



Carver County Board of Commissioners  
 November 20, 2018  
 Regular Session  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

PAGE

**REGULAR SESSION**

4:00 p.m.	1.	<ul style="list-style-type: none"> <li>a) <b>CONVENE</b></li> <li>b) <b>Pledge of allegiance</b></li> <li>c) <b>Public comments</b> - <i>Anyone wishing to address the Board of Commissioners on an item not on the agenda may come forward at this time. Please limit your comments to five minutes.</i></li> </ul>	
	2.	Agenda review and adoption	
	3.	Approve minutes of October 30, 2018, Regular Session .....	1-3
	4.	Community Announcements	
4:10 p.m.	5.	<b>CONSENT AGENDA</b>	
		<i>Connections: Develop strong public partnerships and connect people to services and information</i>	
		5.1	Encore donation received ..... 4
		<i>Growth: Manage the challenges and opportunities resulting from growth and development</i>	
		5.2	Settlements for Right of Way Acquisition for the Highway 41/18 Project 5-9
		5.3	Final Acceptance and Payment to Ames Construction Company for CSAH 101 Bridge..... 10-11
		5.4	Settlement Agreement for right of way acquisition for the CSAH 61 Reconstruction-Flood Mitigation Project..... 12-15
		5.5	Resolution Authorizing Eminent Domain for the Highway 41/18 Project ..... 16-19
		5.6	Rescind and Adopt Revised Resolution and Agreement Number for TH 101 Jurisdictional Turnback ..... 20-21
		<i>Communities: Create and maintain safe, healthy and livable communities</i>	
		5.7	Settlement for Right-of-Way Acquisition for the Highway 44 Bridge Project - West Chaska Creek ..... 22-25
		5.8	Authorize purchase of equipment and vehicles ..... 26-32
		5.9	Grant Agreement SG-10782 for partial development of Lake Waconia Regional Park..... 33-35
		5.10	Amendment #1 to Contract 17-458 with WSB & Associates Inc. for Engineering Services at Lake Waconia Regional Park..... 36
		5.11	Amendment #1 to Contract 17-451 with WSB & Associates Inc. for Phase I Development of Coney Island of the West..... 37

*Culture: Provide organizational culture fostering accountability to achieve goals and sustain trust/confidence in County government*

5.12	Request to eliminate a 1.0 FTE Settlement Technician position and replace with a 1.0 FTE Taxation Analyst position .....	38
5.13	Out-of-State Travel for Training .....	39
5.14	Request for Out of State Travel for 2019 Annual Traffic Safety Association Convention (ATSSA).....	40
5.15	Cost Neutral Proposal to Hire a Replacement Appraiser Two Months Early in January 2019 .....	41
5.16	MN Counties Computer Cooperative ("MnCCC") Software Contract Ratification .....	42
5.17	Limited Hours on December 24, 2018 .....	43

*Finances: Improve the County's financial health and economic profile*

5.18	Data Recovery and Unanticipated Discoveries Plan for Coney Island of the West .....	44
5.19	Abatements/Additions .....	45-46
5.20	Review Social/ Commissioners' Warrants .....	NO ATT

4:10 p.m.	<b>6. CONNECTIONS: Develop strong public partnerships and connect people to services and information</b>	
	6.1 Farm Family of the Year.....	47-48

4:20 p.m.	<b>7. GROWTH: Manage the challenges and opportunities resulting from growth and development</b>	
	7.1 <b>Public Hearing</b> - Floodplain Zoning Code & Map Changes .....	49-102

4:40 p.m.	<b>8. FINANCES: Improve the County's financial health and economic profile</b>	
	8.1 <b>Public Hearing</b> of Ordinance 87-2019 (Carver County Fee Schedule) and Adoption of Ordinance 87-2019 and Fee Schedule .....	103-156

4:50 p.m.	<b>9. CONNECTIONS: Develop strong public partnerships and connect people to services and information</b>	
	9.1 2019 Legislative Priorities .....	157-171

5:05 p.m. **ADJOURN AS COUNTY BOARD OF COMMISSIONERS AND CONVENE AS CARVER COUNTY DITCH AUTHORITY**

5:05 p.m.	<b>10. COMMUNITIES: Create and maintain safe, healthy and livable communities</b>	
	10.1 2019 Ditch Assessments .....	172-173

5:10 p.m. **ADJOURN CARVER COUNTY DITCH AUTHORITY**

**WORK SESSION**

5:10 p.m.	<b>A. COMMUNITIES: Create and maintain safe, healthy and livable communities</b>	
	1. Lake Waconia Event Center Facility Analysis Update .....	174

5:35 p.m.

**BOARD REPORTS**

1. Chair
2. Board Members
3. Administrator
4. Adjourn

David Hemze  
County Administrator

**UPCOMING MEETINGS**

November 27, 2018	9:00 a.m. Board Work Session
November 29, 2018	6:00 p.m. 2019 Budget Public Meeting
December 4, 2018	AMC Conference No Meeting
December 11, 2018	9:00 a.m. Board Meeting
December 18, 2018	4:00 p.m. Board Meeting
December 25, 2018	No Board Work Session

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on October 30, 2018. Chair Gayle Degler convened the session at 9:01 a.m.

Members present: Gayle Degler, Chair, Randy Maluchnik, Vice Chair, James Ische, Tim Lynch and Tom Workman.

Members absent: None.

Under public participation, Karen Johnson Leuthner, 15735 38<sup>th</sup> Street, Mayer, clarified she was not representing any County employees, elected officials and was relevant public watchdog. She noted she attended the recent work session related to the year-end savings account and she learned that YES money could be used to build a new radio communications tower. She noted the Board representation on AMC's Health & Human Services Committee and the Mental Health Committee and inquired if Board members attending those meetings report back to the Board.

Don Amorosi, Wayzata, explained on October 2<sup>nd</sup> he appeared before the Board asking for four action items. He noted his follow up email and the lack of a reply. He reviewed each of the requests he previously made. Amorosi requested that today's agenda be amended to address his requests or to direct staff to follow-up and get back to him.

Noah McCourt, 33 West Lake, Waconia, pointed out the important impact of first amendment rights of free speech on our society. He questioned individuals being blocked from County sponsored social media sites and believed public officials were violating first amendment rights.

The following amendment was made to the agenda:

5.12 State of Minnesota Professional and Technical Service Contract, Phase I and II, Archaeological Services.

Lynch moved, Workman seconded, to approve the agenda as amended. Motion carried unanimously.

Maluchnik moved, Ische seconded, to approve the minutes of the October 16, 2018, Regular Session. Motion carried unanimously.

Ische moved, Workman seconded, to approve the following consent agenda items:

Resolution #81-18, County Board Acknowledgment 2018 Overlay Program Project Final Payment.

Resolution #82-18, Agreement to State Transportation Fund Local Bridge Replacement Program Grant Terms and Conditions SAP 010-620-013.

Resolution #83-18, Carver County Right of Way Plat No. 28

Authorized Health and Human Services receipt of \$549.08 donation to Encore Adult Day Services.

Contract with Gardeneer, Inc., pending completion of the contract review process.

Contract with Bakkelund Tree & Landscape Services, LLC pending finalization of the contract review process.

Adopted Findings of Fact and issued Order #20180017 for the issuance of Conditional Use Permit, Jeffrey Swanson, Watertown Township.

Approved 2.0 FTE additional highway maintenance operators.

Approved the 2019 benefits for non-bargaining employees as outlined, including 2019 monthly cafeteria contribution amounts for full-time benefit eligible non-bargaining employees based on the employee's election of health insurance with \$700.00 for single, \$1,185.00 for employee + spouse, \$860.00 for employee + child(ren), \$1,460.00 for family, and \$150.00 for waiver; maintaining the \$250.00 per month toward the cost of single health insurance for employees budgeted at least half-time but less than 0.8 FTE; and providing HRA/VEBA contributions in the amounts of \$750/\$1,500 and contributions for those electing the HSA High Deductible Health Plan option in the amounts of \$1,100/\$2,000 as described.

Set health insurance contributions for eligible retirees as follows: Retirees selecting family coverage would receive \$1,460.00 per month toward their insurance, employee + spouse would receive \$1,185.00, employee + children would receive \$860.00, and those electing single coverage would receive the lesser of the single premium amount or \$700.00 per month.

Resolution #84 -18, State of Minnesota Professional and Technical Services Contract, Phase I and II, Archaeological Services.

Reviewed October 23, 2018, Community Social Services' actions/Commissioners' warrants in the amount of \$303,722.01 and reviewed October 30, 2018, Community Social Services' actions/Commissioners' warrants in the amount of \$443,002.50.

Motion carried unanimously.

Mia Johnson, Employee Relations, appeared before the Board to recognize the Public Employees Excellence Recognition recipients. She explained the program gives employees an opportunity to nominate a co-worker for their outstanding work in the categories of team work, customer service and innovation.

Rita Yetzer, Public Services, received the Customer Service award, Joseph Satre, Public Services, received the Innovation award and Mark Ditsch, Public Works, was the recipient of the Judge's choice award. The Team Work award was given to the Sheriff Pay for Stay Team that included Ann Boelke, Chad Davis, Mitch Dickison, Joseph Satre, and Bryan Storms.

The Board recognized the recipients of these awards and acknowledged the work done by all County employees made the county run smoothly.

Ische moved, Maluchnik seconded, to go into closed session to discuss labor negotiations strategy at 9:59 a.m. Motion carried unanimously.

The Board adjourned the closed and Regular Session at 10:35 a.m.

David Hemze  
County Administrator

(These proceedings contain summaries of resolutions/claims reviewed. The full text of the resolutions and claims reviewed are available for public inspection in the office of the county administrator.)

# Carver County Board of Commissioners Request for Board Action

**Agenda Item:**

Encore donation received

Primary Originating Division/Dept: Health & Human Services

Meeting Date: 11/20/2018

Contact: Jill Willems Title: HCBC Supervisor

Item Type:  
Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments:  Yes  No

**Strategic Initiative:**

Connections: Develop strong public partnerships and connect people to services and information

**BACKGROUND/JUSTIFICATION:**

Donation received by check in the amount of \$35.00

**ACTION REQUESTED:**

Approval to accept donation

FISCAL IMPACT: None

If "Other", specify:

**FUNDING**

County Dollars =

FTE IMPACT: None

Total

\$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5772

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Settlement Agreements for Right of Way Acquisition for the Highway 41/18 Project**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The 2019-2020 construction seasons includes the reconstruction of Highway 18 (Lyman Blvd) from 1/4 mile west of Highway 41 to Galpin Boulevard, and a portion of Highway 41 at the intersection with Highway 18. In order to complete the project, additional right of way is needed. The county obtained appraisals from a certified appraiser for permanent roadway, permanent drainage & utility, permanent wall and temporary construction easements within the project area. The County board approved the making of offers to the property owners affected by the project at their August 7, 2018 board meeting. The County's right-of-way agent has negotiated settlements with the owners of properties located at PID Nos. 30.0550010, 30.5330011, 30.5120020, 30.0160200 and 30.2800020.

**ACTION REQUESTED:**

Motion to adopt a resolution authorizing entering into settlement agreements for the right-of-way acquisition on PID Nos. 30.0550010, 30.5330011, 30.5120020, 30.0160200 and 30.2800020 for the Highway 41/18 Project.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	<input type="text"/>
State TED	\$77,450.00
County CSAH	\$80,875.00
City	\$80,875.00
<b>Total</b>	<b>\$239,200.00</b>

Insert additional funding source

**Related Financial/FTE Comments:**

Cost splits are estimated at this time. Final splits will be in accordance with the JPA between Carver County, the City of Chaska and the City of Chanhassen.

Office use only:

RBA 2018 - 5773



**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: November 20, 2018

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

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**Resolution Authorizing Settlement of Compensation to Owner for Acquisition of Real Property Interests Needed for the Highway 41/18 Project**

WHEREAS, the Board of Commissioners of Carver County is the official governing body of Carver County (“County”); and

WHEREAS, the County, acting by and through its Board of Commissioners, is authorized by law, and pursuant to Minnesota Statutes, § 163.02, subd. 2; §117.012; and § 117.042, to acquire land and other real property interests in Carver County which the County needs for a public use or public purpose; and

WHEREAS, the County proposes to construct highway and related improvements in Carver County for the Highway 41/18 Project (“Project”); and

WHEREAS, to complete the Project, the County must acquire the real property interests described in Exhibit A, attached hereto, from the Owners of the real property interests identified in said Exhibit A; and

WHEREAS, the County obtained appraisals from a qualified certified appraiser which estimates the full amount of damages which the County’s proposed acquisition of the property interests described in said Exhibit A will cause to Owners of said real property interests; and

WHEREAS, County must determine and submit an initial written offer of just compensation to the Owners of said needed real property interests covering the full amount of damages caused by the County’s proposed acquisitions; and

WHEREAS, the Owners of said real property interests may obtain an independent appraisal by a qualified appraiser of the real property interests which the County proposes to acquire for the Project; and

WHEREAS, the Owners of said real property interests are entitled to reimbursement for the reasonable costs of the appraisal from the County up to a maximum of the limits stated in Minn. Stat. §117.036, provided the Owner submits to County the information necessary for reimbursement; and

WHEREAS, the Carver County Board of Commissioners authorized the Public Works Division Director or agents under his supervision, to make initial written offers of just compensation to the Owners within the Project from whom property interests are required, in the amounts of the certified appraiser’s opinions; and

WHEREAS, the Public Works Division Director or agents under his supervision, have negotiated settlement(s) with the Owners impacted by the project as described in said Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that County's acquisition of the real property interests described in said Exhibit A and the reconstruction of County Highway 18 from State Highway 41 to Galpin Blvd constitute a valid public use or public purpose; and

BE IT FURTHER RESOLVED that based upon the independent appraisal report(s) of damages obtained by the County from an independent real estate appraiser and the negotiations between said Owner(s) and the Public Works Division Director or agents under his supervision, County shall make a payment of compensation to the Owners within the Project from whom the County must acquire needed real property interests, in the amounts as described in said Exhibit A; and

BE IT FURTHER RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Stipulation of Settlement Agreement with said property owner(s), in the name of the County of Carver for the Project.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on November 20, 2018, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 20th Day of November, 2018.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator

**Insert Exhibit A**  
**to**  
**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property**  
**Interests**

(Acquisition)

P.I.D. No. 30.5330011

Rieker Enterprises Contract for Deed Vendor, and  
VR Investments, LLC, Contract for Deed Vendee

Taking of a permanent easement for roadway purposes over County Highway 18, (containing 2,250 sq. ft., more or less).

Taking of a temporary easement for construction purposes over County Highway 18, (containing 2,250 sq. ft., more or less).

Settlement Amount: \$35,000.00.

(Acquisition)

P.I.D. No. 30.0550010

Bentley Instruments, Inc.

Taking of a permanent easement for roadway purposes over County Highway 18, (containing 8,227 sq. ft., more or less).

Taking of a permanent drainage & utility easement over County Highway 18, (containing 3,580 sq. ft. more or less).

Taking of a temporary easement for construction purposes over County Highway 18, (containing 23,507 sq. ft., more or less).

Settlement Amount: \$125,000.00.

(Acquisition)

P.I.D. No. 30.5120020

Entegris Professional Solutions, Inc.

Taking of a permanent easement for roadway purposes over Highway 41, (containing 6,377 sq. ft., more or less).

Settlement Amount: \$33,700.00.

(Acquisition)

P.I.D. No. 30.016200 & 30.2800020

Entegris Professional Solutions, Inc.

Taking of a permanent easement for roadway purposes over County Highway 18, (containing 1,920 sq. ft., more or less).

Taking of a temporary easement for construction purposes over County Highway 18, (containing 29,515 sq. ft., more or less).

Settlement Amount: \$45,500.00.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Final Acceptance and Payment to Ames Construction, Inc. for the Southwest Reconnection Project**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="11/20/2018"/>
Contact: <input type="text" value="Gregory Felt"/> Title: <input type="text" value="Program Delivery Manager"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value="Deputy PWD"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

**BACKGROUND/JUSTIFICATION:**

The original contract for the Southwest Reconnection Project on Highway 61 and 101 in Chanhassen and Shakopee with Ames Construction Company of Burnsville, MN was in the amount of \$49,273,580.35. The total of all work completed by Ames Construction Company is \$53,244,079.55 (overrun of 8% above price as bid).

All work for this project is now complete. Most of the work was completed during the 2014 to 2016 construction seasons, with warranty work extending to 2018.

Cost overruns on this project are attributed to the need for additional piling length plus project acceleration, temp. mailboxes, additional traffic control, additional guard rail, additional muck excavation and backfill, signal painting, rock mulch, dewatering system environmental changes, box culvert removal, dynamic and static pile testing, additional concrete pavement removal, additional expansion joint, asphalt pavement incentive payment, additional earth removal on the old causeway, updated signs, bike trail revisions under the Bluff Creek Bridge, storm sewer modifications and bridge deck flood sealing.

Ames Construction Company is requesting to finalize the contract with Carver County and release all retainage. County staff have made a final payment voucher and are requesting that the contract be finalized and closed by Board Action. All outstanding work items and remaining retainage have already been paid in full, and Ames Construction has agreed that they have been paid in full.

**ACTION REQUESTED:**

Motion to adopt a resolution accepting all work as complete and acknowledging that final payment of \$36,398.77 has been made to Ames Construction Company of Burnsville, MN for the Southwest Reconnection Project.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>
<i>If "Other", specify:</i> <input type="text"/>	<b>County Dollars =</b> <input type="text"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	CSAH Regular <input type="text"/>
	<b>Total</b> <input type="text" value="\$0.00"/>
	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: November 20, 2018  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

**COUNTY BOARD ACKNOWLEDGMENT  
Southwest Reconnection Project**

WHEREAS, the construction of the Southwest Reconnection Project on CSAH 61 and CSAH101, SAP 010-661-002 (County Project # 128705), has in all things been completed, and the County Board being fully advised in the premises, now then be it resolved; that we do hereby accept said completed project for and on behalf of the Carver County Public Works Division.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 20<sup>th</sup> day of November, 2018, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 20th day of November, 2018.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Settlement Agreement for right of way acquisition for the CSAH 61 Reconstruction-Flood Mitigation Project**

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 11/20/2018

Contact: Patrick Lambert Title: Right-of-Way Agent

Item Type:  
Consent

Amount of Time Requested: minutes

Attachments:  Yes  No

Presenter: Title:

**Strategic Initiative:**

Growth: Manage the challenges and opportunities resulting from growth and development

**BACKGROUND/JUSTIFICATION:**

The 2018-2019 construction seasons include the reconstruction of a portion of CSAH 61 from the Highway 101 roundabout, east to the Hennepin County line. After the project commenced, it was determined that an additional drainage & utility easement is needed to construct a drainage system behind a retaining wall at PID #25.0360700. The Carver County Right-of-Way Agent completed a Minimum Damage Assessment for said additional easement and has negotiated a settlement with the property owner for the additional drainage & utility easement.

**ACTION REQUESTED:**

Adopt a resolution authorizing entering into a settlement agreement for an additional drainage and utility easement at Parcel ID #25.0360700

**FISCAL IMPACT:** None

If "Other", specify:

**FUNDING**

<b>County Dollars =</b>	
County Turnback Funding	\$25,000.00
<b>Total</b>	<b>\$25,000.00</b>

**FTE IMPACT:** None

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5789

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: November 20, 2018

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

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**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for the Flying Cloud Drive Reconstruction Project**

WHEREAS, the Board of Commissioners of Carver County is the official governing body of Carver County (“County”); and

WHEREAS, the County, acting by and through its Board of Commissioners, is authorized by law, and pursuant to Minnesota Statutes, § 163.02, subd. 2; §117.012; and § 117.042, to acquire land and other real property interests in Carver County which the County needs for a public use or public purpose; and

WHEREAS, the County proposes to construct highway and related improvements in Carver County for County Highway 61 as part of the Flying Cloud Drive Reconstruction Project (“Project”); and

WHEREAS, to complete the Project, the County must acquire the real property interests described in Exhibit A, attached hereto, from the Owners of the real property interests identified in said Exhibit A; and

WHEREAS, the County obtained either an appraisal(s) from a licensed real estate appraiser when the estimate of the damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A exceeds \$25,000, or the County obtained a minimum damage acquisition report from a qualified person with appraisal knowledge, in lieu of an appraisal, when the estimate of the damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A is under \$25,000; and

WHEREAS, the County acquired easements for roadway, drainage & utility, wall and temporary construction; and

WHEREAS, After the project construction began, it was determined that additional drainage and utility easements were necessary on the property identified on Exhibit A; and

WHEREAS, the Public Works Division Director or agents under his supervision, have negotiated a settlement with the Owners impacted by the Project as described in said Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that County’s acquisition of the real property interests described in said Exhibit A and the construction of highway and related improvements of County Highway 61 as part of the Flying Cloud Reconstruction Project constitute a valid public use or public purpose; and

BE IT FURTHER RESOLVED that based upon the estimate of damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A which the County obtained



either from an appraisal or a minimum damage acquisition report and the negotiations between said Owner(s) and the Public Works Division Director or agents under his supervision, County shall make a payment of compensation to the Owners within the Project from whom the County must acquire needed real property interests, in the amounts as described in said Exhibit A; and

BE IT FURTHER RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Stipulation of Settlement Agreement with said property owner(s), in the name of the County of Carver for the Project.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on November 20, 2018, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 20<sup>th</sup> day of November, 2018.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator

**Insert Exhibit A**  
**to**  
**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property**  
**Interests**

**(Acquisition)**

P.I.D. No. 25.0360700

Beatrice I Zwiers Irrevocable Trust U/A

Taking of a permanent drainage & utility easement for right of way purposes over County State Aid Highway No. 61 (containing 9,962 sq. ft. more or less).

Settlement Amount: \$25,000.00

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Resolution Authorizing Eminent Domain for the Highway 41/18 Project**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="11/20/2018"/>
Contact: <input type="text" value="Patrick Lambert"/> Title: <input type="text" value="Right-Of-Way Agent"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

**BACKGROUND/JUSTIFICATION:**

Carver County, in conjunction with the City of Chaska, the City of Chanhassen and the MN Dept. of Transportation, will be constructing a roundabout at the intersection of Highway 41 and Lyman Blvd, (County Highway 18) and reconstructing Lyman Blvd from just west of State Highway 41 to Galpin Blvd. The project is planned to begin construction in the spring of 2019.

Public Works has been negotiating with property owners in good faith, and will continue to do so, to acquire the right-of-way/easements needed for the project. It is anticipated that the vast majority of parcels will be acquired by negotiation, however, in order to meet the schedule for construction bidding, it will be necessary to undertake eminent domain proceedings to acquire the necessary property interests from some property owners along the construction corridor.

A Resolution, including the list of affected property owners, is attached for the County Board to consider.

**ACTION REQUESTED:**

Adopt a Resolution authorizing and directing the County Attorney to take all steps necessary to acquire the easements necessary for the Highway 41/18 Project by filing an action in eminent domain, negotiation of early entry authorization and the use of the quick-take procedure.

<b>FISCAL IMPACT:</b> <input type="text" value="None"/>	<b>FUNDING</b>
<i>If "Other", specify:</i> <input type="text"/>	<b>County Dollars =</b> <input type="text"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<b>Total</b> <input type="text" value="\$0.00"/>
<input checked="" type="checkbox"/> Insert additional funding source	

Related Financial/FTE Comments:

*Office use only:*

RBA 2018 - 5794

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: November 20, 2018  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

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**Resolution Authorizing Eminent Domain to Acquire  
Real Property Interests Needed for Lyman Boulevard  
(County State Aid Highway 18) Reconstruction –  
TH41 to Galpin Boulevard**

WHEREAS, the Board of Commissioners is the official governing body of Carver County (“County”); and

WHEREAS, the County proposes to construct highway and related improvements for the safety of the traveling public in Carver County by reconstructing Lyman Boulevard (also known as “County State Aid Highway 18”) from Trunk Highway 41 to Galpin Boulevard, pursuant to Carver County Right of Way Plat No. 27, as part of the Highway 41/18 Project (#128637) (“Project”); and

WHEREAS, the County, acting by and through its Board of Commissioners, pursuant to Minnesota Statutes, § 163.02, subd. 2; §117.012; and § 117.042, is authorized to acquire land and other real property interests in Carver County which the County needs for a public use or public purpose; and

WHEREAS, to complete the Project, the County must acquire the real property interests described in Exhibit A, attached hereto, from the Owners identified in Exhibit A, attached hereto; and

WHEREAS, based upon appraisal reports of damages obtained by the County from an independent licensed real estate appraiser, and in accordance with authorization of the Board of Commissioners, the Public Works Division Director or agents under his supervision have made offers of compensation to owners of affected properties for the real property interests required from those owners for the Project. Despite good faith efforts, negotiations with the Owners identified in Exhibit A for the direct purchase of the real property interests which the County needs for the Project have been unsuccessful; and

WHEREAS, the Board of Commissioners finds that it is reasonably necessary, proper, and convenient, in furtherance of the Project, and in the interest of the public health, convenience, and general welfare of the citizens of the County that the County acquire title to and possession of the real property interests described in Exhibit A through use of the power of eminent domain; and

WHEREAS, the County has the right pursuant to Minnesota Statutes, § 117.042 to acquire title and possession of the real property interests needed for the Project prior to the filing of an award of damages by court-appointed commissioners; and

WHEREAS, the Board of Commissioners finds that the funding and construction schedule for the Project make it necessary for the County to acquire title to and possession of the real property interests described in Exhibit A prior to the filing of the final report of the condemnation commissioners to be appointed by the district court.

NOW, THEREFORE, BE IT RESOLVED that County's acquisition of the real property interests described in Exhibit A from the Owners identified in Exhibit A, and the construction of highway and related improvements for the reconstruction of Lyman Boulevard from Trunk Highway 41 to Galpin Boulevard, as part of the Highway 41/18 Project (#128637), constitute a valid public use and public purpose; and

BE IT FURTHER RESOLVED that it is the considered judgment of the Board of Commissioners that the County must acquire the real property interests described in Exhibit A, attached hereto and incorporated herein, as though fully set forth at this point, from the Owners identified in Exhibit A, attached hereto and made a part hereof as though fully set forth at this point, for the stated public purposes, and that the County shall acquire said real property interests, if necessary, through the exercise of the power of eminent domain, and early transfer of title and possession of said real property interests pursuant to Minn. Stat. Section 117.042; and

BE IT FURTHER RESOLVED that the County Attorney and legal counsel retained by the County are hereby authorized to take all steps necessary to acquire the real property interests described in Exhibit A from the Owners identified in Exhibit A, including the filing of the Petition necessary to initiate an action in eminent domain in District Court and using the process provided for in Minn. Stat. Section 117.042, and prosecuting such action and all related matters needed to bring the action to a successful conclusion or until the action is abandoned, dismissed, or terminated by the County or District Court.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of Commissioners, Carver County, Minnesota, at its session held on November 20, 2018, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 20th day of November, 2018

_____ Dave Hemze	_____ County Administrator
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**EXHIBIT A**  
**TO RESOLUTION AUTHORIZING EMINENT DOMAIN**

**Real Property Interests To Be Acquired for the Project and Affected Fee Owners**

<b><u>Parcel</u></b>	<b><u>Fee Owner</u></b>	<b><u>Property I. D. No.</u></b>	<b><u>Interests To Be Acquired</u></b>
1	Via West, Inc.	30.0590020	-Permanent highway easement containing 9,647 S.F.  -Permanent drainage and utility easement containing 8,113 S.F.  -Temporary construction easement containing 6,858 S.F.
9	S&S Buller Family, LLC	30.0160420	-Permanent highway easement containing 8,141 S.F. -Temporary construction easement containing 4,518 S.F.
10	S&S Buller Family, LLC	30.5430010	-Permanent highway easement containing 2,246 S.F. -Temporary construction easement containing 31,059 S.F.
19	Holasek Farms, LP	25.0210100	-Permanent drainage and utility easement containing 4,804 S.F. -Temporary construction easement containing 12,790 S.F.
23	McLaughlin Gormley King Company	30.0550060	-Permanent highway easement containing 29,526 S.F. -Temporary construction easement containing 12,560 S.F.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Rescind and Adopt Revised Resolution and Agreement Number for TH 101 Jurisdictional Turnback**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

At the request of MnDOT (in agreement with the Carver County Attorney's Office), the Board is being asked to rescind Resolution #78-18 and adopt a revised Resolution which includes the correct MnDOT Agreement Number "1032755".

**ACTION REQUESTED:**

Rescind and adopt Resolution as revised.

**FISCAL IMPACT:**

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2018 - 5806

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: November 20, 2018  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

**Jurisdictional (“Turnback”) Agreement  
With The  
State of Minnesota**

**Transfer of portion of TH 101 from the State to Carver County**

IT IS RESOLVED that Carver County enter into Mn/DOT Agreement No. 1032755 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for the release from the State to the County of Trunk Highway No. 101 from County State Aid Highway No. 14 (Pioneer Trail) to County State Aid Highway No. 61 (Flying Cloud Drive) for a length of 1.22 miles.

IT IS FURTHER RESOLVED that the County Board Chair and the County Administrator are authorized to execute the Agreement and any amendments to the Agreement.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 20<sup>th</sup> day of November, 2018, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 20<sup>th</sup> day of November, 2018.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Settlement Agreement for Right-of-Way Acquisition for the Highway 44 Bridge Project - West Chaska Creek**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
 ▼

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

▼

**BACKGROUND/JUSTIFICATION:**

The 2019 construction season includes the replacement of an existing bridge/culvert on Highway 44 over West Chaska Creek, 1/4 miles west of Highway 11. In order to complete the project, additional right of way is needed. The Carver County Right-Of-Way Agent completed minimum damage assessments for permanent roadway and temporary construction easements within the project area. The County Board approved the making of offers to the property owners affected by the project at their November 20, 2018 board meeting. The County's Right-Of-Way Agent has negotiated settlements with the property owners located at PID 04.0010710

**ACTION REQUESTED:**

Motion to adopt a resolution authorizing entering into a settlement agreement for right-of-way acquisition for the Highway 44 Bridge Project - West Chaska Creek

**FISCAL IMPACT:**  ▼

*If "Other", specify:*

**FUNDING**

<b>County Dollars =</b>	<input type="text"/>
CSAH Reg. Const.	\$9,200.00
<b>Total</b>	<b>\$9,200.00</b>

**FTE IMPACT:**  ▼

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2018 - 5788

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: November 20, 2018

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

---

**Resolution Authorizing Settlement of Compensation to Owner for Acquisition of Real Property Interests Needed for the Highway 44 Bridge West Chaska Creek Project**

WHEREAS, the Board of Commissioners of Carver County is the official governing body of Carver County (“County”); and

WHEREAS, the County, acting by and through its Board of Commissioners, is authorized by law, and pursuant to Minnesota Statutes, § 163.02, subd. 2; §117.012; and § 117.042, to acquire land and other real property interests in Carver County which the County needs for a public use or public purpose; and

WHEREAS, the County proposes to construct highway and related improvements in Carver County for the Highway 44 Bridge Project (“Project”); and

WHEREAS, to complete the Project, the County must acquire the real property interests described in Exhibit A, attached hereto, from the Owners of the real property interests identified in said Exhibit A; and

WHEREAS, the County obtained a minimum Damages Assessment report from the Carver County Right-of-Way Agent which estimates the full amount of damages which the County’s proposed acquisition of the property interests described in said Exhibit A will cause to Owners of said real property interests; and

WHEREAS, County must determine and submit an initial written offer of just compensation to the Owners of said needed real property interests covering the full amount of damages caused by the County’s proposed acquisitions; and

WHEREAS, the Owners of said real property interests may obtain an independent appraisal by a qualified appraiser of the real property interests which the County proposes to acquire for the Project; and

WHEREAS, the Owners of said real property interests are entitled to reimbursement for the reasonable costs of the appraisal from the County up to a maximum of the limits stated in Minn. Stat. §117.036, provided the Owner submits to County the information necessary for reimbursement; and

WHEREAS, the Carver County Board of Commissioners authorized the Public Works Division Director or agents under his supervision, to make initial written offers of just compensation to the Owners within the Project from whom property interests are required, in the amounts of the Right-of-Way Agent’s opinions; and

WHEREAS, the Public Works Division Director or agents under his supervision, have negotiated settlement(s) with the Owners impacted by the project as described in said Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that County's acquisition of the real property interests described in said Exhibit A and the reconstruction of Bridge #10J34 on the County Highway 44 constitute a valid public use or public purpose; and

BE IT FURTHER RESOLVED that based upon the minimum damages assessment report(s) of damages obtained by the County from the Carver County Right-of-Way Agent and the negotiations between said Owner(s) and the Public Works Division Director or agents under his supervision, County shall make a payment of compensation to the Owners within the Project from whom the County must acquire needed real property interests, in the amounts as described in said Exhibit A; and

BE IT FURTHER RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Stipulation of Settlement Agreement with said property owner(s), in the name of the County of Carver for the Project.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on November 20, 2018, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 20th Day of November, 2018.

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Dave Hemze County Administrator

**Insert Exhibit A**  
**to**  
**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests**  
**Highway 44 Bridge West Chaska Creek Project**

Carver County Public Works No. 148739

**Property Tax Identification No. 04.0010710**

**Parcel Number(s): N/A**

Fee Owners: Nathan Haasken & Susan Haasken and Christy Haasken-Schuler & Tony Schuler

Property Address: N/A

Permanent easement for public right-of-way purposes contains **5,595 sq. ft.**, more or less.

Temporary easement for construction purposes contains **5,934 sq. ft.**, more or less.

Settlement Amount: **\$9,200.00**

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Purchase of equipment and vehicles**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

Carver County has a large fleet of vehicles and equipment that are used in various departments. The County annual budget and Long Term Financial Plan includes recommendations from the Public Works fleet replacement program. The Public Works equipment budget for 2018 is \$465,000, additionally \$240,000 was budgeted in Schedule E and \$50,000 was returned to the budget from proceeds from auctioning off county equipment. At this time Public Works is requesting to purchase the following:

1. Kick off Broom from Ruffridge Johnson for Public Works-Operations
2. Two message boards for traffic control pick-ups from Street Smart Rental for Public Works- Operations
3. Forklift from Bennett Materials Handling for Public Services- Environmental Services-
4. UTV from Lano Equipment Inc. for Public Works-Parks
5. Half ton pick-up and radio equipment from Waconia Dodge and equipment from ANCOM for Public Works- Operations
6. A One ton Chassis and dump box and radio equipment from Waconia Ford and Towmaster and equipment from ANCOM for Public Works- Operations.

The total cost of this equipment is \$228,269.35 plus tax and fees

The Public Services- Environmental Services is funding the forklift from other sources.

Staff obtained quotes per the county contract and local preference purchasing policies. The trucks are being purchased from local vendors, and the equipment from the state purchasing vendors.

**ACTION REQUESTED:**

Motion to authorize Public Works to purchase the listed equipment from the quoted dealerships.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	<b>\$198,425.50</b>
Environmental Services	\$30,268.00
<b>Total</b>	<b>\$228,693.50</b>

Insert additional funding source

Related Financial/FTE Comments:

**Carver County Public Works- Operations**

*Quote sheet for replacement Kick off Broom*

Nov-18

<b>Brand</b>	<b>Dealer</b>	<b>State Bid</b>	<b>Local Dealer</b>	<b>Quote</b>
<b>Rosco</b>	Ruffridge Johnson	Yes	No	\$77,795.00

**Award to:**

Ruffridge Johnson

3024 4th Street

Minneapolis, MN 55414

Ruffridge Johnson offered a \$14,000 trade value for our existing Kick off Broom.

Total \$63,795.00

**Carver County Public Works- Operations**

Quote sheet for Truck mounted Message Boards

Nov-18

<b>Brand</b>	<b>Dealer</b>	<b>State Bid</b>	<b>Local Dealer</b>	<b>Quote</b>
Ver-Mac	Street Smart Rental	Yes	No	\$9,450.00

Public Works is purchasing 2 signs to be mounted on pick-ups.

**Total** \$18,900.00

**Award to:**

Street Smart  
7526 4th Ave  
Lino Lakes, MN 55014

**Carver County Public Services Environmental Service**

*Quote sheet for Fork Lift*

**Nov-18**

<b>Brand</b>	<b>Dealer</b>	<b>Local Dealer</b>	<b>Quote</b>
Toyota	Toyota Lift of MN	No	\$34,869.00
Komatsu	Bennett Material Handling	No	\$32,768.00

**Award to:**

Bennett Material Handling Inc.

1009 Hill Street

Hopkins, MN 55343

Bennett has also offered a trade in value of \$2500 for the used lift that would be accepted.

**Total** \$30,268.00



**Carver County Public Works Parks**

*Quote sheet for replacement UTV*

Nov-18

<b>Brand</b>	<b>Dealer</b>	<b>State Bid</b>	<b>Local Dealer</b>	<b>Quote</b>
Kubota	Lano Equipment	Yes	No	\$18,482.00

Lano Equipment has offered a trade value of \$2500 the will be accepted .

**Total    \$15,982.00**

**Award to:**

Lano Equipment, Inc.  
3021 W 113rd St  
Shakopee, 55379

**Carver County Public Works**

**Quote sheet for Half ton ex cab 6 foot box pick up 4x4**

Nov-18

<b>Brand</b>	<b>Dealer</b>	<b>Local Dealer</b>	<b>Quote</b>
Dodge	Waconia	Yes	\$26,344.00
Dodge	SourceWell	No	\$44,789.41
Chevrolet	Lenzen Chev	Yes	\$28,896.00
Ford	Waconia Ford	Yes	\$30,833.00

Dodge Pick-ups pricing is not available on the State Bid at this time. SourceWell is a national joint purchasing coop the Carver County belongs to. Using SourceWell pricing, we can go to any dealer and hold that price. The trucks specifications were also sent to the local dealers for comparison.

**Low Bidder** \$26,344.00

Waconia Dodge  
905 Strong Drive  
Waconia, MN 55387

**Carver County Public Works**

**Quotes sheet 1 ton chassis and dump box pick up 4x4**

Nov-18

<b>Brand</b>	<b>Dealer</b>	<b>State Bid</b>	<b>Local Dealer</b>	<b>Quote</b>
Ford	Waconia	No	Yes	<b>\$39,996.00</b>
Ford	Midway	Yes	No	\$39,576.88
Box and equipment	Towmaster	Yes	Yes	<b>\$27,385.00</b>

**Award to:** **Total \$67,381.00**

**Waconia Ford**

235 West Hwy 5  
Waconia, MN 55387

**Towmaster Truck and Equipment**

61381 US Hwy 12  
Litchfield, MN 55355

\*Public Works has determined a 3.5% best value discount is to be given to local vendors for providing priority warranty service to the county.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Grant Agreement SG-10782 for partial development of Lake Waconia Regional Park**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

During the 2018 legislative session, Carver County was awarded \$1.5 million in state bonds for Lake Waconia Regional Park to be matched with \$1.5 million of county funds to engineer and construct **sewer and water utilities, site grading, parking lots, and road improvements**. The Metropolitan Council, as the grant administrator for the state, has prepared Grant Agreement SG 10782 for Carver County to receive the state bonds. This grant requires that the County provide:

- Governing Board Resolution (approving the CIP identifying the grant project)
- Documentation, a page from CIP / Budget showing the grant project as a line item
- County Board approval of the state bond grant

**ACTION REQUESTED:**

Motion to adopt a resolution to approve grant agreement SG-10782 with the Metropolitan Council subject to completion of the contract review process and amend the County 2018 Parks CIP budget to include this grant.

**FISCAL IMPACT:**

**FUNDING**

If "Other", specify:

County Dollars =	<b>\$1,500,000.00</b>
State Bonds	\$1,500,000.00
<b>Total</b>	<b>\$3,000,000.00</b>

**FTE IMPACT:**

Insert additional funding source

**Related Financial/FTE Comments:**

County funds are being provided by lowering the Year End Savings ("Y.E.S.") reserve for a future Year-End Mark to Market Investment Adjustment by \$1.5M.

*Office use only:*

RBA 2018 - 5801

# Budget Amendment Request Form



To be filled out AFTER RBA submittal

**Agenda Item:** Grant Agreement to Predesign, Design and Engineering for the Development of Lake Waconia Regeional Park

Department:

Meeting Date:

Fund:

- 01 - General
- 02 - Reserve
- 03 - Public Works
- 11 - CSS
- 15 - CCRRA
- 30 - Building CIP
- 32 - Road/Bridge CIP
- 34 - Parks & Trails
- 35 - Debt Service

Requested By:

DEBIT			CREDIT		
Description of Accounts	Acct #	Amount	Description of Accounts	Acct #	Amount
CP 18-529-513 WRP Dev	34-529.513.6681	\$3,000,000.00	CP 18-529-513 WRP Dev	34-529-513-0000-...	\$1,500,000.00
			YES funds (prior yrs)	Fund balance- CIPs	\$1,500,000.00
<b>TOTAL</b>		\$3,000,000.00	<b>TOTAL</b>		\$3,000,000.00

Reason for Request:

The \$1.5 million of State Bonds will be matched with \$1.5 million of county funds.

# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: \_\_\_\_\_  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

**WHEREAS**, the Metropolitan Council has prepared grant agreement SG 10782 providing \$1.5 million in state bonds for Carver County to predesign, design and engineering of development of Lake Waconia Regional Park Project; and

**WHEREAS**, Carver County is to provide matching funds to grant agreement SG 10782 of \$1.5 million to predesign, design and engineering of development of Lake Waconia Regional Park Project; and

**WHEREAS**, Carver County will amend its 2018 CIP Budget to show the grant project as a line item; and

**NOW, THEREFORE BE IT RESOLVED**, that the Carver County Board of Commissioners hereby approves the grant agreement SG 10782 and amends its 2018 CIP to show the grant project as a line item.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 20th day of November, 2018, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dave Hemze County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Amendment #1 to Contract 17-458 with WSB & Associates Inc. for Engineering Services at Lake Waconia Regional Park**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

WSB is under contract to provide design engineering services for preliminary site design, grading, paving and utility plans for the Phase 1 Development of Lake Waconia Regional Park. Additional services are needed for:

- Additional Site Topographical Work.
- Geotechnical Soil Borings.
- Water Resources Engineering and Permits.

**ACTION REQUESTED:**

Motion to approve Amendment #1 to Contract 17-458 with WSB & Associates Inc. for Engineering Services at Lake Waconia Regional Park pending finalization of the contract review process.

**FISCAL IMPACT:**   
If "Other", specify:

**FUNDING**

<b>County Dollars =</b>	<b>\$0.00</b>
SG 10782	\$17,835.00
2017 Turn Back Funds	\$17,835.00
<b>Total</b>	<b>\$35,670.00</b>

**FTE IMPACT:**

Insert additional funding source

**Related Financial/FTE Comments:**

Original contract amount is \$82,500. Contract amendment increase of \$35,670. Total contract amount is \$118,170.

Office use only:

RBA 2018 - 5808

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Amendment #1 to Contract 17-451 with WSB & Associates Inc. for Phase I Development of Coney Island of the West**

Primary Originating Division/Dept: <input type="text" value="Public Works - Parks"/>	Meeting Date: <input type="text" value="11/20/2018"/>
Contact: <input type="text" value="Martin Walsh"/> Title: <input type="text" value="Parks Director"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

WSB & Associates is under contract for preparation of site plans and cultural resource work to a 30% complete plan for Lake Waconia Regional Park Coney Island.

The proposed amendment provides for additional services for asbestos and regulated waste survey, cultural resources, water resources permits, project management and final design for Phase I development. Scope of services also includes review meetings and bidding services including a prebid meeting not included in the original contract.

**ACTION REQUESTED:**

Motion to approve Amendment #1 to Contract 17-451 with WSB & Associates Inc. for Phase I Development of Coney Island of the West pending finalization of the contract review process.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>				
If "Other", specify: <input type="text"/>	County Dollars = <input type="text"/>				
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">SG-05696</td> <td style="width: 30%; text-align: right;">\$56,000.00</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$56,000.00</b></td> </tr> </table>	SG-05696	\$56,000.00	<b>Total</b>	<b>\$56,000.00</b>
SG-05696	\$56,000.00				
<b>Total</b>	<b>\$56,000.00</b>				
<input checked="" type="checkbox"/> Insert additional funding source					
Related Financial/FTE Comments: Initial contract amount was \$55,875. The contract is to be amended by \$56,000 for total contract amount of \$111,875.					

Office use only:

RBA 2018 - 5811



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Request to eliminate a 1.0 FTE Settlement Technician position and replace with a 1.0 FTE Taxation Analyst position**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
Consent  ▼

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

▼

**BACKGROUND/JUSTIFICATION:**

The Property Taxation Department within the Property and Finance Division currently has two positions with the same DBM rating which have different Job Classifications in two different Job Series. The positions are a Taxation Analyst and a Settlement Technician. To more effectively meet service delivery requirements of the Department, we are requesting, upon notice of separation with the current Settlement Technician, to eliminate the Settlement Technician position and replace with a Taxation Analyst position. This proactive change would create a strategic succession plan, increase staffing consistency and flexibility, and develop a stronger base knowledge of taxation duties among the multiple staff members. There is no fiscal impact because both positions have the same DBM rating.

**ACTION REQUESTED:**

Upon notice of separation with the current Settlement Technician, eliminate the 1.0 FTE Settlement Technician position and replace with a 1.0 FTE Taxation Analyst position.

**FISCAL IMPACT:**  ▼

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**  ▼

**Total**  \$0.00

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2018 - 5759

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Out-of-State Travel for Training**

Primary Originating Division/Dept: Attorney

Meeting Date: 11/20/2018

Contact: Mark Metz  Title: County Attorney

Item Type:  
Consent

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

**BACKGROUND/JUSTIFICATION:**

Mark Metz, County Attorney, is requesting approval for he and Chief Deputy Peter Ivy to attend a national opioid conference and a National Association of Attorney Generals Ethics Summit in Phoenix, Arizona from December 9-14, 2018. The funding for this travel will be taken entirely out of the County Attorney's Office's forfeiture funds, so there is no direct taxpayer cost. The total cost of travel, lodging and conference fees for both the County Attorney and the Chief Deputy is approximately \$2,580.00.

**ACTION REQUESTED:**

Motion to approve out-of-state travel for the County Attorney and Chief Deputy County Attorney to attend the conference in Phoenix, Arizona from December 9-14, 2018.

**FISCAL IMPACT:** None

If "Other", specify:

**FUNDING**

County Dollars =  **\$0.00**

**FTE IMPACT:** None

**Total**  **\$0.00**

Insert additional funding source

**Related Financial/FTE Comments:**

County Attorney's Office forfeiture funds will be used to pay all costs.

*Office use only:*

RBA 2018 - 5777

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Request for Out of State Travel for 2019 Annual Traffic Safety Association Convention (ATSSA)**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="11/20/2018"/>
Contact: <input type="text" value="Dan McCormick"/> Title: <input type="text" value="Transportation Manager"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Culture: Provide organizational culture fostering accountability to achieve goals &amp; sustain public trust/confidence in County government"/>	

**BACKGROUND/JUSTIFICATION:**

Out of state travel is requested for Chad Braun, Traffic Engineering Coordinator, to attend the American Traffic Safety Services Association (ATSSA) 2019 Annual Convention and Traffic Expo on February 8-12, 2019 in Tampa Bay, Florida, A full re-imbusement scholarship has been applied for and awarded by ATSSA. The conference will continue with the Public Works Division's affiliation with the ATSSA association and provide training and education for key programs in traffic safety, pavement markings, signs, traffic technologies, and temporary traffic control / work zones. Our staff is smaller in size and in the process of developing some new programs and initiatives to help the County meet its needs and demands, that this conference will help bolster.

Chad has applied for and been awarded a Public Agency Official Scholarship (re-imbusement) with ATSSA, which will pay for all or most of the estimated costs.

**ACTION REQUESTED:**

Approve out of state travel for Chad Braun to attend the ATSSA Annual Conference in Tampa Bay, Florida.

<b>FISCAL IMPACT:</b> <input type="text" value="Other"/> <p><i>If "Other", specify:</i> <input type="text" value="Conference Scholarship"/></p>	<b>FUNDING</b> <table style="width: 100%;"> <tr> <td><b>County Dollars =</b></td> <td><input type="text"/></td> </tr> <tr> <td>ATSSA Scholarship</td> <td style="text-align: right;">\$2,500.00</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$2,500.00</b></td> </tr> </table> <input checked="" type="checkbox"/> Insert additional funding source	<b>County Dollars =</b>	<input type="text"/>	ATSSA Scholarship	\$2,500.00	<b>Total</b>	<b>\$2,500.00</b>
<b>County Dollars =</b>	<input type="text"/>						
ATSSA Scholarship	\$2,500.00						
<b>Total</b>	<b>\$2,500.00</b>						
<b>FTE IMPACT:</b> <input type="text" value="None"/>							

**Related Financial/FTE Comments:**

County will be re-imbursed for the cost of convention (100%) and all travel and lodging expenses up to \$1500.00

*Office use only:*

RBA 2018 - 5791

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Cost Neutral Proposal to Hire a Replacement Appraiser Three Months Early in January 2019**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:  
Consent

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The County Board has previously approved replacing a Senior Appraiser position with an Appraiser position upon separation with the Senior Appraiser. The Senior Appraiser has announced his retirement effective March 31st, 2019. The County Administrator's Recommended 2019 Budget includes a new, additional Appraiser which is being funded by a 2019 increase in City Assessing contract revenue. To assist with the Assessing Department's heavy workload in Jan. and Feb., County staff is requesting to hire a replacement Appraiser for the Senior Appraiser position in January, 2019. The Assessing Department is proposing to offset the incremental cost for hiring the replacement Appraiser three months early in Jan. 2019 by delaying the hiring of the new, additional Appraiser by three months to July 2019. Thus, this proposal is cost neutral for the Assessing Department's 2019 Budget.

**ACTION REQUESTED:**

Approve a cost neutral proposal to hire a replacement Appraiser three months early in Jan 2019 and correspondingly delay hiring a new, additional Appraiser by three months to July 2019.

**FISCAL IMPACT:**    
If "Other", specify:

**FUNDING**

County Dollars =   
  
**Total**  \$0.00

**FTE IMPACT:**

Insert additional funding source

**Related Financial/FTE Comments:**

A budget amendment is not necessary because this proposal is cost neutral for the Assessing Department's 2019 Budget.

Office use only:

RBA 2018 - 5797

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**MN Counties Computer Cooperative ("MnCCC") Software Contract Ratification**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

Established in 1978, Minnesota Counties Computer Cooperative (MnCCC) is a joint powers organization which allows Mn counties to create a legal entity to contract for a wide variety of services, training, and software solutions. MnCCC is managed by an Executive Director and a Board of Directors and has software user groups that work together to provide specific software for use in county departments such as Corrections, Attorneys, Finance, Assessors, Taxation, etc.

MnCCC Board approved an 2019 - 2021 agreement with TriMin for IFS General Ledger software that is used by Financial Services. This agreement requires County Board ratification which commits the participating counties to the term and financial obligations associated with the contract.

**ACTION REQUESTED:**

Motion to ratify MnCCC IFS (General Ledger) software contract with TriMin.

**FISCAL IMPACT:**   
If "Other", specify:

**FUNDING**  
County Dollars =   
  
**Total**

**FTE IMPACT:**

Insert additional funding source

**Related Financial/FTE Comments:**

Annual support and maintenance costs for IFS is approximately \$10,000.

Office use only:

RBA 2018 - 5812

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Limited Hours on December 24, 2018**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
Consent  ▼

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

▼

**BACKGROUND/JUSTIFICATION:**

The County Board has the authority to set business hours for County services and operations. Christmas Eve occurs on Monday, December 24, 2018. Historically, the Board has considered reducing business hours on the 24th to allow employees greater opportunity to meet family, community, and religious commitments.

The action requested is limiting business hours in non-24/7 facilities on December 24, 2018 to 8:00am - Noon, and allowing employees to use PTO, comp time, flex time or voluntary unpaid leave to fill the day; and in specific situations, allow greater flexibility of work hours within the same work week to accommodate the reduction of regular business hours on the 24th.

**ACTION REQUESTED:**

Motion to approve limiting business hours in non-24/7 facilities on December 24, 2018 to 8:00am - 12:00 Noon, allowing employees to use PTO, comp time, flex time or voluntary unpaid leave to fill the day; and in specific situations, allow greater flexibility of work hours within the same work week to accommodate the reduction of regular business hours on the 24th.

**FISCAL IMPACT:**  ▼  
*If "Other", specify:*

**FUNDING**  
County Dollars =   
  
**Total**  \$0.00

**FTE IMPACT:**  ▼

Insert additional funding source

Related Financial/FTE Comments:

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Data Recovery and Unanticipated Discoveries Plan for Coney Island of the West**

Primary Originating Division/Dept: Public Works - Parks

Meeting Date: 11/20/2018

Contact: Martin Walsh Title: Parks and Recreation Director

Item Type:  
Consent

Amount of Time Requested: minutes

Attachments:  Yes  No

Presenter: Title:

**Strategic Initiative:**

Finances: Improve the County's financial health and economic profile

**BACKGROUND/JUSTIFICATION:**

Carver County is working to complete Phase I construction documents for the cleanup and development of Coney Island of the West. Coney Island of the West has been listed in the National Register of Historic Places since 1972 and is protected by law.

Minnesota Historic Sites Act (Minn. Stat. §§ 138.661- 138.669)- Requires political subdivisions of the state to protect the physical features and historic character of properties listed on the National Register of Historic Places. Political subdivisions must cooperate with the Minnesota State Historical Society in the preservation of historic properties. Before carrying out any undertaking that will affect a listed property, the government entity must consult with the Minnesota State Historical Society according to the society's established procedures to determine appropriate treatments, and to seek ways to avoid and mitigate any adverse effects on the listed property. If the parties can reach written agreement, the project can proceed. If the parties cannot reach written agreement, then the parties follow statutory procedures for mediation.

Carver County has submitted the below reports pertaining to Coney Island of the West to the State Historical Preservation Office to be in compliance with Minn. Stat. 138.661-138.669

- Phase I Cultural Resources Assessment
- Phase II Historical Evaluation
- Phase II Archeological Evaluation
- Phase II Additional Analysis Report
- Determination of effects Report

In addition, a Data Recovery and Unanticipated Discovery Plan has been drafted in conjunction with our 60 % percent Phase I cleanup and construction plans to be submitted to the State Historic Preservation Office. This plan further defines treatment and alternate treatments for historic structures on site and provides a plan to recover additional data/information. Further, the plan outlines a process for unanticipated discoveries while construction activity is underway. The County is to be held to what is provided in the plan for preservation or protection of historic features and the process for unanticipated discoveries. Additional findings on Coney Island of the West may lead to further investigative Phase III work, preservation measures and corresponding costs.

**ACTION REQUESTED:**

Motion to authorize the Board Chair to sign the Data Recovery and Unanticipated Discovery Plan for Coney Island of the West, and submit to the State Historic Preservation Office.

**FISCAL IMPACT:** Included in current budget

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:** None

**Total** \$0.00

Insert additional funding source

**Related Financial/FTE Comments:**

Work to create and submit the Data Recovery and Unanticipated Discovery Plan is under contract and budgeted.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Abatements/Additions**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
 ▼

Amount of Time Requested:  minutes  
Presenter:  Title:

Attachments:  Yes  No

Strategic Initiative:  
 ▼

**BACKGROUND/JUSTIFICATION:**

Abatements requested by taxpayers. See attached listing.

**ACTION REQUESTED:**

Motion to approve.

**FISCAL IMPACT:**  ▼  
*If "Other", specify:*

**FUNDING**

<b>County Dollars =</b>	<b>(\$1,018.71)</b>
Other	(\$2,500.29)
<b>Total</b>	<b>(\$3,519.00)</b>

**FTE IMPACT:**  ▼

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2018 - 5802





**CARVER  
COUNTY**

Property & Financial Services  
Government Center - Administration  
Building  
600 East 4th Street  
Chaska, MN 55318-2102

Property Tax, Elections and License  
Centers  
Phone: (952) 361-1910  
Email: taxsvc@co.carver.mn.us

County Assessor  
Phone: (952) 361-1960  
Email: assessment@co.carver.mn.us

**Abatements presented to the  
Carver County Board of Commissioners  
November 20, 2018**

Abatement approval is recommended by the County Assessor and Property Tax, Elections & License Centers Manager on the following properties for the reasons listed.

Payable Year	Parcel Number	Name	Reason for Abatement	Original Tax Amount	Adjusted Tax Amount	Total Amount of Tax Adjustment	Reduction in Penalties and/or Interest Paid	Total Amount of Adjustment	County Dollars Abated
2017	20.1270110	Steven Larson & Elizabeth Larson	Fire	\$ 5,134.00	\$ 4,461.00	\$ (673.00)	\$ -	\$ (673.00)	\$ (170.26)
2018	20.1270110	Steven Larson & Elizabeth Larson	Fire	\$ 5,590.00	\$ 4,080.00	\$ (1,510.00)	\$ -	\$ (1,510.00)	\$ (387.49)
2018	25.5540240	Kyle Bergs	Homestead	\$ 2,626.00	\$ 2,440.00	\$ (186.00)	\$ -	\$ (186.00)	\$ (69.15)
2018	07.5500220	Michael Guethling & Stacy Guethling	Homestead	\$ 2,964.00	\$ 2,788.00	\$ (176.00)	\$ -	\$ (176.00)	\$ (72.59)
2018	25.4260603	Stephen Alexander & Cassidy Steigauf	Homestead	\$ 2,282.00	\$ 2,070.00	\$ (212.00)	\$ -	\$ (212.00)	\$ (79.35)
2018	75.4580150	Todd & Elena Bohman	Homestead	\$ 5,206.00	\$ 5,156.00	\$ (50.00)	\$ -	\$ (50.00)	\$ (14.81)
2018	30.0890230	Mary Mittlestaedt	Homestead	\$ 2,482.00	\$ 2,482.00	\$ -	\$ -	\$ -	\$ -
2018	25.1602371	Craig Rhatigan & Anita Lewis	Homestead	\$ 3,894.00	\$ 3,788.00	\$ (106.00)	\$ -	\$ (106.00)	\$ (44.66)
2018	75.5200030	Anthony Nicholls & Stephanie Nicholls	Homestead	\$ 2,600.00	\$ 2,336.00	\$ (264.00)	\$ -	\$ (264.00)	\$ (77.07)
2018	20.1412001	Tanya M. Coder	Homestead	\$ 2,526.00	\$ 2,260.00	\$ (266.00)	\$ -	\$ (266.00)	\$ (80.38)
2018	20.1130040	Steven Munkelwitz & Amber Richardson	Homestead	\$ 5,062.00	\$ 4,986.00	\$ (76.00)	\$ -	\$ (76.00)	\$ (22.95)
			<b>TOTALS</b>	<b>\$ 40,366.00</b>	<b>\$ 36,847.00</b>	<b>\$ (3,519.00)</b>	<b>\$ -</b>	<b>\$ (3,519.00)</b>	<b>\$ (1,018.71)</b>

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Farm Family of the Year**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
 ▼

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

▼

**BACKGROUND/JUSTIFICATION:**

The Farm Family Recognition Program has existed for over two decades and honors farm families from throughout Minnesota for their contributions to the agriculture industry and their local communities. All of the honored farm families have made significant contributions to Minnesota agriculture and their communities.

This year, the Carver County Extension Committee is honored to recognize Jeff and Tina Vinkemeier's Seven C Dairy. Jeff and Tina took over the dairy operation in 1997 as the sixth generation of the family to run the farm. Today, Seven C Dairy has 167 dairy cows, and the Vinkemeiers finish dairy steers and grow 350 acres of corn, soybeans, and alfalfa. The Vinkemeiers are members of several dairy breed organizations including those for Jerseys, Ayrshires, Guernseys, Brown Swiss, Milking Shorthorns, and Holsteins. The family has a long history of involvement in dairy promotion activities and 4-H.

**ACTION REQUESTED:**

Welcome and congratulate the Vinkemeiers and their Seven C Dairy.

**FISCAL IMPACT:**  ▼

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**  ▼

**Total**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2018 - 5737



## University of Minnesota Farm Families of the Year

[Home](#)

[Families by Year](#) ▼

[Families by County](#)

[Press Release](#)

[2018 Event Details](#) ▼

[2019 Farm Family](#)

### Seven C Dairy

Carver County

2018

Jeff and Tina Vinkemeier's Seven C Dairy was homesteaded in 1859. The couple took over the dairy operation in 1997 as the sixth generation of the family to run the farm. At that time, the Vinkemeiers milked 45 cows, farrowed six sows and grew corn and alfalfa on 150 acres. A year later, a double-four, step-up parlor was installed in the old tie-stall barn. In 2005, the family built a 73-head free stall barn. Two years later, they added a calf/heifer barn.

Today, Seven C Dairy has 167 cows on test, and the Vinkemeiers finish dairy steers and grow 350 acres of corn, soybeans and alfalfa.

Jeff manages the dairy and handles the day-to-day work with the help of a few part-time employees. Tina takes care of the bookkeeping and registration of the purebred dairy animals.

Jeff and Tina's daughter, Courtney, along with her family and the Vinkemeiers' son, Caleb, took their passion for agriculture to Oregon last summer where they raise a variety of animals. Jeff and Tina's daughter, Carley, graduated from Northeast Iowa Community College late last year, and their son, Collin, attends Ridgewater Community College studying dairy management. The Vinkemeiers' other children, Canton and Cadee, help on the farm milking cows, feeding calves and various other jobs.

The Vinkemeiers are members of several dairy breed organizations including those for Jerseys, Ayrshires, Guernseys, Brown Swiss, Milking Shorthorns and Holsteins. The family has a long history of heavy involvement in dairy promotion activities and 4-H.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Floodplain Zoning Code & Map Changes**

Primary Originating Division/Dept: <input type="text" value="Public Services - Land Mgmt."/>	Meeting Date: <input type="text" value="11/20/2018"/>
Contact: <input type="text" value="Jason Mielke"/> Title: <input type="text" value="Senior Planner"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="15"/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text" value="Jason Mielke"/> Title: <input type="text" value="Senior Planner"/>	
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

File #OA-PZ20180026. The Planning Commission recommended approval of several textual changes and reorganized sections of the County Zoning Code - Chapter 152, as well as updates to the Official County Zoning Map. Ordinance No. 88-2018 pertains to updated Floodplain regulations and the Floodplain Overlay District layer of the Official Zoning Map for the unincorporated areas of the County.

Under United States Federal Emergency Management Agency (FEMA) requirements for implementing the floodplain management measures for Carver County, new FEMA maps should take effect December 21, 2018. Therefore, Carver County is required to amend and adopt the Zoning Code Floodplain Section to incorporate the new maps and textual updates to correspond with the approved FEMA Flood Insurance Rate Maps (FIRM) and Floodplain Management measures. The proposed amendments include, but may not be limited to, updated zoning language and map references, updated Floodplain Overlay District boundaries based on FEMA and Minnesota Department of Natural Resources (DNR) review and approval, and added or revised definitions. These changes are required in order to continue participation in the National Flood Insurance Program (NFIP). If FEMA has not received the documentation by the map effective date (December 21, 2018), FEMA will suspend the County from the National Flood Insurance Program. The DNR requests that the adopted ordinance be submitted to its office no later than December 18, 2018 in order to allow for the timely submittal of the final materials to the FEMA Chicago Regional Office.

The County Attorney's Office has reviewed the proposed ordinance language. The Planning Commission resolution is attached. The following items are attached for the Board's consideration: 1) a draft of Ordinance No. 88-2018; 2) a proposed Zoning Map with the updated Floodplain Overlay District; 3) a letter from the DNR providing conditional approval of the ordinance (dated: August 27, 2018); 4) a letter from FEMA emphasizing NFIP requirements (dated: September 17, 2018); and 5) a draft County Board Resolution.

**ACTION REQUESTED:**

1. Motion to open the public hearing. 2. Motion to close the public hearing. 3. Motion adopting a resolution enacting Ordinance No. 88-2018, amending the Zoning Code (Chapter 152), and the Official County Zoning Map.

FISCAL IMPACT: <input type="text" value="None"/>	FUNDING
If "Other", specify: <input type="text"/>	County Dollars = <input type="text"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$0.00"/>
<input checked="" type="checkbox"/> Insert additional funding source	
Related Financial/FTE Comments: <input type="text"/>	

Office use only:

**COUNTY OF CARVER**  
***PLANNING COMMISSION RESOLUTION***

**FILE #: OA-PZ20180026**

**RESOLUTION #: 18-07**

**FILE #:** OA-PZ20180026

**INITIATED BY:** FEMA & MnDNR

**TYPE:** Ordinance No. 88-2018 to update Section 152 of the County Code and  
The Official Zoning Map for the unincorporated areas of the County.

**PURSUANT TO:** County Code, Chapter 152

**LEGAL DESCRIPTION:** County-wide

**REGARDING:** Ordinance No. 88-2018

**WHEREAS**, said amendments were duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of October 16, 2018; and,

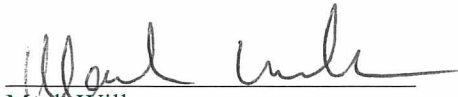
**WHEREAS**, the Carver County Planning Commission finds as follows:

1. Carver County Land Management and the Carver County Attorney's Office have drafted an ordinance amending the Carver County Code and Zoning Map, including the Floodplain Overlay District. The purpose of the draft language is to amend Chapter 152, Zoning Code; and the Floodplain Overlay District layer of the Carver County Zoning Map. These changes are required in order to continue participation in the National Flood Insurance Program (NFIP). Based on the Federal Emergency Management Agency (FEMA) requirements for implementing the floodplain management measures for Carver County, new FEMA maps will be effective December 21, 2018. Therefore, Carver County is required to amend/adopt our current Zoning Code (Floodplain Sections) to incorporate the new maps and text updates. The Minnesota Department of Natural Resources (MN/DNR) is required by State Statute to approve Ordinance/Code amendments prior to adoption, and therefore, requests the adopted materials be submitted to the DNR no later than December 18, 2018. If FEMA has not received the documentation by the map effective date, FEMA will suspend the County from the National Flood Insurance Program.
2. **PROPOSED CHANGES:** Ordinance #88-2018 would amend the County Code Chapter 152 pertaining to Floodplain regulations and the Floodplain Overlay District layer of the Official Zoning Map for the unincorporated areas of the County. A significant portion of the amendments are intended to update the Zoning Code and Zoning Map to correspond with the approved FEMA Flood Insurance Rate Maps (FIRM) and Floodplain Management measures. There are also several text changes and reorganized sections. The proposed amendments include; but may not be limited to: updated zoning language and map references, updated Floodplain Overlay District boundaries based on FEMA and MN/DNR review and approval, and adding or revising definitions.
3. The public hearing notice for the proposed text amendments was published in the Chaska Herald (official newspaper) and several other local newspapers, and it was sent to all of the townships and cities within the County, Carver County Public Works, Carver County Environmental Services, Carver Soil & Water Conservation District (SWCD), Minnehaha Creek Watershed District (MCWD), and MnDNR. If the proposed amendments are approved by the Planning Commission, a public hearing would also be necessary at the County Board and the hearing notices would be properly titled "intent to enact" an ordinance.
4. The draft text amendments for Chapter 152, the Zoning Code are attached for your review. (Note – underline is for new language and strikethrough is for deletion.) The "proposed" Official Carver County Zoning Map has also been attached for review.
5. A letter from the MN/DNR (dated: August 27, 2018) and from FEMA (dated: September 17, 2018) is also attached to provide additional background information.

6. Copies of the proposed Ordinance No. 88-2018 are available at the Land Management Department, or by calling (952) 361-1820. Information may also be obtained by going to the Planning Commission webpage at: <https://www.co.carver.mn.us/departments/public-services/land-management/zoning/planning-commission>.
7. The proposed amendments are in conformance with the Federal Emergency Management Agency (FEMA) standards, Minnesota Department of Natural Resources (MN/DNR) standards, and the County Comprehensive Plan. The amendments are not in conflict with any other official controls and they would not be detrimental to the health, safety or general welfare.

**THEREFORE, BE IT RESOLVED,** THAT The Carver County Planning Commission hereby recommends the adoption of Ordinance No. 88-2018 for the amendments to Chapter 152 of the County Zoning Code and Zoning Map, including the Floodplain Overlay District.

**ADOPTED** by the Carver County Planning Commission this 16<sup>th</sup> day of October 2018.



Mark Willems

Planning Commission Vice-Chair

**CARVER COUNTY, MINNESOTA**  
**ORDINANCE NO. 88-2018**  
**AMENDING CHAPTER 152 - ZONING CODE**

**THE CARVER COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS:**

**SECTION 1.** Strikethrough signifies deleted language and underline is new language. The specified section of Chapter 152, the Carver County Zoning Code, shall be amended as follows:

Carver County, MN Code of Ordinances

**CHAPTER 152: ZONING CODE**

Section

*General Provisions*

- 152.001 Short title
- 152.002 Intent and purpose
- 152.003 Authority
- 152.004 Rules of language construction
- 152.005 Application and jurisdiction
- 152.006 Zoning districts and maps
- 152.007 Road classifications
- 152.008 Aerial photography
- 152.009 Non-conforming uses and structures
- 152.010 Definitions
- 152.011 Fees

*Standards*

- 152.025 Requirement for compliance
- 152.026 Disclosure of use of hazardous materials
- 152.027 Water management, erosion and sedimentation control
- 152.028 Structures in a public right-of-way
- 152.029 Fences
- 152.030 No garage, tent, trailer
- 152.031 No more than one principal residential structure
- 152.032 Unlicensed/inoperable motor vehicles or accumulation of licensed motor vehicles
- 152.033 Lot requirements
- 152.034 Setbacks
- 152.035 Subsurface sewage treatment system (SSTS) standards
- 152.036 Access requirements
- 152.037 Height regulations
- 152.038 Parking standards
- 152.039 Renewable energy
- 152.040 Operational standards

*Essential Services*

- 152.050 Scope

- 152.051 Permitted uses
- 152.052 Conditional use permit required
- 152.053 Public utility buildings and structures
- 152.054 Public/quasi-public facilities
- 152.055 Transmission systems—no en-route consumption
- 152.056 Wireless communications facilities and towers or antennas

***“A” Agriculture District Regulations***

- 152.070 Permitted principal uses
- 152.071 Animal agriculture
- 152.072 Building eligibilities
- 152.073 Permitted accessory uses and structures
- 152.074 Accessory uses and structures requiring an administrative special use permit
- 152.075 Conditional uses
- 152.076 Conditional uses—agriculture; animal agriculture (allowed in AG preserve)
- 152.077 Conditional uses—residential related
- 152.078 Conditional uses—additional density options
- 152.079 Conditional uses—activities centered around a home or a home/farm combination
- 152.080 Conditional uses—large scale activities with unique land or location needs
- 152.081 Interim use permit
- 152.082 Interim use permit-AG District

***Rural Service Overlay District***

- 152.095 Purpose
- 152.096 Designation
- 152.097 Conditional use permits
- 152.098 Service level

***Shoreland Overlay District***

- 152.110 Application
- 152.111 Classification of protected waters
- 152.112 Permitted uses
- 152.113 Conditional uses
- 152.114 Accessory uses
- 152.115 Prohibited uses
- 152.116 Lot size and width, setbacks, and yard requirements
- 152.117 Structures placed at high water elevations
- 152.118 Requirements for roads, driveways, and parking
- 152.119 Nonconformities
- 152.120 Water supply
- 152.121 Sewage disposal requirements
- 152.122 Issuance of permits; SSTS compliance required
- 152.123 Waste disposal
- 152.124 Vegetation alterations
- 152.125 Vegetation removal prohibited
- 152.126 Topographic alterations/grading and filling
- 152.127 Alterations below OHW



- 152.128 Connection to public water
- 152.129 Steep slopes/bluff impact zone
- 152.130 Wetland evaluation
- 152.131 Erosion control
- 152.132 Signs within the shore impact zone

***Floodplain Overlay District***

- 152.143 Statutory Authorization, Findings of Fact and Purpose
- 152.144 General Provisions
- 152.145 Districts Establishment of Floodplain Districts
- 152.146 Compliance Requirements for all Floodplain Districts
- 152.147 Floodway District (FW)
- 152.148 Flood Fringe District (FF)
- 152.149 General Floodplain District (GF)
- 152.150 Subdivision Standards
- 152.151 Utilities, Railroads, Roads, and Bridges
- 152.152 Manufactured Homes and Recreational Camping Vehicles
- 152.153 Administration
- 152.154 Nonconformities
- 152.155 Violations and Penalties
- 152.156 Amendments

***Transition Area Overlay Zone***

- 152.160 Purpose
- 152.161 Designation
- 152.162 General provisions

***Residential Cluster District***

- 152.175 Purposes of the district
- 152.176 General provisions
- 152.177 Agricultural area regulations
- 152.178 Residential area regulations
- 152.179 Lot, yard, access, and height regulations

***Administration and Enforcement***

- 152.190 Land Management Department; authority/responsibility
- 152.191 Certification of zoning compliance

***Board of Adjustment***

- 152.210 Creation
- 152.211 Membership
- 152.212 Organization
- 152.213 Authority power of variance and appeals
- 152.214 Appeals
- 152.215 Variances
- 152.216 Decision
- 152.217 Expiration/extension of variance
- 152.218 Rehearing

### *Planning Commission*

- 152.230 Planning Commission established
- 152.231 Membership
- 152.232 Organization
- 152.233 Meetings
- 152.234 Authority and duties of Commission

### *Conditional and Interim Use Permits*

- 152.245 Application
- 152.246 Hearing required
- 152.247 Consideration of adverse effects
- 152.248 Recommendations for conditions
- 152.249 Time of recommendation; transmittal to board
- 152.250 County Board action
- 152.251 Required findings
- 152.252 Conformity required, expiration extension, review, duration

### *Amendments*

- 152.265 Amendment of zoning code
- 152.266 Initiation of amendment
- 152.267 Pre-application meeting
- 152.268 Application
- 152.269 Hearing required
- 152.270 Findings of fact
- 152.271 Transmittal to Board
- 152.272 County Board action
- 152.273 File with Commissioner of Natural Resources
- 152.274 Effect of denial

### *Public Hearings*

- 152.285 Public hearings
- 152.286 Notice requirements
- 152.287 Property owner records
- 152.288 Failure to give notice
- 152.289 Applicant to appear
- 152.290 Additional information
- 152.291 Environmental concern
- 152.999 Penalty

## **GENERAL PROVISIONS**

### **§ 152.005 APPLICATION AND JURISDICTION.**

(A) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and welfare, and for carrying out the intent of the comprehensive plan.

(B) The provisions of this chapter shall apply to all land within the county which is not within the boundaries of an incorporated city or within any orderly annexation area where the city and township and

county have a separate agreement concerning zoning within the orderly annexation area, or where a joint powers agreement or similar agreement provides for another zoning authority.

(C) Where the conditions imposed by any provision of the chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards of requirements shall prevail except that all uses legally established under the provisions of Ordinance No. 32S and amendments thereto may continue in the manner established under this chapter. The provisions of this chapter shall not apply until there is a change in use or an increase in the intensity of the established use. (Ord. 47, passed 7-23-02)

### **§ 152.006 ZONING DISTRICTS AND MAPS.**

(A) *Zoning districts.* For the purpose of this chapter several zoning districts shall be created within the area of Carver County and in effect outside the corporate limits of incorporated areas. These districts shall carry the title as follows:

- “A,” the Agriculture District
- “RSD,” the Rural Service Overlay Districts
- “S,” the Shoreland Overlay District
- “F,” the Floodplain Overlay District
- “R,” Residential Cluster District
- “T,” Transition Area Overlay District.

(B) *Maps.* The boundaries of the above districts are hereby established as shown on the map entitled “Carver County Zoning Map” ~~and all the flood insurance rate maps identified in the index, dated December 21, 2018 January 6, 1988 and associated information, and the Letter of Map Revision (LOMR) with an effective date of January 29, 2004, and the preliminary Digital Flood Insurance Rate Map (DFIRM) flood insurance study geodatabase, dated November 30, 2010.~~ The maps and all of the notations, references and other information shown thereon and amendments thereto, shall have the same force and effect as fully set down herein and are hereby made part of this chapter by reference and incorporated herein as is set forth herein at length. The flood insurance study for the county prepared by the Federal Emergency Management Agency, dated December 21, 2018, ~~is January 6, 1988, and as modified by the January 29, 2004 Letter of Map Revision (LOMR) and the water surface profiles and flood insurance rate maps therein and the preliminary Digital Flood Insurance Rate Map (DFIRM) flood insurance geodatabase, dated November 30, 2010,~~ are hereby attached to and made part of the official zoning map and this chapter.

(C) *Boundaries.* District boundaries as indicated on the zoning map follow property lines, the center line of streets and alleys projected, the center line of water courses or the corporate limit lines, all as they exist upon the effective date of this chapter or as hereafter amended. If the district boundary lines do not follow any of the above described lines, the district boundary lines are established by scaling the distances as drawn on the zoning map. District boundary lines as shown on the Shoreland District Map are nominal; final boundary determination shall be made based on air photos or similar information or field measurements; in the case of floodplain areas determination shall be made in accordance with the following rules for interpretation of Floodplain District boundaries:

(1) *Rules for Interpretation of Floodplain District boundaries.* The boundaries of the Floodplain District shall be determined by scaling distances on the ~~National Flood Insurance Program Flood Insurance Rate Maps, dated January 6, 1988, and all amendments thereto that have been officially adopted by the county in ordinance form, and the preliminary Digital Flood Insurance Rate Map (DFIRM) flood insurance study geodatabase, dated November 30, 2010~~ December 21, 2018. ~~The more restrictive of these two sets of maps and supporting information shall take precedence for determining the extent of the floodplain, floodway and flood fringe boundaries and the regulatory flood protection elevation for the site.~~

(2) *Interpretation.* Where interpretation is needed as to the exact location of the boundaries of the district as shown on the above noted maps as, for example, where there appears to be a conflict between a

mapped boundary and actual field conditions, the Board of Adjustment shall make the necessary interpretation. This interpretation shall be based on ground elevations that existed on the site at the time the county adopted its initial floodplain ordinance or the date of the first National Flood Insurance Program Map showing the area in the floodplain, if earlier, elevations on the applicable regional (100 year) water surface profile and, where appropriate, other best available technical information.

(3) *Opportunity to contest.* The person contesting the location of the district boundaries shall be given a reasonable opportunity to present his or her case to the Board of Adjustment and to submit technical evidence if he or she so desires.

(D) *Residential Cluster District.* District boundaries may be shown on the zoning map for information only. Actual boundaries will be as legally described in Attachment A - Residential Cluster Zones, attached to Ordinance 47 and on file in the office of the County Auditor.

(Ord. 47, passed 7-23-02; Am. Ord. 58-2007, passed 3-27-07; Am. Ord. 70-2010, passed 1-25-11)

#### **§ 152.007 ROAD CLASSIFICATIONS.**

Road classifications shall be as designated on the Future Functional Class Map of the Carver County Roadway Systems Plan.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

#### **§ 152.008 AERIAL PHOTOGRAPHY.**

Several sections of the chapter reference the use of aerial photos as an information source. If the need is for current information, the most current Metropolitan Council digital photography or its equivalent shall be utilized. If historical information is required the most appropriate set of photography done by a governmental unit shall be utilized.

(Ord. 47, passed 7-23-02)

#### **§ 152.009 NON-CONFORMING USES AND STRUCTURES.**

(A) Any structure or use of a structure, or use of land lawfully existing upon the effective date of this chapter may be continued at the size and in the manner of operation existing upon the date, notwithstanding the certain classes pursuant to M.S. § 394.36, except as hereinafter specified.

(1) *Certain classes of property.* This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of the damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50% of the required setback from the water is destroyed by fire or other peril to greater than 50 % of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(B) Nothing in this chapter shall prevent the placing of a structure in a safe condition when the structure is declared unsafe by the Building Inspector, providing the necessary repair shall not constitute more than 50% of fair market value of the structure as shown in the records of the County Assessor.

(C) When any lawful non-conforming use of any structure or land in any district has been changed to a

conforming use, it shall not thereafter be changed to a non-conforming use.

(D) A lawful non-conforming use of a structure or parcel of land may be changed to a similar non-conforming use or to a more restrictive nonconforming use.

(E) Whenever a lawful non-conforming structure shall have been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, it may be reconstructed and used as before if it can be reconstructed within 12 months after the calamity, unless the damage to the building or structure is 50% or more of its fair market value of the entire nonconforming use, in which case the whole thereof shall be demolished, and any construction thereafter shall be for a use in accordance with the provisions of this chapter.

(F) Whenever a lawful non-conforming use of a structure or land is discontinued for a period of 12 months, any future use of the structure or land shall be in conformity with the provisions of this chapter.

(G) Any lawful non-conforming use of land not involving a structure and any lawful nonconforming use involving a structure with an assessor's true and full valuation upon the effective date of this chapter of \$1,000 or less, may continue for a period of one year from the date of adoption of this chapter, whereupon the non-conforming use shall cease unless brought into conformity.

(H) Any proposed structure which will under this chapter become non-conforming, but for which a building permit has been lawfully granted not more than six months prior to the effective date of this chapter, may be completed in accordance with the approved plans provided construction is started within six months of the effective date of this chapter and continues to completion within two years of that date. The structure shall thereafter be a legally existing non-conforming structure.

(I) Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

(J) Alterations may be made to a building containing lawful, nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units. The bulk of the building may be increased if the Department rules that the increase in bulk will not intensify the non-conformity.

(K) Non-conforming uses which would or could be conforming if they were under the provisions of a conditional use permit, shall file for the permit. Should the permit be denied, a non-conforming use certificate shall be issued by the County Board defining the use, scale and operational limits in detail.

(L) A structure existing on the date of the adoption of this chapter that intrudes upon a required setback may be expanded provided the expansion does not decrease the distance between the structure and the applicable lot line.

(M) A residential parcel of land with existing structures on the effective date of this chapter because of its dimensions or because it does not have sufficient road frontage is considered a legal lot. Should the lot be expanded the new lot must meet all chapter criteria except front yard setback for existing structures.

(N) ~~Alterations or additions to nonconforming structures in the floodplain:~~

~~—(1) Any alteration or addition to a nonconforming structure or nonconforming use which may result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood proofing techniques (that is, FP-1 through FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in subsection (2) below.~~

~~—(2) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the county's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of the floodplain regulations section of this chapter for new~~

structures depending upon whether the structure is in the Floodway District or Flood Fringe District, respectively.

~~—(3) Non conforming uses located in the Floodway District shall be eliminated or brought into conformity with the standards contained in this chapter within a reasonable period of time as determined by the Board of Adjustment after a hearing for each non conforming use. The Board shall make its determination upon the basis of a normal useful life of any improvement upon the premises. In addition, the monetary value of any competitive advantage derived by the operation of the non conforming use by reason of the limitation on establishment of competing businesses as a result of this chapter, shall be considered as a reduction of losses resulting from the requirement of termination of the use under this chapter.~~

~~—(4) The Department shall prepare a list of those uses which are non conforming due to location in the Floodplain District which have been flood proofed or otherwise adequately protected in conformity with the State Building Code. The list shall be presented to the Planning Commission which may issue a certificate to the owner stating that the uses, as a result of these corrective measures, are in conformity with the provisions of the Floodplain District. [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)~~

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

### **§ 152.010 DEFINITIONS.**

Any words not defined in this section shall have the meanings given them in *Merriam-Webster's Collegiate Dictionary*, Tenth Edition or most recent edition. The following words and terms, whenever they occur in this chapter are defined as follows:

**ABUTTING.** Making contact with or separated only by a public thoroughfare, railroad, public utility right-of-way or navigable waters.

**ACCESSIBLE PARKING.** A space reserved exclusively for an automobile registered with a state with handicapped license plates or displaying an official city or state-issued handicapped placard.

**ACCESSORY USE OR STRUCTURE.** A use or structure subordinate to and serving the principal use of a structure on the same lot and customarily incidental thereto.

**ADDITION.** A physical enlargement of an existing structure.

**ADJACENT PARCELS.** Parcels of land that are touching at a minimum of a single point or are separated only by a public road, railroad, trail or similar right-of-way.

**ADMINISTRATIVE SPECIAL USE PERMIT.** A permit that can be issued by the Department.

**AGRICULTURAL BUILDING.** Any structure located on a parcel of 20 acres or more that is used exclusively for agricultural purposes and is not subject to State Building Code.

**AGRICULTURE.** The principal use of a parcel of land of 20 acres or more for any one or combination of the following activities:

- (1) The production and storage of fruits, vegetables, grains, seeds, trees, forage, or other crops;
- (2) The keeping, raising, feeding, breeding, or production of animals whether on range, pasture, or feedlot; or
- (3) Dairying.

**AGRI-TOURISM.** Any agricultural, horticultural or agri-business activity that allows organizations or members of the general public, for the purpose of recreational entertainment, education or active involvement to view, enjoy, or participate in rural activities of a farm or farm related operation. An activity is an agri-tourism activity whether or not the individual pays to participate in the activity.

**AIRPORT or HELIPORT.** Any land, water, or structure which is used or intended for use for the landing and take off of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights-of-way.

**ANIMAL AGRICULTURE.** The keeping, raising, feeding, breeding, dairying or production of animals whether on range, pasture, or feedlot.

**ANIMAL UNIT.** Refer to the feedlot management regulations, Chapter 54 of this code of ordinances. Animals such as dogs, cats or other animals customarily kept as pets shall not be considered animal units for purposes of this chapter provided they are being kept as pets.

**ARRAY (SOLAR).** Any number of solar photovoltaic modules or panels connected together to provide a single electrical output.

**BACKYARD COMPOST SITE.** A site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single-family or household, apartment building, or single commercial office, a member of which is the owner, occupant, or lessee of the property.

**BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION.** The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

**BASEMENT.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**BERM.** A natural or man-made earthen mound, hill or embankment typically utilized for screening, drainage diversion or landscaping.

**BILLBOARD.** See **SIGN-ADVERTISING.**

**BIOMASS.** Organic materials used as renewable energy sources such as wood, crops, and waste.

**BLUFF.** A topographic feature such as a hill, cliff, or embankment in which the average grade of any portion of the slope is 25% or greater and there is at least a 25-foot rise in elevation.

**BLUFF-ACTIVELY ERODING.** A bluff with a visibly unstable slope including, but not limited to, slopes that are substantially devoid of vegetation, evidence of cracks, gullies or washouts in the soil, trees that are tipping or that have curved trunks, or are determined to be actively eroding by the Soil and Water Conservation District.

**BLUFF IMPACT ZONE.** A bluff and land located within 20 feet from the top of a bluff.

**BLUFF “TOE”.** The toe is a point on the lower part of a bluff where the average slope levels off to 18% or less.

**BLUFF “TOP”.** The top of a bluff is a point on the upper part of a bluff where the average slope levels off to 18% or less.

**BOARD OF ADJUSTMENT.** Shall be the Carver County Board of Adjustment established under provisions of this chapter.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING ELIGIBILITY.** The eligibility to apply for and be issued a building permit for a single-family home under the provisions of this chapter.

**BUILDING SITE.** A parcel of land exclusive of easement and setback requirements with the following characteristics:

- (1) One acre in size with no dimension less than 30 feet;
- (2) Slope of 18% or less;
- (3) One foot above any 100-year flood or any nearby source of flooding; and
- (4) A minimum of 12 inches of original soil separation between the periodically saturated soil or other limiting factor and the surface of the soil. This separation shall be demonstrated by the submission of soil borings, from a licensed SSTS designer identifying both a primary and alternate SSTS site as required in Chapter 52. The areas identified for on-site sewage treatment sites may be included in the area utilized to obtain the one-acre minimum building site.

**CARPORT.** An accessory structure typically for a vehicle having one or more open sides.

**CARTWAY.** For the purpose of these regulations, a township road less than 66 feet in width, and declared and accepted as a public cartway by resolution of the town board of supervisors.

**CEMETERY.** Land used for the burial of the dead and dedicated for cemetery purposes including columbariums, mausoleums and services uses necessary to operate.

**CERTIFICATE OF COMPLIANCE - FEEDLOT.** Refer to the feedlot management regulations.

**CERTIFICATE OF ZONING COMPLIANCE.** A permit that can be issued by the Department.

**CHURCH.** A building together with its accessory buildings and uses where persons regularly assemble for a religious service and which buildings and uses are maintained and controlled by an organized group for public worship.

**CLOSED LOOP GROUND SOURCE HEAT PUMP SYSTEM.** A system that circulates a heat transfer fluid, typically food-grade antifreeze, through pumps or coils buried beneath the land surface or anchored to the bottom in a body of water.

**CLUB or LODGE.** A non-profit association of persons who are bona fide members paying annual dues, use of premises and/or buildings being restricted to members and their guests.

**CO-LOCATION.** Placement of two or more wireless telecommunications providers on a single tower or other structure.

**COMMERCIAL KENNEL.** A place where three or more dogs or cats over the age of four months are kept for sale, breeding for sale, boarding for pay, or training for pay on an ongoing basis.

**COMMERCIAL USE.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**COMMISSION.** Shall mean the Carver County Planning Commission.

**COMMISSIONER.** The Commissioner of the Department of Natural Resources.

**COMPREHENSIVE PLAN.** The document entitled Carver County/Townships Comprehensive Plan adopted pursuant to M.S. § 473.864 and M.S. § 394.21 and all amendments thereto.

**CONDITIONAL USE.** A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning code exists, and (2) the use or development conforms to the comprehensive land use plan of the county, and (3) is compatible with the existing neighborhood.

**CONDITIONAL USE PERMIT (CUP).** A permit specifically and individually ordered by the County Board after recommendation thereon pursuant to the provisions of this chapter.

**CONTIGUOUS.** Parcels of land that have a common lot line or boundary. Parcels that only touch at a single point or are separated by a public road, railroad, trail or similar right-of-way shall not be considered contiguous.

**CONTRACTOR.** A person whose business is contracting work in any of the building or construction trades including directly related fabrication, landscaping, road building, general construction, SSTS installation, or who has two or more trucks used for hauling or transport or to supply a property maintenance service.

**CONTRACTOR'S YARD.** A site used for the storage and maintenance of vehicles, equipment or supplies used by a contractor in the operation of his or her business.

**COUNTY BOARD.** Refers to the Carver County Board of Commissioners or Board.

**CRITICAL FACILITIES.** Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

**DAYCARE FACILITY.** Any facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. **DAYCARE FACILITIES** include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery school, daytime activity centers, day treatment programs, and day services.



**DECK.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

**DEMOLITION DEBRIS.** Refer to the solid waste management regulations, Chapter 50 of this code of ordinances.

**DEMOLITION DEBRIS LAND DISPOSAL FACILITY.** Refer to the solid waste management regulations, Chapter 50 of this code of ordinances.

**DEPARTMENT.** The Land Management Department, formerly known as Planning and Zoning.

**DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**DWELLING UNIT.** A building of one or more rooms therein occupied or intended to be occupied for residential purposes by a single family, but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents or cabins. All dwellings, including manufactured homes, shall have a minimum area of at least 480 square feet.

**EARTH SHELTERED STRUCTURE.** A structure designed and constructed so that more than 50% of the exterior surface area of the building, excluding roofs, garages or other accessory buildings, is covered with earth and the building code standards are complied with. Partially completed buildings shall not be considered "earth-sheltered."

**EQUAL DEGREE OF ENCROACHMENT.** A method of determining the location of floodplain boundaries so that the floodplain lands on both sides of the stream are capable of conveying a proportionate share of the flood flows.

**EQUESTRIAN FACILITY.** Building and or structures being utilized for or by riding academies, stables, personal riding arenas and or similar uses.

**EQUESTRIAN FACILITY - PERSONAL.** A structure utilized by a private individual or family for the purpose of riding, training or exercising equine.

**EQUESTRIAN FACILITY - PUBLIC/COMMERCIAL.** A combination of land and structures used for boarding or keeping for pay three or more horses and/or for the purpose of giving instructions in riding and horsemanship for pay, training of horses other than the owner's and the breeding of racing and show stock.

**FAMILY.** An individual or two or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit or a group of not more than four persons not so related, maintaining a common household and using common cooking and kitchen facilities.

**FAMILY RECREATION.** An activity appropriate for family members of all ages which refreshes the body and mind through forms of play, amusement, or relaxation.

**FARM.** A parcel of land which is 20 acres or more in size, utilized as a single economic unit for the purpose of conducting agriculture as the principal use of the land.

**FARM FENCE.** A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

**FEEDLOT.** Refer to the feedlot management regulations, Chapter 54 of this code of ordinances.

**FENCE.** An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

**FIELD ACCESS DRIVE.** An access to a public road used exclusively for the movement of farm vehicles and equipment onto a field for the purposes of tiling, planting, cultivation, harvesting, or the application of pesticide, herbicide, fertilizer, or similar activity.

**FLOOD.** A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

**FLOOD FREQUENCY.** The average frequency statistically determined for which it is expected that a

specific flood stage or discharge may be equaled or exceeded.

**FLOOD FRINGE.** That portion of the floodplain Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. **FLOOD FRINGE** is synonymous with the term **FLOODWAY FRINGE** used in the Flood Insurance Study for Carver County, Minnesota.

**FLOOD INSURANCE RATE MAP.** An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**FLOOD PRONE AREA.** Any land susceptible to being inundated by water from any source.

**FLOODPLAIN.** The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

**FLOODPROOFING.** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flooding damages.

**FLOODWAY.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

**FLOOR AREA – PARKING.** For the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimension of the buildings, structure or use times the number of floors minus 10%, except as may hereinafter be provided or modified.

**FLOOR AREA – GROSS.** The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings except that area primarily devoted to window display, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space.

**FLOOR AREA RATIO.** The numerical value obtained through dividing the floor area of a building or buildings by the lot area on which the building or buildings are located.

**GARAGE.** A detached or attached accessory building or carport which is used primarily for non-commercial vehicles and personal equipment.

**GARAGE SALE.** Any display of used goods and/or salesman samples and sale of the goods on a property customarily used as a residence, the persons conducting the sale being residents of the property.

**GROUND SOURCE HEAT PUMP SYSTEM.** A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system.

**HEAT TRANSFER FLUID.** A non-toxic and food grade fluid such as potable water, aqueous solutions of propylene glycol not to exceed 20% by weight or aqueous solutions of potassium acetate not to exceed 20% by weight.

**HEIGHT OF BUILDING.** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when the sidewalk or ground surface is not more than ten feet above lowest grade;
- (2) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection (1) above is more than ten feet above lowest grade; or
- (3) The height of a stepped or terraced building is the maximum height of any segment of the building.

**HOME OCCUPATION.** An occupation or profession that is carried on in a dwelling unit by a member of the family that is a resident thereof, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

**HORSE STABLES AND RIDING ACADEMIES.** See **EQUESTRIAN FACILITY**.

**IMPERVIOUS SURFACE.** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

**INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS).** An individual sewage treatment system or part thereof that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade, including the holding tanks and privies that serve these same facilities pursuant to Minn. Rules Chapters 7080 and 7081.

**INTENSIVE VEGETATION CLEARING.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

**INTERIM USE PERMIT (IUP).** An interim use is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

**LAND RECLAMATION.** Depositing 400 cubic yards or more of material to elevate the grade or substantially change the topography.

**LARGE SOLAR ENERGY SYSTEM.** A solar farm, where the primary land use of the parcel is for a solar array. Solar farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a direct current (DC) rated capacity greater than 100 kilowatts.

**LIVESTOCK.** Any animals, including but not limited to cattle, swine, sheep, poultry, fowl, or other animals except dogs, cats and birds owned by the resident of a premises and kept as pets.

**LOADING BERTH.** An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

**LONG TERM AGRICULTURAL LAND (LTA).** USDA Soil Conservation Service Agricultural Capability Class 1, 2, and 3 land that is utilized as **PRODUCTION LAND** as defined by this chapter.

**LOT.** A parcel of land occupied or used or intended for occupancy or use for a purpose permitted in this chapter abutting a public street and of sufficient size to provide the yards and area required by this chapter.

**LOT AREA.** The area of a lot in a horizontal plane bounded by the lot lines, but not including any area occupied by the waters of a duly recorded lake or river or area which has been dedicated as public thoroughfare or road.

**LOT-CORNER.** A lot situated at the intersection of two streets.

**LOT DEPTH.** The mean horizontal distance between the front lot line and the rear lot line of the lot measured in the general direction of the side lot lines.

**LOT LINE.** A lot line is a property line bounding a lot except that where any portion of a lot extends into or abuts the public right-of-way or a proposed public right-of-way, the nearest line of the public right-of-way shall be the lot line for applying this chapter.

**LOT LINE-FRONT.** Generally the road right-of-way line.

**LOT LINE-REAR.** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot connecting the side lot lines and parallel to the front lot line.

**LOT LINE-SIDE.** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD.** Part of a subdivision, the plat of which has been recorded in the office in the Registrar of Deeds or Registrar of Titles; or a parcel of land for which the deed or agreement to convey was recorded in the office of the Registrar of Deeds or Registrar of Titles prior to July 1, 1974.

**LOT WIDTH.** The horizontal distance between the side lot lines of a lot measured at the location of the front yard setback and at the ordinary high water level.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built

so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

***MANUFACTURED HOME.*** A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under M.S. §§ 327.31 to 327.35, the Manufactured Home Building Code, as it may be amended from time to time. The term ***MANUFACTURED HOME*** does not include the term ***RECREATIONAL CAMPING VEHICLE***.

***MANURE STORAGE AREA.*** Refer to feedlot management regulations, Chapter 54 of this code of ordinances.

***MINING.*** The extraction of sand, gravel or other materials from the land in the amount of 400 cubic yards or more. The removal of material incidental to construction for a permitted or conditional use, or for highway or drainage purposes shall not be considered mining.

***MODULE (SOLAR).*** A number of individual solar cells connected together in an environmentally protected housing producing a standard output voltage and power. Multiple modules/panels can be assembled into an array for increased power and/or voltage.

***NEW ANIMAL FEEDLOT.*** Refer to the feedlot management regulations, Chapter 54 of this code of ordinances.

***NEW CONSTRUCTION.*** Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

***NONCONFORMING STRUCTURE.*** Any structure existing upon the effective date of this chapter which would not conform to the applicable regulations if the structure were to be erected under provisions of this chapter.

***NONCONFORMING USE.*** Use of the land, buildings or structures existing at the time of adoption of this chapter which does not comply with all the regulations of this chapter or any amendments hereto governing the zoning district in which the use is located.

***NONPROFIT ORGANIZATION.*** Any person, partnership, association, corporation or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group.

***NOXIOUS MATTER/MATERIALS.*** Material capable of causing injury to living organisms by chemical reaction or which is capable of causing detrimental affects to the physical or economic well being of individuals or animals.

***OBSTRUCTION.*** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of flow of water either in itself or by catching or collecting debris carried by water, or that is placed where the flow of water might carry it downstream to the damage of life or property.

***OFFICIAL CONTROL.*** Legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of a municipality or a county or any part thereof or any detail thereof and are the means of translating into ordinances, all or any part of the general objectives of the comprehensive plan. The official controls may include but are not limited to ordinances establishing zoning, subdivision controls, site planned regulations, sanitary codes, building codes, housing

codes and official maps.

**OFFICIAL MAP.** A map adopted in accordance with the provisions of M.S. § 394.361, as it may be amended from time to time, which may show existing county roads and county state aid highways, proposed future county roads and highways and the areas needed for widening existing county roads and highways. Any official map may also show the location of existing public land and facilities and other land needed for future public purposes including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, traveling services facilities.

**ONE HUNDRED YEAR FLOODPLAIN.** Lands inundated by the **REGIONAL FLOOD** (see definition).

**ON-SITE SEWAGE SYSTEM.** Refer to the subsurface sewage treatment system regulations, Chapter 52 of this code of ordinances, for definition.

**OPERATIONAL AREA.** An area of land specifically defined within a permit within which the operations shall be confined.

**ORDINANCE.** A law or statute. The term used to designate the enactment of the legislative body of a municipal corporation or a county.

**ORDINARY HIGH WATER LEVEL.** The boundary of public waters and wetlands which shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominately terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

**OVERLAY DISTRICT.** A zoning district, the regulations of which are applied in addition to or in modification of the regulations of the underlying zone.

**PARCEL.** A distinct, legally described piece of land under the ownership of one person.

**PARKING AREA.** An open area, excluding a public roadway, used for the parking of automobiles.

**PARKING-OFF-STREET.** Space occupied by motor vehicles on premises other than public or private roads.

**PARKING SPACE.** A surfaced and permanently maintained area on privately- or publicly-owned property either within or outside of a building of sufficient size to store one standard vehicle.

**PASTURE.** Refer to the feedlot management regulations, Chapter 54 of this code of ordinances.

**PERSON.** Both female and male and shall also extend and be applied to bodies politic and corporate and partnerships and other unincorporated associations.

**PHOTOVOLTAIC ARRAY.** A group of solar photovoltaic modules connected together to increase voltage and/or power to the level required for a given system.

**PHOTOVOLTAIC DEVICE.** A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.

**PLANNING COMMISSION.** The Carver County Planning Commission established by this chapter.

**POTENTIAL POLLUTION HAZARD.** Refer to the feedlot management regulations, Chapter 54 of this code of ordinances.

**PRIME (AGRICULTURAL) LAND.** All SCS Capability Class 1 and 2 land plus Glencoe Loam (GL), Canisteo Silty Clay Loam (CS), and Talcot Silty Clay Loam (TT) Soils.

**PRINCIPAL RESIDENCE.** The primary or most important house located on a lot, regardless of whether the residential use is a principal or subordinate use.

**PRINCIPAL STRUCTURE.** A structure or set of structures utilized as a unit and used as an integral part of the principal use of the land.

**PRINCIPAL USE.** The primary use of land or structures or a combination of land and structures as opposed to a subordinate or accessory use. A principal use may be either conditional or permitted.

**PRODUCTION LAND.** Land that has been tilled and utilized for growing of row crops, hay, forage, vegetables, fruits or similar purposes for the majority of the past ten years. Land that is entered in a state or federal program where there is reimbursement for maintaining the land out of production shall be considered production land for the purposes of enforcing these regulations.

**PROPERTY LINE.** The legal boundaries of a parcel of land.

**PROTECTED WATER.** Water bodies or watercourses identified on the Public Waters Wetlands Inventory Map published by the Department of Natural Resources, State of Minnesota or watercourses determined by the Department to have a watershed of two square miles or more.

**PUBLICATION.** Notice placed in the official county newspaper stating time, location and date of meeting and description of topic.

**PUBLIC HEARING.** Whenever the term **PUBLIC HEARING** is used in this chapter, unless otherwise specifically redefined, it shall mean a public hearing pursuant to a notice published once in the official newspaper of the county at least ten days before the date of the hearing, which notice shall specify the general purpose, time and place of the hearing. Any hearing after the publication, may be continued, recessed or adjourned from time to time without any further publication or notice thereof.

**PUBLIC ROAD, STREET, HIGHWAY.** A strip of land including bridges and other structures used for vehicular traffic and which is owned in fee simple or the public use of which is guaranteed through easement by a governmental unit and is maintained by a unit of government utilizing public funds.

**PUBLIC WATER.** See **PROTECTED WATER**.

**QUARTER-QUARTER (1/4<sup>1</sup>/<sub>4</sub>) SECTION.** A quarter of a quarter section as determined by the United States Rectangular Land Survey System. A government lot as determined by the rectangular land survey system shall be considered a quarter-quarter section for purposes of this chapter. For purposes of this chapter, rights-of-way for public or private transportation, public trails, or a public use shall not impact the completeness of a quarter-quarter section.

**REACH.** The hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive crossings would most likely constitute a reach.

**REASONABLE USE.** For purposes of this chapter, **REASONABLE USE** shall be a lot or parcel of land with at least one of the following characteristics: at least 20 acres that is primarily good farmland suitable for agriculture; a single-family dwelling exists or there is at least one building eligibility available; or a conditional use permit has been issued for the property as provided by this chapter. Vacant or “no” use shall not be considered a reasonable use.

**RECREATIONAL CAMPING VEHICLE.** Any of the following:

(1) **TRAVEL TRAILER** means a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified travel trailer by the manufacturer of the trailer.

(2) **PICK-UP COACH** means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

(3) **MOTOR-HOME** means a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

(4) **CAMPING TRAILER** means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

**REDUCTION/RECYCLING FACILITY.** A lot or a designated part of a lot principally used for the reduction, recycling, or preparation for recycling of vehicles, equipment, and/or used, waste, or salvaged materials. Reduction and recycling shall include dismantling, wrecking, crushing, repairing, rebuilding, sale of parts of scrap, storage, abandonment, or accumulation for sale or shipment.

**REFUSE.** Refer to the solid waste regulations, Chapter 50 of this code of ordinances, for definition.

**REFUSE COLLECTION SERVICE.** Refer to the solid waste regulations, Chapter 50 of this code of

ordinances, for definition.

**REGIONAL FLOOD.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in a magnitude of the 1% chance or 100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term **BASE FLOOD** as used in the Flood Insurance Study.

**REGULATORY FLOOD PROTECTION ELEVATION (RFPE).** ~~An point elevation~~ not less than one foot above the ~~water surface profile associated with~~ elevation of the regional flood plus any increases in flood heights attributable to elevation caused by encroachments on a floodplain that results from the designation of a floodway. It is this elevation ~~to which uses as is~~ regulated by this chapter ~~are~~ and required to be elevated or flood proofed.

**RENEWABLE ENERGY.** Energy from sources that are not easily depleted such as moving water (hydro, tidal and wave power), biomass, geothermal energy, solar energy, wind energy, and energy from solid waste treatment plants.

**REPETITIVE LOSS.** Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

**RESIDENTIAL FACILITY.** Any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include; but are not limited to: state institutions under the control of the Commissioner of Public Welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children.

**RESIDENTIAL LOT.** A parcel that is less than 20 acres in size, which has an available building eligibility or an existing single-family residence.

**RIGHT-OF-WAY (R-O-W).** A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied or used by a road, street, trail, water line, sewer line, electrical transmission line or similar public and/or utility service. Unless otherwise specified, the term **RIGHT-OF-WAY (R-O-W)** as used in this chapter refers to road or street right-of-way.

**ROTOR DIAMETER.** The diameter of the circle described by the moving rotor blades.

**SEMI-PUBLIC USE.** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

**SETBACK.** The minimum horizontal distance between a structure, sewage treatment system, or other facility, and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility. A required open space on a lot which is unoccupied and unobstructed by a building from its lowest ground level to the sky except as expressly permitted in this chapter. A setback shall extend along a lot line and at right angles to the lot line to a depth or width specified in the yard regulations for the district in which the lot is located.

**SETBACK-FRONT.** A setback extending along the full width of the front lot line between side lot lines and extending from the centerline of the street right-of-way line to a depth as required in the setback regulations for the district in which the lot is located.

**SETBACK-REAR.** A setback extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the setback regulations for the district in which the lot is located.

**SETBACK-SIDE.** A setback extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which the lot is located.

**SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

**SHORELAND.** Land located within the following distance from public waters, 1,000 feet from the

ordinary high water level of a lake, pond or flowage and 300 feet from river or stream as designated on the Carver County Zoning Map or the landward extent of a floodplain as designated by this chapter of a river or stream, whichever is greater. The practical limits of shoreland may be less than statutory limits wherever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources.

**SIGN.** Any structure, either stationary or movable, containing any writing, announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person when the same is displayed out of doors.

**SIGN – ADVERTISING (BILLBOARD).** A sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where the sign is located or to which it is affixed.

**SIGN – BUSINESS.** A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered on the premises on which the sign is located or to which it is affixed.

**SIGN – FLASHING.** A sign where light is not maintained stationary or constant in intensity and color at all times in which the sign is in use.

**SIGN – IDENTIFICATION OR NAMEPLATE.** A nameplate or identification sign shall mean any sign which states the name or address or both of the business or occupant of the lot or building where the sign is placed or may be a directory listing the name, address and business of occupants.

**SIGN ILLUMINATED.** Any sign which is illuminated in any way including reflection.

**SINGLE-FAMILY RESIDENCE.** A dwelling unit with a minimum width of 20 feet, attached to a permanent foundation built to frost depth, having an earth covered, composition, shingled or tiled roof, constructed in accordance with the Minnesota State Building Code, designed for occupation by one family and being one contiguous living space with one set of utilities.

**SMALL SOLAR ENERGY SYSTEM.** A solar array that is an accessory use.

**SOLAR CELL.** The basic unit of a photovoltaic solar panel.

**SOLAR ENERGY SYSTEM (SES).** A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy. (See also: **LARGE SOLAR ENERGY SYSTEM** and **SMALL SOLAR ENERGY SYSTEM**).

**SOLID WASTE.** Refer to the solid waste regulations, Chapter 50 of this code of ordinances, for definition.

**SOLID WASTE LAND DISPOSAL FACILITY.** Refer to the solid waste regulations, Chapter 50 of this code of ordinances, for definition.

**SPECIAL FLOOD HAZARD AREA.** A term used for flood insurance purposes synonymous with **ONE HUNDRED YEAR FLOODPLAIN**.

**START OF CONSTRUCTION.** Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the



external dimensions of the building.

**STEEP SLOPE.** A slope greater than 18% as mapped and described in available county soil surveys or other technical reports.

**STOCK-IN TRADE.** A stock of goods kept on hand for sale on the premises.

**STREET.** See **PUBLIC ROAD.**

**STRUCTURE.** Anything constructed or erected on or connected to the ground.

**SUBSTANTIAL DAMAGE.** Means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

**SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS).** Either an individual sewage treatment system or a mid-sized subsurface sewage treatment system pursuant to Minn. Rules Chapters 7080 and 7081.

**SURFACE WATER-ORIENTED COMMERCIAL USE.** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Resorts and restaurants with transient docking facilities are examples of the use.

**TEMPORARY STRUCTURE.** A structure specifically designed to be moved at will and in no way permanently attached to the ground through foundations, tie downs or similar attachments.

**TRANSFER FACILITY/TRANSFER STATION.** Refer to the solid waste regulations, Chapter 50 of this code of ordinances, for definition.

**TRANSMISSION SYSTEMS.** Systems designed to move information, electrical power or a commodity such as petroleum or natural gas from place to place. Systems may consist of overhead lines or cables with poles or towers, underground cables, pipelines, pipes or similar installations. En-route consumption systems are designed primarily to provide service to local areas and provide service to individual users. Non-en-route consumption systems are designed primarily to transport information, power or a commodity over long distances and typically do not provide service to individual users along the way.

**USE.** The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which is occupied, utilized or maintained and shall include the performance of an activity as defined by the performance standards of this chapter.

**USE-ACCESSORY.** See **ACCESSORY USE.**

**USE-PERMITTED.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of the districts.

**VARIANCE.** Any modification or variation of official controls where it is determined that by reason of exceptional circumstances, the strict enforcement of the official controls would cause a practical difficulty.

**WAREHOUSE.** A building where wares or goods are stored as before distribution to retailers or are kept in reserve, in bond, and the like.

**WATER ORIENTED ACCESSORY STRUCTURE OR FACILITY.** A small, above-ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the relationship

of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of these structures and facilities include boathouses, gazebos, screen houses, fish houses, pumphouses, and detached decks.

**WATER SUPPLY PURPOSE.** Any use of water for domestic, commercial or agricultural purposes.

**WETLAND.** As defined by Minnesota Wetland Conservation Rules, M.S. Chapter 8420, as it may be amended from time to time.

**WIND ENERGY CONVERSION SYSTEM (WECS).** A device such as wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy, including, but not limited to: power lines, transformers, substations, and meteorological towers. The energy may be used on-site or distributed into the electrical grid.

**WIND TOWER.** Vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

**WIND TURBINE.** Any piece of electrical generating equipment that converts the kinetic of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

**WIRELESS COMMUNICATIONS FACILITY.** Structures, antennas, towers, fences and related equipment and appurtenances associated with licensed commercial wireless telecommunication services including, but not limited to, broadcast, cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

**YARD-FRONT, SIDE, REAR.** The area between structures and the respective lot line.

**ZONING DISTRICT.** An area or areas within the limits of the county for which the regulations and requirements governing use, lot and size of building and premises are uniform.

(Ord. 47, passed 7-23-02; Am. Ord. 4703-1, passed 5-5-03; Am. Ord. 58-1007, passed 3-27-07; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15)

## **FLOODPLAIN OVERLAY DISTRICT**

### **§ 152.143 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE.**

**(A) Statutory Authorization:** The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 394 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Carver County Board of Commissioners does ordain as follows.

**(B) Purpose:**

(1) This chapter regulates development in the flood hazard areas of the unincorporated areas of Carver County, Minnesota. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

(2) National Flood Insurance Program Compliance. This chapter is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

(3) This chapter is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

### **§ 152.144 GENERAL PROVISIONS.**

**(A) Lands to Which Chapter Applies:** This chapter applies to all lands within the jurisdiction of

Carver County within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts. The boundaries of these districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with Section 152.145 (B).

(1) The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this chapter. In case of a conflict, the more restrictive standards will apply.

(2) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.

(3) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

(B) **Incorporation of Maps by Reference:** [See Section 152.006 Zoning Districts and Maps of this Chapter.](#)

(C) **Abrogation and Greater Restrictions:** It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this chapter imposes greater restrictions, the provisions of this chapter prevail. All other provisions of the Carver County Zoning Code inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(D) **Warning and Disclaimer of Liability:** This chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This chapter does not create liability on the part of Carver County or its officers or employees for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(E) **Severability:** If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of law, the remainder of this chapter shall not be affected and shall remain in full force.

## **§ 152.145 DISTRICTS ESTABLISHMENT OF FLOODPLAIN DISTRICTS.**

(A) **Districts:**

(1) *Floodway District.* ~~The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in § 152.006.~~ The Floodway District includes those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps adopted in Section 152.006. For lakes, wetlands and other basins, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(2) *Flood Fringe District.* ~~The Flood Fringe District shall include those areas designated as floodway fringe.~~ The flood fringe shall constitute those areas shown on the Flood Insurance Rate Map as adopted in § 152.006 as being within Zone AE but being located outside of the floodway. The Flood Fringe District includes areas within Zones AE on the Flood Insurance Rate Map adopted in Section 152.006 of the Carver County Zoning Code, but located outside of the floodway. For lakes, wetlands and other basins, the Flood Fringe District also includes areas mapped in Zones A or AE, which are below the 1% annual chance (100 year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(3) *General Floodplain District.* The General Floodplain District shall include those areas designated as Floodplain Overlay District on the Carver County Zoning Map and designated Zone A on the Flood Insurance Rate Map for Carver County, as adopted in § 152.006(B). ~~except that it shall not include the floodplain areas for the south fork of the Crow River, the lower reach of Mapes Creek, and the Minnesota River where Floodway District and Flood Fringe District boundaries have been determined in accordance with § 152.145(A) and (B) of this chapter.~~

(B) **Applicability:** Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 152.147 or 152.148 will apply, depending on the location of a property. Any

watercourses identified as Zone A on the floodplain maps adopted in Section 152.144 (B) are considered to fall within the General Floodplain District. Within the General Floodplain district, the Floodway District standards in Section 152.147 apply unless the floodway boundary is determined, according to the process outlined in Section 152.149 (B). Areas in and adjoining lakes, wetlands and other basins shall be designated as either Floodway or Flood Fringe based on the procedures described in Sections 152.145 (A)(1) and (A)(2).

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

**§ 152.146 COMPLIANCE REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS.**

~~—(A) No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. Within the Floodway, Flood Fringe and General Floodplain Districts, all uses not listed as permitted uses or conditional uses in §§ 152.147 through 152.149 that follow, respectively, shall be prohibited.~~

~~—(B) In addition, a caution is provided here that:~~

~~—(1) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this chapter and specifically § 152.149(D);~~

~~—(2) Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this chapter and specifically § 152.009; and~~

~~—(3) As built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this chapter and specifically as stated in § 152.191.~~

~~—(4) The Floodplain District is an overlay district and the standards of the District are in addition to those in the underlying zoning district and other applicable overlay. In no case shall the provisions of this section be interpreted so as to permit a use not provided for in the underlying district or other applicable overlay district nor shall any standard in this District be interpreted so as to violate the standards of the underlying district or any other applicable overlay district.~~

~~—(5) This chapter does not imply that areas outside the floodplain districts or land uses permitted within those districts shall be free from flooding or flood damages. This chapter shall not create liability on the part of Carver County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.~~

(A) Permit Required. A permit must be obtained from the Zoning Administrator to verify if a development meets all applicable standards outlined in this chapter prior to conducting the following activities:

(1) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this chapter.

(2) The construction of a dam, on-site septic system, or any fence not meeting the definition of farm fence, as defined.

(3) The change or extension of a nonconforming use.

(4) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

(5) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

(6) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.

(7) Any other type of “development” as defined in this chapter.

(B) Minimum Development Standards. All new construction and substantial improvements must be:

(1) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral

movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Constructed with materials and utility equipment resistant to flood damage;

(3) Constructed by methods and practices that minimize flood damage; and

(4) Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(C) Flood Capacity. Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(D) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(E) Critical Facilities, as defined, are to be located, so that the lowest floor is not less than two feet above the regional flood elevation, or the 500 year flood elevation, whichever is higher.

(Ord. 47, passed 7-23-02)

### **§ 152.147 FLOODWAY DISTRICT (FW).**

(A) Permitted uses: The following uses, subject to the standards set forth in Section 152.147 (B), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

(1) General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;

(2) Industrial-commercial loading areas, parking areas, and airport landing strips;

(3) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails;

(4) Residential yards, lawns, gardens, parking areas, and play areas.

(5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

(B) Standards for floodway permitted uses.

(1) The use shall have a low flood damage potential.

~~(2) The use shall be permissible in the underlying zoning district if one exists.~~

~~(3) (2) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment. The use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.~~

(3) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(C) Conditional uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 152.153 (D) of this chapter and further subject to the standards set forth in Section 15.147 (D), if otherwise allowed in the underlying zoning district.

(1) Structures accessory to the primary uses listed in § 152.147(A) above and the primary uses listed below;

(2) Grading, ~~E~~extraction, fill and storage of soil, sand, gravel, and other materials;

(3) Marinas, boat rentals, permanent docks, piers, wharves, ~~and~~ water control structures, and navigational facilities;

~~(4) Railroads, streets, bridges, utility transmission lines, and pipelines;~~

~~(5) (4) Storage yards for equipment, machinery, or materials;~~

~~(6)~~ (5) Placement of fill; Fences that have the potential to obstruct flood flows;

~~(7) Travel trailers and travel vehicles in commercial or public campgrounds, subject to the provisions of the "A" District. For the purposes of this provision **TRAVEL TRAILER** or **TRAVEL VEHICLE** shall be those trailers or vehicles that have current licenses for highway use; are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it;~~

~~(8)~~ (6) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.

(D) Standards for floodway conditional uses.

(1) All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100 year or regional flood or cause an increase in flood damages in the reach or reaches affected. A conditional use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.

~~(2) All floodway conditional uses shall be subject to the procedures and standards contained in §-152.245.~~

~~(3) The conditional use shall be permissible in the underlying zoning district if one exists.~~

(4) (2) Fill; Storage of Materials and Equipment.

(a) Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

~~(b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.~~

~~(c) (b) As an alternative, and consistent with subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage Temporary placement of fill, or other materials, or equipment which would have caused an increase to the stage of the 100-year 1% chance or regional flood but may only be allowed after the County Board has received approved an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available.~~

~~(5) (3) Structural works for flood control that will change the course, current or cross-section of protected wetlands or public waters shall be subject to the provisions of M.S. Chapter 103G.245, as it may be amended from time to time. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.~~

~~(6) (4) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year 1% chance or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.~~

(5) Accessory structures. Accessory structures, as identified in Section 152.147 (C)(1), may be permitted, provided that:

(a) Accessory structures shall not be designed for human habitation.

(b) Accessory structures will have a low flood damage potential.

(2) (c) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

~~(a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and~~

~~(b) So far as practicable, structures shall be placed approximately on the same flood flow lines as~~

~~those of adjoining structures.~~

~~(3) (d) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP 1 or FP 2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP 3 or FP 4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate: and watertight to the regulatory flood protection elevation. Certifications consistent with Section 152.153 (B)(2) shall be required.~~

~~(a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and~~

~~— (b) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed.~~

(e) As an alternative, an accessory structure may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. A floodproofing certification consistent with Section 152.153 (B)(2) shall be required.

~~(F) Storage of materials and equipment.~~

~~— (1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.~~

~~— (2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the County Board. (Ord. 47, passed 7-23-02)~~

#### **§ 152.148 FLOOD FRINGE DISTRICT (FF).**

(A) *Permitted uses.* Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district. If no pre-existing, underlying zoning use districts exist, then any residential or nonresidential structure or use of a structure or land shall be a permitted use ~~in the flood fringe~~ provided the use does not constitute a public nuisance. ~~All permitted uses shall comply with the standards for flood fringe permitted uses listed in division (B) and the standards for all flood fringe uses listed in division (E).~~

(B) *Standards for flood fringe permitted uses.*

(1) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than 1-foot below the regulatory flood protection elevation and the fill shall extend at that elevation at least 15 feet beyond the outside limits of the structure erected thereon. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.

(2) ~~As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with § 152.147(E).~~ Accessory Structures. As an alternative to the fill requirements of section 6.21, structures accessory to the uses identified in Section 152.148 (A) may be designed to accommodate the inundation of floodwaters, meeting the following provisions, as appropriate:

(a) The accessory structure constitutes a minimal investment and satisfy the development requirements in Section 152.146 (B).

(b) Any enclosed accessory structure shall not exceed 576 square feet in size, and only be used for

parking and storage. Any such structure shall be designed and certified by a registered professional engineer, or be designed in accordance with the following floodproofing standards:

(1) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

(3) The cumulative placement of fill where at any one time in excess of or similar material on a parcel must not exceed 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless the fill is specifically intended to elevate a structure in accordance with division (B) of this section, or if allowed as a conditional use under Section 152.148 (C) below.

(4) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

(5) The provisions of division (E) shall apply. All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

(6) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the Department.

(7) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(8) Manufactured homes and recreational vehicles must meet the standards of Section 152.152 of this chapter.

(C) Conditional uses. Any structure that is not elevated on fill or flood proofed in accordance with division (B)(1) and (2) any use of land that does not comply with the standards in division (B)(3) and (4) shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in divisions (D) and (E) and § 152.245. The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 152.153 (D) of this ordinance and further subject to the standards set forth in Section 152.148 (B), if otherwise allowed in the underlying zoning district(s).

(1) The placement of floodproofed nonresidential basements below the regulatory flood protection elevation. Residential basements, are not allowed below the regulatory flood protection elevation.

(2) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 152.148 (B)(1) of this chapter.

(3) The use of methods other than fill to elevate structures above the regulatory flood protection elevation. This includes the use of: stilts, pilings, filled stem walls, or above-grade, internally flooded enclosed areas such as crawl spaces or tuck under garages, meeting the standards in Section 152.148 (D)(4).

(D) Standards for flood fringe conditional uses.

(1) The standards for permitted uses in the flood fringe, listed in Sections 152.148 (B) (4-8), apply to all conditional uses.

(2) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of



resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification consistent with Section 152.153 (B)(2) shall be required.

(3) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

(a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

(b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the County Board.

(c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

~~(4) (4) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, and the like, or above grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood-resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:~~

~~(a) *Design and certification.* The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.~~

~~(b) (a) *Specific standards for above-grade, enclosed areas.* Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate: include a minimum of two openings on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade, and have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice.~~

~~(b) Floodproofing certifications consistent with Section 152.153 (B)(2) shall be required. The structure shall be subject to a deed-restricted non-conversion agreement with the issuance of any permit.~~

~~1. The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.~~

~~2. That the enclosed area will be designed of flood resistant materials in accordance with the FP 3 or FP 4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.~~

~~(2) Basements, as defined in this chapter, shall be subject to the following:~~

~~(a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.~~

~~(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with division (D)(3) of this section.~~

~~(3) All areas of non-residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing~~

classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

—(4) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on-site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the County Board. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

—(5) Storage of materials and equipment.

—(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

—(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the County Board.

—(6) The provisions of division (E) of this section shall also apply.

—(E) *Standards for all flood fringe uses.*

—(1) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

—(2) Commercial uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for the facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

—(3) Manufacturing and industrial uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in division (E)(2) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

—(4) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

—(5) Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

—(6) Standards for travel trailers and travel vehicles are contained in § 152.149(D).

—(7) All manufactured homes must be securely anchored to an adequately anchored foundation system.

that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(Ord. 47, passed 7-23-02)

### **§ 152.149 GENERAL FLOODPLAIN DISTRICT (GF).**

(A) *Permissible uses.*

(1) The uses listed in § 152.147(A) shall be permitted uses, Floodway District Uses, are permitted uses.

(2) All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to division (B) below. Section 152.147 shall apply if the proposed use is in the Floodway District and § 152.148 shall apply if the proposed use is determined to be in the Flood Fringe District.

(B) *Procedures for determining floodway boundaries and flood fringe determinations within the General Floodplain District. regional flood elevations:*

(1) ~~Upon receipt of an application for a conditional use permit for a use within the General Floodplain District, the applicant shall be required to furnish the following information as is deemed necessary by the Department for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District. Detailed Study. Developments greater than 50 lots or 5 acres, or as requested by the zoning administrator, shall be subject to a detailed study to determine the regulatory flood protection elevation and the limits of the Floodway District. The determination of the floodway and flood fringe must be consistent with accepted hydrological and hydraulic engineering standards, and must include the following components, as applicable:~~

~~(a) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.~~

~~(b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.~~

~~(c) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.~~

~~(2) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 through 6120.6200, as they may be amended from time to time, shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:~~

~~(a) Estimate the peak discharge of the regional (1% chance) flood;~~

~~(b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas;~~

~~(c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than ½-foot. A lesser stage increase than ½-foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries-, unless development or geographic features warrant other analysis, as approved by the Department of Natural Resources.~~

~~(3) The Department shall present the technical evaluation and findings of the designated engineer or expert to the County Board. The County Board must formally accept the technical evaluation and the~~

~~recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The County Board, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the floodway and flood fringe boundaries have been determined, the County Board shall refer the matter back to the Department who shall process the permit application consistent with the applicable provisions of §§ 152.147 and 152.148.~~

(2) Alternative Methods. Provided no detailed study is available, an applicant must identify a base flood elevation, at minimum, to determine the boundaries of the special flood hazard area. The applicant shall obtain and utilize best available data to determine the regional flood elevation and floodway boundaries from a state, federal, or other source. If no such data exists, the applicant may determine the base flood elevation and floodway limits through other accepted engineering practices. Any such method shall assume a ½-foot stage increase to accommodate for future floodway determination.

(3) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from an engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

(4) Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 152.147 and 152.148 of this chapter.

~~(C) *Public utilities, railroads, roads, and bridges, SSTS.*~~

~~— (1) *Public utilities.* All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.~~

~~— (2) *Public transportation facilities.* Railroad tracks, roads, and bridges to be located within the floodplain shall comply with §§ 152.147 and 152.148. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where the facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.~~

~~— (3) *SSTS and water supply systems.* Where public utilities are not provided:~~

~~— (a) SSTS and on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and~~

~~— (b) New or replacement SSTS on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the SSTS and discharges from the SSTS into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any subsurface sewage treatment system designed in accordance with the state's current statewide standards for subsurface sewage treatment systems shall be determined to be in compliance with this section.~~

~~(D) *Manufactured homes and manufactured home parks and placement of travel trailers and travel vehicles.*~~

~~— (1) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by the county subdivision regulations.~~

~~— (2) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with § 152.148. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with § 152.148(E)(1), then replacement manufactured homes will not be allowed until the property owner develops a flood warning emergency plan acceptable to the County Board.~~

~~—(3) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.~~

#### **§ 152.150 SUBDIVISION STANDARDS.**

(A) **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this chapter.

(1) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

(2) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the Department or County Board. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

(3) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

(4) In the General Floodplain District, applicants must provide the information required in Section 152.149 (B) of this chapter to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

(5) Subdivision proposals must be reviewed to assure that:

(a) All such proposals are consistent with the need to minimize flood damage within the flood prone area.

(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(c) Adequate drainage is provided to reduce exposure of flood hazard.

#### **§ 152.151 UTILITIES, RAILROADS, ROADS, AND BRIDGES.**

(A) **Public Utilities:** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

(B) **Public Transportation Facilities:** Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 152.147 and 152.148 of this chapter. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

(C) **On-site Water Supply and Sewage Treatment Systems:** Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

#### **§ 152.152 MANUFACTURED HOMES AND RECREATIONAL CAMPING VEHICLES.**

(A) **Manufactured Homes:** Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

(1) New and replacement manufactured homes must be elevated in compliance with Section 6 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(2) New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 152.150 of this chapter. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 152.150 (A)(2) of this chapter.

**(B) Recreational Camping Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

(1) Meet the requirements for manufactured homes in Section 152.152 (A), or

(2) Be travel ready, meeting the following criteria:

(a) The vehicle must have a current license required for highway use.

(b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.

(c) No permanent structural type additions may be attached to the vehicle.

(d) Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 152.146 (B) and 152.148 (B).

### **§ 152.153 ADMINISTRATION.**

**(A) Duties:** A Zoning Administrator or other official designated by the County Board must administer and enforce this chapter.

#### **(B) Permit Application Requirements:**

(1) Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

(a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

(b) Location of fill or storage of materials in relation to the stream channel.

(c) Copies of any required municipal, county, state or federal permits or approvals.

(d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

(2) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable floodproofing standards in the State Building Code. Accessory structures designed in accordance with Section 152.148 (B) of this chapter are exempt from certification, provided sufficient assurances are documented. Any development in established floodways must not cause any increase in flood elevations or damages, as certified by a registered professional engineer.

(3) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this chapter.

(4) Recordkeeping of Certifications and As-Built Documentation. The Zoning Administrator must maintain records in perpetuity documenting:

(a) All certifications referenced in Section 152.153 (B) of this chapter as applicable.

(b) Elevations complying with Section 152.148 (B)(1) of this chapter. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.

(5) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

(6) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

(C) Variances.

(1) Variance Applications. An application for a variance to the provisions of this chapter will be processed and reviewed in accordance with applicable State Statutes and Section 152.215 of the Zoning Code.

(2) Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

(3) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances/codes.

(c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

(5) General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

(a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

(b) The danger that materials may be swept onto other lands or downstream to the injury of others;

(c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(e) The importance of the services to be provided by the proposed use to the community;

- (f) The requirements of the facility for a waterfront location;
  - (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
  - (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - (i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
  - (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (6) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Department must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (7) Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (8) Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(D) Conditional Uses.

- (1) Administrative Review. An application for a conditional use permit under the provisions of this chapter will be processed and reviewed in accordance with Section 152.245 of the Zoning Code.
- (2) Factors Used in Decision-Making. In passing upon conditional use applications, the County Board must consider all relevant factors specified in other sections of this chapter, and those factors identified in Section 152.135 (C)(5) of this chapter.
- (3) Conditions Attached to Conditional Use Permits. In addition to the standards identified in Sections 152.147 (D) and 152.1486.4, the County Board may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:
- (a) Limitations on period of use, occupancy, and operation.
  - (b) Imposition of operational controls, sureties, and deed restrictions.
  - (c) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (4) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Department must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (5) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

**§ 152.154 NONCONFORMITIES.**

(A) Continuation of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 152.010 "Substantial Improvements (b)" of this chapter, are subject to the provisions below.

- (1) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered



in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in Section 152.154 (A)(2) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

(2) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Section 152.154 (4) below.

(3) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this chapter.

(4) If any structure experiences a substantial improvement as defined in this chapter, then the entire structure must meet the standards of Section 152.147 or 152.148 of this chapter for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the current proposal, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Section 152.147 or 152.148 of this chapter.

(5) If any nonconformity is substantially damaged, as defined in this chapter, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 152.147 or 152.148 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

(6) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 152.010 of this chapter, it must not be reconstructed except in conformity with the provisions of this chapter.

#### **§ 152.155 VIOLATIONS AND PENALTIES.**

(A) **Violation Constitutes a Misdemeanor:** Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

(B) **Other Lawful Action:** Nothing in this chapter restricts Carver County from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this chapter and will be prosecuted accordingly.

(C) **Enforcement:** Violations of the provisions of this chapter will be investigated and resolved in accordance with the provisions of Section 152.999 of the zoning code. In responding to a suspected chapter violation, the Zoning Administrator and County Board may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. Carver County must act in good faith to enforce these official controls and to correct chapter violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

#### **§ 152.156 AMENDMENTS.**

(A) Floodplain Designation – Restrictions on Removal: The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Department of Natural Resources (DNR) if it is determined that, through other measures, lands are adequately protected for the intended use.

(B) Amendments Require DNR Approval: All amendments to this chapter must be submitted to and approved by the Department of Natural Resources (DNR) prior to adoption.

(C) Map Revisions Require Ordinance/Zoning Code Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 152.006 of this chapter.

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 152.190 LAND MANAGEMENT DEPARTMENT; AUTHORITY/RESPONSIBILITY.**

(A) The Land Management Department, hereinafter called “Department”, is responsible to the County Board for the administration and enforcement of this chapter. The Department may delegate administrative responsibility and authority to town boards, in certain instances specified herein.

(B) The Department is authorized to perform the following functions:

(1) Administer and enforce this chapter, including making such rulings, approvals or denials, and issuing such orders as necessary to administer and enforce this chapter;

(2) Receive, file and forward all applications for appeals, amendments, variances, conditional uses, interim uses, or other matters to the designated official bodies. Receive, process, and issue permits as authorized by this chapter;

(3) Conduct inspections of land, buildings, or structures at reasonable times, determine compliance with and enforce the provisions of this chapter;

(4) Institute in the name of the county any appropriate actions or proceedings to prevent, to restrain, to correct, or to abate a violation or threatened violation;

(5) Maintain permanent and current records of this chapter, including but not limited to maps, amendments, variances, conditional uses, administrative permits, building eligibilities including use and transfer thereof;

(6) ~~Record of first floor elevations. The Department shall maintain a record of the elevation of the first floor (including basement) of all new structures or additions to existing structures in the Floodplain Districts. The Department shall also maintain a record of the elevations to which structures or additions to structures are flood proofed;~~ [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)

(7) Perform any other administrative functions required or suggested by the provisions of this chapter; and

(8) Provide and maintain a public information bureau relative to matters arising out of this chapter.  
(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

## **BOARD OF ADJUSTMENT**

### **§ 152.215 VARIANCES.**

(A) *Application.* The person applying for a variance shall submit to the Department a completed variance application stating the practical difficulty present, and provide all other information required by the Department. The Department shall prepare a report and refer the application to the County Board of Adjustment for consideration.

(B) *Public hearing.* The Board of Adjustment shall hold a public hearing on the request pursuant to § 152.285.

(C) *Grounds for variance.* Variances shall be granted in accordance with M.S. Chapter 394, as it may be amended from time to time, and when they are in harmony with the general purposes and intent of the official controls in cases where the applicant establishes that there is a practical difficulty in the way of carrying out the strict letter of any official control and when the terms of the variance are consistent with the comprehensive plan. In addition, a variance shall not be granted unless all of the following can be found as

fact:

(1) A practical difficulty exists. **PRACTICAL DIFFICULTY** as used in connection with the granting of the variance means the property owner proposes to use the property in a reasonable manner; the plight of the landowner is due to circumstances unique to his or her property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic consideration alone shall not constitute a practical difficulty if a reasonable use for the property exists under the terms of this chapter. The Board may consider the inability to use solar energy a practical difficulty in granting of variances;

(2) Granting of the variance will not be in conflict with or violate the comprehensive plan;

(3) Granting of the variance shall not have the effect of violating a state or federal rule or law;

(4) Exceptional or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the enactment of this chapter have had no control;

(5) The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(6) That the special conditions or circumstances do not result from the actions of the applicant;

(7) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to owners of other lands, structures or buildings in the same district;

(8) The variance requested is the minimum variance which would alleviate the practical difficulty;

(9) The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district;

(10) No variance for use. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located;

(11) ~~Flood protection. No variance may be granted which would allow for a lesser degree of flood protection than required in this chapter. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law; [Floodplain Standards – See Floodplain Overlay District Section of this Chapter](#);~~

(12) Shoreland Overlay District. A variance issued to property within the Shoreland Overlay District must meet the requirements set forth in §§ 152.121 and 152.122.

(13) That the granting of the variance will not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15)

#### **§ 152.216 DECISION.**

(A) *Order adopted.* The Board of Adjustment shall make its decision by the adoption of an order either approving or denying the variance or appeal. The Board of Adjustment shall adopt findings of fact supporting its order. The Board of Adjustment shall make its decision in compliance with M.S. § 15.99. In granting any adjustment or variance the Board of Adjustment shall designate conditions in connection therewith, as will, in its opinion, substantially retain the objectives of the official controls, regulation or provision to which the adjustment or variance is granted and to protect adjacent property and the public interest.

~~(B) *Flood insurance notice and record keeping.* The Department shall notify the applicant for a variance related to floodplain issues that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) construction below the 100-year or regional flood level increases risks to life and property. Notification shall be maintained with a record of all variance actions. A community shall~~

~~maintain a record of all variance actions, including justification for their issuance, and report variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.~~ [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)

(C) *Final notice to applicant.* The Department shall send written notice of the Board of Adjustment’s action to the applicant.

(D) *File with Commissioner of Natural Resources.* A copy of any order issued by the Board of Adjustment for property within the Floodplain or Shoreland District shall be filed with the Commissioner of Natural Resources within ten days of issuance. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall include the Board of Adjustment’s summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

(E) *Board decision final.* All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final.

(F) *Appeal to District Court.* Any aggrieved person or persons, or any department, board or commission of the jurisdiction, or of the state shall have the right to appeal the decision to the Carver County District Court on questions of law and fact. The appeal shall be made within 30 days after receipt by the applicant of notice of the decision.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

#### **§ 152.217 EXPIRATION/EXTENSION OF VARIANCE.**

If the work, as permitted by the variance, is not completed within one year after the granting of the variance, then the variance shall become null and void, unless a request for extension of time in which to complete the work has been granted by the Board of Adjustment. In order to obtain an extension the applicant must file a written request with the Department at such time as the request can be placed on the Board of Adjustment agenda prior to the expiration of the variance. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance. There shall be no charge for the filing of the request.

(Ord. 47, passed 7-23-02)

#### **§ 152.218 REHEARING.**

An applicant cannot request the re-hearing of a variance request or appeal for a period of one year. An applicant may request the re-hearing of a request for a variance or an appeal that has been denied when substantial new information is obtained which is relevant to the issue. The Board of Adjustment shall then re-hear the issue at another duly called public hearing.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

## **PLANNING COMMISSION**

### **CONDITIONAL AND INTERIM USE PERMITS**

#### **§ 152.245 APPLICATION.**

(A) Prior to submission of a CUP or IUP application, the person applying for a CUP or IUP may submit a concept plan and meet with the Department to discuss the application. Through the pre-application, the Department may summarize the informational requirements and issues related to the specific CUP or IUP request. The person applying for a CUP or IUP shall submit an application to the Department. The applicant shall demonstrate compliance with the requirements for the CUP or IUP and shall include on the application all information required by the Department.

(B) ~~When a request for a CUP or IUP is within the Floodplain (FP) District, the following information shall be supplied:~~

~~(1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot,~~

~~existing or proposed structure, fill, storage of materials, flood proofing measure, and the relationship of the above to the location of the channel;~~

~~—(2) A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information;~~

~~—(3) Plan (surface view) showing elevations or contours of the ground pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of street, water supply, sanitary facilities; photographs showing existing land uses vegetation upstream and downstream; and soil types;~~

~~—(4) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel and improvement, storage of materials, water supply and sanitary landfills;~~

~~—(5) Profile showing the slope of the bottom of the channel or flow line of the stream;~~

~~—(6) Transmit one copy of the information described in subsection (1) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters. [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)~~

(C) When a request for a CUP or IUP is within the Shoreland Overlay District, the applicant must meet the requirements set forth in §§ 152.121 and 152.122.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

#### **§ 152.246 HEARING REQUIRED.**

The Planning Commission shall hold a public hearing in conformance with § 152.285 on all applications for a CUP or IUP.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

#### **§ 152.247 CONSIDERATION OF ADVERSE EFFECTS.**

(A) The Planning Commission and staff shall consider possible adverse effects of the proposed conditional or interim use and what additional requirements may be necessary to reduce adverse effects.

(B) Its judgment shall be based upon (but not limited to) the following factors:

- (1) Relationship to county plans;
- (2) The geographical area involved;
- (3) Whether such use is a permitted conditional or interim use within the zoning district;
- (4) The character of the surrounding area;
- (5) The demonstrated need for the use;
- (6) Whether the proposed use would cause undue odors, dust, flies, vermin, smoke, gas, noise or vibration or would impose hazards to life or property in the neighborhood;
- (7) Whether the use would inherently lead to or encourage disturbing influences in the neighborhood;
- (8) Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences. The availability of other more suitable locations; and
- (9) The duration of the proposed interim use.

(C) ~~Floodplain criteria. Considering the applications for a CUP or IUP within the floodplain, the Planning Commission may use the following criteria in arriving at its recommendation:~~

~~—(1) The danger to life and property due to increased flood heights or velocities caused by encroachments;~~

~~—(2) The danger that materials may be swept onto other lands or downstream to the injury of others;~~

~~—(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;~~

~~—(4) The susceptibility of the proposed facility and its contents to flood damage to the individual land~~

owner;

- ~~— (5) The importance of the services provided by the proposed facility to the community;~~
- ~~— (6) The requirements of the facility for a waterfront location;~~
- ~~— (7) The availability of alternative locations not subject to flooding for the proposed use;~~
- ~~— (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;~~
- ~~— (9) The relationship of the proposed use to the comprehensive development plan and floodplain management for the area;~~
- ~~— (10) The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
- ~~— (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;~~
- ~~— (12) Other factors which are relevant to the purposes of this chapter. [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)~~

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

### **§ 152.248 RECOMMENDATIONS FOR CONDITIONS.**

(A) The Planning Commission shall consider conditions relating to the granting of the CUP or IUP as it deems necessary to carry out the intent and purpose of this chapter or may recommend that the request be denied. Recommendation and any conditions shall be supported by written findings.

(B) The conditions may include, but are not limited to, the following:

- (1) Increasing the required lot size or yard dimension;
- (2) Limiting the height, size or location of the buildings;
- (3) Controlling the location and number of vehicle access points;
- (4) Increasing the street width;
- (5) Increasing the number of required off-street parking spaces;
- (6) Limiting the number, size, location or lighting of signs;
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- (8) Designating sites for open space;
- (9) Modification of waste disposal and water supply facilities;
- (10) Limitations on kinds of use and operation;
- (11) Imposition of operational controls, sureties, and deed restrictions;
- (12) Requirements for construction of channel modifications, dikes, levees, and other protective measures;
- ~~(13) Flood proofing measures. Floodproofing measures shall be designed in accordance with the State Building Code. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces and other factors associated with the regulator flood. The Planning Commission may require that the applicant submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. The flood proofing measures that may be required include, but are not limited to, the following:~~
  - ~~— (a) Anchorage to resist flotation and lateral movement;~~
  - ~~— (b) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;~~
  - ~~— (c) Reinforcement of walls to resist water pressures;~~
  - ~~— (d) Use of paints, membranes, or mortars to reduce seepage of water through the walls;~~
  - ~~— (e) Addition of mass or weight to structures to resist flotation;~~
  - ~~— (f) Installation of pumps to lower water levels in structures;~~
  - ~~— (g) Construction of water supply and waste treatment facilities so as to prevent the entrance of flood-~~

waters;

~~—(h) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures;~~

~~—(i) Construction to resist rupture or collapse caused by water pressure or floating debris;~~

~~—(j) Installation of valves or controls on sanitary and storm drains to be closed to prevent back-up of sewage and storm waters into buildings or structures. Gravity draining of basement may be eliminated by mechanical devices;~~

~~—(k) Location of all electrical equipment, circuits, and installed electrical appliances such that they are not subject to flooding by the regional flood; and~~

~~—(l) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials, which could be hazardous to public health, safety, and welfare, above the flood protection elevation or provision of adequate flood proofing to prevent flotation of or damage to storage containers which could result in the escape of toxic materials into flood waters.~~

~~—(14) The IUP shall be issued to a specific applicant for a specific use. If the operator/owner or the use changes, the IUP will become void. [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)~~

(Ord. 47, passed 7-23-02; Am. Ord. 58-2007, passed 3-27-07; Am. Ord. 70-2010, passed 1-25-11)

#### **§ 152.249 TIME OF RECOMMENDATION; TRANSMITTAL TO BOARD.**

The Planning Commission shall make a recommendation to the County Board in a timeframe so as to comply with M.S. § 15.99, as it may be amended from time to time. Following the closing of the public hearing and formulation of the Planning Commission's recommendation, the Department shall report the findings and recommendations of the Planning Commission to the County Board.

(Ord. 47, passed 7-23-02)

#### **§ 152.250 COUNTY BOARD ACTION.**

(A) The County Board shall take action on the CUP or IUP following receipt of the findings and recommendations by the Planning Commission so as to comply with M.S. § 15.99, as it may be amended from time to time. Should the Planning Commission fail to provide findings and a recommendation in a timely manner, the Board shall take action so as to comply with M.S. § 15.99, as it may be amended from time to time.

(B) Decision on the permit application shall be by order of the Board ordering approval or denial of the permit. Approval shall consist of an order directing the Land Management Department to issue the permit and shall include any conditions placed on the permit. Denial shall be accomplished through the issuance of an order not to issue the CUP or IUP and deny the application. Orders to either approve or deny a permit application shall stipulate the appropriate findings of fact supporting the approval and if conditions in addition to those specifically required by this chapter are attached findings supporting the conditions shall be included.

(C) Optional hearing. The County Board shall have the option to set and hold a public hearing in accordance with § 152.285.

(D) Conditions. In ordering the issuance of a CUP or IUP, the County Board shall include any conditions required to attain the objectives of the comprehensive plan, comply with official controls, and protect the public interest. Such conditions may include requiring the applicant to provide a security, and in the case of IUPs, setting a time limit for the use to exist or operate. When appropriate, restrictive covenants may be entered into regarding these matters.

(E) Notice to applicant. The Department shall send written notice of the County Board's action to the applicant. The permit shall become effective upon the date the applicant agrees to the conditions and signs the permit. Failure of the applicant to sign and return the permit within 90 days of the Board's issuance of the order shall be cause for cancellation of the permit.

(F) Effect of denial. Whenever an application for a CUP or IUP has been considered and denied by the

County Board, a similar application for a CUP or IUP affecting substantially the same property shall not be considered again by the Planning Commission or County Board for at least six months from the date of its denial; and a subsequent application for the same land use shall likewise not be considered again by the Planning Commission or County Board for an additional six months from the date of the second denial unless a decision to reconsider the matter is made by not less than four-fifths vote of the County Board.

(G) File with Commissioner of Natural Resources. ~~Copies of all CUP or IUP affecting Floodplain or Shoreland Districts shall be forwarded to the Commissioner of the Department of Natural Resources within ten days of the action.~~ [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)

(H) File with County Recorder. A certified copy or original of any CUP or IUP shall be filed with the County Recorder. The CUP or IUP shall include the legal description of the property involved, owner's name and any conditions stipulated upon approval by the County Board.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

## **AMENDMENTS**

### **§ 152.271 TRANSMITTAL TO BOARD.**

(A) Following the closing of the public hearing and action by the Planning Commission, the Department shall forward the Planning Commission findings and recommendations on the proposed amendment or rezoning to the County Board.

(B) Special conditions in floodplain.

~~(1) *Floodplain designation.* Floodplain designation on zoning maps shall not be removed from floodplain areas unless it can be shown that the designation is in error. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he or she determines that, through other measures, lands are protected adequately for the intended uses.~~

~~(2) *Approval prior to adoption.* All amendments to sections applicable to Floodway and Flood Fringe Districts including amendments to the Official Zoning Map must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map also require prior approval by the Federal Emergency Management Agency. The Commissioner of Natural Resources and the Federal Emergency Management Agency must be given ten days' written notice of all hearings to consider an amendment to this chapter (the notice shall include a draft of the amendment under consideration).~~ [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)

(Ord. 47, passed 7-23-02)

### **§ 152.272 COUNTY BOARD ACTION.**

The following shall be the procedure for amending this chapter or rezoning:

(A) *Time for action.* The County Board shall take action on the proposed amendment following receipt of the recommendations by the Planning Commission so as to comply with M.S. § 15.99, as it may be amended from time to time. Should the Planning Commission fail to provide findings and a recommendation in a timely manner, the Board shall take action so as to comply with M.S. § 15.99, as it may be amended from time to time.

(B) *Findings of fact.* Before adopting an ordinance to amend the zoning code or denying the petition for amendment the Board shall examine the hearing record and any other relevant information or reports. The Board shall adopt a resolution stating its reasons for approval or denial. To approve an application the Board shall find as follows:

- (1) The amendment is in conformance with the comprehensive plan;
- (2) The amendment is not in conflict with any other official controls; and
- (3) The amendment will not be detrimental to the health, safety or general welfare.

(C) *Amendments to the chapter shall be adopted by ordinance.* Changes in district boundaries shall be by ordinance. Following passage of the ordinance, the Department shall make appropriate changes on the



zoning map.

(D) *Notice to applicant.* The Department shall send written notice of the County Board action to the applicant.

(Ord. 47, passed 7-23-02)

**§ 152.273 FILE WITH COMMISSIONER OF NATURAL RESOURCES.**

~~A copy of all amendments affecting Floodplain or Shoreland Districts shall be forwarded to the Commissioner of the Department of Natural Resources within ten days of the action.~~ [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)

(Ord. 47, passed 7-23-02)

**§ 152.274 EFFECT OF DENIAL.**

In the event the proposed change in the zoning use district boundaries is denied by the County Board, no request for the same district change on the same property will be considered for at least one year.

(Ord. 47, passed 7-23-02)

## **PUBLIC HEARINGS**

**§ 152.285 PUBLIC HEARINGS.**

~~A public hearing shall be held as required by M.S. § 394.26, as it may be amended from time to time. In addition to the notice requirements of M.S. § 394.26, as it may be amended from time to time, notice shall be given to the Commissioner of the Department of Natural Resources if the affected property is within the Floodplain or Shoreland District.~~ [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)

(Ord. 47, passed 7-23-02)

**§ 152.286 NOTICE REQUIREMENTS.**

~~Public notice shall be given as required in M.S. § 375.51 and M.S. § 394.26, as they may be amended from time to time. If an affected property is in the Shoreland or Floodplain Districts, the Commissioner of the Department of Natural Resources shall also be given notice.~~ [Floodplain Standards – See Floodplain Overlay District Section of this Chapter.](#)

(Ord. 47, passed 7-23-02)

**§ 152.999 PENALTY.**

(A) *Enforcement.* The Department is authorized to administer and enforce this chapter. In the event of a violation or threatened violation of this chapter, the Department, County Board or any member thereof may institute appropriate actions or proceedings to prevent, restrain, correct, or abate the violations or threatened violations and it shall be the duty of the County Attorney to institute the action.

(B) *Violation a misdemeanor.* Except where separately provided for in this chapter or in state statute or rule, violation of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, interim or conditional uses, administrative permits, certificates of zoning compliance, certificates of nonconformance, County Board or Board of Adjustment order, or other certificates or permits issued pursuant to the provisions of this chapter, shall constitute a misdemeanor and shall be punishable as defined by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(C) *Remedies.* In responding to a suspected chapter violation, the county may utilize the full array of enforcement actions available to it including, but not limited to prosecution and fines, after-the-fact permits, stop work orders, notice of violation, orders for corrective measures, or if the property is in the Floodplain Overlay District, a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The county may institute appropriate actions or proceedings, including injunctive relief to prevent, restrain, correct or abate the violations or threatened violations. The county

may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property.

(D) *Fines.* All fines for violation shall be paid to the county and shall be credited to the general revenue fund.

(E) *Mandamus.* Any taxpayer or taxpayers of the county may institute mandamus proceedings in District Court to compel specific performances by the proper official or officials of any duty required by this chapter.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

**SECTION 2 – EFFECTIVE DATE.** This Ordinance shall be in full force and effect upon the date of its passage.

Adopted by the County Board of Commissioners at a meeting held at the Carver County Government Center, Chaska, Minnesota, this 20<sup>th</sup> day of November, 2018.

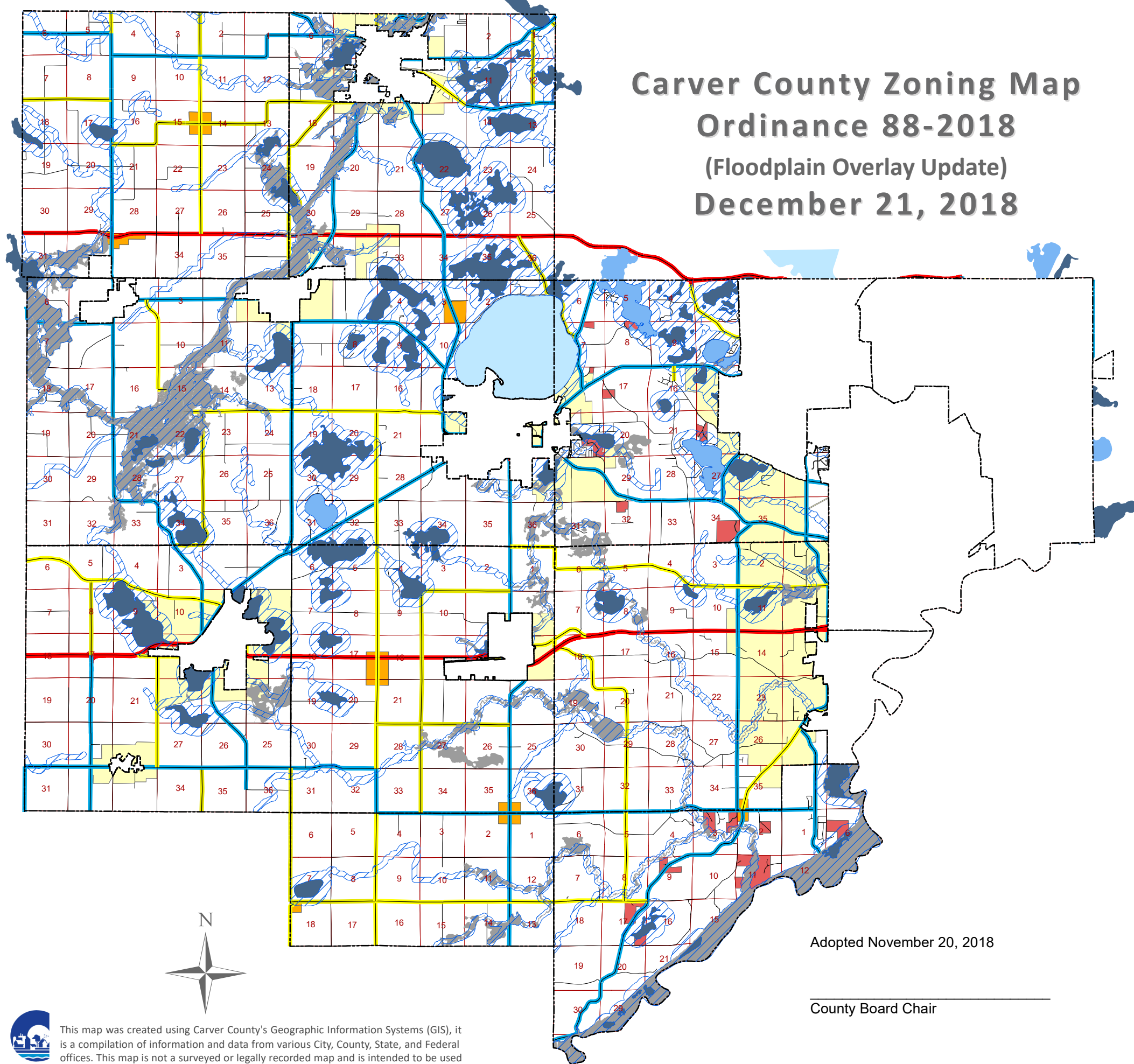
\_\_\_\_\_  
Gayle Degler, County Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dave Hemze, County Administrator

\_\_\_\_\_  
Date

# Carver County Zoning Map Ordinance 88-2018 (Floodplain Overlay Update) December 21, 2018



**"A" Agricultural District**

The County has and may in the future enter into or be affected by a variety of official controls, orderly annexation agreements, joint powers agreements, or other similar agreements that affect the actual extent of this district. Such controls or agreements shall supercede the boundaries shown on this map.

**Transition Area Overlay District**

The extent of the District as shown on this map is illustrative of Transition Areas as shown on the map in the Comprehensive Plan on the date of the adoption of this ordinance. The actual extent of the District shall be governed by the Transition Policy Area as shown in the Comprehensive Plan. A change in the Plan map shall constitute a change in the District boundaries.

**Rural Service Overlay District**

**Residential Cluster District**

These lands were rezoned to this District under a previous ordinance. No new zones of this type are permitted. The actual boundaries of the zone are defined in Appendix A of the Zoning Ordinance.

**Shoreland Overlay District**

The map illustrates the general extent of the Shoreland Overlay District and the classification of the lakes. Actual determination of the Shoreland Zone is made by measurement on air photos or on the ground on a site by site basis.

**Floodplain Overlay District**

The map illustrates the approximate extent of the Floodplain Overlay District. Actual determination of the Floodplain Zone boundaries is made according to the rules for interpretation specified by the County Code.

**LAKE SHORELAND CLASSIFICATIONS**

- General Development
- Recreational Development
- Natural Environment

**BOUNDARY LINES**

- City/Township Boundaries
- Sections

**ROAD CLASSIFICATIONS**

- Local Roads
- Major Collector
- Minor Arterial
- Minor Collector
- Principal Arterial - Other



Adopted November 20, 2018

County Board Chair

David Hemze, County Administrator

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

**COUNTY OF CARVER**  
**BOARD OF COMMISSIONERS**

DATE November 20, 2018 RESOLUTION NO. \_\_\_\_\_

MOTION BY COMMISSIONER \_\_\_\_\_ SECONDED BY COMMISSIONER \_\_\_\_\_

**A RESOLUTION ADOPTING ORDINANCE NO. 88-2018**  
**AMENDING CHAPTER 152, COUNTY ZONING CODE; AND THE CARVER COUNTY ZONING MAP,**  
**INCLUDING THE FLOODPLAIN OVERLAY DISTRICT**

**WHEREAS**, the Planning Commission held a public hearing at its regular meeting of October 16, 2018, and has adopted Resolution #18-07 recommending amendments to Chapter 152, the Carver County Zoning Code, and the Carver County Zoning Map, including the Floodplain Overlay District; and,

**WHEREAS**, the text amendments and reorganized sections to the Carver County Zoning Code – Chapter 152, as well as, updates to the Official County Zoning Map, including the Floodplain Overlay District are intended for the unincorporated areas of the county and would provide for compliance with the Federal Emergency Management Agency (FEMA) standards. The standards, which are intended to correspond to the approved FEMA Flood Insurance Rate Maps and Floodplain Management measures, include updates to current zoning language and map references, updated Floodplain Overlay District boundaries based on FEMA and MN DNR review and approval, and adding or revising definitions; and,

**WHEREAS**, Ordinance No. 88-2018 has been reviewed as to form and content by the County Attorney’s Office; and,

**WHEREAS**, the Planning Commission’s recommendation, and other testimony were duly considered at a public hearing held by the Carver County Board at its regular meeting of November 20, 2018, and the County Board finds as follows:

1. The amendments are in conformance with the Federal Emergency Management Agency (FEMA) standards.
2. The amendments are in conformance with the Minnesota Department of Natural Resources (MN/DNR) standards.
3. The amendments are in conformance with the Comprehensive Plan.
4. The amendments are not in conflict with any other official controls.
5. The amendments will not be detrimental to the health, safety or general welfare.

**THEREFORE, BE IT RESOLVED**, THAT The Carver County Board of Commissioners hereby adopts Ordinance No. 88-2018, amending Chapter 152, the County Zoning Code, and the Carver County Zoning Map, including updates to the Floodplain Overlay District.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018. \_\_\_\_\_  
County Administrator

August 27, 2018

Carver County Board of Supervisors  
Gayle Degler, Chairperson  
600 East 4<sup>th</sup> Street  
Chaska, MN 55318

CONDITIONAL STATE APPROVAL OF FLOODPLAIN ORDINANCE & REQUIRED NEXT STEPS

Dear Mr. Degler,

On behalf of the Department of Natural Resources (DNR), I am writing to conditionally approve Carver County's draft floodplain management ordinance.

We received the most recent draft of the county's draft floodplain management ordinance via email on August 10, 2018 from Senior Planner, Jason Mielke. The ordinance is being amended to incorporate the Flood Insurance Study, Carver County, Minnesota and Incorporated Areas, and the accompanying Flood Insurance Rate Map panels with an effective date of December 21, 2018.

The draft ordinance will be substantially compliant with the conditions of approval identified below. Further commentary is provided in the attached draft ordinance:

- The draft ordinance will require further corrections to accurately reference other sections in the ordinance. Suggested changes are noted in Sections 152.006(B), 152.145 and 152.006(C)(2) of the enclosed draft.

Apart from these corrections, the draft floodplain management ordinance is in compliance with the state floodplain management rules (MR 6120.5000 to 6120.6200) and, to the best of my knowledge, with the floodplain management standards of the Federal Emergency Management Agency. Therefore, in accordance with Minnesota Statutes, Chapter 103F, I hereby give conditional state approval of the draft floodplain management ordinance, provided the above-mentioned revisions are made.

This approval is valid upon adoption of the draft ordinance by the county and receipt by this office of **one (1) copy each of the adopted ordinance (signed and stamped with the community seal), the affidavit of publication, and the completed "Ordinance Certification Checklist"** that is enclosed. Please forward these documents to Ceil Strauss, the DNR's State NFIP Coordinator in St. Paul via email or to the address below in the footer. Upon receipt and verification, Ms. Strauss will transmit one copy of these materials to Mr. John Kinley at FEMA's Chicago Regional Office.

Please remember, FEMA must receive a signed, certified, and effective ordinance no later than December 21, 2018. To allow sufficient time for processing and transmittal, we request that you submit the requested materials to the DNR no later than **December 18, 2018**. ***If FEMA has not received the documentation by the map effective date, FEMA will suspend the County from the National Flood Insurance Program.***

Any future amendments of this ordinance or change in the designation of flood prone areas require prior approval of the Commissioner. In addition, you are required to send copies of hearing notices and final decisions pertaining to variances, conditional uses, and ordinance amendments to this agency. Those notices may also be sent to State NFIP Coordinator Ceil Strauss at the address below. Should you have any questions on this ordinance or related matters, please contact Ms. Strauss at (651) 259-5713 or [ceil.strauss@state.mn.us](mailto:ceil.strauss@state.mn.us).

While our office in St. Paul will continue to be the main contact for the ordinance update, your DNR Area Hydrologist will continue to be your main contact for day to day assistance with administering your floodplain management ordinance and questions about other DNR water-related programs and permits. Your Area Hydrologist is Jennie Skancke, who can be contacted at (612) 259-5790, or [jennie.skancke@state.mn.us](mailto:jennie.skancke@state.mn.us).

The DNR greatly appreciates your community's cooperation and initiative in providing for the reduction of flood damages through the adoption and administration of this ordinance.

Sincerely,



Jennifer Shillcox  
Land Use Unit Supervisor

Enclosures: Ordinance Processing Checklist

ec: Jason Mielke, Senior Planner – Carver County  
Dan Lais, DNR Eco-Waters' Regional Manager  
Jeanne Daniels, DNR Eco-Waters' District Manager  
Jennie Skancke, DNR Area Hydrologist  
Ceil Strauss, DNR NFIP Coordinator



FEMA

SEP 17 2018

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Gayle Degler  
Chairman, Carver County Board  
600 East Fourth Street  
Chaska, Minnesota 55318

Dear Mr. Degler:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for Carver County, Minnesota, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on December 21, 2018; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated June 21, 2018, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Carver County. Therefore, Carver County should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for Carver County will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Minnesota Department of Natural Resources. You may contact Ceil Strauss, CFM, the NFIP State Coordinator, by telephone at (651) 259-5713, in writing at 500 Lafayette Road, Saint Paul, Minnesota 55155-4032, or by electronic mail at [ceil.strauss@state.mn.us](mailto:ceil.strauss@state.mn.us).

The FEMA Regional staff in Chicago, Illinois, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for Carver County and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (312) 408-5500 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region V, at 536 South Clark Street, Sixth Floor, Chicago, Illinois 60605.

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and



SEP 17 2018

Gayle Degler

Page 2

may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until December 21, 2018, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by December 21, 2018. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Sears". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Rachel Sears, Director  
Floodplain Management Division  
Mitigation Directorate | FEMA

Enclosure

cc: James K. Joseph, Regional Administrator, FEMA Region V  
Ceil Strauss, CFM, NFIP State Coordinator, Minnesota Department of Natural Resources  
Steve Just, Department Manager Land Management, Carver County

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Public Hearing of Ordinance 87-2019 (Carver County Fee Schedule) and Adoption of Ordinance 87-2019 and Fee Schedule**

Primary Originating Division/Dept: <input type="text" value="Property &amp; Financial Services"/>	Meeting Date: <input type="text" value="11/20/2018"/>
Contact: <input type="text" value="Mary Kaye Wahl"/> Title: <input type="text" value="Assistant Finance Director"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="10"/> minutes Presenter: <input type="text" value="Mary Kaye Wahl"/> Title: <input type="text" value="Assistant Finance Director"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Finances: Improve the County's financial health and economic profile"/>	

**BACKGROUND/JUSTIFICATION:**

A public hearing has been scheduled for recommended changes to the County's 2019 fee for service schedule, which includes fees charged by the Carver County Regional Rail Authority ("CCRRRA"). MN statute allows the County to charge fees to cover its costs associated with providing various services. Notice of this public hearing has been placed in the County's legal newspaper.

Attachments for the board packet include the Fee Schedule Ordinance, the 2019 Fee Schedule, and a listing of the 2019 Fee Schedule recommended changes.

The largest share of the proposed fee increase would be the solid waste fee increase. The staff has previously discussed its proposed solid waste fee increase of \$3 per service fee unit with the Board in a work session in August. The solid waste fee increase would help the County to improve recycling facilities, remove Environmental Services from the General Levy, increase collection events, add services, and fund research.

**ACTION REQUESTED:**

1. Motion to open public hearing to consider changes to the County 2019 Fee Schedule.
2. Motion to close public hearing.
3. Motion to adopt the resolution approving the County 2019 Fee Schedule and ordinance.

<b>FISCAL IMPACT:</b> <input type="text" value="Other"/>	<b>FUNDING</b>								
If "Other", specify: <input type="text" value="Fiscal impact included in Administrator's Recommended 2019 Budget"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="width: 30%;"></td> </tr> <tr> <td>County- fees increase</td> <td style="text-align: right;">\$191,227.00</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$191,227.00</b></td> </tr> </table>	County Dollars =		County- fees increase	\$191,227.00			<b>Total</b>	<b>\$191,227.00</b>
County Dollars =									
County- fees increase	\$191,227.00								
<b>Total</b>	<b>\$191,227.00</b>								
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source								

**Related Financial/FTE Comments:**

It is estimated that there will be an increase of \$191,227 in 2019 fee revenue from the recommended changes. Approximately 67% of the proposed fee revenue increase relates to a proposed solid waste fee increase of \$3 service fee units, yielding a total additional revenue of \$127,500. Please see the attached document, 2019 Fee Schedule Recommended Changes, for the justification and comments related to the recommended 2019 fee changes.

**CARVER COUNTY, MINNESOTA  
ORDINANCE 87-2019**

**THE 2019 CARVER COUNTY FEE SCHEDULE**

The Carver County Board of Commissioners Hereby Ordains:

**Section 1.** The 2019 Carver County Fee Schedule, includes fees for services provided by county offices, officials, departments, courts, and employees, and is hereby adopted pursuant to Minnesota Statutes.

**Section 2.** The 2019 Carver County Fee Schedule is hereby established as an official control for Carver County and is kept in the Office of the Carver County Auditor.

**Section 3.** This ordinance shall become effective on January 1, 2019.

Adopted by the Carver County Board, Resolution # \_\_\_\_\_, at its meeting of November 20<sup>th</sup>, 2018.

\_\_\_\_\_  
Gayle Degler, Carver County Board Chair

\_\_\_\_\_  
David Hemze, Administrator

# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

DATE November 20<sup>th</sup>, 2018 RESOLUTION NO. \_\_\_\_\_

MOTION BY COMMISSIONER \_\_\_\_\_ SECONDED BY COMMISSIONER \_\_\_\_\_

## A RESOLUTION ADOPTING ORDINANCE 87-2019, THE 2019 CARVER COUNTY FEE SCHEDULE

**WHEREAS**, the County Board of Commissioners may charge fees for services provided by any county office, official, department, court, or employee; and

**WHEREAS**, there is a reasonable relation between the fees contained in this schedule and the cost of providing the services; and

**WHEREAS**, Minnesota Statutes state that these service fees, charges, and rates must be established by ordinance.

**NOW, THEREFORE BE IT RESOLVED**, that the Carver County Board of Commissioners hereby ordains adoption Ordinance 87-2019 and the fees contained in this schedule, effective January 1, 2019.

YES	ABSENT	NO

STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 20<sup>th</sup> day of November, 2018, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_

David Hemze, County Administrator

### 2019 Fee Schedule Change Form- All Fees

Division/Dept. Type of Service	Service	Current Fee	Proposed New Fee	Estimated Additional Revenue	Notes/Comments
<b>Countywide</b>	Photocopying: Black & White	Larger than 11"x17": \$5/page	Larger than 11"x17" refer to Photocopying: Color rates	\$ -	Standardizing printing/photocopying pricing
<b>Countywide</b>	Photocopying: Color	\$1.50	\$1.50/page Letter (8.5"x11" to Ledger 11"x17") \$30/page less than or equal to 36"x24"* \$40/page greater than 36"x24" and less than or equal to 36"x50"* \$50/page greater than 36"x50" and less than or equal to 36"x72"*	\$ -	Standardizing printing/photocopying pricing
<b>Countywide</b>	Postage	Federal Rates	Federal Rates *\$15 flat fee for mailing any item more than 11"x17"		Standardizing and recouping costs associated with mailing large prints (postage as well as mailing tube)

<b>Court Services/ Probation</b>	Veteran's Court Program Supervision Fee	No change	No change	n/a	Moved the location of the fee, now listed under "Adult Supervision Fee"
<b>Court Services/ Probation</b>	Electronic Home Monitoring fee	\$15-20/day	\$16.50-\$23.00	\$ -	Per diems already changed due to contract
<b>Court Services/ Probation</b>	Safe Streets, DWI and Enhanced Probation Programming	\$650	No specific fee	\$ -	Clients now pay only \$250 "Adult Supervision Fee"- this fee can be eliminated
<b>Public Services/ Environmental Services</b> Department - Environmental Center Collection Fees	Carpeting (12' X 12')	\$10	\$15	\$4,750	The current (new in 2018) contract with Brotex for carpet recycling includes a significant price increase. Since Brotex is the only vendor for this type of service today, we were forced to accept that higher price if we wished to continue offering that service to our residents. This proposed fee increase will close the gap between fees collected at the EC and costs paid for this service by Carver County
<b>Public Services/ Environmental Services</b> Department - Environmental Center Collection Fees	Mattresses and Box Springs	\$30/piece	\$35/piece	\$7,000	Costs associated with sending mattresses to our new vendor in Minneapolis are higher than previous vendor. This requested fee increase will allow us to cover our costs for this fast-growing waste stream.
<b>Public Services/ Environmental Services</b> Department - Environmental Center Collection Fees	Yard Waste	\$1/bag or \$8/cubic yard	Remove fee	\$ -	The Environmental Center is no longer offering this service; request to remove fee from schedule.

<b>Public Services/ Environmental Services Dept.</b>	<b>Solid Waste Service Fees:</b>				
<b>Public Services/ Environmental Services Dept.</b>	<b>Developed parcels will be charged on a basis of \$33 per service fee unit, as follows:</b>				
<b>Public Services/ Environmental Services</b>	Commercial parcels with an assessed evaluation of \$100,000 or less	Two \$30 service fee units for a total charge of \$60	Two \$33 service fee units for a total charge of \$66	\$127,500	Solid waste fee increased, to improve recycling facilities, remove Environmental Services from the General Levy, increase collection events, add services, and fund research.
<b>Public Services/ Environmental Services</b>	Commercial parcels with an assessed value of more than \$100,000	Four \$30 service fee units for a total charge of \$120	Four \$33 service fee units for a total charge of \$132	See \$127,500 amount above	Solid waste fee increased, to improve recycling facilities, remove Environmental Services from the General Levy, increase collection events, add services, and fund research.
<b>Public Services/ Environmental Services</b>	Industrial parcels with an assessed evaluation \$100,000 or less	Three \$30 service fee units for a total charge of \$90	Three \$33 service fee units for a total charge of \$99	See \$127,500 amount above	Solid waste fee increased, to improve recycling facilities, remove Environmental Services from the General Levy, increase collection events, add services, and fund research.
<b>Public Services/ Environmental Services</b>	Industrial units with an assessed evaluation of more than \$100,000	Six \$30 service fee units for a total charge of \$180	Six \$33 service fee units for a total charge of \$198	See \$127,500 amount above	Solid waste fee increased, to improve recycling facilities, remove Environmental Services from the General Levy, increase collection events, add services, and fund research.

<b>Public Services/ Environmental Services</b>	Multi-family housing with more than three dwelling units per parcel	80% of the \$30 service fee per dwelling (\$24 per dwelling unit)	80% of the \$33 service fee per dwelling (\$26.40 per dwelling unit)	See \$127,500 amount above	Solid waste fee increased, to improve recycling facilities, remove Environmental Services from the General Levy, increase collection events, add services, and fund research.
<b>Public Services/ Environmental Services</b>	Single family residences (with one to three dwelling units per parcel), including mobile homes, duplexes, and triplexes	One service fee unit of \$30 per dwelling unit	One service fee unit of \$33 per dwelling unit	See \$127,500 amount above	Solid waste fee increased, to improve recycling facilities, remove Environmental Services from the General Levy, increase collection events, add services, and fund research.
<b>Public Services/ Environmental Services Dept.</b>	<b>SSTS (Subsurface Sewage Treatment System) Construction Permits</b>				
<b>Public Services/ Environmental Services</b>	Repair/ <b>replace</b> tank and/or Soil Treatment Area <i>(includes adding a new tank); Holding Tank</i>	\$250	\$300	\$600	Revenue estimate is based on 12 repaired systems that were installed in 2017.
<b>Public Services/ Environmental Services</b>	<b>Type II, Holding Tank</b>	\$250	\$300	\$1,400/yr.	Revenue estimate is based on 28 type II systems that were installed in 2017.
<b>Public Services/ Environmental Services</b>	<b>Standard System</b> Type I & or II with soil treatment area	\$400	\$400	n/a	Recommend a clarification to the description (no change in fee amount).
<b>Public Services/ Environmental Services Dept.</b>	<b>SSTS: Other Types</b>				
<b>Public Services/ Environmental Services</b>	Escrow for installation of <del>Subsurface Treatment System (SSTS)</del> SSTS <b>compliance trigger, per Chapter 52:</b>	\$15,000 or 125% of the estimated cost; whichever is greater	\$20,000 or 125% of the estimated cost; <b>per</b>	n/a	There is no impact to county revenue since funds are placed in escrow. This recommendation increases the escrow amount to an amount



	52.199 A(3) or 52.197 B.		department review/ approval		adequate to cover the complete cost of SSTS replacement.
<b>HHS/ Behavior Health- Mental Health Services- Outpatient</b>	Group Psychotherapy	125.00	100.00	n/a	\$100 has been the rate for service. Fee schedule incorrect.
	Medication Management	25.00	200.00	n/a	Correction on what was listed on the Fee schedule
	Missed Appointment	25.00	0	n/a	Missed Appointments are not billed to clients at FSC due to insurance restraints.
	Copies of Charts/Medical Record Requests	35.00	\$10 for 1 <sup>st</sup> 20 pages, \$5 for each additional 20 pages	\$84 per month minimum	MN Statues 144.292 subd. 6 a-d, billing for medical records requests.
<b>HHS/ Behavior Health- Mental Health Services- School Linked Services CTSS</b>	Diagnostic Assessment Standard	250.00	225.00	n/a	\$225 has been the rate for service. Fee Schedule incorrect.
	Day Treatment	140.00 per hour	\$150 per hour	n/a	\$150 has been the rate for service. Fee schedule incorrect.
	Day Treatment	220.00 for 3 hours	450.00 for 3 hours	n/a	\$450 per 3 hours has been the rate for service. Fee Schedule incorrect.
<b>HHS/ Child and Family Services</b>	<b>Day Care Licensing</b>				Move to under separate heading
<b>HHS/ Child and Family Services</b>	<del>Step-Parent</del> Adoption Home Study	No change	No change		Change wording
<b>HHS/ Child and Family Services</b>	<del>Case Manager Court Testimony</del>	<del>\$250/hour</del>			See below
<b>HHS/ Child and Family Services</b>	<del>Case Manager Witness Fee</del>	<del>\$100/hour (includes wait time)</del>			See below

<b>HHS/ Child and Family Services</b>	Court Appearance for Child and Family Department Employee	New	\$250/hour (includes court testimony and wait time)	-	This is to provide clarity, previously the language has been confusing and sometimes it is not just case managers that are subpoenaed.
<b>HHS/ Child and Family Services</b>	<del>Videotaped Interview/Copy of CD</del> Copy of Records on CD	No change	No change		Change wording
<b>HHS/ Child and Family Services</b>	USB Flash Drive	New	8 GB: \$10 16GB: \$20 32GB: \$30 64GB: \$40	Minimal	Cover costs associated with electronic data requests
<b>HHS/ Day Care Licensing</b>	<del>Day Care Licensing- Background Study*</del>	\$100	REMOVE	None	The State is taking over background studies.
<b>HHS/Public Health Immunization Services</b>	<b>Vaccine and Administration for Private Pay Immunization Services:</b> Hepatitis B – adult Influenza – injectable Mantoux TB Skin Test	\$60 \$25 \$15 New	\$75 \$35 \$15 \$15	Minimal	Cost increase.
<b>HHS/ Public Health- Car Seat</b>	Individual Education		\$80.00	\$1,500.00	New
<b>HHS/ Public Health- Car Seat</b>	Group Education		\$50.00	\$743.00	New
<b>HHS/ Public Health- Car Seat</b>	Equipment		\$50.00	\$743.00	New
<b>HHS/ Public Health- ASQ Screening</b>	Both Screening Tools		\$25.00	\$100.00	New
<b>Public Services/ IT</b>	Printing	\$5-\$50	See Countywide Services – Photocopying	\$ -	Remove all printing fees in this section. IT will use Countywide Services – Photocopying fees. Eliminates differences in charges.
<b>Public Services/ Land</b>	<b>Administrative Permit for excavating/filling or a</b>	\$500 (\$150 Permit Fee +	\$250 Permit Fee + CCWMO	\$500	*** To be more in line with other Dept. fees. (CCWMO)

<p><b>Management Department</b></p>	<p><b>driveway that includes wetlands and/or erosion control permit and/or stormwater permit with no treatment required</b></p>	<p>\$350 Refundable Surety of any unused fee)  *A Carver County Site Inspection Fee shall be applied to any additional inspection completed after the first inspection.  *The applicant shall reimburse the County for any engineering costs incurred during application review and final inspections.  (Pursuant to the Planning &amp; Water Management Dept.).  *Work started without obtaining a permit shall be subject to a \$150 penalty in addition to the \$150 fee.</p>	<p>Surety, or other requirements, if applicable.  *A Carver County Site Inspection Fee shall be applied to any additional inspection completed after the first inspection.  *The applicant shall reimburse the County for any engineering costs incurred during application review and final inspections.  (Pursuant to the CCWMO).  *Work started without obtaining a permit shall be subject to a \$250 penalty in addition to the</p>		<p>***\$250 Permit Fee would be split between the Land Management Dept. &amp; CCWMO  ***Based on amount of time being spent on site reviews for compliance and verifying completion of project, revenue would cover additional County Staff time.  ***Surety to follow CCWMO standards.</p>
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			\$250 fee.		
<b>Public Services/ Library/ Library Supplies and Services</b>	Change Flash Drive 8 GB to Flash Drive 16 GB	\$7	\$7	\$ -	Flash Drives at 16 GB cost us the same as 8 GB and a 16 GB ensures patrons can download the files they need
<b>Public Services/ Library/ Library Supplies and Services</b>	Delete Recordable CD or DVD	\$1	0	\$ -	We no longer provide this service
<b>Public Services/ Library/ Unreturned or Damage Materials</b>	Adult Non-Fiction Hardback	\$25	\$30	\$300	
<b>Public Services/ Library/ Unreturned or Damaged Materials</b>	Juvenile fiction	\$15	\$15	\$15	This is a division of the original category of Juvenile fiction and Nonfiction to allow change in price in non-fiction
<b>Public Services/ Library/ Unreturned or Damaged Materials</b>	Juvenile Non-Fiction	\$15	\$20	\$200	This is a division of the original category of Juvenile fiction and Nonfiction to allow change in price in non-fiction
<b>Public Services/ Library/ Unreturned or Damaged Materials</b>	Audiobook set	\$0	\$50	\$150	Additional category
<b>Public Services/ Library/ Unreturned or Damaged</b>	DVD set	\$0	\$50	\$300	Additional category

<b>Materials</b>					
<b>Public Services/ Library/ Unreturned or Damaged Materials</b>	Missing DVD, Audiobook, or Music CD from a Set	\$15	\$15	\$60	Additional language (Audiobook) will capture dollars from this category
<b>Public Services/ Library/ Unreturned or Damaged Materials</b>	Delete Replacement A/V case or liner	\$2	\$0	\$ -	We no longer charge for this.
<b>Public Works/ Parks- Baylor Historic House</b>	Damage Deposit Monday- Thursday Group Rental Friday-Saturday and Holidays Group Rental	\$200 \$125/night + vehicle permits \$175/night + vehicle permits	\$200 \$125/night + vehicle permits & Reservation Fee \$175/night + vehicle permits & Reservation Fee	n/a	Add "& Reservation Fee"
<b>Public Works/ Parks- Baylor Regional Park</b>	Utility Site Camping	\$26.00/night	\$28.00/night/site	\$7,026.00	Consistent with regional agency rates.
<b>Public Works/ Parks- Baylor Regional Park</b>	Full Hook-Up Camping Site	\$35.00/night	\$38.00/night/site	n/a	Consistent with regional agency rates. Estimated additional revenue reflected at \$0 as these sites are utilized for the volunteer campground host operation.
<b>Public Works/ Parks- Baylor Regional Park</b>	Long Term Utility Site	\$20.00/night	\$21.00/night	n/a	Increase follows Department philosophy for camping rates.
<b>Public Works/ Parks- Baylor Regional Park</b>	Primitive Site	\$18.00/night	\$20.00/night	\$825.00	Consistent with regional agency rates.

<b>Public Works/ Parks-</b> Baylor Regional Park	Long Term Primitive Camping	\$14.00/night	\$16.00/night	n/a	Increase follows Department philosophy for camping rates.
<b>Public Works/ Parks-</b> Baylor Regional Park	Dump Station	\$10.00	\$15.00/use	\$580.00	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	Daily Vehicle Permit	\$5.00	\$6.00	\$13,641.00	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	1 <sup>st</sup> Annual Vehicle Permit	\$25.00	\$28.00	\$10,396.00	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	1 <sup>st</sup> Veterans Annual Vehicle Permit	\$10.00	\$14.00	\$312.00	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	1 <sup>st</sup> Park Assistance Annual Vehicle Permit	\$12.00	\$14.00	\$453.00	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	2 <sup>nd</sup> Veterans & Park Assistance Annual Permits	\$14.00 for both	\$14.00 for both	n/a	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	All Inclusive Daily Vehicle Rate for all Park Shelters between the time period of May 1 <sup>st</sup> – 2 <sup>nd</sup> Sunday in June and Tuesday after Labor Day – October 1 <sup>st</sup>	\$100.00	\$125.00	\$225.00	Business & operational efficiency as well as customer desires.
<b>Public Works/ Parks-</b>	All Inclusive Daily Vehicle Rate for all Park Shelters between the time period of day after the 2 <sup>nd</sup> Sunday in June – Labor Day	\$150.00	\$175.00	n/a	Business & operational efficiency as well as customer desires.
<b>Public Works/ Parks-</b>	(A) Flight Facilities for Reservation	n/a	<u>Weekday:</u> \$150 + Vehicle Permits <u>Weekend:</u> \$225 + Vehicle Permits	\$2,400.00 combined.	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	(B) Flight Facilities for	n/a	<u>Weekday:</u> \$50	\$3,000.00	Consistent with regional agency

<b>Parks-</b>	Reservation		+ Vehicle Permits <u>Weekend:</u> \$100 + Vehicle Permits	combined.	rates.
<b>Public Works/ Parks-</b>	(C) Flight Facilities for Reservation	n/a	<u>Weekday:</u> \$40 + Vehicle Permits <u>Weekend:</u> \$80 + Vehicle Permits	n/a	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	Shelter Cancellation Fee	50% of user fee (Plus Reservation Fee)	Cancellation based on Customer request for Facilities of: All Park Picnic Pavilions, Community Room and Lake Waconia Event Center. *Outdoor Recreation Programs/Services utilize this cancellation structure as well. **Camp Site Cancellations follow as outlined above.	n/a	Consistent with regional agency rates.

			<ul style="list-style-type: none"> <li>• 31+ Days Prior to Reservation/Event: 100% Refund Issued</li> <li>• 15-30 Days Prior to Reservation/Event: 75% of Refund Issued</li> <li>• 8-14 Days Prior to Reservation/Event: 50% Refund Issued</li> </ul> <p>0-7 Days Prior to Reservation/Event: 0% Refund Issued</p>		
<b>Public Works/ Parks-</b>	Group Rate for Park Shelter in Flight (B) & (C)	<u>Weekday:</u> Up to 100 persons- \$20 + reservation fee & \$50 damage deposit More than 100 persons-	<u>Weekday:</u> \$20 + Vehicle Permits, <u>Weekend:</u> \$40 + Vehicle Permits	n/a	Business & operational efficiency as well as consistent with regional agency rates.



		\$30+reservation fee & \$50 damage deposit <u>Weekend:</u> Up to 100 persons- \$40 + reservation fee & \$50 damage deposit More than 100 persons- \$50+reservation fee & \$50 damage deposit			
<b>Public Works/ Parks-</b>	Photography Permits- <del>Unusual</del> <b>Atypical</b> Video Shoot	\$500/minimum	\$500/day minimum	n/c	Provide clarity
<b>Public Works/ Parks-</b>	Instructor Cost for Contracted Recreation Service Bookings	\$12.50/hr./Instructor	\$13.00/hr./Instructor	\$500.00	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	Cost for Processing & Equipment Fees for Contracted Recreation Services	\$2.00/youth & \$5.00/adult	\$4.00/youth & \$7.00/adult	\$500.00	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	Educational Programs- <b>2 Program Hours</b> <b>4 Program Hours</b>	\$2.00/2hr. program & \$4.00 for 4hr. program	\$3/participant for short programs \$5/participant for long programs	\$500.00	Consistent with regional agency rates.
<b>Public Works/ Parks-</b>	Open Play Space/Field Facilities	n/a	\$7.50/ Game or Practice	n/a	Correction to fee schedule
<b>Public Services/ PWM</b>	<b>Erosion control permit and/or stormwater permit with no</b>	\$100 plus engineering costs	\$250 plus engineering	\$3,500	Fee has not changed for many years. Proposed fee better reflects average

permitting	treatment required	incurred during application review and final inspections. *Work started without obtaining a permit shall be subject to a \$100 penalty in addition to the \$100 fee.	costs incurred during application review and final inspections. *Work started without obtaining a permit shall be subject to a \$250 penalty in addition to the \$250 fee.		staff time spent per ECS permit. (calculated at \$50/hr)
Public Services/ PWM permitting	<b>Combined Permit: Administrative Permit for excavating/filling or a driveway and Wetland Permit and/or Erosion Control Permit</b>	\$500 (\$150 Permit Fee + \$350 Refundable Surety of any unused fee) *A Carver County Site Inspection Fee shall be applied to any additional inspection completed after the first inspection. *The applicant shall reimburse the County for any engineering costs incurred during	\$250 Permit Fee + CCWMO Surety, or other requirements, if applicable. *A Carver County Site Inspection Fee shall be applied to any additional inspection completed after the first inspection. *The applicant shall reimburse the County for any	\$500	-Changed to match ECS permit fee change (above). Remove refundable surety as that is typically covered by WMO surety requirements -\$250 Permit Fee would be split between the Land Management Dept. & CCWMO -Surety to follow CCWMO standards.

		application review and final inspections. (Pursuant to the Planning & Water Management Dept.). *Work started without obtaining a permit shall be subject to a \$150 penalty in addition to the \$150 fee.	engineering costs incurred during application review and final inspections. (Pursuant to the CCWMO). *Work started without obtaining a permit shall be subject to a \$250 penalty in addition to the \$250 fee.		
<b>Property &amp; Financial Services/ Property Assessment</b>	<b>CAMA Extract Programs</b> Set up (includes e-mailing information or 500 pages/labels in hardcopy.)  <b>CAMA or Tax Extracts</b> Set up & research	\$250/Min	\$50/hr	\$ -	
<b>Property &amp; Financial Services/ Property Assessment</b>	<b>Research</b>	\$40/hr. minimum	\$50/hr minimum	\$ -	To be consistent with set up & research
<b>Property &amp; Financial Services/ Property</b>	<b>Mailing</b>	\$10 for initial mailing \$25 for each additional 500	REMOVE	\$ -	Everything is moving to electronic

<b>Assessment</b>		hardcopy pages/labels			
<b>Property &amp; Financial Services/ Land Records</b>	<b>Computer Reports</b>	\$1/page	REMOVE	\$ -	We no longer generate these reports.
<b>Property &amp; Financial Services/ Land Records</b>	<b>Tax Lien Search</b>	\$20 minimum per legal description	REMOVE	\$ -	We no longer perform these searches.
<b>Property &amp; Financial Services/ Land Records</b>	<b>Tract Index Search</b>	\$20 minimum per legal description	REMOVE	\$ -	We no longer perform these searches.
<b>Property &amp; Financial Services/ Passports- Chanhassen Service Center</b>	<b>Passports- Execution Fee</b>	\$30	\$35	Included in 2018 current budget	This fee change went into effect on 4/2/18, approved by OMB, County doesn't set this fee
<b>Property &amp; Financial Services/ Property Taxation</b>	<b>Confession of Judgment: Court Costs</b>	\$10	REMOVE	\$ -	Carver County is no longer charging this fee
<b>Property &amp; Financial Services/ Vital Statistics</b>	<b>Copy/Reprint of Vital Record</b>	New fee	\$5/record	Unknown	In our new marriage system, we now have the ability to print/reprint select portions of a marriage record for a customer.
<b>Public Works/ Program Delivery</b>	Residential Maintenance	\$65	-	N/A	Delete this from the fee schedule, as it is not used.
<b>Public Works/ Program Delivery</b>	Right of Way Permit	\$105	-	N/A	Delete this from the fee schedule, as it is not used.
<b>Sheriff's Office</b>	Restorative Conferencing	\$50.00 per		N/A	Remove – we have not done this in a

		participant			number of years
<b>Sheriff's Office / 911/Radio Programming</b>	Radio Programming for outside county entities	\$59.63/hr	\$61.37/hr	minimal	
<b>Sheriff's Office</b>	Detox Transport Fee	\$110 per trip	\$150 per trip	minimal	
<b>Waconia Event Center Fee Structure</b>	Facility Access Prior to Event and Day After Event \$150/day + \$20/hour for Building Attendant	New	\$150/day \$20/ hour	Unknown	To address requested need from larger events.
<b>Waconia Event Center Fee Structure</b>	<del>Deposit at Time of Reservation</del> Damage Deposit (reservation) Down Payment for Reservation Confirmation	\$1,000	\$500 \$500	N/A	To clarify the damage deposit and down payment breakout.

Carver County, Minnesota

# Schedule of County Fees

2019

Adopted by the Carver County Board of Commissioners Nov. 20<sup>th</sup>, 2018



**Property and Financial Services Division**

Carver County Government Center  
Administration Building  
600 East Fourth Street  
Chaska, MN 55318-1202  
Phone: 952-361-1508 Fax: 952-361-1541

**Carver County, Minnesota**  
**2019 Fee Schedule**  
Table of Contents

	<u>Page</u>
<a href="#"><u>Ordinance #87-2019</u></a>	1
<a href="#"><u>Resolutions Regarding Ordinance#87-2019</u></a>	2
<a href="#"><u>Countywide Services/CountyPublications</u></a>	3
<a href="#"><u>Attorney’s Office Fees</u></a>	4
<a href="#"><u>County Extension/University of MNExtension</u></a>	4
<a href="#"><u>Court Services/Probation Fees</u></a>	4
<a href="#"><u>Environmental Services Department Fees</u></a>	5
<a href="#"><u>Health &amp; Human Services Division Fees</u></a>	10
<a href="#"><u>Information Technology Department Fees</u></a>	12
<a href="#"><u>Land Management Department Fees</u></a>	12
<a href="#"><u>Library Fees</u></a>	16
<a href="#"><u>Parks Fees</u></a>	17
<a href="#"><u>Planning &amp; Water Management Department Fees</u></a>	21
<a href="#"><u>Property and Financial Services Division Fees</u></a>	22
<a href="#"><u>Public Works Program Delivery Department Fees</u></a>	27
<a href="#"><u>Sheriff’s Office Fees</u></a>	28
<a href="#"><u><b>Attachment A: Encore Adult Day Services Sliding Fee Schedule</b></u></a>	32
<a href="#"><u><b>Attachment B: Parks Recreation Program Fee Matrix</b></u></a>	33
<a href="#"><u><b>Attachment C: Waconia Event Center Fee Structure</b></u></a>	34
<a href="#"><u><b>Attachment D: Regional Rail Authority Fee Schedule</b></u></a>	35

## Countywide Services/County Publications

<b>Budget Book</b>	\$40
<b>Comprehensive Plan</b> Full document Individual Plan Elements or Township Chapters	\$50 \$15 with colored maps. No charge for copies in black & white.
<b>Electronic Documents</b> Requests for 10 or more electronic documents	\$0.50/document, \$10 fee for portable transfer tool (CD, Jump Drive, etc.)
<b>Electronic Image</b>	\$0.25/page
<b>Fax Machine Usage</b>	Local: \$1 /first page + \$0.30/each additional page Long Distance: \$4/first page + \$1.50/ea. additional page International: \$10/first page + \$3/ea. additional page
<b>Financial Statement for Carver County</b>	\$30
<b>Laminating</b>	\$20 for documents less than or equal to 24" x 36" \$30 for documents greater than 24" x 36"
<b>Long-Term Financial Plan</b> Five-Year Plan	\$40
<b>Non-Sufficient Fund (NSF) Check Or Other Returned Check</b>	\$30/check
<b>Photocopying: Black and white</b>	Letter or legal size: \$0.25/page 11" x 17" size: \$.050/page Larger than 11" x 17": refer to Photocopying: Color rates
<b>Photocopying: Color</b>	\$1.50/page Letter (8.5"x11" to Ledger 11"x17") \$30/page less than or equal to 36"x 24"* \$40/page greater than 36"x24" and less than or equal to 36"x 50"* \$50/page greater than 36"x50" and less than or equal to 36"x72"*
<b>Postage</b>	Federal rates *\$15 flat fee for mailing any item more than 11"x17"
<b>Public Data Information Gathering and Research</b>	If it takes more than a half-hour: \$50/hour pro-rated to the nearest half-hour + any material costs.  <i>Note: No charge for other government agencies. No charge for separating public data from non-public data.</i>
<b>Public Meeting DVD/CD</b>	\$10. No charge for other government agencies.



**Note:**

- The fees for services listed on this page are used by all Carver County divisions unless a County department specifically lists a different rate in this fee schedule.
- An asterisk (\*) by any fee listed in this fee schedule indicates the fee is set by the Federal or State government and is subject to change at any time during the year by either the Federal or State government without Board action. The amount listed in the fee schedule reflects the fee amount set by the Federal or State government as of the date the County Board adopted the fee schedule.

**Attorney’s Office**

<b>Compact Discs</b> (Disclosure)	\$10
<b>Photocopying</b> (Disclosure)	\$0.25/page
<b>Photographs</b> (Disclosure)	3x5: \$1.50/photo 4x6: \$1.75/photo 5x7: \$5/photo 8x10: \$10/photo
<b>USB Flash Drive</b>	8 GB: \$10 16GB: \$20 32GB: \$30 64GB: \$40

**Carver County Extension /University of Minnesota Extension**

<b>Parents Forever</b> Divorce Education Program	\$75/person
<b>University of Minnesota Extension Educational Programs</b> Including, but not limited to, 4-H, Extension Master Gardener, Agriculture Production Systems, Family Resource Management	\$0-\$300/Program Scholarships are available by request.

**Court Services/Probation**

<b>Adult Supervision Fee* (Per MN Stat. 244.18)</b>	\$250/yr base fee, or bifurcated fee scale is used-  All misdemeanor traffic (excluding DWI) and property (theft, trespass, crim dam prop, etc.), no conditions \$50.00 ~ All misdemeanor traffic (excluding DWI) and property (theft, trespass, crim dam prop, etc.), 1 or more condition \$100.00 ~ Misdemeanor DWI, no conditions
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	<p>\$150.00 ~ ALL gross misdemeanors, ALL other criminal, and ALL misdemeanor DWIs with 1 or more condition \$250.00 ~ Vet's Court Probation Fee(no drug testing or any other fee applies) \$300.00</p>
<b>Case Transfer Out Fee – Adult</b>	\$125
<b>Drug Testing UA (Urinalysis testing)</b> Adult or Juvenile	\$20
<b>Electronic Monitoring Services</b> Including EHM, GPS, Mems, Scram and Scram X and other testing devices and services.	Daily fees and administrative costs apply as established by contracts or agreements with vendors, ranging from \$16.50-\$23/per day (adults) and \$5-\$10/per day (juveniles).
<b>GC/MS (Gas Chromatography/Mass Spectrometry)</b> Confirmation of lab tests for drugs, synthetics, ETG, etc.	\$40
<b>Juvenile Delinquency Diversion</b>	\$85/appointment
<b>Juvenile Out-of-Home Placements and Treatment Services</b> Detention, correctional programming, educational and treatment programs, and other services with outside providers.	Reimbursements for County costs are assessed based on use of the Court Services Income Eligibility and Fee Schedule and the Carver County Asset Assessment.
<b>Pre-Trial Services Fee - Adult cases only</b> (PBT testing, etc.)	\$75 (or \$100 with pre-court evaluation)
<b>Program Fee* - Adult &amp; Juvenile</b> EMG, DWC, T4C, other cognitive skills classes or special in-house probation programs	\$150 for in-house clients. \$250 for referrals from other probation or correctional agencies.
<b>STS Program Fee</b> For adult probationers who are participating on local STS crew.	\$5/per each STS day ordered

## Environmental Services Department

Environmental Center Collection Fees	
<b>Appliances</b> Refrigerators, stoves, dishwashers, washers, dryers, microwaves, water softeners, dehumidifiers, water heaters, and air conditioners	\$10/item
<b>Appliances – Business (Commercial)</b>	\$2.00/cubic ft.
<b>Appliances - Gas/Ammonia</b>	

Ammonia Refrigerator <4'	\$150 each
Ammonia Refrigerator >4'	\$300 each
Ammonia Air Conditioner	\$800 each
<b>Batteries - Businesses</b>	\$0.38/lb
<b>Bicycles</b>	\$3/bicycle
<b>Carpeting (12' x 12')</b>	\$15
<b>Cylinders:</b> Two-Part Foam Cylinders, Non-Gas Cylinders, Toxics	State Contract/Vendor pricing. Varies with size and type of cylinder from \$280 to \$975 per cylinder.
<b>Electronics - Business</b>	\$0.50/lb.
<b>Electronics - Residential</b> TVs and Monitors Large TVs (30" or larger screen size, measured diagonally, and all console sets)	\$10/item \$20 per item
<b>Fluorescent Bulbs</b> 4 ft & under Greater than 4 ft CFLs Irregular HID Broken Ballasts Super High Pressure Mercury	\$0.40/bulb \$0.75/bulb \$0.60/bulb \$1.00/bulb \$2.30/bulb \$2.14/lb \$0.99/lb \$12/bulb
<b>Lawnmowers &amp; Other Small Engine Devices</b>	\$5 per item
<b>Mattresses/Boxsprings</b>	\$35/piece
<b>Tires:</b> Car, Truck, SUV Tires Semi Tractor/Trailer Tires Farm Tractor (Small) Front Tires Farm Tractor (Large) Rear Tires	\$3.00/tire \$15.00/tire \$4.00/tire \$50.00/tire
<b>One-Day Special Waste Collection Fees – Residential Rates</b>	
<b>Tires:</b> Car, Truck, SUV Tires Semi Truck Tires Tractor Front (small) Tire Tractor (Large) Rear Tires	\$2.00 each \$7.50 each \$4.00 each \$25.00 each
<b>Appliances:</b> Appliances, standard residential Ammonia Refrigerator (<4' tall) Ammonia Refrigerator (>4' tall) Ammonia Air Conditioner	\$10.00 each \$150.00 each \$300.00 each \$800.00 each
<b>Other:</b> TVs and Computer Monitors Lawnmower/Small Engine Device Bicycles Yard Waste (Brush, Leaves, Grass)	\$10.00 each \$5.00 each \$3.00 each \$1.00/bag or \$8.00/cubic yard

<b>One-Day Special Waste Collection Fees – Business Rates</b>		
<b>Business Bulbs:</b>		
4ft and Under	\$0.40 each	
Greater than 4 ft	\$0.75 each	
Compact (CFLs)	\$0.60 each	
Irregular Shape	\$1.00 each	
HID	\$2.30 each	
High Pressure Mercury	\$12.00 each	
Broken Lamps	\$2.14/lb	
Ballasts	\$0.99/lb	
<b>Environmental Center Products for Sale</b>		
<b>Biodegradable Bags</b>		
Kraft Lawn & Leaf Bags	\$4.00/bundle	
Bags (3 gal)	\$3.50/box	
Bags (15 gal)	\$5.50/box	
Bags (30 gal)	\$6.50/box	
<b>Compost Bins, Worm Bins, Rain Barrels</b>	Set by Manufacturer Pricing	
<b>Organics Kitchen Pail</b>	\$5	
<b>Radon Kits:</b>		
Short-Term Radon Kit	\$8	
Long-Term Radon Kit	\$20	
<b>Feedlot Permits</b>		
<b>Construction Short Form Permit/ Interim Permit:</b>		
Less than 300 animal units	\$200	
<b>Construction Short Form Permit/ Interim Permit:</b>		
300 animal units or more	\$400	
<b>Variance to Feedlot Ordinance</b>	\$500	
<b>Hazardous Waste Generator Fees</b>		
<b>Minimal Generators:</b>		
A generator that has hazardous wastes identified in Section 51.03 definitions of Carver County Hazardous Waste Management Code Chapter 52 is subject only to an Application Fee.	<b>Application Fee</b> \$50	
<b>Very Small Quantity Generators (VSQG):</b>		
Under 10 gallons/year	<b>License Fee</b> \$35	<b>Application Fee</b> \$50
11-55 gallons/year	\$125	\$100
56-100 gallons/year	\$195	\$125
Over 100 gallons/year	\$250	\$150
<b>Small Quantity Generators:</b>		
Under 500 gallons/year	<b>License Fee</b> \$420	<b>Application Fee</b> \$250
500-1000 gallons/year	\$560	\$275
Over 1000 gallons/year	\$700	\$300

<b>Large Quantity Generators:</b>	<b>License Fee</b>	<b>Application Fee</b>
Under 10,000 gallons/year	\$1,400	\$450
10,000 – 50,000 gallons/year	\$2,800	\$550
Over 50,000 gallons/year	\$5,580	\$650
<b>Hazardous Waste Generator Fees Related to Licenses and Reports</b>		
<b>Hazardous Waste Generator File Search Requests</b>	\$10/copy (No charge to regulatory agencies.)	
<b>List of Hazardous Waste Generator Licensees</b>	\$50/copy	
<b>File Search Access</b>	\$25/hour	
<b>Late Generator Report</b>		
1-14 Days Late	\$25	
15-30 Days Late	\$50	
> 30 Days Late	\$100	
<b>Late License Fee Payment</b>		
1-14 Days Late	\$25	
15-30 Days Late	\$50	
> 30 Days Late	\$100	
<b>Hazardous Waste VSQG Collection Program</b>		
<b>Appointment Fee (Administrative Fee)</b>	\$0 (includes up to one hour of administrative time.)	
Additional staff time for application review	\$12.50 per quarter hour	
<b>VSQG Collection Program Fees:</b>	(all approved fees reflect 1.45 x disposal cost, with no administrative or appointment fee)	
Acids	\$1.32/lb	
Adhesives	\$1.32/lb	
Aerosols	\$1.32/lb	
Antifreeze	\$0.60/lb.	
Ballasts (Including PCB containing)	\$0.99/lb.	
Bases	\$1.32/lb	
Batteries (Lead Acid)	Free	
Batteries (Li-ion, NiCd, Alkaline, Mixed)	\$0.38/lb.	
Carburetor Cleaner	\$1.32/lb	
Cleaning Agents	\$1.32/lb	
Cylinders (Most)	1 Lb = \$3.00/each, Larger = \$15.00/each	
Corrosives	\$1.32/lb	
Degreasers	\$1.32/lb	
Fuels	\$0.50/lb.	
Gasoline	\$0.50/lb.	
Latex Paint	\$0.55/lb.	
Mercury	\$26.00/lb.	
Other Misc. Chemicals	\$1.32/lb	
Oil	Free	
Oil Filters	\$0.40/lb.	
Oil Paint	\$0.60/lb.	
Paint: Latex (architectural coating)	Free	
Paint: Oil Base (architectural coating)	Free	

Paint: Latex (non-architectural coating)	\$0.55/lb
Paint: OilBase (non-architectural coating)	\$0.60/lb
Paint Thinner	\$0.50/lb.
Paint Stripper	\$1.32/lb
Pesticides	\$1.32/lb
<b>Open Burning Permits</b>	
<b>Burning Permit for Building Demolition</b>	\$25
<b>Burning Permit for Residential Burning</b>	\$5
<b>Solid Waste Haulers</b>	
<b>Solid Waste/Construction Demolition Haulers</b>	Fees set by Regional Joint Powers Agreement: \$50/truck
<b>Solid Waste Program</b>	
<b>Master Composter/Recycler Certification Class</b>	\$30/person
<b>Solid Waste Service Fees (Haz. &amp; Solid Waste Fee)</b>	
<b>Developed parcels will be charged on a basis of \$33 per service fee unit as follows:</b>	
Commercial parcels with an assessed evaluation of \$100,000 or less	Two \$33 service fee units for a total charge of \$66
Commercial parcels with an assessed value of more than \$100,000	Four \$33 service fee units for a total charge of \$132
Industrial parcels with an assessed evaluation \$100,000 or less	Three \$33 service fee units for a total charge of \$99
Industrial units with an assessed evaluation of more than \$100,000	Six \$33 service fee units for a total charge of \$198
Multi-family housing with more than three dwelling units per parcel	80% of the \$33 service fee per dwelling, (\$26.40 per dwelling unit)
Single family residences (with one to three dwelling units per parcel), including mobile homes, duplexes, and triplexes	One service fee unit of \$33 per dwelling unit
<b>Solid Waste Transfer Stations</b>	
<b>30 cubic yard/day:</b>	
One-Time Application Fee	\$75
Annual license fee	\$350
<b>Less than 100 tons/day:</b>	
One-Time Application fee	\$250
Annual license fee	\$1,000
<b>101-250 tons/day:</b>	
One-Time Application Fee	\$500
Annual license fee	\$2,000
<b>More than 250 tons/day:</b>	
One-Time Application fee	\$500
Annual license fee	\$2,500
<b>Late Payment Penalty</b>	25% of fee
<b>SSTS (Subsurface Sewage Treatment System) Construction Permits</b>	
<b>Connection from House/Structure to Existing Tank</b>	\$100

Repair/replace Tank and/or Soil Treatment Area	\$300
Type II, Holding Tank	\$300
Standard System (Type I or II with soil treatment area)	\$400
Non-Standard Systems (Type III & IV)	\$500
<b>SSTS Permits: Food, Beverage, Lodging and Commercial</b>	
1-500 gallons	\$700
501-1000 gallons	\$950
1001-5000 gallons	\$1,350
5001-10,000 gallons	\$1,950
<b>SSTS: Other Types</b>	
Curtain Drain Septic System Monitoring	\$400 (\$50 soil review + \$50 monitoring + \$300 installation)
Plan Review	\$50
Soils Review	\$100
Re-inspection	\$50
Failure to cancel a prearranged inspection at least 1 hour prior to scheduled inspection	\$50
Origination Fee for Revolving ISTS Loan Program	\$150
Escrow for SSTS compliance trigger, per chapter 52: 52.199 A(3) or 52.197B	\$20,000 or 125% of the estimated cost; per department review/approval

## Health and Human Services Division

<b>Adult Day Services</b>	
Encore Adult Day Services	Private Pay Rate: \$81/day + SmartLink bus fees <i>For Encore Adult Day Services Sliding Fee Scale see Attachment A.</i>
<b>Child and Family Services</b>	
Adult Foster Care License/Corporate Licensing Inspection	\$100/hour not to exceed \$500 per full inspection.
Out-of-Home Placement Fees	Vendor contracted rate, not to exceed actual cost. Fee will be determined based on Minnesota statute and Fee Application.
Other Contracted Child & Family Service Fees	Vendor contracted rate, not to exceed actual cost. Fee will be determined based on Minnesota statute and Fee Application.
Court Appearance for Child and Family Department Employees	\$250/hour (includes court testimony and wait time)
Adoption Home Study	\$100/hr. (2 hr. minimum) not to exceed \$3,000.
Copy of Records on CD	\$35
USB Flash Drive	8 GB: \$10 16GB: \$20 32GB: \$30 64GB: \$40

<b>Child Support Services</b>	
<b>Child Support Payment Record</b>	\$20 per payment record. If over a half-hour, additional \$10 per half-hour not to exceed \$100
<b>Day Care Licensing</b>	
<b>Day Care Licensing</b> Licensing Inspection*	\$50 per year
<b>Mental Health Services/Outpatient Therapy</b>	
<b>Chemical Dependency</b> Assessment (Rule 25)	\$160 per assessment ( <i>Fee is applicable when clients are not eligible for the Chemical Dependency Treatment Fund and are uninsured.</i> )
Detoxification Fees	Vendor contracted rates, not to exceed actual cost. Fees will be determined based on Minnesota statute and Fee Application.
Detoxification Transportation	Vendor contracted rates, not to exceed actual cost. Fees will be determined based on Minnesota statute and Fee Application.
<b>Copies of Charts</b>	\$10 for 1 <sup>st</sup> 20 pages, \$5 for each additional 20 pages
<b>Crisis Services</b> Assessment & Intervention	\$600/contact
Community Intervention	\$300
Stabilization	\$500
<b>Family Therapy</b>	\$150
<b>Group Psychotherapy</b>	\$100
<b>Medication Management</b>	\$200
<b>Psychiatric Evaluation/Intake</b>	\$330
<b>Psychological Evaluation/Forensic</b>	\$500
<b>Psychological Evaluation/Intake</b>	\$225
<b>Psychological Testing</b>	\$150/hour
<b>Psychotherapy (16-37 minutes)</b>	\$100
<b>Psychotherapy (38-52 minutes)</b>	\$150
<b>Psychotherapy (53+ minutes)</b>	\$225
<b>School-Linked Services</b> Diagnostic Assessment: Standard	\$225
Extended for Children Birth to Age 5	\$300
Explanation of Findings	\$165
Day Treatment	\$150/hour and \$450 per 3 hours of service
<b>Public Health Home Visits</b>	
<b>Public Health Nurse/Registered Nurse (PHN/RN) intermittent home visit</b>	\$175/visit
<b>Public Health Immunization Services</b>	
Vaccine Administration per dose of Minnesota Vaccines for Children (MnVFC) and	



Uninsured/Underinsured Adult Vaccines (UUAV)	\$21/dose
<b>Vaccine and Administration for Private Pay Immunization Services:</b>	
Hepatitis B – adult	\$75
Influenza – injectable	\$35
Mantoux	\$15
TB Skin Test	\$15
<b>Public Health Care Seat Services</b>	
Individual Education	\$80
Group Education	\$50
Equipment	\$50
CARS Class, non-Carver County Resident	\$20
<b>Public Health- ASQ Screening</b>	
Both Screening Tools	\$25

### Information Technology Department

<b>Computer Reports</b>	\$0.50/page
<b>Computer Screen Print</b>	\$5/page
<b>Computer Technician</b>	\$75/hour (measured in 15-minute increments)
<b>Lead Analyst</b>	\$150/hour (measured in 15-minute increments)
<b>GIS Staff Resources</b>	
<b>GIS Service Requests</b> Custom maps, special data requests or GIS-related work	\$100/hour (15 minute increments)
<b>Pictometry</b>	
<b>Pictometry Services</b>	Half of the County's cost for sectors around/within jurisdiction boundary

### Land Management Department

<b>Agriculture Building/Preserves</b>	
<b>Ag Building</b>	\$50
<b>Ag Preserves</b>	\$50 (maximum)***
<b>Ag Preserve Renewal</b>	\$10 (maximum)***
<b>Application Review and Board/Commission Determination Professional Services</b>	
Professional Services required for review of an application or board/commission determination(s)	Applicant shall reimburse the County for any expenditure for professional services for review of variance, permit, plat, minor sub-division, EAW-EIS-AUAR, Water Management, WCA applications. Staff is authorized to consolidate fees if multiple permits are required.
<b>Building Permits</b>	

Building Permit fees are based on the 1997 Uniform Building Code (UBC) + 10%. (See Table 1A.)

**Table 1A - Building Permit Fees: 1997 Uniform Building Code Plus 10%**

Total Valuation	Fee
\$1.00 to \$500.00	\$25.85
\$501.00 to \$2,000.00	\$25.85 for the first \$500.00 plus \$3.36 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$76.25 for the first \$2,000.00 plus \$15.40 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$430.45 for the first \$25,000.00 plus \$11.11 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$708.20 for the first \$50,000.00 plus \$7.70 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,093.20 for the first \$100,000.00 plus \$6.16 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,557.20 for the first \$500,000.00 plus \$5.23 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$6,169.70 for the first \$1,000,000.00 plus \$4.02 for each additional \$1,000.00, or fraction thereof
<b>Other Inspections and Fees:</b>	
	<b>Hourly Charge</b>
1. Inspections outside of normal business hours .....	\$51.70 per hour* (minimum charge – two hours)
2. Re-inspection fees assessed under provisions of Section 108.8 .....	\$51.70 per hour*
3. Inspections for which no fee is specifically indicated .....	\$51.70 per hour* (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to plans.....	\$51.70 per hour*
5. Use of outside consultants for plan checking, inspections, or both .....	Actual costs**

\*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

\*\*Actual costs include administrative and overhead costs.

**Plan review fees are calculated at 65% of the building permit fee .**

<b>Demolition Permit</b>	\$95 No fee if demolition is for an agricultural structure that is exempt from the building code. Fee includes state surcharge.
<b>Demolition Permit for Projects Supervised by Fire Departments</b>	\$65 (includes state surcharge)
<b>Drain Tile System (Basement/interior systems only)</b>	\$65 (includes state surcharge)
<b>Erosion Control</b>	0.0004 of value – where building permit involves significant earthmoving e.g. New homes, large buildings
<b>Mechanical/Air Conditioning</b>	\$80 (includes state surcharge)
<b>Mechanical/Air Exchanger</b>	\$80 (includes state surcharge)
<b>Mechanical/Gas Line</b>	\$80 (includes state surcharge)
<b>Mechanical/Heating</b>	\$80 (includes state surcharge)

<b>Mechanical/Non-Single Family (Commercial)</b>	Based on valuation of project or \$80, whichever is greater
<b>Non-Residential Plumbing (Commercial)</b>	Based on valuation of project or \$65, whichever is greater
<b>Permit for Move-In Home</b>	Based on 80% of Value (according to Uniform Building Code)
<b>Plumbing Permit</b>	\$65 minimum or \$5/fixture, whichever is greatest (Includes state surcharge)
<b>Recovery of Plan Review Cost on Cancelled Building Permits</b>	80% of plan review fee
<b>Renewal of Expired Permit if No Plan Changes</b>	50% of permit fee
<b>Replacement of Lost Inspection Card</b>	\$30
<b>Re-Side, Re-Roof, Re-Window</b>	\$80 (includes state surcharge)
<b>Temporary Farm-Related or Elderly Parent Manufactured Home</b>	\$250 (includes state surcharge)
<b>Conditional Use Permits (CUP)</b>	
<b>Agriculture: Feedlot, 152.076</b> A Conditional Use Permit required solely for bringing an uncertified liquid manure storage area, which was designed and/or installed with guidance from Carver SWCD, into compliance and not associated with an expansion or substantial change in operation is exempt from these fees. This exemption does not include feedlot permit fees.	\$250 (less than 300 animal units) \$350 (300 to 599 animal units) \$500 + \$50/hour up to \$1,000 (600+ animal units)
<b>Residential Related: 152.077</b> Examples: Residential Accessory Structures, Permanent Farm-Related Homes, Day Nurseries	\$400
<b>Additional Density Options: 152.078</b> Examples: High amenity; Wooded/Lakeshore Lot, or Conservation Incentive CUP	\$500 for first residential lot + \$100 for each additional residential lot + \$50/hour up to \$1,000
<b>Home-Based Business: 152.079</b> Examples: Recycling/Solid Waste, Farm-Related Business, Home Extended Business, Commercial Kennels, Stables, Aquaculture, Retail Nurseries, School Bus Service, Bed and Breakfast, Contractor's Yard, Commercial Radio Station, Utility/Essential Service.	\$500 + \$50/hour up to \$1,000 Cost recovery fees for staff time shall not apply to County projects when the application is submitted by a County employee, vendor or consultant.
<b>Large-Scale Activities; Essential Services; RSDs; Renewable Energy, All Others: 152.080, 152.095, 152.147-.149, 152.052-.056, 152.039, excepting those listed below.</b>	\$500 + \$50/hour up to \$1,000 Cost recovery fees for staff time shall not apply to County projects when the application is submitted by a County employee, vendor or consultant.
<b>Airports – Personal Use Airstrip CUP</b>	\$450

<b>Airports – Other than Personal Use Strip CUP</b>	\$500 + \$50/hour up to \$1,000
<b>EAW/EIS/AUAR Process</b>	\$500 fee plus escrow of \$1,000 to reimburse staff costs at \$50/hour. Escrow shall be increased if staff costs exceed \$1,000. The County shall have the right to contract for services to prepare the documents. Applicant shall escrow the estimated cost of such contract and shall pay the full cost of completing the study if the estimate is exceeded.
<b>Golf Course CUP</b>	\$500 + \$50/hour up to \$2,000
<b>Interim Use Permits (IUP)</b>	
<b>Interim Use Permit (IUP): 152.082</b> Example: Mining/Reclamation, Home Occupation in Detached Structure, Recreational, Educational, Institutional Activities	\$500 + \$50/hour up to \$1,000, up to \$2000 for mining/reclamation
<b>Recurring Special Events, Temporary Homes for Elderly Parent and Farm-Related</b>	\$400
<b>Other Types of Land Management Permits</b>	
<b>Administrative Permit for excavating/filling or a driveway that includes wetlands and/or erosion control permit and/or stormwater permit with no treatment required</b>	<p>\$250 Permit Fee + CCWMO Surety, or other requirements, if applicable.</p> <ul style="list-style-type: none"> <li>• A Carver County Site Inspection Fee shall be applied to any additional inspection completed after the first inspection.</li> <li>• The applicant shall reimburse the County for any engineering costs incurred during application review and final inspections. (Pursuant to the CCWMO).</li> <li>• Work started without obtaining a permit shall be subject to a \$250 penalty in addition to the \$250 fee.</li> </ul>
<b>Administrative Permit for excavating/filling or a driveway that includes stormwater permit pursuant to County water rules</b>	<p>\$1,500 (\$500 permit fee + \$1,000 for initial estimate of engineering costs) plus reimbursement of engineering costs above \$1,000 incurred during application review and final inspections.</p> <ul style="list-style-type: none"> <li>• If actual engineering costs are less than \$1,000 the applicant will be refunded for the excess amount collected.</li> </ul>
<b>Administrative Special Use Permits</b>	<p>\$100</p> <ul style="list-style-type: none"> <li>• Includes Temporary Family Health Care Dwellings</li> <li>• A Carver County Site Inspection Fee shall be applied to any additional inspection completed after the first inspection.</li> <li>• Work started without obtaining a permit shall be subject to a \$200 Double Fee.</li> </ul>
<b>Other Types of Land Management Services</b>	
<b>Adult Use Business License Application and</b>	

<b>Renewal Fee</b>	\$500
<b>Boundary Adjustment</b>	\$50 + Public Works' fee (Surveyor's description review/GIS impact fee)
<b>Building Eligibility Transfer</b>	\$100
<b>Minor Subdivision</b>	\$300 + Public Works' fee (Surveyor's description review/GIS impact fee)
<b>Political Signs</b>	\$0
<b>Platting Process – Preliminary Plat through Final Plat Process including developer's contract and legal reviews</b>	\$600 for one lot + \$100 for each additional lot + \$50/hour plus Attorney's Office fee
<b>Comprehensive Plan Amendment</b>	\$500
<b>Rezoning/Ordinance Amendment</b>	\$500
<b>Signs</b>	\$40 if not included in a Building Permit or Conditional Use Permit
<b>Site Inspection Fee</b>	\$50 per site inspection
<b>Special Meeting of Planning Commission or Board of Adjustment</b>	\$300 + appropriate application fee
<b>Variances and Appeals</b>	\$500
<b>Publications and Information</b>	
<b>County Code</b>	\$50
<b>Maps</b> 8.5" x 11"  11" x 17" Zoning Map	\$5/Map (1 free map to landowner/agent. No fee for maps prepared for applicants and/or for public hearings.) \$7/Map
<b>Research of Property, Demographic, or Similar Information Requested by Anyone Other Than the Landowner or Agent</b>	Countywide Fees: Information Gathering/Research (Public Data Only) If it takes more than a half-hour: \$50/hour + any material costs; pro-rated to the nearest half-hour.
<b>Zoning &amp; Subdivision Sections of the Code</b>	\$15

## Library

<b>Library Meeting Room Fees for Profit-Making Organizations</b>	
<b>Chanhasen Lewis Room (Capacity: 12 )</b>	\$15/hr. (split with city)
<b>Chanhasen Longfellow Room (Capacity: 20 )</b>	\$15/hr. (split with city)
<b>Chanhasen Lovelace Room (Capacity: 6-10)</b>	\$10/hr. (split with city)
<b>Chanhasen Wilder Room (Capacity: 125)</b>	\$25/hr (split with city)
<b>Library Supplies and Services</b>	
<b>Fax Machine</b>	\$0.50/page
<b>Flash Drive- 16 GB</b>	\$7
<b>Flash Drive – 1GB</b>	\$3
<b>Ear Buds</b>	\$2
<b>Lost Library Card Replacement</b>	\$1

<b>Non-Minnesota Resident /Non-Minnesota Regional Library System Resident Library User Fee</b>	\$60
<b>Photocopies and Computer Print-outs</b> Black and White	\$0.15/page
<b>Photocopies and Computer Print-outs</b> Color	\$0.50/page
<b>Overdue Fines</b>	
<b>All Adult materials</b>	\$0.30/day
<b>All Juvenile/Teen materials</b>	\$0.10/day
<b>Overdue Library Materials Maximum Fines</b>	
<b>Adult fiction and non-fiction</b>	\$6
<b>Adult paperbacks</b>	\$6
<b>Juvenile fiction and non-fiction</b>	\$2
<b>Juvenile paperbacks</b>	\$2
<b>Compact Discs</b>	\$6
<b>DVDs (1 Week)</b>	\$6 (adult) \$2 (juvenile)
<b>Law Library Fee</b>	\$10 (no fee for counties and municipalities.)
<b>Unreturned or Damaged Materials</b>	
The following standard charges apply to unreturned or damaged materials when the actual replacement cost is unknown. <i>Note: Library fees apply to the Law Library and Community Libraries.</i>	
<b>Adult Non-Fiction Hardback</b>	\$30
<b>Adult Fiction Hardback</b>	\$25
<b>Audiobook set</b>	\$50
<b>Compact Disc</b>	\$25
<b>DVDs</b>	\$25
<b>DVD set</b>	\$50
<b>Juvenile fiction</b>	\$15
<b>Juvenile Non-Fiction</b>	\$20
<b>Magazines</b>	\$3
<b>Missing DVD, Audiobook, or Music CD from a Set</b>	\$15
<b>Missing Book from a Book Club in a Bag Kit</b>	\$10
<b>Paperback</b>	\$8 (adult) \$5 (juvenile)
<b>Processing Fee</b>	\$2

## Parks

<b>Baylor Park Fees (Specific)</b>	
<b>Baylor Historic House</b> Damage Deposit	\$200
Monday- Thursday Group Rental	\$125/night + vehicle permits & Reservation Fee
Friday-Saturday and Holidays Group Rental	\$175/night + vehicle permits & Reservation Fee
<b>Camp Site Fees</b> ( <i>Vehicle permit fees not included</i> )	\$28/Night/Site

Utility Campsite Primitive Campsite Full Hook-Up Campsite Cancellation Fee	\$20/Night/Site \$38/Night/Site \$5 Per Site/Night
<b>Long-Term Camping</b> Utility Site Primitive Sites (Applied @ 6 or more consecutive days)	\$21/night \$16/night
<b>Community Room</b> All-Inclusive (Includes Daily Vehicle Permits) Facility Rental Only (Daily Vehicle Permits Not Included) Organized Group Rate Damage Deposit Cancellation Fee	\$325/Day + Reservation Fee \$175/Day + Reservation Fee \$100/Day + Reservation Fee & Vehicle Permit Fees \$50 See Cancellation Structure Below
<b>Campground Commodities</b> Ice: Bag/Block Firewood WiFi Connection @ Campsite in Campground Dump Station	\$2/\$3 Respectively \$5/Ea. \$5/Day \$15/Use
<b>Lake Waconia Regional Park Fees (Specific)</b>	
Lake Waconia Event Center (WEC)	See Attachment C
<b>Park System Fees (General)</b>	
The following rates are available to groups meeting requirements outlined in Ordinance No. 30:	
<b>Daily Vehicle Permit Fees</b> Weekdays (M – Thur) Weekends & Holidays (F – Sun) <b>Group Camping</b> <b>Picnic Shelter(s)</b> in Flights B & C (See below)	\$1.25/Person/Day \$1.50/Person/Day \$2.25/Group Member/Night Weekday: \$20 + VP&RF, Weekend: \$40 + VP&RF
<b>Lake Minnewashta Park</b>	
<b>Park Beach</b>	Daily and annual vehicle permits apply
<b>Lake Waconia Park</b>	
<b>Park Beach</b>	Daily and annual vehicle permits apply
<b>Ordinance Violations</b>	
<b>Violation Fees</b> Violation of Chapter 91 of Ordinance 72 of the Carver County Code of Ordinances	\$20 + \$10 Court Filing Fee (plus state fees)
<b>Photography Permits</b>	
<b>Annual Professional Photography Permit</b> <b>Commercial Business Permit</b> <b>Graduation/Wedding</b> Monday - Thursday Friday - Sunday <b>Video Shoot</b> <b>Atypical Video Shoot</b>	\$225/Year \$400/Day \$400/Day \$25/Hour \$50/Hour \$200/Day \$500/Day (Minimum)
<b>Park Shelter Rentals:</b>	
<b>All-Inclusive Daily Vehicle Permits Rates with</b>	(Rate Shown is for Vehicle Permits Fees Only)

<b>Shelter Reservation</b>	
<ul style="list-style-type: none"> <li>• During May 1<sup>st</sup> – 2<sup>nd</sup> Sunday in June and the 1<sup>st</sup> Tuesday After Labor Day – October 1<sup>st</sup></li> <li>• During the Day after the 2<sup>nd</sup> Sunday in June – Labor Day</li> </ul>	<ul style="list-style-type: none"> <li>• \$125/Day</li> <li>• \$175/Day</li> </ul>
<b>Park Shelter “Flights”</b>	(VP = Vehicle Permits, RF = Reservation Fee)
<b>A: #5</b>	<b>A: Weekday: \$150 + VP&amp;RF, Weekend: \$225 + VP&amp;RF</b>
<b>B: Waconia, Beach</b>	<b>B: Weekday: \$50 + VP&amp;RF, Weekend: \$100 + VP&amp;RF</b>
<b>C: #2, #3, #4, Prairie</b>	<b>C: Weekday: \$40 + VP&amp;RF, Weekend: \$80 + VP&amp;RF</b>
<b>Reservations w/Overnight Use of Facility</b>	(Monday-Sunday & Holidays) \$50 + Group Entrance Fee
<b>Shelter Cancellation Fee</b>	See Table Below for Cancellation Procedure & Fees
<b>Group Damage Deposit</b>	\$100/for Damage and/or Excessive Clean-Up
<b>Vehicle Permits:</b>	
<b>Annual Vehicle Permit (1<sup>st</sup>)</b>	\$28
<b>Annual Vehicle Permit - Replacement Permit</b>	\$5
<b>Annual Vehicle Permit - Any 2<sup>nd</sup> Permit</b>	\$14
<b>Annual Park Permit (Carver County Assistance Program)</b>	\$14
<b>Annual Vehicle Permit (Veterans Program)</b>	\$14
<b>Daily Vehicle Permit (All Parks)</b>	\$6
<b>Daily Bus Permit (Announced Visit)</b>	\$25
<b>Daily Bus Permit (Unannounced Visit)</b>	\$50
<b>Reservation Fee</b>	\$8
<b>Concession/Vending Fee</b>	As Negotiated
<b>Recreation and Educational Programming</b>	
<b>Contracted Recreation Service</b>	\$13.00/seasonal labor hour + \$4/youth and \$7/adult equipment usage/rental. <i>For recreation program fees for private groups, contracted activities, and partnership programs, see Attachment B.</i>
<b>Educational Programs</b>	
2 Program Hours	\$3/participant for short programs
4 Program Hours	\$5/participant for long programs
<b>Rental Equipment</b>	
<b>Archery Equipment</b>	\$75/Day (+ replacement cost if applicable)
<b>Canoe</b>	\$8/Hour
<b>Personal Watercraft Storage</b>	\$60/Season
<b>Cross Country Ski Equipment Rental</b>	(Fee for package of skis, poles & boots)
Adults	\$6/Hour
Children (under 15 years old)	\$5/Hour
<b>Disc Golf</b>	\$5/ (+\$5.00 replacement cost if applicable)
<b>GPS Units</b>	\$5/Two Hour(s)
<b>Paddle Boat</b>	\$7/Hour
<b>Portable Fire Ring</b>	\$15/Reservation Request
<b>Snow Shoes Equipment Rental</b>	(Fee for package of snowshoe & pole)



Adults	\$6/Hour
Children (under 15 years old)	\$5/Hour
<b>Standup Paddle Boards</b>	\$15/Hour
<b>Open Play Space/Field Facilities</b>	\$7.50/Game or Practice
<b>Special Event Permits and Event Services</b>	
<b>Special Event Use Permits</b> (Public Special Events)	(Off-Season = 1 <sup>st</sup> Tuesday after Labor Day thru April 30 <sup>th</sup> ) <ul style="list-style-type: none"> <li>• <i>Events up to 250 People</i> (M-Th &amp; Off-Season) \$287.00 (Fri-Sun &amp; Holidays) \$312.00</li> <li>• <i>Events 251-500 People</i> (M-Th &amp; Off-Season) \$575.00 (Fri-Sun &amp; Holidays) \$625.00</li> <li>• <i>Events 501-750 People</i> (M-Th &amp; Off-Season) \$862.00 (Fri-Sun &amp; Holidays) \$937.00</li> <li>• <i>Events 751-1000 People</i> (M-Th &amp; Off-Season) \$1,150.00 (Fri-Sun &amp; Holidays) \$1,250.00</li> <li>• <i>Events 1001- 1,250 People</i> (M-Th &amp; Off-Season) \$1,437.00 (Fri-Sun &amp; Holidays) \$1,562.00</li> <li>• <i>Events 1,250+ People</i> (M-Th &amp; Off-Season) \$1,724.00 (Fri-Sun &amp; Holidays) \$1,874.00</li> </ul>
Application Fee for Special Use Event Permits	\$100 per application
Public Fireworks Displays	Exempt
<b>Edu. Agency Endurance Events - Summer</b>	\$25/team
<b>Edu. Agency Endurance Events - Winter</b> Monday-Thursday Friday-Sunday	\$25/Team \$30/Team
<b>Events - Additional Trash Services</b>	Actual Cost Plus 10% Administration Fee
<b>Events – Extraordinary Clean-up Services</b>	\$30/hr
<b>Picnic Table Moving</b>	\$50/hr
<b>Portable Toilets for Events</b> Number required based on group size	Actual cost/portable toilet “X” number required plus 10% Administration Fee
<b>Trail Grooming – Extraordinary for Meets</b>	\$35/hr
<b>Concession/Vending Fee</b>	As Negotiated/By Agreement
<b>Reservation Cancellation for Park Facilities:</b>	

<p>Cancellation based on Customer request for Facilities of: All Park Picnic Pavilions, Community Room and Lake Waconia Event Center. *Outdoor Recreation Programs/Services utilize this cancellation structure as well. **Camp Site Cancellations follow as outlined above.</p>	<ul style="list-style-type: none"> <li>• 31+ Days Prior to Reservation/Event: 100% Refund Issued</li> <li>• 15-30 Days Prior to Reservation/Event: 75% of Refund Issued</li> <li>• 8-14 Days Prior to Reservation/Event: 50% Refund Issued</li> <li>• 0-7 Days Prior to Reservation/Event: 0% Refund Issued</li> </ul>
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## Planning and Water Management Department

<b>Publications and Information</b>	
<p><b>Color Maps 8.5" x 11"</b> Comprehensive Plan, Water Plan, reports</p>	<p>\$5/map</p>
<p><b>Comprehensive Plan</b> Full document Individual Comprehensive Plan Elements or Township Chapters</p>	<p>\$50 \$15 with colored maps; free if printed in black &amp; white</p>
<p><b>Water Management Plan</b></p>	<p>\$50</p>
<p><b>Water Quality Report</b></p>	<p>\$50</p>
<p><b>CDs</b></p>	<p>\$5</p>
<b>Review of Project for Compliance with Water Management Rules</b>	
<p><b>Combined Permit: Administrative Permit for excavating/filling or a driveway and Wetland Permit and/or Erosion Control Permit</b></p>	<p>\$250 Permit Fee + CCWMO Surety, or other requirements, if applicable.</p> <ul style="list-style-type: none"> <li>• A Carver County Site Inspection Fee shall be applied to any additional inspection completed after the first inspection.</li> <li>• The applicant shall reimburse the County for any engineering costs incurred during application review and final inspections. (Pursuant to the CCWMO)</li> <li>• Work started without obtaining a permit shall be subject to a \$250 penalty in addition to the \$250 fee.</li> </ul>
<p><b>Combined Permit: Administrative permit for excavating/filling or a driveway and Stormwater Permit</b></p>	<p>\$1,500 (\$500 permit fee + \$1,000 for initial estimate of engineering costs) plus reimbursement of engineering costs above \$1,000 incurred during application review and final inspections.</p> <ul style="list-style-type: none"> <li>• If actual engineering costs are less than \$1,000 the applicant will be refunded for the excess amount collected.</li> </ul>
<p><b>Erosion control permit and/or stormwater permit with no treatment required</b></p>	<p>\$250 plus engineering costs incurred during application review and final inspections.</p> <ul style="list-style-type: none"> <li>• Work started without obtaining a permit shall be subject to a \$250 penalty in addition to the \$250 fee.</li> </ul>

<b>Stormwater permit</b>	\$1,500 (\$500 permit fee + \$1,000 for initial estimate of engineering costs) plus reimbursement of engineering costs above \$1,000 incurred during application review and final inspections. <ul style="list-style-type: none"> <li>If actual engineering costs are less than \$1,000 the applicant will be refunded for the excess amount collected.</li> </ul>
<b>Wetland Boundary/Type Determination</b>	\$100 plus engineering costs incurred during application review and final inspections.
<b>Wetlands Exemption Permit</b>	\$100 <ul style="list-style-type: none"> <li>Work started without obtaining a permit shall be subject to a \$100 penalty in addition to the \$100 fee.</li> </ul>
<b>Wetland Replacement/ Bank Application</b>	\$350 plus engineering costs incurred during application review and final inspections.

### Property and Financial Services Division

<b>Customer Service – Property Tax, Elections, and License Centers Office</b>	
<b>Certification by Hand and Seal (R/P/M) Auditor</b>	\$15 plus \$0.25 per page
<b>Certified Letter</b>	Subject to postal rate
<b>Claim Against Bond Set-up fee</b>	\$25 plus \$0.25 per copy/page
<b>Computer-Generated Reports Set-up fee</b>	\$35 Tax \$25 Election
<b>Current/Prior Year Tax Statements &amp; Proposed Property Tax Notices</b>	\$5
<b>Name/Address Labels</b>	\$3 per sheet
<b>Screen Prints</b>	\$2
<b>Written Tax Estimate (any form)</b>	\$20 per parcel
<b>Written Tax Search</b>	\$10 per parcel per year
<b>Elections – Property Tax, Elections, and License Centers Office</b>	
<b>Precinct Finder (Countywide)</b>	\$75
<b>Precinct Finder (Individual Entity)</b>	\$25
<b>Registered Voter Certificate</b>	\$15
<b>Licenses and Permits – Chaska License Center</b>	
<b>Driver's Licenses:</b>	
Class A: Regular*	\$44.25
Class A: Under 21*	\$24.25
Class B: Regular or Under 21*	\$36.25
Class C: Regular or Under 21*	\$29.25
Class D: Regular or Under 21*	\$25.25
Class D Provisional License Upgrade to Under 21 Driver's License No violations on record (\$3.50 credit)*	\$21.75
Provisional Driver's License*	\$16.25
<b>Duplicate License:</b>	

All classes*	\$14.75
<b>Motorcycle Renewal*</b>	\$13
<b>School Bus Driver Physical*</b>	\$4
<b><u>Driver's License Permits:</u></b>	
Class A, B, or C Instruction Permit*	No fee
Class D Instruction Permit*	\$13.25
Endorsement examination fees*	\$2.50
Motorcycle Instruction Permit/ Endorsement Fee*	\$21
Motorcycle Endorsement Renewal (2-wheel only)*	\$13
<b><u>Identification (ID) Cards:</u></b>	
Age 65 and older	\$16.50
Under age 65	\$19.25
ID Card for person with physical or developmental disability or qualified mental illness*	\$0.50
Standby or Temporary Custodian Designation ID Card*	\$4.25
<b>Licenses and Permits – Property Tax, Elections, and License Centers Office</b>	
<b>Auctioneer License*</b>	\$20
<b>Fireworks Permit</b>	\$50
<b><u>Liquor Licenses:</u></b>	
Brewer Off-Sale License Including Sunday Consumption & Display (Set-up) License	\$250
Consumption & Display (Set-up) License	\$150
Off-Sale Liquor License	\$250
Off-Sale 3.2 Malt Beverage License (Beer and Wine Coolers)	\$75
On-Sale Liquor Licenses	\$2,000
On-Sale Sunday Liquor License	\$200
On-Sale Temporary Liquor License	\$100 per event
On-Sale 3.2 Malt Beverage License (Beer and Wine Coolers)	\$150
On-Sale Temporary 3.2 Malt Beverage License (Beer and Wine Coolers)	\$50
<b>Precious Metals</b>	\$150
<b>Tobacco</b>	\$200
<b>Transient Merchant License</b>	\$150*
<b>Motor Vehicle Transactions – Chaska License Center and Chanhassen Service Center</b>	
<b><u>Title and Registration Fees:</u></b>	
*Filing Fee/Registration	\$6
*Filing Fee/Long Application	\$10
Department of Natural Resources title and registration	Per Minnesota Statute
Wheelage Tax	\$20
<b>Passports – Chanhassen Service Center</b>	
<b><u>Passports:</u></b>	

Age 16 and over*	\$110
Under age 16*	\$80
Passport Card over 16*	\$30
Passport Card under 16*	\$15
Execution Fee*	\$35
Renewal*	\$110
Expedited Service*	\$60
Passport Photo	\$15
<b>Property Assessment</b>	
<b>CAMA or Tax Extracts</b>	
Setup & research	\$50/hr
<b>Research</b>	\$50/hr. minimum
<b>Screen Prints/Appraisal Cards</b>	\$2/page
<b>Land Records</b>	
Certified Copy of County Ordinance	\$15 plus \$0.25 per page
Copy of Certificate of Real Estate Value (CRV)	\$10 per copy
Plat Parcel Certification Fee	\$50
Screen Prints	\$2
Certified Copies	\$10 per document (flat fee)
Attested Copy	\$2
Copy of Document	\$1 / Per page
Copy of Floor Plan (515), Condominium (515A), CIC Plat(515B)	\$1/page \$10 minimum
Copy of an official plat	\$10
Add certification	\$5
Certified Copy of Registered Land survey	\$15
Recording Plats	\$56
ABSTRACT: Amended: Floor Plan (515), Condominium (515A), CIC Plat (515B)	\$56 \$0.50 per apartment or unit
TORRENS: Section 515B CIC affecting 2 or more units	\$46/first 10 affected certificate \$10/each additional affected certificate
TORRENS: Amendment to Declaration, CIC Declaration, and/or Plat	\$46
Recording Documents	\$46
ABSTRACT: Satisfactions, Partial Releases, Certificates of Release, and Assignments	\$46 with up to 4 document citations \$10 additional for each document cited over 4
Condition of Register	\$50
Residue OR new additional certificate	\$40
Documents affecting multiple certificates	\$46 PLUS \$20 / Per additional certificate
Exchange Certificate	\$20/ each cancelled certificate \$20/new certificate
CECT	\$40
Federal Tax Liens	\$46
State Tax Lien	No charge
State Tax Lien Release	\$30
Well Disclosure Certificate	\$50

<b>Land Records Non-Statutory Fees</b>	
Access to Online Images	\$2/ document
Copy of Document	\$1/page
Plat, Registered Land Survey, CIC copies (small)	\$1/page
Bulk document transfer	\$0.50/per document
<b>Property Taxation</b>	
<b>Property Taxation – Financial Services Office</b>	
Manufactured Home Collection Fee for Delinquent Taxes (Revenue Recapture)	\$30
<b>Property Taxation – Property Tax, Elections, and License Centers Office</b>	
<b>Special Assessments:</b>	
Special Assessment Entry Fee	\$5 per parcel/per entry
Special Assessment Code Set-up Fee	\$15 per new code
<b>Taxation:</b>	
Abatements requested by entity	\$100 per parcel/per payable year
Auditor’s Certificate	\$300
Updating existing Auditor Certificate	\$150
Audit Verification of Tax District	\$150
Certification of Ten Largest Taxpayers	\$75
Confession of Judgment:	
Written Estimate	\$25
Set-up Fee	\$100
Confession of Judgment Satisfaction Fee	\$25
Green Acres/ Rural Preserves / Open Space Payback Calculation Fee	\$150/parcel
Escrow Processing Fee	Automated \$300/year Manual \$10/parcel per request
Escrow Processing Additional Escrow Files	\$50 each request
1 <sup>st</sup> Time Delinquency Fee	\$30 per parcel
Tax Forfeited Land – Repurchase Fee	\$250
<b>Tax Increment Financing (TIF):</b>	
New TIF District Set-Up Base Fee	\$450
New TIF District Set-Up Per Parcel Charge	\$40 per parcel
Yearly Maintenance Base Fee	\$250
Yearly Maintenance Per Parcel Charge	\$40 per parcel
Plan Modification	\$300
Modification Per Parcel Charge	\$40 per parcel
TIF Base Adjustment Fee	\$200
Decertification	\$250
TIF Knockdown Fee Per Parcel	\$40 per parcel
<b>Vital Statistics – Property Tax, Elections, and License Centers Office</b>	
Vitals Report Request*	\$15
Copy/Reprint of Vital Record	\$5 per record
<b>Birth Certificates:</b>	

Certified*	\$26 (State \$17 – County \$9)
Non-certified*	\$13 (State \$4 – County \$9)
Additional*	\$19 (State \$17 – County \$2)
Birth Verification*	\$9 (County only)
Statement of No Record Found*	\$16 (State \$7 – County \$9)
<b><u>Death Certificates:</u></b>	
Certified*	\$13 (State \$4 – County \$9)
Non-certified	\$13 (State \$4 – County \$9)
Additional	\$6 (State \$4 – County \$2)
Amendments to Certified Death Record	\$40 (County Only)
Fetal Death Report	\$9 (County Only)
Statement of No Record Found	\$13 (State \$4 – County \$9)
<b><u>Genealogy:</u></b>	
Genealogy Research	\$50 per hour
Genealogy Copies	\$5 per copy of records
<b><u>Marriage Licenses:</u></b>	
Marriage License (Full Fee) *	\$115 (State \$90 – County \$25)
Marriage License (Reduced Fee with Educator's Statement of 12-hour minimum)*	\$40 (State \$15 – County \$25)
Marriage Certificate (Certified) *	\$9 each (County only)
Statement of No Record Found	\$9 (County only)
Marriage License Amendment	\$15 (County only)
<b><u>Notary Public:</u></b>	
Notary Public Commission Recording Fee*	\$20 (County only)
Notary Verification (per document) *	\$5 (County only)
<b><u>Ordination Credentials:</u></b>	
Credentials of Ordination filing	\$20 (County only)
* Fee set by Minnesota statute.	

## Public Works

Program Delivery Department - Transportation	
<b>Access Permit</b>	
New residential or field	\$125
New subdivision street or commercial driveway	\$220
<b>Access Permit</b>	
Combined fee for New residential- <i>Permit review and issuance, with new mailbox and fire # plate</i>	\$235
<b>New Mailbox Support Installation.</b>	
Labor only.	\$75
<b>New Mailbox Support Materials</b>	
Support materials only. Does not include mailbox.	\$75
<b>Fire# plate</b>	\$25
w/post	\$10 additional

<b>Annual Permit</b> Allows 14' high, 14.5' wide, 95' long under posted weight	\$220
<b>Delay Penalty</b> Penalty for not meeting completion date	\$75
<b>Obstruction Permits</b>	\$80
<b>Registration Fees</b>	\$35
<b>Single Trip Permit</b> Oversize Load Overweight Load Overweight Load (Eng. Review) Overweight Load (Bridge Load Rating)	\$20 \$20 + \$6 per ESAL/mile \$105 + \$6 per ESAL/mile \$1,000 + \$6 per ESAL/mile
<b>Special Event Permit</b> For streets closures for city celebrations and other events: Permit review and issuance – for all or any size event  Under 100 attendees/contestants/ entries or 1-2 highways  100-400 Attendees /Contestants/Entries or 3-4 highways  Over 400 Attendees /Contestants/Entries or 5-plus highways	\$0  \$100  \$400
<b>Utility Permit</b> Private Utility Companies	\$170 base/mile + \$170/each additional mile
<b>Work within county ROW</b> General excavation, grading, sewer and water	\$250
<b>Property Surveying</b>	
<b>Boundary Adjustment Description Review/GIS Impact Fee</b> <i>Note: Collected as part of Land Management application</i>	\$75
<b>Minor Subdivision Description Review/GIS Impact Fee</b> <i>Note: Collected as part of Land Management application</i>	\$75
<b>Plat Checking and Mapping Fee</b>	\$300 plat + \$25/lot or CIC unit + \$5/ detached garage CIC unit
<b>Torrens Application Survey/Description Review</b>	\$300



## Regional Rail Authority

### Dakota Rail Line Fees

*See Attachment D: Carver County Regional Rail Authority Fee Schedule.*

## Sheriff's Office

<b>Approving Bond</b>	\$50
<b>Detox Transport Fee</b>	\$150 per trip
<b>False Alarm Fee</b>	\$50 beginning with the fourth false alarm. Each following false alarm increases by \$50 (i.e., fifth alarm = \$100; sixth alarm = \$150).
<b>Filing Fees</b>	\$49.59
<b>Patrol Videos</b>	\$10/CD plus \$30 research fee
<b>Storage of Impounded Vehicles</b>	\$10/day
<b>Background Checks</b>	
<b>Adult Use New Establishment/New Owner</b>	\$250
<b>Adult Use Renewal</b>	\$100
<b>Liquor License New Establishment/New Owner</b>	\$250
<b>Liquor License Renewal</b>	\$100
<b>Civil</b>	
<b>Duplicate or Replacement Certificate</b>	\$20
<b>Abandoned Property</b>	\$80 per hour per deputy, minimum one hour per deputy
<b>Filing of Notice of Intent to Redeem</b>	\$100
<b>Filing of Redemption and Post-Redemption Documents</b>	\$20
<b>Judgment and Degree</b>	\$80 per hour per deputy, minimum one hour per deputy
<b>Legal Not Found</b>	\$80
<b>Lien Sales (Mechanical or Warehouseman)</b>	\$80 per hour per deputy, minimum one hour per deputy
<b>Mileage (round trip)</b>	Current IRS rate
<b>Minnesota Domestic Protection Orders</b>	No Charge
<b>Minnesota Harassment Orders</b>	No Charge
<b>Mortgage Foreclosure Sales</b>	\$80 per hour per deputy, minimum one hour per deputy
<b>Posting of Notices</b>	\$80 includes two people + \$25 for additional person, same address
<b>Postponement of Scheduled Mortgage Foreclosure Sales</b>	\$20
<b>Redemption of Property (Recorded Fee Holder &amp; all others)</b>	\$250 due at time of request

<b>Request of Process Returned</b>	\$80 includes two people + \$25 for additional person, same address
<b>Replevin</b> <ul style="list-style-type: none"> <li>• Writs of Attachment</li> <li>• Securing properties on Seizures</li> </ul>	\$400 deposit + deputy @\$80 per hour per deputy, minimum one hour per deputy
<b>Service of Process Fee</b>	\$80 includes two people + \$25 for additional person, same address
<b>Storage of Levied Property</b>	\$10/day per storage stall (20' x 9')
<b>Writ of Execution Commission</b>	5% of amount collected
<b>Writ of Execution (Seizure or Sale)</b>	\$400 deposit + deputy @\$80 per hour per deputy, minimum one hour per deputy
<b>Writ of Recovery (Inventory)</b>	\$80 per hour per deputy, minimum one hour per deputy
<b>Dangerous Dog</b>	
<b>Dangerous Dog Registration</b>	\$100
<b>Dangerous Dog Designation Review Hearing</b>	\$100
<b>Potentially Dangerous Dog Designation Review Hearing</b>	\$100
<b>Gun Conceal/Carry Permits</b>	
<b>Additional fee for renewal of permit after 30 days expiration</b>	\$10
<b>Change of Address or Replacements</b>	\$10
<b>Emergency Permit</b>	No charge
<b>New Conceal/Carry Permit</b>	\$75
<b>Renewal of Permit</b>	\$50
<b>Jail/Inmate Fees</b>	
<b>Adult Inmate Boarding Fee</b>	\$55/day (Except by Contract)
<b>Booking Fee</b>	\$20
<b>Cell Upgrade</b>	\$10
<b>Electronic Home Monitoring</b>	\$20/day
<b>Fingerprint Cards (Carver County Resident)</b>	No charge
<b>Fingerprint Cards (Non-Carver County resident)</b>	\$15/card
<b>Inmate Medical*</b>	Inmate billed per MS 641.12; 641.15
<b>Inmate Mantoux – other agency</b>	\$15
<b>Inmate Prescription refill</b>	\$5
<b>Jail Record Copies (public)</b>	\$0.25/page
<b>Jail Record Copies (request from inmate)</b>	\$0.25/page
<b>Juvenile Detention Center Boarding</b>	\$145/day
<b>Medical Co-pay</b>	\$5
<b>Pay for Stay</b>	\$20/day
<b>Work Release (WR) Inmates In-County</b>	\$20/day
<b>Work Release (WR) Inmates Out-of-County</b>	\$55/day
<b>WR – Mantoux</b>	\$20
<b>WR – UA Screen</b>	\$20
<b>911/Radio Programming</b>	

<b>911 Call Recordings</b>	\$10/CD plus \$30 research fee
<b>911 Call Recordings – Transcribed</b>	\$25 for first half-hour plus \$25 each additional hour (in addition to \$10 CD plus \$30 research fee)
<b>Radio Programming for outside county entities</b>	\$61.37/hr.
<b>Off-Duty Deputy</b>	
<b>Off-Duty Deputy Services</b>	\$80 per hour per deputy
<b>Off-Duty Deputy Services - Holiday Rate</b>	\$102 per hour per deputy
<b>Reports/Photos</b>	
<b>Accident Reports</b>	\$0.25/page
<b>Additional Pages</b>	\$0.25/page over 100 pages actual cost
<b>Digital Photos/ Electronic Media</b>	\$10/CD plus \$30 research fee, \$15/USB (up to 4GB) plus \$30 research fee, USB over 4GB- call for fee amount
<b>Initial Complaint Report</b>	\$0.25
<b>Miscellaneous Documents</b>	\$0.25/page \$0.50/2-sided document
<b>Offense/Incident Report</b>	\$0.25/page \$0.50/2-sided document
<b>Photos</b>	3x5 - \$1.50 4x6 - \$1.75 5x7 - \$5 8x10 - \$10

DRAFT

Attachment A

## Encore Adult Day Services Program 2019 Sliding Fee Schedule

Regular Daily Rate = \$81.00

Rates Based on 2018 Federal Poverty Guidelines

<b>Family of 1</b>	
Annual Gross Income:	Daily Fee
At or below the Current Federal Poverty Guideline figure* \$12,140	\$0
\$12,141-\$16,388	\$28.35
\$16,389-\$22,458	\$40.50
\$22,459-\$30,349	\$60.75
Over \$30,350	\$81.00
<i>Hourly rate: For those who attend less than or more than a regular full day - 6 hours</i>	\$16.00/hour
<b>Shower Rate</b>	\$16.50/shower

<b>Family of 2</b>	
Annual Gross Income:	Daily Fee
At or below the Current Federal Poverty Guideline figure* \$16,460	\$0
\$16,461-\$22,220	\$28.35
\$22,221-\$30,450	\$40.50
\$30,451-\$41,149	\$60.75
Over \$41,150	\$81.00
<i>Hourly rate: For those who attend less than or more than a regular full day - 6 hours</i>	\$16.00/hour
<b>Shower Rate</b>	\$16.50/shower

\*Fluctuates with the current Federal Poverty Guidelines

**Attachment B**

**Carver County Parks 2018 Recreation Program Fee Matrix**

Private	Contracted	Partnership																																																		
<p><b><u>Program &amp; Equipment Fees</u></b></p> <p>\$25 for each added activity within base time-frame.                      \$25 for each added hour of same or new activities above base time-frame.                      \$60/Group SUP rental.                      \$30/Group Canoe, Cross Country Ski, Snowshoe rental.                      Groups of 31+ = staff time at \$22/hr. including pre/post prep time.</p>	<p><b><u>Staff, Processing &amp; Equipment Rental</u></b></p> <p><b>Staff Time:</b> \$12.50/hr. x Necessary Staff</p> <p><b>Processing &amp; Equipment Rental Fees:</b>                      \$2/youth participant.                      \$5/adult participant.                      \$60/Group SUP rental.                      \$30/Group Canoe, Cross Country Ski, Snowshoe rental.</p>	<p><b><u>Carver County Expenses</u></b></p> <p><b>Staff Time:</b> \$13/hr. x Necessary Staff + negotiated administration charge                      If the partner provides staff/volunteer it offsets Carver County staff time at an equal rate per hour.  <b>50/50 Split in Cost after Expenses:</b>                      Exact amount varies per program.  <b>No Equipment Rental Fees.</b></p>																																																		
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**Parks Department**  
 Public Works Building  
 11360 Hwy 212, Suite 2  
 Cologne, MN 55322  
**(952) 466-5250**  
 Parks@co.carver.mn.us

**Attachment C**

**Waconia Event Center Fee Structure**

<b>Event Service Description</b>			
		<b>Daily/Event Fee</b>	<b>Hourly Service Fee</b>
1	Custodial: \$500 per event/day	\$500	
2	Septic Services; \$230 based on estimate of 3000 gallons per event/day	\$230	
3	Utilities & Trash/Recycling: \$150/day estimate for 4 hours of electricity, natural gas, trash/recycling, etc.	\$150	
4	Staff Time working with Customers reservation, showing, facility to perspective customers and follow up, etc. (estimate for 90 minutes for one showing at \$20/hr. + benefits = \$35) & 1 hour pre showing info., follow up with customers, permitting, and invoicing at \$22/hr= \$25	\$60	
5	Facility Maintenance: Building systems monitoring/preparation for event (Septic, HVAC, Electrical) 1.45 hours (one hour on site, 45 minutes' drive time)	\$60	
6	Building Attendant: \$120 (\$20 x 6 hrs on average 4pm to 1:00am + benefits)		\$20 per hour
7	Sheriff/Security: \$480 estimate for 6 hours @ \$80 per hour (\$80 is the rate of Sheriff Dept.)		\$80 per hour
	<b>Base Rate</b>	\$1,000	TBD
<b>Optional Services</b>			
1	Early Set-up Fees 4 hours @\$20	\$80	
2	Additional Trash - Cost + 10%		
3	Facility Access Prior to Event and Day After Event \$150/day + \$20/hour for Building Attendant	\$150	\$20 per hour
<b>Payments</b>			
1	Damage Deposit (reservation)	\$500	
2	Down Payment for Reservation Confirmation	\$500	
3	Final Payment, 14 Days Before Event		TBD

**Attachment D**

**Carver County Regional Rail Authority  
Fee Schedule**

<b><u>Activity</u></b>	<b><u>Rate</u></b>
Drive Way Lease	\$1, No Annual fee, No Maintenance
Agricultural Land Permit	\$214/Tillable Acre/Annual
Building or Structure Site	Ave. Tax Assessed Land Value
Occupation Lease (Market Rate)	5% + Taxes
Reissuance Fee for a Previous Lease Agreement	\$100 Municipal and Private Residence \$1,000 Commercial
Administrative Application Fee*	\$100
Concession/Vending Sales	Negotiated

*\*Note: The Administrative Application Fee represents costs associated with drafting up a permit. The Administrative Application Fee is applicable to commercial utility crossings, leasing of buildings and any agricultural leases or permits. It also applies to requests for use of railroad premises and would include, but is not necessarily limited to, such things as farmers markets, city celebrations, thrift sales, and other uses as may be permitted.*

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**2019 Legislative Priorities**

Primary Originating Division/Dept: Administration (County)

Meeting Date: 11/20/2018

Contact: David Hemze Title: County Administrator

Item Type:  
Regular Session

Amount of Time Requested: 15 minutes

Attachments:  Yes  No

Presenter: David Hemze Title: County Administrator

Strategic Initiative:  
Connections: Develop strong public partnerships and connect people to services and information

**BACKGROUND/JUSTIFICATION:**

Carver County legislative priorities are objectives that the County is seeking state legislative assistance to accomplish. Carver County Division Directors submitted recommendations for 2019 legislative priorities. The Carver County legislative committee reviewed the priorities. The proposed 2019 priorities are attached and will be presented at the meeting.

The Carver County legislative committee will be working with the County Administrator to guide the County's legislative efforts during the 2019 session. In addition, Carver County contracts with Scott County for legislative services. Carver County will host a breakfast in December to discuss these priorities with local legislators.

**ACTION REQUESTED:**

Motion to approve Carver County's 2019 legislative priorities.

**FISCAL IMPACT:** None   
If "Other", specify:

**FUNDING**  
County Dollars =   
  
**Total**  \$0.00

**FTE IMPACT:** None

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5787





## 2019 Legislative Platform

*Item numbering is not a priority listing*

**Top priorities:**

1. Improve the Eminent Domain Appraisal Process for Property Owners
2. Provide Funding for Safety Improvements on Highway 212
3. Lake Waconia Regional Park Development
4. Lake Waconia Watercraft Access
5. Provide and Enhance Funding for the Metropolitan Regional Park System Parks
6. Adjust Timeline for Absentee Voters to Directly Put Ballot in Box From 7 Days to 19 Days
7. Sustainable Funding for the Health Care Access Fund for Medical Assistance
8. Support Child Protection Services Through Adequate Funding
9. Sensible Maintenance of Effort Policy
10. Continue and Increase Appropriation for Programs that Enhance Library Services
11. Metropolitan Governance Reform



## **Issue #1: Improve the Eminent Domain Appraisal Process for Property Owners**

---

### **Background**

Carver County requests revisions to Chapter 117, Eminent Domain, to mitigate the unintended consequences of the legislation which provides procedures, definition, remedies and limitations for condemning authorities when exercising the power of eminent domain for public use or public purpose.

The 2006 revisions to the eminent domain law has resulted in a significant cost increase to taxpayers related to attorney fees and interest payments incurred by agencies implementing public transportation improvements which has put an unreasonable and unintended burden on transportation funding. It has also prevented public authorities from responding with a new, higher offer to legitimate issues raised by the property owner's appraisal in a timely manner that avoids the property owner incurring unnecessary or additional litigation costs. Wholesale rewrites or challenges will likely be unsuccessful given the political sensitivity with the law. However, discussion and controversy remains in several areas including: attorney's fees, owner appraisals, land commissioner qualifications, response to offers, and timing and schedules. The modest changes proposed below would give condemning authorities a chance to respond to new information that may come to light in the property owner's appraisal, possibly totally avoiding the need to acquire the property through the exercise of eminent domain authority.

### **Requested Position**

Carver County recommends changing the deadline for a property owner to provide their appraisal from 5 to 45 days before the Commissioners Hearing. The condemning authority shall then have 30 days from the receipt of the property owner's appraisal to provide the property owner a revised last written offer.



## **Issue #2: Provide Funding for Safety Improvements on Highway 212**

---

### **Background**

US Highway 212 is part of the National Highway System and is one of the most important economic and freight corridors in the state, connecting the Twin Cities to South Dakota and beyond. US Highway 212 provides a critical connection for businesses throughout the region.

Currently there is approximately 1,900 trucks per day using the two lane, undivided roadway in Carver County. The two lane highway is a significant bottleneck for freight and poses many safety issues because of narrow shoulders, no passing lanes, and limited turn lanes. The crash rate at the intersections of County Road 43 and County Road 51 are above the state critical rate and the crash rate along corridor is higher than comparable highways in the state. There has been a fatal crash at each of these intersections this year, one of which involved a semi-truck.

Carver County along with the Southwest Corridor Transportation Coalition has long advocated to expand US Highway 212 to a four-lane expressway between the City of Carver and Norwood Young America to enhance the safety and mobility of everyone who uses the corridor.

The County recently submitted two federal BUILD grants to expand the 2-lane gaps and has committed to provide local option sales tax revenue to help fund the projects.

With the recent fatality at the US 212 and CR 51 intersection, the County is requesting immediate funding to enhance the safety of the highway. The funding gap to expand the west segment of US 212 from the City of Carver to Cologne is \$12 million out of \$43 million and the funding gap to expand the east segment of US 212 from the City of Cologne to Norwood Young America is \$38 million.

Carver County is working with the Minnesota Department of Transportation to address the funding gap for the west segment, however, the east segment needs assistance from the legislature.

### **Requested Position**

Carver County requests that the legislature provides \$38 million for the expansion of US 212 to a 4-lane expressway between the City of Cologne and Norwood Young America to be used for engineering, right of way acquisition and construction. This funding includes \$10 million to reconstruct the intersection at US 212 and CR 51.



## **Issue #3: Lake Waconia Regional Park Development**

---

### **Background**

Lake Waconia Regional Park is a 160 acre, minimally developed park in the Metropolitan area. It is on the second largest lake in the twin cities area and is planned to provide regional recreation opportunities for this area of the state.

MN Statute 473.147 provided legislation to create an Open Space System Policy Plan and in part reads “The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area...”

Land has been assembled for Lake Waconia Regional Park. The 2017 legislature provided \$1.5 million in state bonds to be matched by \$1.5 million in county funding to provide site grading, roads, parking lots and utilities in the park. Additional funding is needed to provide restrooms, concessions, picnic shelters, trails and other site amenities to meet the outdoor recreation needs of the people of the metropolitan area. Financial resources available through traditional funding of the Metropolitan Regional Park system allocated by formula to Carver County are insufficient to develop these facilities in a reasonable timeframe.

### **Requested Position**

Support Carver County’s request for \$4.3 million in state bonds to be matched with \$4.3 million in county funds to construct site buildings and amenities identified in the master plan for Lake Waconia Regional Park.



## **Issue #4: Lake Waconia Watercraft Access**

---

### **Background**

The Minnesota Department of Natural Resources in 2015 acquired five acres of highly suitable undeveloped shoreline for a watercraft access on Lake Waconia, the second largest lake in the Metropolitan area. The current investment in land by the DNR is not being utilized for the purpose it was acquired for on a significant recreational water body with high demands for watercraft access

Carver County is requesting that the 5 acre site on the southeast shore of Lake Waconia be developed in conjunction with the County's work to develop Lake Waconia Regional Park in 2019/2020. The DNR watercraft site is adjacent to the park. Efficiencies in construction activities and delivery of recreation services would be realized if development work for of the watercraft access and regional park are done in lock step with each other. The County has funding to move forward with site grading, roads, parking lots and utilities in the park. Funding is requested for the development of the DNR watercraft access.

### **Requested Position**

Carver County requests support for the development of the DNR watercraft access at Lake Waconia to be timed with planned public improvements of site grading, roadways, parking lots and utilities on adjacent property at Lake Waconia Regional Park. Timing construction of this DNR watercraft access with planned park improvements creates efficiencies the delivery of public services.



## **Issue #5: Provide and Enhance Funding for the Metropolitan Regional Park System Parks**

---

### **Background**

Carver County is a Regional Park Implementing Agency of the Metropolitan Regional Park System and utilizes state and regional funding sources to acquire land, develop/ redevelop, maintain and operate regional park system units identified in the Open Space System Policy Plan consistent with MN Statutes 473.147 and 473.351.

### **Requested Position**

Carver County Requests:

- Operation and maintenance funding consistent with MN statute 473.351 Sub.3, “Each implementing agency must receive no less than 40 percent of its actual operation and maintenance expenses to be incurred in the current calendar year budget as submitted to the parks and open space commission...”
- Amending language governing existing Environmental and Natural Resources Trust Funds (ENRTF) to be administered by the Metropolitan Council for Regional Park System, removing barriers to accessing these funds such as acreage requirements.
- Parks and Trails Funds shall be dispersed to Regional Park Implementing Agencies for submitted projects by established formula for fiscal year 2020 & 2021 at previous funding percentage amounts, 40 % State, 40% Metropolitan Regional, 20% Greater Minnesota.



## **Issue #6: Adjust Timeline for Absentee Voters to Directly Put Ballot in Box From 7 Days to 19 Days**

### **Background**

Carver County is requesting that voters be allowed to put Absentee Ballots directly into the Ballot Box 19 days before the Election instead of the current 7.

This expanded time period is a logical timeframe to begin “direct” absentee voting because it would start right after the time period for registering to vote before an election closes. No-excuse absentee voting in Minnesota is becoming increasingly popular with voters and county election officials. The increased convenience for voters to choose the date and time they want to vote has significantly increased the number of absentee voters in Carver County. For example, the previous Carver County record for absentee voting in a primary was 276 back in the 2010 election. For our 2018 primary, we had 1,246 absentee voters!

From Carver County’s perspective, when absentee voters don’t place their ballots directly into an electronic voting machine this adds two steps where county election officials working in teams of two are handling absentee ballots:

1. Manually process and count absentee ballots (open the absentee envelope, check the ballot for stray marks/coffee stains/etc. which need to be remade by County election officials so they can be read by the high speed counter, smooth out the ballot from being folded so it can be read by the high speed scanner, and then do a hand count by precinct)
2. Submit batches of ballots by precinct into a high speed ballot counter.

Both of these manually intensive steps in the absentee voting process are completely eliminated when voters place their absentee ballots directly into an electronic voting machine.

### **Requested Position**

Carver County strongly supports the MN Legislature expanding “direct” Absentee Voting to 19 days before Election Day.



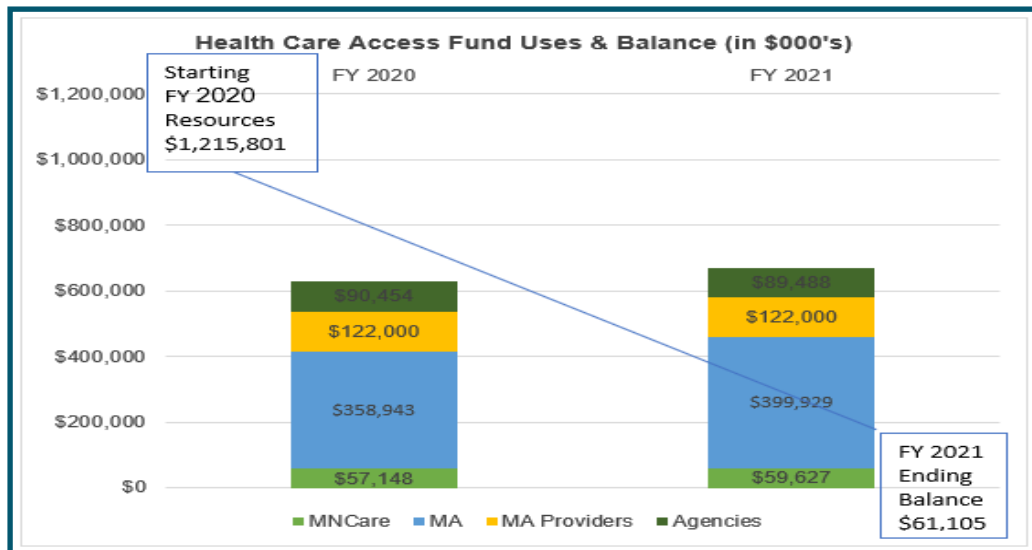
## Issue #7: Sustainable Funding for the Health Care Access Fund for Medical Assistance

### Background

In 1991, leaders of the House and Senate appointed a bipartisan group to work with then Governor Arne Carlson to come up with a health reform package that would provide coverage for the uninsured. This resulted in the creation of the MinnesotaCare program, a program for working individuals who were not provided health insurance through their employers. It was funded by a 2% provider tax and a 1% HMO premium tax, which is deposited into the dedicated Health Care Access Fund (HCAF).

Since the federal government assumed most of the cost of MinnesotaCare under the Affordable Care Act in 2014, the Legislature has transitioned the HCAF to mostly paying for a portion of the costs of Medical Assistance (MA) as some previous MinnesotaCare enrollees became eligible for MA. In addition, a smaller portion of the HCAF has been used to address public health efforts to reduce chronic illnesses. For the FY20-21 biennium, the HCAF will be responsible for funding over \$1 billion of MA-related costs.

In 2011, Governor Mark Dayton and the Republican Legislature reached an agreement to repeal the provider tax effective January 1, 2020, as part of their budget agreement to end the 19-day state government shutdown. The sunset does not end the 1% HMO premium tax.





**Requested Position**

Although the HCAF fund balance is adequate to meet its financial obligations through the end of the FY20-21 biennium, the Legislature needs to solve the issue created by the sunset of the provider tax in 2019 - before the expiration of the tax. Without a solution, not only will there be hole in MA funding that will leave the poor and near poor – many of whom are working - without medical coverage, there will also be cuts in care reimbursement levels for MA medical providers.



## **Issue #8: Support Child Protection Services Through Adequate Funding**

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### **Background**

Recent challenges to child protection services led DHS and the Legislature to commit to a review of the entire system. Governor Dayton appointed a “Child Abuse Task Force,” comprised of state and county experts, law enforcement, physicians, judges and advocates. The 2015 Legislature addressed a number of the Task Force recommendations and appropriated to counties \$44 million per biennium; however, those dollars are restricted for county human services staffing only. The Legislature failed to provide funding for out-of-home placement and related costs, which have increased significantly throughout the state.

Counties have other expenses and investments related to the provision of services to families in the child protection system and achieving child protection performance measures and outcomes. Counties need greater flexibility to invest in a continuum of services and resources to produce the desired outcomes for children, to include actual costs for, not only social services, but also costs related to out-of-home placement, including county attorneys, sheriffs, legal representation, courts, etc.

In addition, the 2015 legislation included a 10% withhold for each county that is contingent on monthly face-to-face visits by child protection workers, as well as a second 10% withhold for face-to-face visits by case managers. While counties do not object to being held to performance standards, it should be conducted in a uniform and consistent manner. This methodology already exists under the Performance Management System for Human Services (Minn. Stat. §§402A.12; 402A.18), which has a functioning process that involves counties, DHS and stakeholders. Counties prefer to be managed through that system and have the same remediation and fiscal sanctions process as has already been approved by DHS and codified in Minnesota statutes.

### **Requested Position**

Carver County proposes that 100% of the full allocation be given and that counties be held accountable for the specified performance standards through the Human Services Performance Management system (Minn. Stat. §§402.1-50). This would require the “sunsetting” of Minnesota Statutes, section 256M.41, subdivision 3, by 2019. This proposed remedy assists counties in better serving the increasing number of children and families entering the child protection and foster care system and provides the needed resources for counties to be held accountable for existing specific and unified performance standards established by the Performance Management System for Human Services.



## Issue #9: Sensible Maintenance of Effort Policy

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### **Background**

There has been an increasing legislative awareness of the deficiencies of the MOE concept, and some progress toward easing the counties' MOE burden was made during the 2009, 2010 and 2011 legislative sessions. In 2010, the Legislature agreed to eliminate the county chemical dependency MOE, effective July 1, 2010. Passage of the legislation increased transparency and budget predictability in an area that was formerly governed by a complicated formula. In 2011, the Legislature agreed to a 10% permanent reduction in counties' mental health MOE.

Despite this limited progress, additional change is needed. Counties remain subject to a child care MOE that requires a fixed local match equal to their contributions made in calendar year 1996. Also, while counties did receive a 10% reduction to the mental health MOE in 2011, counties are still required to maintain a level of expenditures that are at least 90% of the average expenditures for services for calendar years 2004 and 2005. This type of mandate on counties is no longer necessary because the Affordable Care Act mandates coverage of mental health and substance abuse as one of ten essential benefit categories. Individual and small group health plans will also now be required to provide these services.

### **Requested Position**

Carver County proposes that the Legislature repeal the mental health MOE altogether and, further, abandon the MOE system as a whole and rely on performance reviews during the budgeting process and regulation oversight by the state agencies involved with the service providers. Finally, there should be an emphasis on services that effectively produce intended outcomes for clients, lessen the likelihood of unnecessary cost increases and allow for on-site flexibility.



## Issue #10: Continue and Increase Appropriation for Programs that Enhance Library Services

### Background

The State of Minnesota appropriates funds for programs that enhance library services in Carver County and throughout the state. These include:

- **Regional Library Basic System Support (RLBSS) -- \$13,570,000 annually statewide:** Funding for this program has been flat since State FY 2009. Distributed through the Metropolitan Library Service Agency (MELSA), RLBSS funds provide direct support for Carver County Library services, programs, staff training, and technology infrastructure. Collective purchases made by MELSA with RLBSS funding enhance free access to online digital resources and database services for Carver County residents.
- **Arts & Cultural Heritage (ACHF)/Legacy Programs:** In the current biennium, \$2.5 million annually supported arts programs in public libraries throughout the state. By formula, more than \$950,000 was made available to Twin Cities area libraries through this program in 2018 – including \$22,715 in programs selected by Carver County Library staff for residents. ACHF/Legacy programs for public libraries must receive a new funding authorization in the 2019 Legislative Session to continue into the next biennium.
- **Regional Library Telecommunications Aid (RLTA) -- \$2,300,000 annually statewide:** In conjunction with the federal E-Rate program, RLTA covers the full telecommunications cost for Minnesota’s public libraries and can be used to maintain libraries’ telecomm network infrastructure. Given the heavy reliance on online catalogs and collections and public internet/wireless demand, this support is critical. In the 2017/2018 biennium, Carver County Library received more than \$116,850 from State of Minnesota RLTA funds to cover such costs.

### Requested Position

Carver County recommends that the State of Minnesota continue and increase appropriations for programs that enhance library services in Carver County and throughout the state.



## Issue #11: Metropolitan Governance Reform

### **Background**

A coalition of local governments throughout the metropolitan area has joined together to develop a position statement and a set of principles for improving metropolitan governance in the Twin Cities. The Coalition supports the need for regional planning, collaboration and coordination, but seeks to expand local government representation on the Metropolitan Council.

Cities in Carver County that have formally adopted this position include Chanhassen, Chaska, Cologne, Hamburg, Mayer, New Germany, Norwood Young America, Watertown, and Victoria. Other metropolitan local governments formally supporting this position include Andover, Anoka County, Bethel, Blaine, Coates, Columbus, Centerville, Crystal, Dakota County, Elko New Market, Farmington, Forest Lake, Greenwood, Ham Lake, Hampton, Jordan, Lino Lakes, Loretto, Mendota Heights, Mound, New Prague, Nowthen, Oak Grove, Plymouth, Prior Lake, St. Francis, Scott County, and Shakopee. And this list is growing as we continue to discuss this critical issue with others.

The Coalition’s objectives for its collective effort to improved governance are:

1. To articulate a vision of responsive and effective metropolitan governance—as represented by a Statement of Belief and Principles for Reform of the Metropolitan Council.
2. To align local government interests behind a reform effort—through formation of a broad coalition of metropolitan Cities and Counties —and a common position.
3. To be prepared for any efforts—legislative and otherwise—to reform the governance structure and functioning of the Metropolitan Council.

The Metropolitan Council, due to its taxing and policy authority, should be accountable to a regional constituency of those impacted by its decisions. It should not operate as a state agency – as it does in its current form – answerable to only one person, the Governor.

### **Requested Position**

Carver County supports changes to legislation which follow the below principles for Metropolitan Council Reform. Specific legislation is currently being drafting by the local government coalition and will be provided at a later date.

1. A majority of the members of the Metropolitan Council shall be elected officials, appointed from cities and counties within the region.
2. Metropolitan cities shall directly control the appointment process for city representatives to the Metropolitan Council.
3. Metropolitan counties shall directly appoint their own representatives to the Metropolitan Council.

4. The terms of office for any Metropolitan Council members appointed by the Governor shall be staggered and not coterminous with the Governor.
5. Membership on the Metropolitan Council shall include representation from every metropolitan county government.
6. The Metropolitan Council shall represent the entire region, therefore voting shall be structured based on population and incorporate a system of checks and balances.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**2019 Ditch Assessments**

Primary Originating Division/Dept: Property & Financial Services

Meeting Date: 11/20/2018

Contact: Kathleen Smith Title: Land Records Manager

Item Type:  
Ditch/Rail Authority

Amount of Time Requested: 10 minutes

Attachments:  Yes  No

Presenter: David Frischmon Title: Property & Financial Services ...

**Strategic Initiative:**

Communities: Create and maintain safe, healthy, and livable communities

**BACKGROUND/JUSTIFICATION:**

County and Joint Ditches are periodically cleaned out and services performed. 100% of the out of pocket/direct cost for the work is assessed to the individual ditches by the Ditch Authority.

**ACTION REQUESTED:**

The following payable 2019 one year assessments with 0% interest are requested: (2018 Assessment amounts are listed for reference purposes.)

Ditch	2019 Assessment	2018 Assessment
County Ditch 2-3	\$0	\$0
County Ditch 4A	\$0	\$0
County Ditch 5	\$0	\$5,000
County Ditch 6	\$5,000	\$15,000
County Ditch 7	\$0	\$0
County Ditch 9	\$10,000	\$8,000
County Ditch 10	\$0	\$10,000
Joint Ditch 1	\$0	\$5,000
Joint Ditch 2	\$2,000	\$0
Joint Ditch 3A	*	*
Joint Ditch 4	\$10,000	\$10,000
Joint Ditch 5	\$15,000	\$31,000
Joint Ditch 21	\$5,000	\$0
Joint Ditch 22	\$10,000	\$6,000
Joint Ditch 24	\$0	\$0
Joint Ditch 28	\$0	\$0
<b>TOTAL</b>	<b>\$57,000</b>	<b>\$90,000</b>

\*JOINT DITCH 3A - 2016 - 5 Year \$130,000 Assessment/Annual assessment = \$60,000

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:** None

**Total**

\$0.00

**Related Financial/FTE Comments:**

Ditches are responsible for their individual expense. No county dollars are affected.

*Office use only:*

RBA 2018- 5810



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Lake Waconia Event Center Facility Analysis Update**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

Carver County Board authorized a facility analysis and market research for the Waconia Event Center. Included with this work is a public engagement component of reaching out to stakeholders and conducting an online survey.

Parks staff will update the County Board on the facility analysis and seeks feedback from the County Board on the public process and draft survey questions.

**ACTION REQUESTED:**

N/A

**FISCAL IMPACT:**

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

**Related Financial/FTE Comments:**

The County Board previously authorized \$17,500 to contract with HGA Architects.

*Office use only:*

RBA 2018 - 5799