



Carver County Board of Commissioners  
 July 17, 2012  
 Regular Session  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

		PAGE
4:00 p.m.	1. a) <b>CONVENE</b> b) <b>Pledge of allegiance</b> c) <b>Public comments (limited to five minutes)</b> d) <b>Introduction of New Employees</b>	
	2. Agenda review and adoption	
	3. Approve minutes of June 21, 2012, Special Meeting and June 26, 2012 Regular Session.....	1-7
	4. Community Announcements	
4:00 p.m.	5. <b>CONSENT AGENDA</b>	
	<i>Communities: Create and maintain safe, healthy and livable communities</i>	
	5.1 Charitable gambling application for exempt permit – SE Region Delta Waterfowl .....	8
	5.2 Accept donation from American Red Cross to be given to blood donors through a drawing.....	9
	<i>GROWTH: Manage the challenges and opportunities resulting from            growth and development</i>	
	5.3 Gerald Hartman – request for additional residential density (conservation incentive) .....	10-14
	5.4 Steve Burns – adaptive re-use in Hollywood Rural Service District ..	15-18
	<i>Finances: Improve the County’s financial health and economic profile</i>	
	5.5 Community Social Services warrants .....	NO ATT
	5.6 Commissioners’ warrants.....	SEE ATT
4:10 p.m.	<b>BOARD REPORTS</b>	
	1. Chair	
	2. Board Members	
	3. Administrator	
	4. Adjourn	

David Hemze  
 County Administrator

### UPCOMING MEETINGS

July 24, 2012	9:00 a.m. Board Meeting
July 31, 2012	No Board Meeting
July 31, 2012	7:30 p.m. Carver County Township Association Meeting American Legion, Waconia
August 7, 2012	9:00 a.m. Board Meeting

A Special Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on June 21, 2012. Chair James Ische convened the session at 6:02 p.m.

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

Members absent: None

Lynch moved, Degler seconded, to approve the agenda. Motion carried unanimously.

Martin Walsh, Parks, appeared before the Board to review the Friends of Lake Bavaria's request for aquatic invasive species inspection services. He identified the location of the public access on Lake Bavaria. Walsh noted the funding received from the DNR which is providing limited inspections on some lakes, but not to the degree as at Lake Minnewashta.

He reviewed the discussions held by the Park Commission in February and earlier this week. He stated at a special meeting the Park Commission addressed the issue of additional aquatic species inspection services and a gated access. He indicated the Park Commission recommended providing services at Lake Bavaria beginning at 5:00 a.m. and continuing until 8:00 p.m. and did not take action on the installation of gates or the facilitation of an inspection station with a decontamination unit.

Walsh acknowledged the receipt of letters from Richard Harwood, Lorie Bryngelson, Brian Herridge and an email from Carroll Aaasen in opposition to a gated access.

Joe Shneider, Christmas Lake Association President, thanked the Board for taking a leadership role and for the AIS inspections that have been done so far. He pointed out it should be clear that DNR is not able to prevent of the spread AIS without the help of local government units. Shneider referenced recent comments made by DNR on the increased number of violations and that all of the public education had not changed the behavior of the citizens enough to make the situation better. He indicated more lakes and rivers were on the infested waters list by the DNR's own data and the urgency continues to be there. Shneider suggested it takes local units to step up and put a program together. He recognized gates are controversial but pointed out every State Park has a gate as do most County Parks with lakes and gating lakes is not a new concept. He suggested they not think of gates as threatening but as a way of making sure control activities are successful.

Tim Kraft, Friends of Lake Bavaria Association President, stated it was important to take every action they can to protect against AIS. He pointed out the damage done by zebra mussels and the idea is to keep this from happening as there was no way to eradicate them. He stated inspections were the first step to take. He noted the recent action taken by the Minneapolis Park Board to control access. Kraft stated they were not talking about restricting access but about controlling access to protect the lake. He suggested gates were another step but inspections were something they can do today. Kraft pointed out there was only one access point on this lake making it easier to control. He stated the lake is an important resource and they have a strong lake association willing to help. He suggested the County could get the system in place and start conversations with the City and lake

association to share costs on permanent control. He stated the County needed to take a leadership role because the County owns the access and it needs to take the first step. He asked the Board to support the Park Commission's recommendation and have further discussions on continuing that protection.

Carroll Aasen, Chaska, stated he was against the installation of any gates but he was for inspections. He indicated he considered the current inspections being done inadequate and pointed out instances where he had been on the water before an inspector had arrived. He stated he did not understand the proposal of limiting access and questioned where a gate could be put up considering the site. Aasen stated he has been on Lake Bavaria the last ten years and believes the water quality has gone down due to the chemical treatments of the lake. He stated if gates were put up, he sees this as privatizing a lake. He pointed out trolling motors holding water and not being checked. He stated if boats were required to be inspected at Lake Minnewashta before accessing Lake Bavaria the inspectors would be unable to keep up and referenced a time where recently five boats were lined up to be inspected. He stated if inspections were going to occur he would like to see more training for the inspectors and every boat inspected to the same degree.

Walsh stated additional staff would need to be hired and trained. He stated they would begin as soon as they can and he anticipated the cost to be \$14,000. He indicated for the most part inspections have gone well at Lake Minnewashta although at times they can have boats waiting in line.

Kraft stated the lake association does have some funding but does not have enough to cost share this 50-50. He stated residents have an interest in contributing and he would lead that effort. He suggested the County needed to take the first step and funding needed to start with the County.

The Board discussed the limited inspections done at other lakes, the accesses at County own property, the responsibility of the DNR and the County, the pilot program currently being done at Lake Minnewashta, educational efforts and potential for other funding requests in the future.

Maluchnik moved, Workman seconded, to approve inspection services for the Lake Bavaria boat access from 5:00 a.m. to 8:00 p.m. all days of the week until September 16, 2012, with service beginning on July 14, 2012, or as soon as inspectors are trained. Maluchnik, Workman voted aye. Ische, Degler, Lynch voted nay. Motion failed.

Workman moved, Lynch seconded, to adjourn the special session at 7:18 p.m. Motion carried unanimously.

David Hemze  
County Administrator

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on June 26, 2012. Chair James Ische convened the session at 9:00 a.m.

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

Members absent: Tim Lynch.

Degler moved, Maluchnik seconded, to approve the agenda. Motion carried unanimously.

Workman moved, Degler seconded, to approve the minutes of the June 18, 2012, County Board of Appeal and Equalization and June 19, 2012, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

Maluchnik moved, Degler seconded, to approve the following consent agenda items:

Authorized the Sheriff's Office acceptance of \$1,000 donation from the Minnesota Sheriff's Association for Sheriff's attendance at the National Sheriff's Association Conference in Nashville TN.

Approved the 2012 AFSCME General Unit Collective Bargaining Agreement.

Approved the 2012-2014 AFSCME Assistant County Attorney Collective Bargaining Agreement.

Approved charitable gambling application for the Minnesota Astronomical Society.

Awarded contract for SAP 010-631-011, SAP 010-634-012, 2012 County State Aid Highway Overlay project to Knife River in the amount of \$823,688.18.

Awarded contract for CP12-33 MR, CP 12-50 MR, 2012 County Highway Overlay project to Knife River in the amount of \$706,057.62.

Approved the appointment of Josh Carlyle to serve a term of two years as the representative from Carver County serving on the Metropolitan EMS Technical Operations Committee and Ken Carlson as an alternate representative.

Resolution #33-12, Towards Zero Deaths Grant

Approved Public Health planners Jean Pierson and Lenny Schmitz to attend the National Wellness Institute conference at Stevens Point, WI.

Resolution #34-12, Adoption of the Carver County Hazard Mitigation Plan.

Authorized officer to attend National Tactical Officer Association conference in Seattle, WA.

Approved the following tobacco licenses:

License #10-610, KLMS Group, LLC dba Century Blvd BP  
License #10-600, Grand St. Paul CVS, LLC dba CVS Pharmacy #1746

Approved the second amendment with WSB and Associates, Inc. for \$113,089 and authorized the Chair to sign.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

The Board held a public hearing for proposed amendments to Carver County Ordinance 153, Water Resource Management.

Degler moved, Workman seconded, to open the public hearing. Motion carried unanimously.

Paul Moline, Public Health and Environment, entered into the record the Notice of Public Hearing and the affidavits of publication; Notice of the 60-day public comment period and affidavits of publication; approved Board Minutes for the March 20, 2012 meeting to authorize release of the DRAFT Water Management Rules Revisions; DRAFT Ordinance 75-2012 Water Management Rules Revisions dated June 26, 2012; summary of 60 day public review comments received and responses; copy of letters sent notifying affected cities and townships of 60-day public comment period – dated April 4, 2012; copy of letters sent notifying affected cities and townships of the public hearing – dated June 14, 2012; copy of email notifying area developers of the 60-day public comment period – dated April 6, 2012; Water Management Plan adopted October 26, 2010 and all its appendices and documentation; staff memo dated June 18, 2012 summarizing the proposed Water Rules Revisions; summary of meetings held with the Technical Advisory Committee (TAC) in developing draft rule language and Statement of Need and Reasonableness (SONAR) for the proposed amendments

Moline recognized the assistance of Soil and Water who implement the rules in the field, Kent Torve, the County's consulting engineer and Bill Monk, with the City of Chaska and serving on the WENR Technical Advisory Committee.

He explained the water plan was adopted in 2010 and from that came development of these rules. Moline stated a Technical Advisory Committee was formed and met since 2010 to develop the rules, the full WENR Committee met to review the draft rules, a Board work session was held and the draft rules were released for public comments. He explained the need for the updates and stated the changes give them an opportunity to make it a more implementable ordinance.

Moline identified the areas within the County where the rules apply and stated new construction was the main focus of the rules. He summarized the proposed amendments in the areas of erosion and sediment control; stormwater; wetland/floodplain protection and administrative requirements.

He highlighted the comments received during the 60 day comment period which primarily requested rule clarifications. Moline noted overall they had fairly minor comments and they did not get anything that was contesting the rule or language changes.

The Board inquired on the potential costs to citizens to expand the rules. Moline responded that every site and development is different. He stated in some cases there would be additional costs but they also saw ways to address these rules without acquiring more land. He pointed out some sites may be challenging based on what is being developed but they tried to add flexibility on offsite treatment. He added many developers have been through the process and there is a certain amount of acceptance of what needs to be done on a site.

Bill Monk, City of Chaska, stated he has been impressed by County staff's approach on this issue. He acknowledged cost is a factor but at the same time there are constant changes on federal and state level, regulations are changing and counties and cities have to respond to that. He stated the new MS4 regulations are more difficult and costly to deal with than current regulations and the section of this ordinance that deals with these regulations is fair and equitable. He indicated the City of Chaska supports this and what is being proposed now is reasonable. He added what is before them is a good step in the direction that needs to be taken.

Degler moved, Workman seconded, to close the public hearing. Motion carried unanimously.

Maluchnik offered the following Resolution, seconded by Degler:

Resolution #35-12  
Adopting Ordinance 75-2012  
Amendments to the Carver County Water Management Organization  
Rules 2012

On vote taken, all voted aye.

Ordinance 75-2012, Amendments to Chapter 153 (Water Management Rules) of the Carver County Code

Summary: Ordinance 75-2012 provides for amendments to Chapter 153 as summarized:

Standards for compliance with Erosion and Sediment Control & Stormwater requirements:

- Increasing the total phosphorus requirement to 90% removal
- Increasing the total suspended solids requirement to 90% removal
- Adding a 0.5 inch volume control requirement
- Clarifying requirements for mitigating upstream and downstream impacts
- Clarifying the application of the stormwater management rule new development, redevelopment, and linear projects

- Created Appendix A to outline best management practices eligible for volume control and water quality
  - Created Appendix B to specify maintenance requirements
- Standards for protection of Wetlands during new construction
- Adding a requirement to establish wetland transition setbacks for projects meeting the threshold for a stormwater management permit
- Standards for protection of Floodplains during new construction
- Clarifying floodplain alteration requirements
- Administrative requirements
- Updating the list of activities that are exempt from all or portions of the ordinance
  - Updating the project thresholds for review and approval
  - Providing more specific criteria on the form and release of financial security
  - Clarifying/reducing number of submittal requirements
  - Revising existing definitions and adding new terms

Sonja Wolter, Risk Management, introduced Jane Hennagir, MCIT's risk management consultant, to present their 2012 member report.

Hennagir explained MCIT is a joint powers entity formed by counties looking for an affordable alternative for property, casualty and workers compensation insurance. She stated 81 of 87 counties participate, plus an additional 400 affiliated organizations. Hennagir pointed out the benefits of pooling and coverage tailored to meet the county's needs. She stated they monitor new and emerging risk counties are facing and are monitoring the growth of joint powers agreements as counties look to redesign new ways to deliver services.

She explained they have been paying dividends for a number of years and by being a self-funded pool, dollars come back to the members. She noted her Board's direction to have a leaner fund balance but still be adequately funded. Hennagir highlighted claims paid related to workers compensation and property/casualty contributions and dividends. She pointed out ways MCIT works to control costs and resources available. She thanked the Board for their continued participation.

Coleen Speer, representing the AFSCME general unit labor management committee, explained the Twin City Area Labor Management Council awarded Carver County the Earl Willford Labor Management Cooperation award. She noted the group's focus to improve communication and promote positive labor relations.

Speer highlighted the Employee Recognition and Workplace Respect programs the committee had developed. She stated the committee works on non-contract issues and identified those employees serving on the committee.

Maluchnik moved, Degler seconded, to accept the award and thank the AFSCME General Unit LMC for its work in making Carver County a better place for employees to work. Motion carried unanimously.

David Frischmon, Financial Services, requested the Board approve participation in the State's Performance Measurement program. He noted they participated in the program in 2011 and he was

recommending they participate in the program in 2012. He stated the County had already been collecting the measurements and they would be reporting them to the State and to the taxpayers.

Degler offered the following Resolution, seconded by Workman:

Resolution #36-12  
Performance Measurement Program, 2012 Report

On vote taken, all voted aye.

Workman moved, Degler seconded, to adjourn the Regular Session at 10:16 a.m. and hold a work session with Public Health and Environment for a presentation from the Midwest Medical Examiner's Office. Motion carried unanimously.

David Hemze  
County Administrator

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



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Charitable Gambling Application for Exempt Permit-SE Region Delta Waterfowl**

Primary Originating Division/Dept: <input type="text" value="Property Records &amp; Taxpayer Services"/>	Meeting Date: <input type="text" value="7/17/2012"/>
Contact: <input type="text" value="Sarah Rivers"/> Title: <input type="text" value="Taxpayer Services Clerk"/>	Item Type: Consent <input type="text"/>
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:**  
 Communities: Create and maintain safe, healthy, and livable communities

**BACKGROUND/JUSTIFICATION:**

A Charitable Gambling Application was received from the SE Region Delta Waterfowl. They plan to hold a raffle on Thursday August 16, 2012, at the Lake Waconia Event Center, 8155 Paradise Lane, Waconia MN 55387.

**ACTION REQUESTED:**

Approval of Charitable Gambling Application from SE Region Delta Waterfowl for Raffle to be held on Thursday August 16, 2012. The event will be held at the Lake Waconia Event Center, 8155 Paradise Lane, Waconia MN 55387

<b>FISCAL IMPACT:</b> <input type="text" value="None"/> If "Other", specify: <input type="text" value="Not Budgeted"/>	<b>FUNDING</b> County Dollars = <input type="text"/> <input type="text"/> <b>Total</b> <input type="text" value="\$0.00"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	

**Related Financial/FTE Comments:**

*Office use only:*

RBA 2012- 1253

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Accept Donation of 7 items from American Red Cross to be given to blood donors through a drawing**

Primary Originating Division/Dept:

Secondary Originating Division/Dept:

Contact:  Phone:

Contact Title:

Amount of Time Requested:  minute

Presenter:  Phone:

Presenter Title:

Contract Name:

Contract #:

Meeting Date:

Item Type:

Attachments for the Packet:  
 Yes  No

Attachments for Internal Use:  
 Yes  No

**Strategic Initiative:**

Communities: Create and maintain safe, healthy, and livable communities

**BACKGROUND/JUSTIFICATION:**

American Red Cross dropped off 7 items today to be given to blood donors through a drawing. There are: 2 Personal Safety Emergency Packs (estim value \$10 each or less), 3 American Red Cross vintage field first aid kits (estim value of \$5 each or less), and 2 American Red Cross t-shirts (estim value of \$5 or less each). Total estimated value of \$45 or less. Plan to draw from list of names of donors to award gifts.

**ACTION REQUESTED:**

Request Board to approve acceptance of 7 gifts from American Red Cross to award (by a drawing of names) to county employees who donate blood on 7/5/2012.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

**FUNDING**

County Dollars =	<input type="text"/>
<b>Total</b>	<b>\$0.00</b>

Insert additional funding source

Related Fiscal/FTE Comments:

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Gerald Hartman - Request for Additional Residential Density (Conservation Incentive).**

Primary Originating Division/Dept:

**Meeting**

Date:

**Item Type:**

Contact:  Title:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

File PZ20120019. The request is for a Conditional Use Permit (CUP) that would allow for the creation of six (6) (Additional Density - Conservation Incentive) lots in Section 3, San Francisco Township. The development would consist of a plat with six (6) residential building sites, one (1) per 40 agricultural lot and two (2) outlots. The proposed development would result in a total of seven (7) homes, an approximate 26 acre conservation area, and a privately maintained township road. San Francisco Township has provided for conservation incentive lots in its chapter of the Comprehensive Plan. The Hartman property having bluffs, ravines, steep slopes, etc. (for permanent preservation) is considered to be eligible land. A Water Rules application will need to be submitted with the Preliminary Plat application. A privately maintained township road will need to be constructed to access the lots. The road will need to be constructed according to township standards. The Planning Commission recommended approval of the request at their June 19, 2012 regular meeting. The San Francisco Town Board also supports the request.

**ACTION REQUESTED:**

A motion to adopt Findings of Fact and issue Order #PZ20120019 for the issuance of a Conditional Use Permit.

**FISCAL IMPACT:**

**FUNDING**

*If "Other", specify:*

County Dollars =

**FTE IMPACT:**

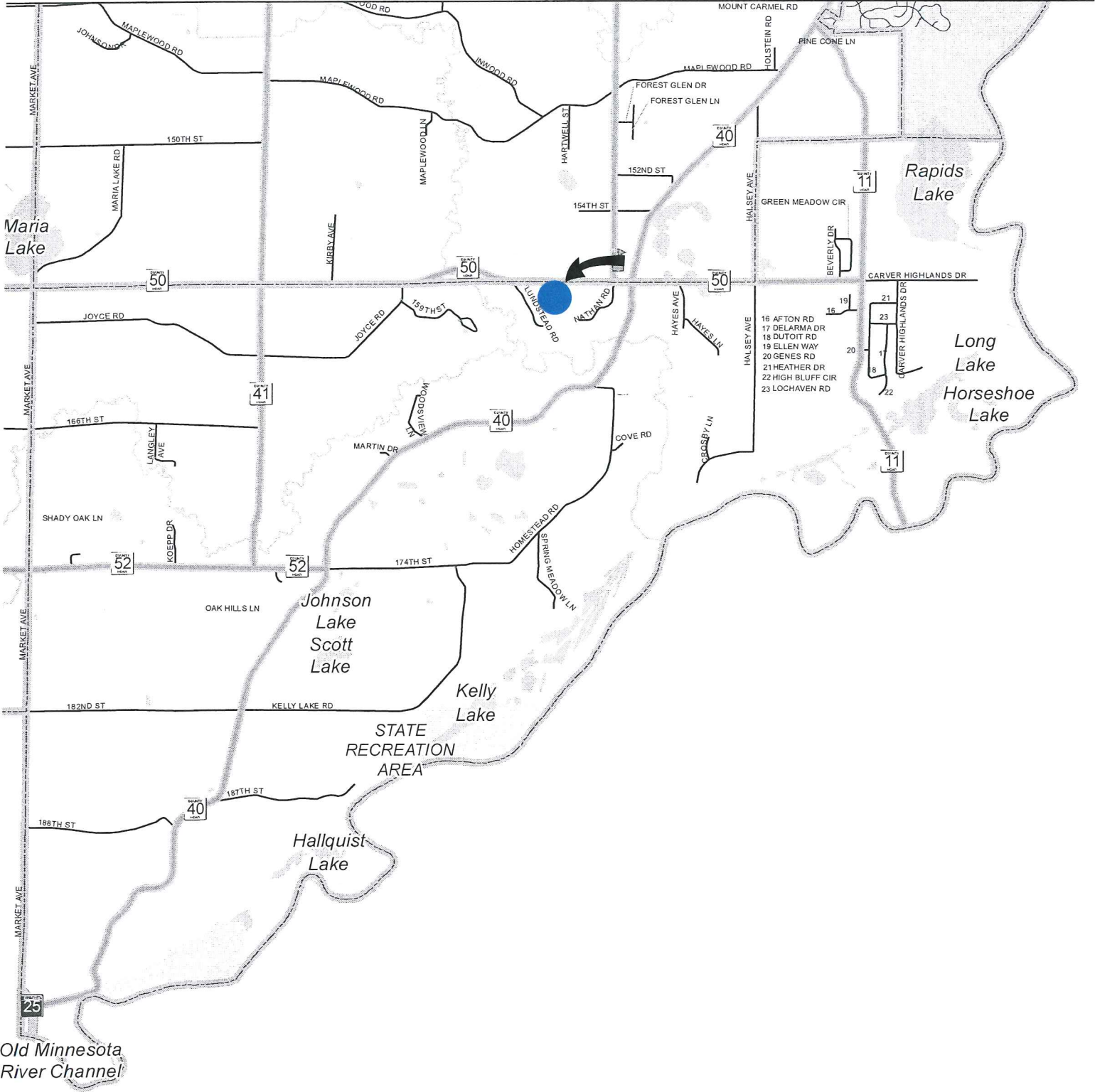
**Total**

**Related Financial/FTE Comments:**

*Office use only:*

RBA 2012- 1260

# SAN FRANCISCO TOWNSHIP



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**  
***PLANNING COMMISSION RESOLUTION***

**FILE #: PZ20120019**

**RESOLUTION #: 12-05**

**WHEREAS**, the following application for a Conditional Use Permit has been submitted and accepted:

**FILE #:** PZ20120019

**APPLICANT:** Gerald "Jerry" Hartman

**OWNER:** Gerald & Anne Hartman

**SITE ADDRESS:** 6755 County Road 50, Carver

**PERMIT TYPE:** Additional Density (Conservation Incentive)

**PURSUANT TO:** County Code, Chapter 152, Section(s) 152.078

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 08-003-1300

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of June 19, 2012; and,

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

1. Mr. Hartman's property is approximately 75 acres located in the West Half (W $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 3, San Francisco Twp. The property is improved with a house, attached garage, personal stable, indoor riding arena and horticultural growing area. It is located within the Agricultural Zoning District, Shoreland Overlay District of Beven Creek, and the CCWRMA – Bevens Creek watershed.
2. The applicant, Jerry Hartman, is proposing to develop six (6) residential parcels and an agricultural parcel with two (2) outlots. The proposed development would result in a total of seven (7) homes, an approximate 26 acre conservation area, along with a privately maintained township road. The applicant is requesting a Conditional Use Permit (CUP) pursuant to Section 152.78 of the Carver County Zoning Code.
3. San Francisco Township has provided for conservation incentive lots in its chapter of the Comprehensive Plan. The Hartman property having bluffs, ravines, steep slopes, etc. (for permanent preservation) is considered to be eligible land.
4. The applicant is proposing six (6) conservation incentive lots that would range from 2 acres to 2.9 acres in size. Each newly created lot would exceed 1.5 acre minimum lot size and need meet all applicable standards pursuant to the County Zoning Code. Mr. Hartman's existing home would be located on one of the incentive lots; therefore, allowing him to utilize the remaining 1 per 40 building eligibility on the approximate 14.3 acre "agricultural" parcel. The remaining land would include Outlot A (ag related use) and Outlot B (conservation area). Outlot A & B would be considered part of the "agricultural" 1 per 40 acre parcel for zoning purposes. Outlot B would be required to have an easement placed over it in order to meet the conservation incentive requirement of the County Zoning Code. A total of seven (7) buildable lots and two (2) Outlots are being proposed as part of the plat.
5. During the preliminary platting process, the applicant will need to document a suitable 1 acre building site for each lot. The applicant has retained a licensed septic contractor to conduct preliminary soil borings for the on-site sewer locations on the lots. The sketch plan illustrates the existing topography on the site and the required Subsurface Sewage Treatment Systems (SSTS setback (50 feet) from the top of the identified bluff location.

6. A road will need to be constructed as part of the platting process and according to a developer's contract. The road must be constructed to Township standards. The sketch plan illustrates a road configuration over a portion of the existing driveway with a 66' right-of-way. County policy discourages permanent dead end roads; therefore, both road extensions will need to be dedicated to the east and west property lines.
7. The Carver County Public Works Division has reviewed the proposal and indicated that they have no problem with allowing an access off of County Road 50. The proposed configuration would not require turns lanes as this time. The proper amount of right-of-way (ROW) along County State Aid Highway 50 (CSAH 50) shall be dedicated on the plat.
8. The development falls under the CCWMO Water Rules provision, which is required to be reviewed by the county's consulting engineer (Wenck Assoc.) and approved by the Carver County Planning & Water Management Department. The applicant will need to address any wetland impacts and/or degradation in accordance with the Wetland Conservation Act (WCA) and also as submit a stormwater pollution prevention plan (SWPPP).
9. The entire layout as proposed will properly be addressed during the preliminary plat process.
10. The San Francisco Town Board supports the request.

**THEREFORE, BE IT RESOLVED,** THAT The Carver County Planning Commission hereby recommends the issuance of the subject permit on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. Six (6) conservation incentive lots are permitted, provided the building site definition and minimum lot standards are satisfied. One (1) building eligibility shall be retained in the agricultural area. A total of seven (7) buildable lots and two (2) Outlots are being proposed as part of the plat. The entire subject property shall be platted in accordance with M.S. Chapter 505 and the Carver County Code.
2. An access permit must be obtained from Carver County Public Works for the proposed road.
3. The lots shall be laid out on the preliminary plat substantially as agreed upon by the Township, the County, and the Developer during the Conditional Use Permit (CUP) process. The CUP shall be redrafted and recorded with the final plat stipulating, at a minimum, the building eligibility status for each parcel; the restrictions in the conservation and agricultural areas; the statement regarding agricultural uses; and the protection of environmentally sensitive land(s).
4. Each conservation incentive lot within the plat must show a designated building site as defined by the Zoning Code. Soil borings for the two sewer locations on each building site must be submitted with the application for preliminary plat. The building sites must be located so that all buildings and sewer systems can meet County Code setback requirements.
5. As a part of the platting process the applicant will develop covenants to be filed with the plat. The covenants will address at least the following:
  - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
  - B. A covenant stating that the area is rural and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notification must be provided regarding "odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities". Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted

in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the "A" district.

- C. If the home sites include any environmentally sensitive land then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
  - D. A covenant must be included to provide notice and restrictions pertaining to the conservation easement on the wooded bluff land.
  - E. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he will have to submit percolation tests and soil borings for another site before any building permit will be issued.
  - F. The lot owners shall maintain the road until such time as the Township agrees to accept the road and assume maintenance responsibility.
6. The above-required covenants shall become part of the permit.
7. A road plan, drainage plan, erosion control plan, and storm water management plan shall be submitted with the preliminary plat. A completed Carver County Water Rules application, with required attachments, shall be submitted with the Preliminary Plat application.
8. The boundaries of any possible wetlands must be included on the preliminary plat so appropriate drainage easements may be determined. If necessary, a wetland mitigation plan and application shall be submitted with the preliminary plat application.
9. A conservation easement proposal must be drafted for review with the preliminary plat. Easement documents must be recorded simultaneously with the final plat.
10. The Permittee must enter into an improvement agreement with the County and the Township covering construction and maintenance of the proposed road and any drainage structures that may be found necessary during the platting process.
11. Streets and drainage ways will be designed so that public utilities can be installed at a later date.

**ADOPTED** by the Carver County Planning Commission this 19<sup>th</sup> day of June, 2012.

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Ted Beise  
Planning Commission Chair

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Steve Burns -adaptive re-use in Hollywood Rural Service District**

Primary Originating Division/Dept: <input type="text" value="Public Health &amp; Environment - Land Mgmt."/>	Meeting Date: <input type="text" value="7/17/2012"/>
Contact: <input type="text" value="Steve Just"/> Title: <input type="text" value="Land Management Dept. Mgr."/>	Item Type: Consent <input type="text"/>
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:**  
 Growth: Manage the challenges and opportunities resulting from growth and development

**BACKGROUND/JUSTIFICATION:**

File PZ20120015. The Planning Commission recommended approval of a Conditional Use Permit for the remodeling and re-use of the old "Hollywood Schoolhouse". Mr Burns purchased the 0.75 acre property from Hollywood Township last year. The exterior of the building would be maintained with respect to its historical appearance. The interior remodeling would include one enclosed office area and three cubical style offices. A bathroom and kitchenette would also be added. Improvements would be made to the accessibility of the structure and off street parking would be provided. The Hollywood Town Board recommended approval of the request at their May 14th regular meeting.

**ACTION REQUESTED:**

A motion to adopt findings of fact and issue Order #PZ20120015 for the issuance of a Conditional Use Permit.

<b>FISCAL IMPACT:</b> <input type="text" value="None"/> If "Other", specify: <input type="text"/>	<b>FUNDING</b> County Dollars = <input type="text"/> <input type="text"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<b>Total</b> <input type="text" value="\$0.00"/>

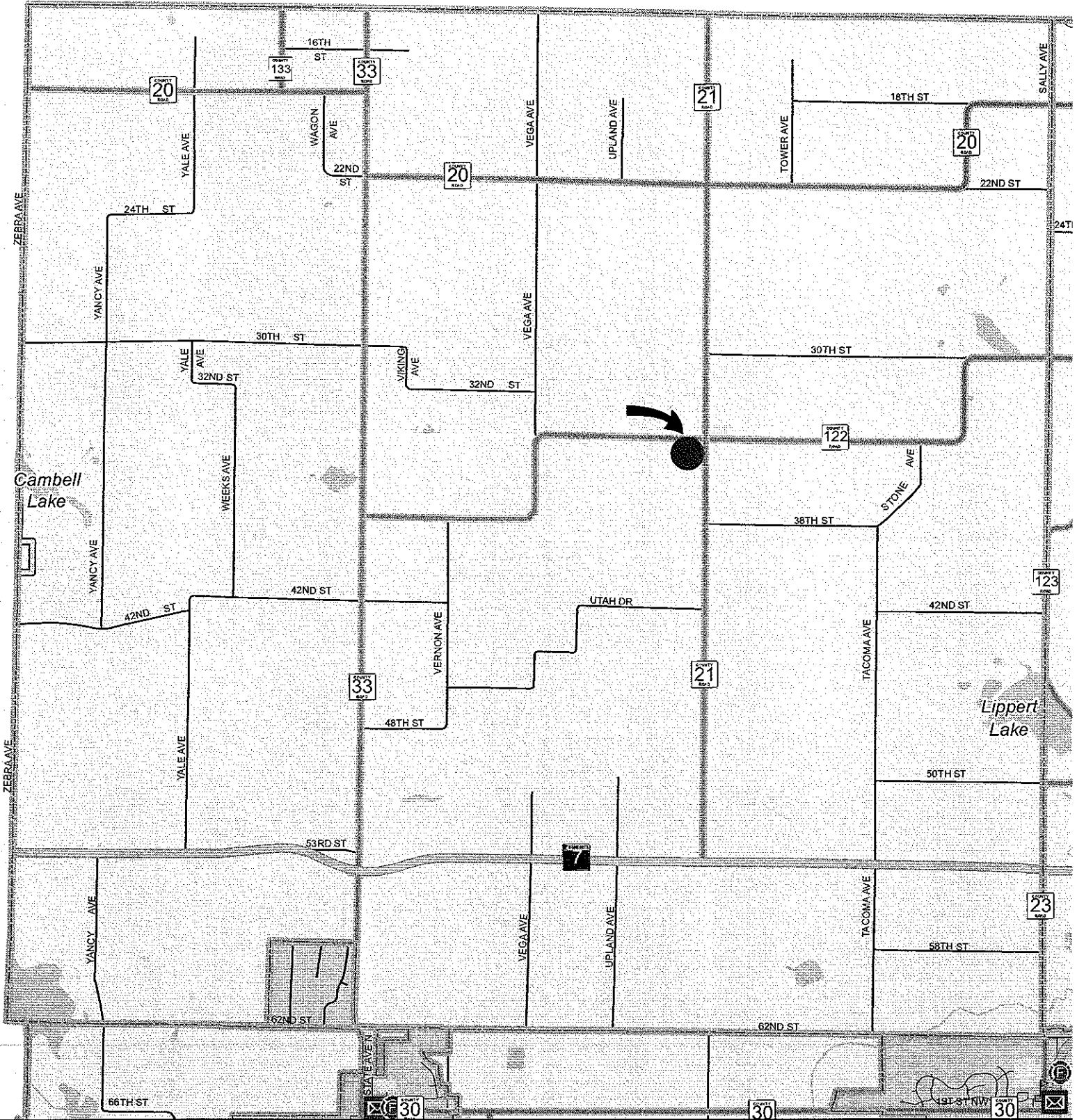
Related Financial/FTE Comments:

*Office use only:*

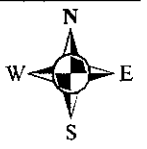
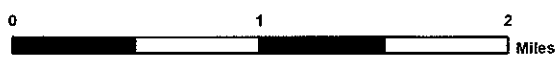
RBA 2012- 1251



# HOLLYWOOD TOWNSHIP



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**  
**PLANNING COMMISSION RESOLUTION**

**FILE #: PZ20120015**

**RESOLUTION #: 12-06**

**WHEREAS**, the following application for a Conditional Use Permit has been submitted and accepted:

**FILE #:** PZ20120015  
**APPLICANT/OWNER:** Steve Burns  
**SITE ADDRESS:** 3410 Co Rd 21  
**PERMIT TYPE:** Hollywood RSD Adaptive Re-use  
**PURSUANT TO:** County Code, Chapter 152, Section(s) 152.097(B)  
**LEGAL DESCRIPTION:** See attached Exhibit "A"  
**PARCEL #:** 06-015-1600

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of June 19, 2012; and,

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

1. Steve Burns owns an approximate 0.75 acre parcel, which is improved with the old "Hollywood Schoolhouse". He purchased the property from Hollywood Township in August of 2011. The parcel is located in the NE ¼ of the SE ¼ of Section 15, Hollywood Township. The property is located within the Hollywood Rural Service Overlay District (RSD) and the CCWRMA – Crow River watershed
2. The applicant is requesting a Conditional Use Permit (CUP) to remodel the interior of the existing 32' x 40' schoolhouse structure to provide four (4) offices for Burns Farms, LLC and Hollywood Hybrids, LLC, pursuant to Section 152.097 (B) of the Carver County Code.
3. The applicant's letter, dated April 16, 2012, (Operational Plan) describes the proposed re-use of the old schoolhouse. The exterior of the building would be maintained with respect to its historical appearance. The interior remodeling would include one enclosed office area and three cubical style offices. A bathroom and kitchenette would also be added. The well and septic (SSTS) system would be shared with the applicant's adjacent property (Burns' Excavating). The County does not regulate wells. The well is located on the schoolhouse property and it was previously connected to Burns' Excavating under the Township's ownership. A shared SSTS is being proposed due to the limited area on the schoolhouse property for a system, and because the septic system for Burns' Excavating has available capacity.
4. The request appears to meet the requirements of the Zoning Code for Adaptive Re-use of a structure in an RSD. The office space for the farming operation and seed dealership would support the agricultural economy and the structure would be brought up to Building Code as needed. The proposed land use would be of a low intensity with minimal traffic and no outside storage. Improvements would also be made to the accessibility of the structure. The shared SSTS would be a good option to what otherwise might require a holding tank system or other alternative system. Improvements would also be made for vehicle access to the property that would provide off-street parking and a more appropriate use and/or restoration of the road right-of-way.

5. The applicant has been in contact with Wendy Biorn, the Executive Director of the Carver County Historical Society. She states that from a historical perspective, the building is not eligible for the national registry because of changes to the original construction. For example, the change from wood windows to vinyl would disqualify it. She suggests keeping the outside as original as possible, and states that remodeling on the inside can be done without affecting the integrity of the building from a historical aspect.
6. The existing access and parking area(s) are merely a wide extension of the road right-of-way, which would obviously not be allowed under current regulations. Public Works' Traffic Engineer, Kate Miner, reviewed the applicant's request and is recommending that the access be restricted to a 30' maximum width and that it is pushed as far south on the property as possible to move it away from the intersection. Public Works would require a permit for any work within the road right-of-way. Pursuant to the Zoning Code, a minimum of five off-street parking spaces should be provided for this type of office facility.
7. Chip's Septic Service, LLC submitted a letter on June 11, 2012, addressing the estimated daily flows related to the shared SSTS. Mr. Hentges' determination is that the estimated flow from both businesses would be 135 gallons per day and the system was designed to handle 300 gallons per day. Environmental Services has conducted a preliminary review of the proposal for the shared system and noted no concerns or objections. An SSTS permit would be required for the schoolhouse connection.
8. The Hollywood Town Board reviewed the request at their May 14, 2012 Town Board meeting and has recommended approval.

**THEREFORE, BE IT RESOLVED, THAT** The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20120015 for adaptive re-use of the "Hollywood Schoolhouse" on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. A change in ownership, operations, operator, or occupancy of the schoolhouse structure shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners/operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Operational Plan dated April 16, 2012, shall be attached to, and shall be considered requirements of this permit.
3. The Permittee shall obtain all necessary building, plumbing, and SSTS permits prior to the remodeling of the building. A Certificate of Occupancy must be issued by the Building Official before the building is utilized as office space(s).
4. The Permittee shall provide a minimum of five (5) off-street parking spaces for the facility and shall modify the road access according to Carver County Public Works' specifications. An appropriate permit must be obtained before conducting any work within the road right-of-way.

**ADOPTED** by the Carver County Planning Commission this 19<sup>th</sup> day of June, 2012.

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Ted Beise  
Planning Commission Chair