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# **CHISAGO COUNTY PARKS & TRAILS LAND ACQUISITION AND DEVELOPMENT FUNDING POLICY**

## **I. POLICY STATEMENT**

- A. The intent of the policy is to provide systematic and fair treatment of funds collected under this statute. Chisago County residents are interested in the preservation of open spaces, securing key resources and facilitating outdoor recreation in Chisago County.
- B. The County Park Board will update the County Comprehensive Parks and Trails Plan annually to reflect evolving interests and opportunities.
- C. The policy is subject to existing MS 394.25 stated as follows:

Subd. 7. **Specific controls; other subjects.** (a)

Specific controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation and dedication of streets and land for other public purposes and the general design of physical improvement.

(b) The controls may require that a portion of any proposed subdivision be dedicated to the public or preserved for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance.

(c) If a county adopts the ordinance required by paragraph (b), the county must adopt a capital improvement program and adopt a parks and open space plan or have a parks, trails, and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and in paragraphs (d) through (o).

(d) The county may choose to accept a per lot cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision.

(e) In establishing the portion to be dedicated or preserved or the per lot cash fee, the controls must consider the open space, park, recreational, or common areas and facilities that the applicant proposes to reserve for the subdivision.

(f) The county must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision.

(g) The fees or dedication must be fair, reasonable, and proportionate to the need created.

(h) Any cash payments received must be placed by the county in a special fund to be used only for the purposes for which the money was obtained.

***(i) Any cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space. Cash payments must not be used for ongoing operation, maintenance, or redevelopment of parks, recreational facilities, playgrounds, trails, wetlands, or open space.***

(j) The county must not deny the approval of a subdivision based on an inadequate supply of parks, open spaces, trails, or recreational areas within the county.

(k) The county must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee or dedication.

**POLICY NBR: 2007-2**  
**Adopted: February 7, 2007**  
**Revised Name: February 21, 2007**

(l) *The county must use at least 75 percent of the funds collected under this subdivision according to the plan required in paragraph (c) in the township or city where the collection of funds occurs. However, the township board or city council may agree to allow the county to use these funds outside of the township or city in a manner consistent with the county parks, trails,*

*and open space capital improvement plan or the county parks and open space component in its comprehensive plan. The remainder of the funds may be used by the county only for parks and trails connectivity and accessibility purposes. The county must annually report to cities and townships on where funds were collected and where funds were expended in the past year.*

(m) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per lot cash fee must apply only to the net increase of lots.

(n) A county must not require a dedication of a portion of a proposed subdivision or a payment in lieu of dedication in a town or city that has adopted a requirement to dedicate or a payment in place of dedication as a provision of the town or city's subdivision regulations under section [462.358](#), subdivision 2b, or chapter 366.

(o) A county may negotiate an agreement with a town or city to share the revenue generated by dedicating a portion of a proposed subdivision or a payment in place of dedication.

## **II. POLICY GUIDELINES**

- A. The Chisago County Park Board shall review the *County Comprehensive Parks and Trails Plan* and Township Plans which have been submitted to determine compatibility of projects proposed by the county and townships.
- B. In cases where there are multiple parcels or projects identified for a specific township, the projects will be evaluated and prioritized by the Chisago County Park Board, the Township Board, and the Chisago County Board.
- C. Evaluation Criteria may include the following:
  - 1. State Comprehensive Outdoor Recreation Plan Priorities
  - 2. Local plans
  - 3. Limit of opportunity
  - 4. Environmental Impact
  - 5. Quality of the resource
  - 6. Outdoor recreation benefits
  - 7. Resource conservation
  - 8. Health impacts
  - 9. Noise pollution
  - 10. Commitment to programs
  - 11. Cost per use or per user
- D. Requests will be processed through a standard application process.
- E. Applicants will be notified of upcoming relevant Chisago County Park Board meetings. Notification will be sent two weeks before the next Chisago County Park Board meeting at which the application will be discussed to the Township Clerk of record.

### **III. TOWNSHIP FUNDING - APPLICATION**

A. Public law requires that 75% of the funding generated from a given township be spent in that township as referenced in MS 394.25.

- Funds may also be used for intra-township transfer for approved park projects.

- ***Minnesota Statute 394.25 L states as follows:***

- *The county must use at least 75 percent of the funds collected under this subdivision according to the plan required in paragraph (c) in the township or city where the collection of funds occurs. However, the township board or city council may agree to allow the county to use these funds outside of the township or city in a manner consistent with the county parks, trails, and open space capital improvement plan or the county parks and open space component in its comprehensive plan. The remainder of the funds may be used by the county only for parks and trails connectivity and accessibility purposes. The county must annually report to cities and townships on where funds were collected and where funds were expended in the past year.*

#### **B. PROGRAM INFORMATION**

1. Eligible Applicants: Townships where subdivision fees have been collected.
2. Eligible Projects:
  - Fee title acquisition of natural or scenic areas and other special purpose sites.
  - Development or improvement of existing parks, playgrounds, trails, wetlands or open spaces and other recreational facilities
  - Informational signage
3. Ineligible Facilities and Costs: Ineligible facilities or costs are those items that cannot be funded with fees collected under this statute.
  - Administrative expenses, e.g. appraisals and legal fees
  - Operation and maintenance costs
  - Redevelopment of parks, recreational facilities, playgrounds, trails, wetlands or open space
4. The County Auditor will annually report to each Township Board and City Clerk about funds collected and expended. This report should be received by the townships or cities on or before January 31 of each year.

#### **C. THE APPLICATION PROCESS**

1. All projects shall be compatible with the combined county and township or city park plans.
2. Townships will submit written and electronic proposal application with concept plans and cost estimates to the Chisago County Park Board with request for fund disbursement. Applications will not be accepted during the month of December.
3. Actions on the proposal will be governed by MN Statute 15.99.
4. A copy of all proposals must be submitted to the Director of Environmental Services.
5. The Chisago County Park Board (Statute 398.36) may make recommendations to the County Board in the respect of any matter relating to county parks requiring action by the Board. The Chisago County Park Board may make a recommendation within 30 days of receipt of the application.

**D. APPRAISAL REQUIREMENTS**

1. An application for the purchase of land must include a current original appraisal for each parcel to be acquired. Appraisals must be performed by a licensed appraiser and meet the Uniform Standards of Professional Appraisal Practice (USPAP) and the Uniform Appraisal Standards for Federal Land Acquisitions.
2. Appraisals may be reviewed by a Chisago County Assessor or another state licensed appraiser to ensure that they meet state appraisal requirements. Any corrections or clarifications requested by the reviewer will need to be completed by the appraiser.

**E. REVIEW COMPONENTS**

1. The review by the Chisago County Park Board will assess the design of the proposed project and existing facilities.
2. Project design should be compatible with the physical characteristics of the site, consistent with generally accepted engineering and architectural design standards, in accordance with accessibility standards and minimize risk to the health and safety of users.
3. In addition to the design, the review will look at the commitment of the township.
4. This commitment is assessed through measures such as whether the local township has an active parks and recreation organization to oversee park activities, adequate operation and maintenance costs have been developed for the proposed project and if the township has committed some of its own resources to the project.

**F. DISBURSEMENT OF FUNDS**

1. Upon approval by the Chisago County Board of Commissioners, the funds requested shall be dispersed directly to the township park fund within 30 days.

**G. PROJECT CLOSEOUT PROCEDURES**

1. All expenditures are subject to verification by an independent audit and, therefore, receipts of all project records must be retained for a minimum of six years after project completion.

**H. LAND RETENTION REQUIREMENT**

1. It is the intention that any property acquired under this agreement be maintained and managed consistent with the purpose and type of property to properly protect the natural and/or scenic resources.
2. The township/city will agree to replace any converted land with other land of at least equal market value and reasonably equivalent natural and/or scenic resources as determined by generally accepted land use principles.

**I. AVAILABILITY TO USERS**

1. Public property and facilities shall be open to entry by all persons regardless of race, color, national origin, religion or sex.
2. No person shall, on the basis of disability, be excluded from participation in any program or activity receiving county assistance.
3. Finally, discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

**J. CHANGES, AMENDMENTS OR ADDITIONS**

Any proposed change of this park plan shall be submitted to each of the affected townships or cities before it is submitted to the Chisago County Board of Commissioners for approval.

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Mike Robinson  
Chair, Chisago County Board of Commissioners

Date

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DeAnna M. Lilienthal  
Clerk, County Board

Date