Recommendation – CSAH 17 Extension EAW Findings of Fact

RESOLUTION 23/0419-1
CSAH 17 ENVIRONMENTAL ASSESSMENT WORKSHEET

WHEREAS, the County of Chisago is the Responsible Governmental Unit for environmental review of the County State Aid Highway (CSAH) 17 (Athens Trail) Easterly Extension Project; and

WHEREAS, preparation of an Environmental Assessment Worksheet (EAW) is mandatory pursuant to Minnesota Rules 4410.4300, subpart 22, item A, for projects that will construct a road on a new location over one mile in length that will function as a collector roadway, and Minnesota Rules 4410.4300, subpart 27, item B, for projects that will cause an impact to a total of one acre or more of wetlands; and

WHEREAS, the County undertook an environmental review process to determine if the CSAH 17 (Athens Trail) Easterly Extension Project has the potential for significant environmental effects and prepared an Environmental Assessment Worksheet (EAW) pursuant to state requirements; and

WHEREAS, the availability of the Environmental Assessment Worksheet (EAW) was officially noticed on December 27, 2022, in the EQB Monitor; and

WHEREAS, comments on the Environmental Assessment Worksheet (EAW) were received through January 26, 2023; and

WHEREAS, staff has reviewed all of the comments received during the comment period; and

WHEREAS, no federal or state or local agencies that submitted comments requested that an Environmental Impact Statement (EIS) be prepared for the CSAH 17 (Athens Trail) Easterly Extension Project.

NOW, THEREFORE, BE IT RESOLVED, That the Chisago County Board of Commissioners hereby makes the following specific findings of fact based upon the Environmental Assessment Worksheet (EAW):

1. Chisago County is proposing to extend CSAH 17 (Athens Trail) as a two-lane rural roadway from CSAH 30 (Forest Boulevard) on the west to CSAH 14 (Lincoln Road) on the east and construct single-lane roundabouts at the CSAH 17 (Athens Trail) intersections with CSAH 30 (Forest Boulevard) and CSAH 14 (Lincoln Road) in Lent Township.
2. The project falls within the mandatory Environmental Assessment Worksheet (EAW) category of Minnesota Rules 4410.4300, subpart 22, item A, for projects that will construct a road on a new location over one mile in length that will

function as a collector roadway, and Minnesota Rules 4410.4300, subpart 27, item B, for projects that will cause an impact to a total of one acre or more of wetlands.

3. The County of Chisago is the Responsible Governmental Unit (RGU) and the project proposer.
4. The Environmental Assessment Worksheet (EAW) was prepared using the form approved by the Minnesota Environmental Quality Board in accordance with Minnesota Rules Part 4410.1300.
5. The Environmental Assessment Worksheet (EAW) is incorporated by reference in the Findings of Fact and Conclusions.
6. The Environmental Assessment Worksheet (EAW) was published in the Environmental Quality Board (EQB) Monitor on December 27, 2022. A copy of the Environmental Assessment Worksheet (EAW) was sent to all persons on the EQB Distribution List. An electronic copy of the Environmental Assessment Worksheet (EAW) was also available for public viewing on the official website of Chisago County.
7. The 30-day public review and comment period opened on December 27, 2022 and ended on January 26, 2023. Two written comments were received from the following agencies: Minnesota Department of Natural Resources and Chisago County Department of Environmental Services. Eleven written comments were received from the public. Responses to comments are attached. No significant impacts have been identified; and

BE IT FURTHER RESOLVED, That the Chisago County Board of Commissioners hereby concludes that, based upon the information gathered during the environmental review process and all comments received, the project does not have the potential for significant environmental effects and an Environmental Impact Statement (EIS) is not needed for CSAH 17 (Athens Trail) Easterly Extension Project, as currently proposed; and

BE IT FURTHER RESOLVED, That the Chisago County Board of Commissioners hereby authorizes the distribution of a negative declaration on the need for an Environmental Impact Statement (EIS) to all parties included in the Environmental Assessment Worksheet (EAW) distribution list and to all persons that commented in writing during the 30-day review period.

- 4.) Minutes from the April 5, 2023 County Board Meeting – with Change
- 5.) Payment of County's Warrants and Miscellaneous Bills

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

6.) 2023 Tobacco License Renewals and Issuance

Presentation: Older Americans Act – Central MN Council on Aging
Lori Vrolson, Director

CITIZENS FORUM

TIME – 7:05 p.m. **END TIME** – 7:09 p.m.
of SPEAKERS - 1

Presentation: Chisago County Senior Center
Marge Scheele, Director

Environmental Services Director Kurt Schneider presented the Board with the Director's Report and action items. ***No action was taken.***

On motion by Dahlberg, seconded by Greene, the Board moved to approve Resolution 23/0419-2, a Resolution for the County Board of Commissioners of Chisago County, Minnesota, approving Johnson CSG 2, LLC Interim Use Permit Amendment at 37304 Oasis Road/CSAH 9, Sunrise Township, PID #09.00303.10 to allow modification of the tree variety prescribed in the landscape plans, with Findings and Conditions as recommended by the Planning Commission and/or as amended at tonight's meeting. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION 23/0419-2
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING AN AMENDMENT TO AN INTERIM USE PERMIT ALLOWING
A COMMERCIAL SOLAR ENERGY SYSTEM WITHIN 1,320 FEET OF AN EXISTING COMMERCIAL SOLAR PROJECT ON PROPERTY LOCATED AT 37304 OASIS ROAD / CSAH 9 IN SUNRISE TOWNSHIP

WHEREAS, Keith Johnson, property owner, and Johnson CSG 2, LLC, applicant, submitted an application dated received February 3, 2023 and considered complete on February 10, 2023 for an Amendment to an Interim Use Permit allowing the construction and operation of a one-megawatt community solar garden located within ¼ mile of an existing solar array on property located at 37304 Oasis Road / CSAH 9 in Sunrise Township; and

WHEREAS, the original Interim Use Permit was granted by the Chisago County Board of Commissioners on November 17, 2021 and the approval was filed by the Chisago County Recorder's Office as Document #655363; and

WHEREAS, the property owner and applicant wish to Amend the Interim Use Permit in order to modify the variety of tree required for screening purposes; and

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

WHEREAS, the subject site is legally described as:

PID 09.00303.10

That part of the Southeast Quarter of the Southwest Quarter of Section 28, Township 35 North, Range 20 West, Chisago County, Minnesota, lying Northerly of the South 1200 feet thereof

AND

That part of the West Half of the Southeast Quarter of said Section 28, lying Northerly of the South 1200 feet thereof and lying Westerly of Oasis Road (also known as County Highway 9)

AND

That part of the Northeast Quarter of the Southwest Quarter, lying Westerly of Oasis Road (also known as County Highway 9) and lying Southerly and Westerly of the following described line: Commencing at the Northwest corner of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 44 minutes 19 seconds East, assumed bearing along the North line of said Northeast Quarter of the Southwest Quarter, a distance of 766.04 feet to the point of beginning of the line to be described; thence South 1 degree 49 minutes 08 seconds West, 470.30 feet; thence South 89 degrees 44 minutes 19 seconds East to the center line of Oasis Road (also known as County Highway Number 9) and said line there terminating.

Chisago County, Minnesota

WHEREAS, notice was provided and on April 6, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Interim Use Permit Amendment with Findings of Fact and conditions per Resolution No. PC2023-0401; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its April 19, 2023 meeting and made the following findings per Zoning Ordinance Section 8.04-1 C:

Factor #1	The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;
Finding #1	<i>Chapter 7 of the Chisago County Comprehensive Plan states that the County has become a leader in the facilitation and use of solar energy in Minnesota. The County believes it is in the public interest to encourage the use and development of renewable energy systems, including solar energy systems, that have a positive impact on energy conservation with limited adverse impact on nearby properties. The Planning Commission finds that the proposed Commercial Solar Energy System is consistent with the Comprehensive Plan.</i>

Factor #2	The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
<i>Finding #2</i>	<i>Being that the proposed Commercial Solar Energy System will not increase population and will not generate traffic, the County finds that the use will not create any demand on existing parks, schools, streets or other public facilities.</i>
Factor #3	The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
<i>Finding #3</i>	<i>The proposed Commercial Solar Energy System meets the County's established setback requirements in relation to developed properties immediately west, south and northeast. Further, the proposed use will be screened by existing solar arrays to the west and south and will be screened from property to the east and northeast by landscaping. The County further finds that the proposed IUP Amendment will help ensure that the screening will be effective and long-lasting.</i>
Factor #4	The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
<i>Finding #4</i>	<i>The proposed Commercial Solar Energy System will be constructed in a similar manner as the existing solar arrays on the same property. There is no evidence to suggest that the appearance of the existing solar arrays has had an adverse effect upon adjacent properties; therefore, there's no evidence to suggest that the proposed use will have an adverse effect.</i>
Factor #5	The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
<i>Finding #5</i>	<i>The existing use of the subject site is Commercial Solar Energy Systems; therefore, the proposed use is related and consistent with the existing use. Further, Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems.</i>
Factor #6	The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
<i>Finding #6</i>	<i>Section 7.31 of the Chisago County Zoning Ordinance states that it's in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and the County supports the use of solar energy systems. Further, the Zoning Ordinance identifies Solar Energy Systems as an Interim Use in the Agricultural (AG) District.</i>
Factor #7	The proposed use will not cause traffic hazard or congestion; and
<i>Finding #7</i>	<i>The proposed Commercial Solar Energy System will not generate traffic, and will, therefore, not cause a traffic hazard or congestion on CSAH 9 or CSAH 11.</i>

- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8 *The proposed Commercial Solar Energy System will not create any noise, other than the acceptable noise created during the construction process, and will be consistent in every other manner with existing solar arrays within the County. The County finds that the proposed use will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

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

1. This Interim Use Permit (IUP) amends and supersedes the IUP granted by the Chisago County Board of Commissioners on November 17, 2021 (original IUP) granting approval to construct and operate a one-megawatt community solar garden located within a ¼ mile of an existing solar array at 37304 Oasis Road / CSAH 9 in Sunrise Township. The sole Amendment reflects a modification of the landscaping materials approved for screening purposes (condition no. 6).
2. The project shall be developed and the facility shall be operated in conformance with the proposal elements identified in the application, including the written narrative dated August 30, 2021 and site plan dated received September 29, 2021, except as specifically noted herein. Any deviation from the approved project shall require further review by the Planning Commission and approval by the County Board.
3. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
4. The permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed applicable by the Chisago County Department of Environmental Services. If applicable, the permittee shall obtain an NPDES Permit, and provide the Department of Environmental Services with the Storm Water Pollution Prevention Plan (SWPPP). Those erosion and sedimentation control measures determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.
5. Areas of bare ground underneath the panels and in surrounding areas shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.
6. The applicant shall submit a signed / certified landscape plan provided by a Minnesota-licensed landscape engineer or Minnesota-certified arborist verifying that the proposed landscaping will achieve the required height and opacity goals by the end of the third year of the project. The landscaping plan shall include a minimum of three staggered rows of six-foot coniferous trees – including Black Hills spruce, Meyer spruce, Norway spruce and Balsam fir varieties, but no pine varieties – spaced at 16-foot on center, located outside of the fenced perimeter. The plan shall be submitted for approval prior to building permit.
7. The applicant shall provide a financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals will be achieved by the end of the third year of the project. Financial surety shall be provided prior to building permit approval.

8. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
9. The permittee shall install security / perimeter fencing surrounding the facility. The fence shall be agricultural fencing, known as “deer fence” which is of woven wire composition. The fence shall be a minimum of 8’ in height and constructed with wooden posts.
10. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy and shall be confirmed by county inspection.
11. The permittee is responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
12. The project shall be decommissioned in accordance with the approved decommissioning plan. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.
13. The permittee shall provide a financial surety guaranteeing decommissioning in accordance with the plan. The surety shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer’s estimated decommissioning cost. The surety shall be provided at the time of building permit application and building permit approval shall be conditioned upon receipt and approval of said surety. The permittee shall also provide, at time of building permit application, a detailed estimate to support the estimated cost of decommissioning and corresponding financial surety amount.
14. At time of decommissioning the permittee shall recycle as much of the system’s materials as possible and limit disposal of said materials to the fullest extent possible.
15. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
16. The permittee shall install silt fencing around all delineated wetlands during construction, particularly where sedimentation due to construction is likely to occur.
17. The permittee shall locate and survey all delineated wetland areas.
18. The permittee shall follow the Minnesota DNR’s recommendations for avoiding and minimizing impacts to Blanding’s turtle.
19. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar energy system invertors away from existing residential structures located on adjacent properties.
20. Interconnection equipment shall be mounted at grade level whenever possible.
21. The permittee shall work with Xcel Energy to limit the use and quantity of above-ground utility poles to the fullest extent possible.

22. The Interim Use Permit shall be valid for up to 35 years from the date of County Board approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
23. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
-

On motion by Dahlberg, seconded by Dunne, the Board moved to approve Resolution No. 23/0419-3, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the preliminary plat of Zackary Meadows located south of Rush Point Dr. (CSAH 7) and east of Anchor Avenue in Nessel Township, (PID #06.00702.10). The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION 23/0419-3
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO
COUNTY, MINNESOTA, APPROVING THE PRELIMINARY PLAT OF
ZACKARY MEADOWS

WHEREAS, property owner Sunrise Homes, Inc. submitted an application dated received February 21, 2023 and considered complete on March 1, 2023 for the Preliminary Plat of Zackary Meadows; and

WHEREAS, the property owner desires to create three buildable parcels from the 33.91± acre subject site; and

WHEREAS, the subject site is generally located south of Rush Point Drive / CSAH 7 and east of Anchor Avenue in Nessel Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 06.00702.10

The Northwest Quarter of the Northwest Quarter of Section 34, Township 37, Range 22, Chisago County Minnesota EXCEPTING THEREFROM the following described parcel.

Beginning at the northwest corner of said Northwest Quarter of the Northwest Quarter; thence South 01 degrees 58 minutes 14 seconds West, assumed bearing along the west line of said Northwest Quarter of the Northwest Quarter, a distance of 444.79 feet; thence east and parallel to the north line of said Northwest Quarter of the Northwest Quarter, a distance of 573.72 feet; thence North 02 degrees 00 minutes 02 seconds East, a distance of 444.79 feet, more or less, to the north line of said Northwest Quarter of the Northwest Quarter; thence North 88 degrees 30 minutes 43 seconds West, along said north line, a distance of 573.95 feet to said point of beginning and there terminating.

AND ALSO EXCEPTING THEREFROM Parcel 60 of Chisago County Highway Right of Way Plat No. 40.

Subject to easements, restrictions, or reservations of record, if any.

WHEREAS, notice was provided and on April 6, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Preliminary Plat of Zackary Meadows with conditions per Resolution No. PC2023-0402; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its April 19, 2023 meeting and determined the Preliminary Plat of Zackary Meadows to be consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby approves the Preliminary Plat of Zackary Meadows, subject to the following conditions:

1. The Preliminary Plat of Zackary Meadows is approved per plat drawing dated signed January 19, 2023. Any significant deviation from the approved plat drawing, as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
 2. No access shall be granted from Rush Point Drive / CSAH 7.
 3. The existing State of Minnesota Reinvest in Minnesota perpetual conservation easement, recorded as Document No. 289866, shall be situated on no more than one lot and there shall be no modifications to the layout of the easement area.
 4. The property owner shall cause the preparation of a survey or otherwise accurately identify the existing State of Minnesota Reinvest in Minnesota perpetual conservation easement boundaries and properly mark, with SWCD approved signage, all corners and at least one sign between corners of the easement. The signs shall be installed at a height of no less than six (6') feet above ground level.
 5. The property owner shall coordinate with Chisago SWCD to transfer the existing State of Minnesota Reinvest in Minnesota perpetual conservation easement to Sunrise Homes, Inc. and, if and when Sunrise Homes, Inc. sells the lot which includes the easement, Sunrise Homes, Inc. shall again coordinate with Chisago SWCD to transfer the easement to the new landowner(s).
 6. The County shall verify soils / the soils report when ground conditions allow and verification must be completed prior to submission of request for Final Plat.
 7. The County shall verify the wetland delineation when ground conditions allow and verification must be completed prior to submission of request for Final Plat.
 8. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
 9. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.
-

On motion by Dahlberg, seconded by Dunne, the Board moved to approve

Resolution No. 23/0419-4, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Maxwell and Allison Kleven Interim Use Permit (IUP) to allow an accessory structure with sanitary facilities on their 13.26 acre property without the presence of a principal dwelling/single-family dwelling. The subject property is located at 43XXX Ferry Road, Sunrise Township, (PID #09.00035.10). The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION 23/0419-4
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY,
MINNESOTA, APPROVING AN INTERIM USE PERMIT ALLOWING AN
ACCESSORY STRUCTURE AND SANITARY FACILITIES WITHIN SAID
ACCESSORY STRUCTURE ON PROPERTY IDENTIFIED AS PID 09.00035.10 IN
SUNRISE TOWNSHIP

WHEREAS, property owners Maxwell Kleven and Allison Kleven submitted an application dated received and considered complete on February 28, 2023 for an Interim Use Permit allowing an accessory structure without the presence of a principal use structure and sanitary facilities within said accessory structure on property located at 41xxx Ferry Road in Sunrise Township; and

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

WHEREAS, the subject site is 13.26± acres in size and legally described as:

PID 09.00035.10

That part of the Northeast Quarter of the Northeast Quarter, Section 5, Township 35 North, Range 20 West, Chisago County, Minnesota, described as follows: Commencing at the northeast corner of said Section 5; thence 180 degrees 00 minutes 00 seconds, assumed azimuth from North, along the east line of said Section 5, a distance of 769.80 feet to the point of beginning; thence 272 degrees 29 minutes 00 seconds, 746.27 feet; thence southerly, to a point on the south line of said Northeast Quarter of the Northeast Quarter, distant 749.66 feet westerly of the southeast corner thereof; thence easterly, along said south line, a distance of 749.66 feet to said southeast corner; thence 0 degrees 00 minutes 00 seconds along the east line of said Section 5 to the point of beginning, Chisago County, Minnesota.

WHEREAS, notice was provided and on April 6, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicants, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Interim Use Permit with conditions per Resolution No. PC2023-0403; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its April 19, 2023 meeting and made the following findings per Zoning Ordinance Section 8.04-1, C.:

Factor #1	The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;
Finding #1	<i>The Chisago County Comprehensive Plan does not specifically address the proposed use; however, the Zoning Ordinance (development policy) allows the</i>

proposed use in the Agricultural (AG) District with issuance of an Interim Use Permit. Therefore, the County finds that the proposed use is consistent with the County's development policies.

- Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
- Finding #2 *Being that the proposed use is intended solely for residential purposes, the County finds that the proposed use will not create any demand on existing parks, schools, streets, or other public facilities or utilities which serve the subject site.*
- Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
- Finding #3 *Given the size of the subject site, the existing vegetation on and adjacent to the subject site, the size of adjacent properties and the fact that the structure will meet or exceed all required setbacks, the County finds that the subject site is sufficiently separated by distance and screening from adjacent development so as to neither cause undue negative impact nor deter future development.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4 *The Chisago County Zoning Ordinance does not identify any aesthetic requirements for accessory structures within the Agricultural (AG) District; therefore, the County finds that there is no evidence to suggest that the structure will have an appearance which will cause adverse effects upon adjacent properties.*
- Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
- Finding #5 *The Chisago County Zoning Ordinance allows accessory structures without the presence of a principal use structure in the Agricultural (AG) District and for sanitary facilities within such accessory structures with issuance of an Interim Use Permit; therefore, the County finds that the proposed use is in compliance with land use goals and regulations established by the County's official land use controls.*
- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6 *See Finding #5.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and
- Finding #7 *The proposed accessory structure is intended for personal use and storage in conjunction with residential development. The County finds that the accessory structure will create minimal traffic – consistent with traffic associated with a single family dwelling – and will not cause traffic hazard or congestion. Further, the road authority – being Sunrise Township – has not communicated any concerns related to traffic hazards or congestion.*

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

Finding #8 *The proposed use is consistent with accessory structures allowed in and located in the Agricultural (AG) District and will be sufficiently separated from neighboring properties by distance and vegetation; therefore, the County finds that the accessory structure and sanitary facilities contained within will not adversely impact nearby properties by intrusion of noise, glare or general unsightliness.*

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

1. This approval allows for a singular accessory structure for personal use and storage without the presence of a principal use structure, subject to the conditions below. The accessory structure shall be constructed in general accordance with the site plan dated received February 28, 2023 and kept on file with the Chisago County Department of Environmental Services. Any significant deviation from the approved site plan, as determined by the Department of Environmental Services, shall require further consideration by the Planning Commission and determination by the County Board of Commissioners.
 2. This approval allows for sanitary facilities (toilet and sink only) within the accessory structure. The sanitary facilities shall be connected to a lawful compliant septic tank and/or system.
 3. No overnight or residential living quarters / use shall be allowed in the accessory structure.
 4. Any change to the approved accessory structure involving enlargements, intensification or expansion of use, or change not specifically permitted by this Interim Use Permit, shall require an Interim Use Permit Amendment.
 5. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
 6. This Interim Use Permit shall expire at such time that the current or future property owner(s) construct a principal use structure.
 7. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
-

On motion by Dunne, seconded by Dahlberg, the Board moved to approve Resolution No. 23/0419-5, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving a Conditional Use Permit (CUP) for Rural Retail Tourism to operate a winery and gathering venue on property located at 32XXX Upland

Road in Shafer Township, Parcel # 08.00251.35. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION NO. 2023/0419-5

**A RESOLUTION OF THE OF THE BOARD OF COMMISSIONERS OF
CHISAGO COUNTY, MINNESOTA, APPROVING A CONDITIONAL USE
PERMIT ALLOWING RURAL RETAIL TOURISM ON PROPERTY LOCATED
AT 32XXX UPLAND ROAD IN SHAFER TOWNSHIP**

WHEREAS, Jim & Sher Investments LLC, property owner, and Jim Goodpaster & Sherry Timmermann Goodpaster, applicants, submitted an application dated received April 26, 2022 and considered complete on May 2, 2022 for a Conditional Use Permit allowing Rural Retail Tourism on property located at 32XXX Upland Road in Shafer Township; and

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

WHEREAS, the subject site is 5.66 acres in size and legally described as:

PID 08.00251.35

That part of the Southwest Quarter of the Southeast Quarter (SW ¼ of SE ¼) of Section 23, Township 34 North, Range 19 West, Chisago County, Minnesota, described as follows:

Commencing at the South Quarter Corner of said Section 23; thence N84°20'19"E along the south line of said Section 23, 917.97 feet to the center line of Upland Road; thence N26°45'14"W along said center line 425.74 feet to the point of beginning; thence N63°14'46"E 609.51 feet to the east line of said SW ¼ of the SE ¼; thence N03°25'16"W along said east line 403.41 feet; thence S60°00'00"W 770.52 feet to the center line of said Upland Road; thence S26°45'14"E along said center line 326.78 feet to the point of beginning.

SUBJECT TO Upland Road Right of Way.

*wife and husband

WHEREAS, notice was provided and on June 2, 2022 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Environmental Services Director, the applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the CUP with conditions per Resolution No. PC2022-0601; and

WHEREAS, at its meeting held on May 19, 2022, the County Board considered the application for the CUP and denied the application; and

WHEREAS, the applicants appealed the denial to the Minnesota Court of Appeals, which issued a decision that reversed the County Board's denial of the application and which further instructed the County Board to approve the application for the CUP with the conditions as recommended by the Planning Commission.

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

1. The property shall be developed and used in accordance with the site plans and written narrative dated received April 26, 2022. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. This CUP shall allow year-round use of the property for Rural Retail Tourism purposes (winery and gathering venue) subject to the following hours of operation: Wednesday – Saturday 12:00 pm – 8:00 pm.
3. Any toxic substances generated from the Rural Retail Tourism use (winery) must be handled in accordance with MPCA standards.
4. Noise generated from the Rural Retail Tourism use, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses, including the playing of music, shall be transmitted beyond the subject site's property boundaries.
5. There shall be no outdoor music. Music shall be indoors only.
6. The maximum number of customers / guests for all uses combined, including the winery and gathering venue, shall not exceed 105 at any given time.
7. Permittee shall accommodate all parking onsite and shall provide a minimum of 32 parking stalls as shown on the approved parking plan stamp dated received May 19, 2022.
8. Permittee shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles.
9. All food preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
10. All liquor service shall comply with all applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.
11. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14.
12. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
13. 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.
14. The property owner must notify the Chisago County Department of Environmental

Services annually that the activity permitted by the CUP is ongoing and the activities being conducted continue to adhere to the conditions of approval.

15. Jim & Sher Investments LLC shall be properly registered with the State of Minnesota to do business in the state of Minnesota.
16. Local fire chief inspection and approval of drive access suitability for emergency access purposes shall be obtained prior to opening to the public.
17. Landscape screening shall be included consisting of staggered rows of 4ft. to 6 ft. tall pine trees spaced at 20 ft. intervals along the North, South, and East property perimeter.

On motion by Swenson, seconded by Dunne, the Board moved to approve the Chisago County 2023 Hauler Recycle Yard Service Contract, for recycling pick-up services at the new recycle yard at the Household Hazardous Waste Facility in North Branch, subject to County Attorney review and approval as to form. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Dahlberg, the Board moved to authorize execution of contracts and approve and award to Pathfinder Trail Building, LLC construction of a Chisago County Mountain Bike Course package not to exceed \$175,000 and authorize staff to acquire the necessary permits and direct completion of the ARPA-0240 ENVIS Project completion with construction contracts drafted and approved as to form by the County Attorney's Office. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Swenson, the Board moved to authorize execution of contracts and approve and award the Structural Buildings, LLC \$155,391 quote for construction of a Municipal Building and authorize staff to acquire the necessary permits and carry out site demolition, preparation, and utility connection activities necessary to direct completion of the ARPA-0304 ENVIS Project at Ki Chi Saga County Park with construction contracts approved as to form by the County Attorneys Office. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

Presentation: 2022 Water Resources Programs and Annual Reports Presentation
Susanna Wilson Witkowski, Chisago County Water Resources Manager

On motion by Dunne, seconded by Swenson, the Board moved to accept the 2022 Water Resources Programs and Annual Reports Presentation. The motion **carried** as

follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to accept the April 12th Budget and Finance Report, moved to approve the 2024 Chisago County Budget and Levy Schedule, moved to authorize the use of approximately \$31,000 of the funds the County has set aside for election equipment in 2022 to purchase a Scan and Touchwriter for the new Chisago City precinct and an additional Scan for the other three precincts, moved to approve funding the Harris Shop project with \$1.35M of General Fund Dollars to complete and begin the project, moved to approve the re-allocation of \$145,0305 in ARPA 0180-ENVS dedicated funds to the ARPA 0304-ENVS, ARPA 0240-ENVS, and ARPA 0117-ENVS projects, and authorized to proceed with the use of County Recorders Dedicated Technology Fund balance in support of current estimated 3-year term Enterprise Permitting & Licensing software services. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Swenson, the Board moved to approve the CDC Federal Infrastructure Grant. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Dahlberg, the Board moved to approve the Proclamation of Child Care Provider Appreciation Day. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

RESOLUTION 23/0419-6
PROCLAIMING CHILD CARE PROVIDER APPRECIATION DAY
IN CHISAGO COUNTY

WHEREAS, quality early childhood services, such as childcare, represent a valuable investment in our children's future, as well as the future of our state; and

WHEREAS, each day numerous Chisago County children, families, and community members benefit from the dedication and quality care that is brought forth through the childcare profession by the 59 licensed family childcare providers of Chisago County; and

WHEREAS, the COVID-19 pandemic created tremendous hardship for child care providers and the families of Chisago County who depend on them; providers have continued to meet the needs of families while risking their health and financial stability to remain open; and

WHEREAS, as these dedicated community members act out of compassion to instill positive values by good role modeling, where all families and children are met with understanding, acceptance, nurturing and guidance; and

WHEREAS, Child Care Providers frame a community by encouraging young minds and bodies to continue to grow and contribute to our community. This truly represents community participation; by virtue of devotion to fellow citizens, often with little recognition or remuneration for the vital work they do.

NOW, THEREFORE BE IT RESOLVED that the Chisago County Board of Commissioners hereby offers it's heartfelt thanks to the Licensed Family Care Providers, and declares Friday, May 12, 2023 to be **Child Care Provider Appreciation Day**.

On motion by Greene, seconded by Dunne, the Board moved to approve the Out-of-State Travel Request for Kim Booker to travel to Connecticut to provide Child Protective Services to a client that is residing in a specialized facility. The motion **carried** as follows: **IN FAVOR THEREOF**: Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED**: None.

On motion by Dahlberg, seconded by Greene, the Board moved to approve the SHIP Grant Agreements for Rush City Community Gardens, City of Rush City Park Board, Taylors Falls Elementary, and Lakeside Elementary 182. The motion **carried** as follows: **IN FAVOR THEREOF**: Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED**: None.

On motion by Greene, seconded by Dunne, the Board moved to approve the METS Statement of Work for HHS Income Maintenance. The motion **carried** as follows: **IN FAVOR THEREOF**: Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED**: None.

On motion by Greene, seconded by Swenson, the Board moved to approve the attached resolution approving the classification and appraisal of tax forfeited land. The motion **carried** as follows: **IN FAVOR THEREOF**: Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED**: None.

RESOLUTION 23/0419-7
CLASSIFICATION AND APPRAISAL OF TAX FORFEITED PROPERTY
READY FOR SALE

WHEREAS, the tax parcels on the attached list have forfeited, to the State of Minnesota in trust for the respective taxing districts for nonpayment of real estate taxes;

WHEREAS, in order to be able to sell these parcels at tax sale the County Board of Commissioners need to classify and appraise the tax forfeited parcels pursuant to M.S. 282.01 Subdivision 1.

NOW, THEREFORE, BE IT RESOLVED

<i>PID</i>	<i>Legal Description or Subdivision</i>	<i>Classification</i>	<i>Appraised Value</i>	<i>Parcels To Be Reviewed by MN DNR</i>
08.00347.00	That part of the NE ¼ of the NW ¼, described as follows, to-wit: Commencing at a point on the north line of said forty acres a distance of 30 rods west of the northeast corner thereof; running thence east on said north line to said northeast corner; thence south on the east line of said forty a distance of 16 rods; running thence west and parallel with said north line a distance of 30 rods; running thence north a distance of 16 rods to the place of commencement, intending to convey a tract of land consisting of three acres in the northeast corner of said forty acres. Except parcel 94 of Chisago County R/W Plat No. 25.	Non-Conservation	\$ 90,000.00	No
16.00404.00	Lots 4 and 5, block 45, village of north branch	Non-Conservation	\$ 85,000.00	No

1. That the Chisago County Board of Commissioners approve the attached list of classification and appraisal of tax forfeited ready for sale and authorize the Chisago County Auditor-Treasurer to take the necessary steps to offer the parcels for sale pursuant to M.S. 282.01.
2. That the Chisago County Auditor-Treasurer is directed to forward the parcels noted on the attached Classification and Appraisal to the Minnesota DNR pursuant to M.S. 282.01, subd. 3.
3. That the Chisago County Auditor-Treasurer is directed to forward the parcels noted on the attached Classification and Appraisal to the appropriate city and township officials for approval pursuant to M.S. 282.01, subd. 1(h).

County Administrator Burnham provided administrative updates. ***No action was taken.***

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

On motion by Dunne, seconded by Greene, the Board adjourned the meeting at 8:54 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

Ben Montzka, Chair

Attest: _____
Christina Vollrath
Clerk of the Board