

Carver County Board of Commissioners  
 January 25, 2011  
 Regular Session  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

PAGE

9:15 a.m.	1.	a)	<b>CONVENE</b>	
		b)	<i>Pledge of Allegiance</i>	
		c)	<i>Public participation (comments limited to five minutes)</i>	
		d)	<i>Introduction of New Employees</i>	
	2.		Agenda review and adoption	
	3.		Approve minutes of January 11, 2011 Regular Session .....	1-6
	4.		Community announcements	
9:15 a.m.	5.		<b>CONSENT AGENDA</b>	
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	5.2		Accept monetary gift made to the Encore Adult Day Services program.....	8
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10:15 a.m.	<b>9.</b>	<b>ADMINISTRATIVE SERVICES</b>	
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10:55 a.m.	<b>11.</b>	<b>ADMINISTRATION</b>	
	11.1	Advisory Committee appointments .....	71
11:00 a.m.	<b>12.</b>	<b>EMPLOYEE RELATIONS</b>	
	12.1	<i>Closed Session</i> – Labor negotiations strategy.....	72
11:30 a.m.		<b>ADJOURN REGULAR SESSION</b>	
11:30 a.m.		<b>BOARD REPORTS</b>	
	1.	Chair	
	2.	Board Members	
	3.	Administrator	
11:50 a.m.	4.	Adjourn	

David Hemze  
County Administrator

<b>UPCOMING MEETINGS</b>
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January 25, 2011	12:00 noon, Strategic Planning Session, Carver County Historical Society Conference Room, Waconia, Minnesota
February 1, 2011	9:15 a.m. Board Meeting
February 3, 2011	7:00 p.m. ACCEL Meeting, Public Works Headquarters
February 8, 2011	9:15 a.m. Board Meeting
February 15, 2011	4:00 p.m. Board Work Session

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on January 11, 2011. Chair Randy Maluchnik convened the session at 9:16 a.m.

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

Members absent: None.

The following amendment was made to the agenda:

8.2 Additional advisory committee applications.

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

Degler moved, Ische seconded, to approve the minutes of the January 4, 2011, Organizational Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Authorized Tim Walsh to attend federally funded training at the National Center for Emergency Response in Surface Transportation in Colorado June 13-17, 2011.

Approved the reallocation of FTEs resulting in three .40 FTE van driver positions in the Veterans Service Office.

Approved home and community based services waiver contract with Divine House, Inc.

Adopted the Findings of Fact and to issue Order #PZ20100026 for the issuance of Conditional Use Permit #PZ20100026, Frank Heiland, Dahlgren Township.

Adopted the Findings of Fact and to issue Order #PZ20100027 for the issuance of separate Conditional Use Permits #PZ20100027 and PZ20100028, Hollywood Township.

Authorized Chair and County Administrator to sign agreement with SRF Consulting Group for cost allocation study.

Authorized Chair and County Administrator to sign agreement with SRF Consulting Group for roadway system plan implementation.

Resolution #03-11, Amended Joint Powers for the Metro Alliance for Healthy Families.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Lynch moved, Degler seconded, to open the public hearing on Ordinance 71-2010 for Trunk Highway 212 Official Map located in Dahlgren Township. Motion carried unanimously.

Steve Just, Public Health and Environment, entered into the record the application, Planning Commission Resolution and record, Corridor Map, proof of publication. proof of mailing, TH 212 Official Map 10-1, draft County Board Resolution and Ordinance 71-2010 and letter of support from neighbors dated December 3<sup>rd</sup>.

He explained the Ordinance provides for the adoption of the official map to formally identify land that will be needed in the future for the expansion of Trunk Highway 212 right of way. Just stated he was asking the Board to hold and close the public hearing and approve a Resolution enacting Ordinance 71-2010 and the TH 212 official map in Dahlgren Township.

Lyndon Robjent, Public Works, reviewed the history of 212 for the past 50 plus years beginning with the 212 coalition formed in 1957 and ending with the completion of 212 to County Road 11. He stated TH 212 was a key principal arterial in the County as well as the State.

Robjent explained the vision developed for the 212 corridor and highlighted the three phasing plans. He pointed out the change made to move the alignment North and that is where the preferred alignment is today. He indicated in 1991 the County Board opposed the North alignment but MnDOT moved forward with the alternative alignment. In 1993, the final EIS was done and the alignment did not change.

He stated the Southwest Metro Transportation Coalition has continually advocated for this road and has been successful in securing funds to continue project development. Robjent reviewed the work done on each of the three phases and the current status. He pointed out the public information meetings that were held and the attendance at each.

He stated the EAW was complete for the Cologne to Chaska/Carver section and highlighted what the EAW determines. He indicated the preferred alignment does avoid potential adverse impacts to the three areas identified as potentially eligible for National Historical Preservation.

Robjent indicated the draft EAW has been adopted by MnDOT and engineering was done for Part B. He added the alignment was endorsed by the Township and the Planning Commission recommended approval. Robjent explained the next step was to adopt the official map.

Mitch Mikelson explained he was appearing on behalf of Sever Peterson family. He stated they understood the Frank house was of historical value, and respected that, but they would like the Board

to consider a realignment if any point in the future something were to change the historical significance of the property.

The Board inquired on the possibility of adding language to the Resolution requesting that if something would change the historical status of the Frank house, that MnDOT consider a Southerly route.

Robjent stated there was a protective easement on the Frank property and if something should occur the State Historical Preservation Office would evaluate and determine the best course for the property. David Hemze, County Administrator, clarified the Board could make a request or recommendation for a Southerly alignment if something should occur to the Frank house, but another jurisdiction has ultimate authority over the house.

The Board discussed the SHPO's ultimate authority on the Frank property and expressed caution to not want to add language that might prevent the highway from moving forward.

Ashlesha Madhok, representing the Chinmaya Mission, stated their organization is situated along County Road 43 and the map includes 10,000 feet of their structure. She requested that the Board consider a plan design that would minimize impact on their property. She stated they were concerned about the financial impact to their organization and submitted a letter outlining their request.

Robjent clarified during the detailed design stage they would re-evaluate all options and come up with the best solution at that time and take public input. He stated the map was a footprint that allows them to prevent development that would prohibit them from doing something in the future.

Robjent stated the official map does include some land use restrictions. Just clarified the map does not convey any right, title or interest in the areas identified for the future highway. Just stated it did not affecting existing structures but would affect new expansions or structures. He indicated, if the Board adopts this, it would become an official control. He stated this would also allow MnDOT to look at prospective properties if there were willing sellers and funding.

The Board discussed future land use restrictions. Just clarified, if they did receive a request, they would review and try and get the structure out of the corridor. He stated the Board of Adjustment could consider any exceptions. Just indicated existing structures could be used as they are and any new structures would need to follow the Board of Adjustment process. Just stated the Board of Adjustment would make the final decision and this wasn't any different than any other official control.

Gene Miller, Dahlgren Township, stated the Township approved this as they didn't want to be the unit of government that would be a roadblock and they recognized the safety issues on 212. He stated the 43 and 212 intersection was in the City of Carver's orderly annexation agreement and they would have some input on what goes in at that intersection. Miller asked the Board to do anything they could to lessen the impact to the Hesse farm and church.

The Board recognized the signed petition they received from a number of individuals supporting the completion of the corridor.

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

The Board inquired if they would slow down the process if additional language was added. Robjent stated that if they determine the design should be re-evaluated it would open up the review process and there would probably be a two year delay to get back to where they are today.

The Board understood the concerns but recognized if the corridor were moved the same questions would come before them and impacts would be felt wherever the mapping occurred.

Ische offered the following Resolution, seconded by Degler:

Resolution #04-11  
Adopting Ordinance 71-2010 for the Trunk  
Highway 212 Official Map Located in Dahlgren Township

Motion carried unanimously.

Ordinance 71-2010

THE TRUNK HIGHWAY 212 OFFICIAL MAP LOCATED IN  
DAHLGREN TOWNSHIP

The Carver County Board of Commissioners Hereby Ordains:

**Section 1.** The Trunk Highway 212 Official Map, identifying land located in Dahlgren Township that is needed for future highway right-of-way expansion, is hereby adopted pursuant to Minnesota Statute §394.361.

**Section 2.** The Trunk Highway 212 Official Map shall be recorded in the office of the County Recorder and is hereby established as an official control for Carver County.

**Section 3.** The Official Map does not convey any right, title or interest in areas identified for future public purposes, but it does provide for restrictions on the land use and issuance of permits for new structures, pursuant to Minnesota Statute §394.361.

**Section 4.** This ordinance shall become effective upon its passage.

Adopted by the Carver County Board, Resolution #04-11 at its meeting of January 11, 2011.

Gary Bork, Community Social Services, requested the Board approve the restructuring of school based services. He explained the County has been involved in a collaborative relationship with Carver County schools since 1992. He stated the Department of Education required a time study be done to determine the amount of special education funding and that resulted in decreased funding. Bork indicated funding would now be based on the school year and all staff would have to be licensed.

He indicated he has been in discussions with school superintendents, staff and the union. Bork stated this was not about the quality of service but about the funding. He stated the County is mandated to provide child protection, children's mental health, developmental disabilities and services to minor parents and the collaborative was not a mandated service. He pointed out, even if the schools did contract for fewer services with the County, some families and children would still remain the responsibility of the County.

Bork stated there were 22.35 FTEs included in the previous contract and they will now contract with schools that are interested in having staff. He reviewed the source of funds that could offset the funding decrease. Bork identified the positions that would be eliminated and created and pointed out the complexity of how to accomplish this from a staffing perspective. He pointed out their three priorities were to provide mandated services, continue the relationship with the schools and to minimize impact on staff. He stated they were looking at an overall reduction of 2.5 positions.

The Board stated they appreciated the work done to minimize layoffs and recognized this was a funding issue.

Ische moved, Degler seconded, to eliminate the Social Worker Masters and Autism Specialist classifications, to create 4.0 FTE Social Worker II's, to create 4.0 FTE Social Workers III's (new classification requiring a Masters Degree and license), to eliminate a .5 FTE Social Worker II, to amend the CY 2011 budget by increasing revenue by \$335,000 and corresponding budget amendments and to authorize the layoff of employees resulting from the loss of funding and change in FTEs. Motion carried unanimously.

Dave Hemze, County Administrator, requested the Board revise their Operating Rules to include language clarifying that the schedule of Board meetings may be amended to include evening meetings as is necessary.

Ische moved, Degler seconded, to amend Section IV.A of the 2011 Board Operating Rules to include the following language: "Evening meetings may be added to the Board's schedule as is necessary to ensure adequate public participation and input on specific agenda items". Motion carried unanimously.

The Board considered appointments to various advisory committees.

Ische moved, Lynch seconded, to appoint Richard Buetow to the Board of Adjustment. Motion carried unanimously.

The Board agreed to hold appointments the CDA and Park Commission for two weeks.

Degler moved, Ische seconded, to appoint Bruce Jones to the Water, Environment and Natural Resources Committee. Motion carried unanimously.

Workman moved, Lynch seconded, to appoint Robert Burandt to the Water, Environment and Natural Resources Committee. Motion carried unanimously.

Degler moved, Workman seconded, to confirm the appointment of Terry Jeffrey as the City of Chanhassen's appointment to the Water, Environment and Natural Resources Committee. Motion carried unanimously.

Lynch moved, Ische seconded, to adjourn the Regular Session at 10:55 a.m. 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.)





# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Authorization for 2011 Park Promotions/Donations**

Originating Division: Public Works - Parks

Meeting Date: January 25, 2011

Amount of Time Requested: 0

Attachments for packet:  Yes  NoItem Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

The Parks Department requests authorization distribute park services and products as a low cost means to promote the park system and recognize volunteer services. Up to five (5) shelter rentals, fifteen (15) two night campground reservations and thirty (30) annual parking passes could be distributed in 2011. Redeemable vouchers for services or products would be distributed at planned special events of the Earth/Arbor Day Event, Chili Cook-off; through drawings at park display exhibits, to local non-profits seeking donations.

Redeemable vouchers for services and products such as shelter rentals, weekend camping stays and annual permits could be awarded to someone who has provided significant volunteer service to the County.

**ACTION REQUESTED:**

Authorize the Parks Director or designee to use up to but not more than five (5) shelter rentals, fifteen (15) weekend campground reservations and thirty (30) annual parking passes for promotional and marketing purposes.

**FUNDING**

County Dollars = \$0

Other Sources &amp; Amounts = \$

**TOTAL** = \$0*Related Financial Comments:***FISCAL IMPACT** None Included in current budget Budget amendment requested Other: Reviewed by Division Director

Date:

1/11/2011

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CARVER COUNTY

# REQUEST FOR BOARD ACTION

**AGENDA ITEM :** Accept monetary gift made to the Encore Adult Day Services Program

Originating Division: Community Social Services

Meeting Date: 1/25/2011

Amount of Time Requested: NA

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** On January 3,, 2011, the Encore Program received \$250.00 from the family of a former Program participant.

**ACTION REQUESTED:** To accept monetary gift of \$250.00

**FUNDING**

County Dollars =	\$
Other Sources & Amounts =	
Gift =	\$250.00
<b>TOTAL =</b>	<b>\$</b>

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:*

Reviewed by Division Director

Date: 1/5/2011



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Approve Chief Deputy Sheriff Agreement

Originating Division: Employee Relations

Meeting Date: 1/25/2011

Amount of Time Requested:

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

The new County Sheriff, Jim Olson, has requested the approval of the Chief Deputy Sheriff's employment contract to begin January 31, 2011. The Chief Deputy that Sheriff Olson has selected is Wm. Blair Anderson.

Mr. Anderson comes to the position with over 15 years of law enforcement experience with the Dakota County Sheriff's Office, most recently as the Commander of Operations. He also has experience managing the jail, investigations, school resource officers and the fraud unit. He has a Master's Degree in Public Safety Administration and is a graduate of the FBI National Academy. He is a veteran of the United States Army, and served in the first Gulf War.

The terms of the employment agreement clarify that this is an exempt "at will" position. The agreement includes an initial salary of \$103,938.00 which is within the salary range for this position. It also includes the salary increases, insurance, PTO and other benefits consistent with the Personnel Policies for non-bargaining staff, standard notice and severance language.

The action requested is to approve the employment agreement between the County Sheriff and the Chief Deputy Sheriff, Wm. Blair Anderson.

### ACTION REQUESTED:

Motion to approve the employment agreement between the County Sheriff and Wm. Blair Anderson as Chief Deputy Sheriff for Carver County.

#### FUNDING

County Dollars = \$ 133,300.00

Other Sources & Amounts = 0

= \$0

**TOTAL** = \$133,300.00

#### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

#### Related Financial Comments:

2011 budget includes funding for this employment contract.

**X Reviewed by Division Director**  
Doris M. Krogman

**Date:** 1/13/2011



# REQUEST FOR BOARD ACTION

**AGENDA ITEM: Approve Joint Powers Agreement between (8) Counties for Morgue and Medical Examiner Services; Resolution to Approve Contract between (8) Counties and Regina Medical Center; and Appointment of Medical Examiner**

Originating Division: Public Health and Environment

Meeting Date: 1/25/2011

Amount of Time Requested:

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

A Joint Powers Agreement (JPA) was created between Carver, Chisago, Dakota, Fillmore, Freeborn, Goodhue, Houston and Scott counties for procurement of morgue and medical examiner services.

Dakota County is administering a Joint Powers Agreement between the eight (8) counties and Regina Medical Center for the morgue and medical examiner services.

The attached Board Resolution describes the Joint Powers Agreement for Regina Medical Center to provide morgue facilities and medical examiner support services for Carver County in 2011. The Resolution requests the Board to authorize the execution of the JPA with Regina Medical Center and to appoint Lindsey C. Thomas, M.D. as the Medical Examiner for Carver County for 2011.

**ACTION REQUESTED:**

Approval of:

- 1) The Joint Powers Agreement with eight (8) counties for the procurement of morgue and medical examiner services and
- 2) The Resolution authorizing the Chair of the Dakota County Board of Commissioners to execute the contract with Regina Medical Center to provide medical examiner services to Carver County in 2011 and the appointment of Dr. Lindsey Thomas as the Medical Examiner for Carver County in 2011.

**FUNDING**

County Dollars = \$143,478

Other Sources & Amounts = \$

**TOTAL = \$143,478**

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

**Related Financial Comments:**

Funds are available in the 2011 Coroner Services budget, line item #01-222-000-0000-6260 to cover these expenses.

Reviewed by Division Director

Date: 1/13/11



# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: \_\_\_\_\_

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

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

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

**WHEREAS,** Carver County, Chisago County, Dakota County, Fillmore County, Freeborn County, Goodhue County, Houston County, and Scott County have statutory obligations pursuant to Minnesota Statutes Chapter 390 to provide and equip a public morgue and to allow the reasonable and necessary expenses of the coroner or deputy coroners incurred for their official business; and

**WHEREAS,** the Counties desire that a morgue be provided and equipped for use by the Medical Examiner appointed or elected in each of them and the Counties are obligated by Minn. Stat. § 390.111 to provide the reasonable and necessary expenses of the Medical Examiner or deputy medical examiners incurred for their official business; and

**WHEREAS,** the Counties have determined that the most efficient and cost-effective means to meet these statutory obligations is to jointly purchase morgue services and medical examiner support services from Regina Medical Center; and

**WHEREAS,** Regina Medical Center desires to and is capable of providing and equipping a morgue and providing medical examiner support services to the Counties.

**NOW, THEREFORE BE IT RESOLVED,** That the County Board of Commissioners hereby appoints Lindsey C. Thomas, M.D. as Medical Examiner for Carver County for the term of January 1, 2011 through December 31, 2011.

**NOW, THEREFORE BE IT FURTHER RESOLVED,** That the County Board of Commissioners hereby authorizes the Chair of the Dakota County Board of Commissioners to execute a contract with Regina Medical Center for the term of January 1, 2011 through December 31, 2011, on behalf of Dakota County and Carver, Chisago, Fillmore, Freeborn, Goodhue, Houston, and Scott Counties, subject to approval of an authorizing resolution by all eight counties.

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 25<sup>th</sup> day of January, 2011, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Health Partners Administrative Service Agreement & Amendment**

Originating Division: Employee Relations

Meeting Date: 1/25/2011

Amount of Time Requested: Consent

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

Health Partners has requested that we sign the standard operating agreement for a Health Reimbursement Arrangement (HRA) administered by HP. We have been operating under this agreement for the last two years. The administrative services agreement only applies to Plan B. Amendment for 2011 will be sent once the initiating document and 2010 amendment are approved.

**ACTION REQUESTED:**

Motion to approve Health Partners Administrative Service Agreement for 2009 and amendment for 2010.

**FUNDING**

County Dollars = \$21,000

Other Sources & Amounts =

= \$

**TOTAL** = \$21,000

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

**Related Financial Comments:**

HP charges an Administration fee of \$4 per member per month. The above number reflects 2009 and 2010 participation in Plan B.

Reviewed by Division Director

Date: 1/14/2011



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Charitable Gambling Application for the Watertown Lions Club**

Originating Division: Property Records Taxpayer Services      Meeting Date: February 1, 2011  
 Amount of Time Requested: 0 minutes      Attachments for packet:  Yes  No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** An application to Conduct Off-Site Gambling was received from the Watertown Lions Club. They plan to have Pull Tabs for sale at the Hollywood Sports Complex, located at 15950 County Road 122, Watertown, MN 55388.

**ACTION REQUESTED:** See Attached Resolution

**FUNDING**

County Dollars = \$  
 Other Sources & Amounts =  
 = \$  
**TOTAL** = \$

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other: Not Budgeted

*Related Financial Comments:*

Reviewed by Laurie Engelen, Taxpayer Services Manager

Date:

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

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

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**CARVER COUNTY, MINNESOTA**

WHEREAS, the Watertown Lions Club seeks approval of a Lawful Gambling License; and

WHEREAS, the Watertown Lions Club will sell pull tabs at the Hollywood Sports Complex, with an address of 15950 County Road 122, Watertown, MN 55388; and

WHEREAS, the Minnesota Department of Gambling requires the County Board of Commissioners to specifically approve or deny a resolution for each applicant each year they apply.

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners does approve the new license upon compliance with Code of Ordinance, Title XI, Chapter 112, and Section 112.02.

Adopted on \_\_\_\_\_, 2011.

Attest:

\_\_\_\_\_

YES

ABSENT

NO

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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 \_\_\_\_ day of \_\_\_\_\_, 2011, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
David Hemze, Carver County Administrator





# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Resolution in Recognition of the contributions of Fr. Augustin Ravoux

Originating Division: Administration

Meeting Date: 1/25/11

Amount of Time Requested: NA

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

Guardian Angels Church recently held a special Mass to celebrate Guardian Angels' missionary saint and community founder, Fr. Augustin Ravoux. The attached Resolution recognizes Fr. Ravoux's important role in the settlement and establishment of the Guardian Angels Church.

**ACTION REQUESTED:** Adopt Resolution

**FUNDING**

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

*Related Financial Comments:*

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 1/18/11



## In Recognition of the Contributions of the Fr. Augustin Ravoux

Whereas, Fr. Augustin Ravoux was a French Jesuit priest and missionary who served in the region that eventually became the Archdiocese of Saint Paul and Minneapolis, and

Whereas, Fr. Augustin Ravoux became proficient in the Dakota language and developed a permanent mission at Little Prairie (now Chaska), and

Whereas, Carver County appreciates Fr. Ravoux's understanding of the major contributions of the Dakota and other indigenous people and recognized the dignity of all humans, and

Now, Therefore, the Carver County Board of Commissioners recognizes the bravery, endurance and sacrifice of Fr. Ravoux for his important role in the settlement and establishment of the Guardian Angels Church.

### **BOARD OF COMMISSIONERS**

Randy Maluchnik, Chair

Tim Lynch, Vice Chair

Gayle Degler

James Ische

Tom Workman

Carver County Board Chair



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Metropolitan Mosquito Control Update

Originating Division: Administration

Meeting Date: 1/25/11

Amount of Time Requested: 15 minutes

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

Jim Stark, Metropolitan Mosquito Control District Director, will present their 2010 program summary, 2011 budget and work plan to the County Board.

**ACTION REQUESTED:** *No action requested, information only.*

**FUNDING**

County Dollars = \$

Other Sources & Amounts = \$

= \$

**TOTAL** = \$

*Related Financial Comments:*

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 1/18/11



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Law Library Fee Increase**

Originating Division: Law Library Board

Meeting Date: January 25, 2011

Amount of Time Requested: 5 minutes

Attachments for packet:  Yes  NoItem Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The requested Law Library \$5 fee increase is necessary to continue operation of the Law Library at an adequate service level. Currently the Law Library fee is \$10 for civil filings and criminal convictions. Upon approval, the fee would increase to \$15. The previous increase of the Law Library fee was prior to 2001.

Attached is a copy of Minn. Stat. Sec. 134A.10 regarding assessment of fees, a copy of the Carver County Judicial Administrative Order approving the fee increase in all criminal matters, and a list of other Minnesota counties that assess a \$15 Law Library fee.

**ACTION REQUESTED:** Approval of Law Library fee increase of \$5 for civil filings and criminal matters. The request for the fee increase for civil filings and criminal matters has been approved by the Law Library Board and for criminal matters, as required by statute, by the Carver County District Court Judges by Administrative Order.

**FUNDING**

County Dollars = \$0  
 Other Sources & Amounts = Civil filings and felony, gross misdemeanor, misdemeanor, and petty misdemeanors fees  
 =\$5 additional fee

**TOTAL** =\$5 additional fee collected from District Court civil and criminal matters

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* There is no fiscal impact to the county. All funding for this request is provided by an increased Law Library fee collected from district court civil filings and criminal matters.

Reviewed by Division Director

Date: January 18, 2011

## **2010 Minnesota Statutes**

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### **134A.10 LIBRARY FEES COLLECTED IN ALL OTHER COUNTIES.**

Subdivision 1. **Civil fee assessment.** In counties other than Hennepin and Ramsey, the court administrator shall collect in each civil suit, action or proceeding filed in the district, county or county municipal and conciliation courts of the county, in the manner in which other fees are collected, a law library fee from:

(a) The plaintiff, petitioner or other person instituting the suit, action or proceeding, at the time of the filing of the first paper; and

(b) Each defendant, respondent, intervenor or other party who appears, either separately or jointly, to be collected at the time of the filing of the first paper by the defendant, respondent, intervenor or other party, or at the time when the party's appearance is entered in the case.

Subd. 2. **Probate proceedings.** The judge of the district court or the registrar of probate or the court administrator shall collect a law library fee from the petitioner instituting proceedings for supervised and unsupervised guardianship, conservatorship, descent, formal and informal probate, trusts and summary assignments at the time of the filing of the petition. The disbursement shall be an item of administration of the estate, entitling the petitioner to reimbursement out of the estate.

Subd. 3. **Petty misdemeanor cases and criminal convictions; fee assessment.** The judge of district court may, upon the recommendation of the board of trustees and by standing order, include in the costs or disbursements assessed against a defendant convicted in the district court of the violation of any statute or municipal ordinance, in all petty misdemeanor cases and criminal prosecutions in which, upon conviction, the defendant may be subject to the payment of the costs or disbursements in addition to a fine or other penalty a county law library fee. When a defendant is convicted of more than one offense in a case, the county law library fee shall be imposed only once in that case. The item of costs or disbursements may not be assessed for any offense committed prior to the establishment of the county law library.

Subd. 4. **Setting fees.** The law library board of trustees shall, with the approval of the board of commissioners, set the amount of the law library fee for civil and criminal matters, including petty misdemeanor cases, in the district and conciliation courts of the county. The fee shall be set on July 1 each year and remain in effect until changed. All law library fees shall be published in the State Register.

**History:** 1982 c 576 s 11; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1989 c 4 s 1; 1993 c 29 s 2,3; 1995 c 189 s 8; 1996 c 277 s 1; 2009 c 83 art 2 s 7

FILED

State of Minnesota

JAN 13 2011


District Court


County of Carver	CARVER COUNTY	Judicial District: <u>First</u> Court File Number: _____
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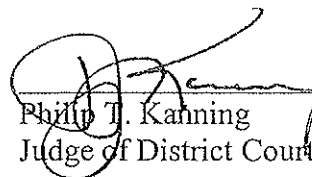
**Administrative Order**  
Carver County Law Library Fee


Upon the recommendation of the Carver County Law Library Board of Trustees and pursuant to Minn. Stat. Sec. 134A.10, Subd. 3 (2009), it is hereby ordered as follows:

Effective February 1, 2011, the Carver County Law Library fee shall be increased to \$15 in all petty misdemeanor cases and criminal convictions. A defendant convicted in the district court of the violation of any statute or municipal ordinance, in all petty misdemeanor cases and criminal prosecutions in which, upon conviction, the defendant may be subject to the payment of the costs or disbursements in addition to a fine or other penalty, the county law library fee of \$15 shall be assessed.

 1/11/11  
 Janet L. Cain  
 Judge of District Court

 1/10/11  
 Kevin W. Eide  
 Judge of District Court

 1-11-2011  
 Philip T. Kanning  
 Judge of District Court

 1-11-11  
 Richard C. Perkins  
 Judge of District Court

**Counties assessing a \$15 Law Library fee - Fee schedules from Minnesota Court Information System (MNCIS) compiled January 2011**

The following counties assess \$15 Law Library fees:

Becker  
Cook  
Grant  
Jackson  
Kandiyohi  
Meeker  
Olmsted  
Renville  
Steele  
Swift  
Traverse  
Wadena  
Wilkin

Additional counties that have passed \$5 increment increases:

Carlton  
Faribault  
Itasca  
Nicollet  
Pope (This county is collecting an \$18 fee.)  
Wabasha

Carver County Law Library Revenue and Expenditures

2010	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Criminal-# of Tickets	440	527	607	486	469	635	685	714	765	594	449	472	6843
Criminal - Revenue	\$4,697	\$5,236	\$6,038	\$4,816	\$4,726	\$6,280	\$7,029	\$7,022	\$7,625	\$5,884	\$4,982	\$4,710	\$69,045
Civil - # of Filings	189	176	247	261	251	236	46	238	213	245	189	209	2500
Civil -Revenue	\$1,840	\$1,735	\$2,470	\$2,580	\$2,510	\$2,350	\$2,165	\$2,340	\$2,105	\$2,405	\$1,885	\$2,090	\$26,475

2009	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Criminal-# of Tickets	641	556	474	570	483	713	510	619	428	550	376	712	6632
Criminal - Revenue	\$6,431	\$5,785	\$4,870	\$5,897	\$5,012	\$7,275	\$5,267	\$6,278	\$4,260	\$5,490	\$3,770	\$7,100	\$67,435
Civil - # of Filings	201	222	244	294	233	266	95	218	215	201	213	254	2656
Civil -Revenue	\$1,965	\$2,210	2440	2927	2293	2645	935	2160	2125	2005	2080	3520	\$27,305

2009/2010 Comparison													
Criminal-# of Tickets	(201)	(29)	133	(84)	(14)	(78)	175	95	337	44	73	(240)	211
Criminal - Revenue	(\$1,734)	(\$549)	\$1,168	(\$1,081)	(\$286)	(\$995)	\$1,762	\$744	\$3,365	\$394	\$1,212	(\$2,390)	\$1,610
Civil - # of Filings	(12)	(46)	3	(33)	18	(30)	(49)	20	(2)	44	(24)	(45)	(156)
Civil -Revenue	(\$125)	(\$475)	\$30	(\$347)	\$217	(\$295)	\$1,230	\$180	(\$20)	\$400	(\$195)	(\$1,430)	(\$830)



Carver County Law Library Revenue and Expenditures 2007-2009

2006 Revenue	117,613
2006 Expenditures	117,614
2007 Revenue	111,352
2007 Expenditures	146,771
2008 Revenue	105,886
2008 Expenditures	155,646
2009 Revenue	84,129
2009 Expenditures	152,556
2010 Revenue	95,520
2010 Expenditures	131,285

Reserves

2006	\$294,303.60
2007	264,144.09
2008	215,203.53
2009	147,698.53
2010	105,728.35



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Public Hearing- Ordinance 70-2010 for Code Amendments and updated Zoning Map

Originating Division: Public Health & Environment

Meeting Date: January 25, 2011

Amount of Time Requested: 45 minutes

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA-ITEM:**

File #PZ20100019. The Carver County Land Management Department and the Carver County Attorney's Office have drafted Ordinance 70-2010 amending the Carver County Code and Zoning Map. The purpose of the draft language is to amend Chapter 151, Subdivisions; Chapter 152, Zoning Code; Chapter 154, Sign Regulations; and the Carver County Zoning Map, including Transition Areas, Road Classifications, the Floodplain Overlay District and the Shoreland Overlay District. A number of the proposed amendments are directly related to the policy changes in the 2030 Comprehensive Plan. Other amendments were predicated on changes in State Statute, township input, and citizen participation. The Floodplain Overlay District is an important update based on recent flood study data that has been approved by the DNR and FEMA. A significant theme of the revisions is to provide contemporary and concise language, with greater flexibility in the County's land use regulations. The core regulations and/or permitted uses, such as agriculture, "1 per 40" residential density, single family residences, and accessory structures would remain essentially unchanged.

The Planning Commission recommended approval of Ordinance 70-2010 at their December 21, 2010 regular meeting. The Planning Commission Resolution addressing the proposed amendments is attached. The draft Ordinance 70-2010, proposed Zoning Map, and a resolution for the adoption of the Ordinance are attached for the Board's consideration.

**ACTION REQUESTED:**

Open the public hearing.

A motion to close the public hearing.

A motion to adopt a resolution enacting Ordinance 70-2010 amending the County Code and Zoning Map.

**FUNDING**

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:*

Reviewed by Division Director

Date: January 14, 2011

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

**FILE #: PZ20100019**

**RESOLUTION #: 10-09**

**WHEREAS**, the following amendments to the County Code and Zoning Map were initiated by staff and the Planning Commission at the regularly scheduled meeting of September 21, 2010:

**FILE #:** PZ20100019

**INITIATED BY:** Planning Commission, 2030 Comprehensive Plan Policies

**TYPE:** Amend Subdivisions, Zoning Code, Sign Regulations, and Zoning Map

**PURSUANT TO:** County Code, Chapter 151, Chapter 152 and Chapter 154

**LEGAL DESCRIPTION:** County-wide

**REGARDING:** Ordinance 70-2010

**WHEREAS**, said amendments were duly considered at a public hearing held by the Carver County Planning Commission at its regular meetings of October 19, 2010, November 16, 2010 and December 21, 2010; and,

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

1. The Carver County Land Management Department and the Carver County Attorney's Office have drafted Ordinance 70-2010 amending the Carver County Code and Zoning Map. The purpose of the draft language is to amend Chapter 151, Subdivisions; Chapter 152, Zoning Code; Chapter 154 Sign Regulations; and the Carver County Zoning Map, including Transition Areas, Road Classifications, the Floodplain Overlay District and the Shoreland Overlay District. A number of the proposed amendments are directly related to the policy changes in the 2030 Comprehensive Plan. Other amendments were predicated on changes in State Statute, township input, and citizen participation. A significant theme of the revisions is to provide contemporary and concise language, with greater flexibility in the County's land use regulations. The core regulations and/or permitted uses, such as agriculture, "1 per 40" residential density, single family residences, and accessory structures would remain essentially unchanged.
2. The public hearing for draft Ordinance 70-2010 was continued (held open) from the October 19, 2010 Planning Commission meeting to the November 16, 2010 meeting and again to the December 21, 2010 meeting. During the three month public hearing process comments and suggestions were received, addressed and/or incorporated into the draft language. The Planning Commission has also conducted several work sessions since 2009 to lay the groundwork for the principal topics contained in the Ordinance.
3. Ordinance 70-2010 is separated into four main sections: Section 1 addresses Chapter 151, Subdivisions, which includes the regulations for platting, minor subdivisions, development standards and engineering requirements; Section 2 addresses Chapter 152, Zoning Code, which includes the land use regulations for the "A" District and the various Overlay Districts; Section 3 addresses Chapter 154, Sign Regulations, such as size and setback standards; and Section 4 provides for the updated Carver County Zoning Map. The following is an overview of the proposed amendments by section:

Section 1 Subdivisions, Chapter 151. The current Subdivision Regulations were adopted in 1992 and have not been updated since that time. The proposed changes to Chapter 151 are considered necessary in nature and are not changes related to the 2030 Comprehensive Plan. Many of the changes are due to the division/department name being changed, language that does not correspond to how subdivisions are currently being handled, and/or outdated language that needed to be updated or clarified. Public Land and Park Dedication requirements have been removed, because there is no system or fee structure to implement this. The Subdivision language has been updated due to Water Management changes, and the Financial Guarantee section has been revised.

Section 2 Zoning Code, Chapter 152. The proposed changes to the Zoning Code that directly relate to the 2030 Comprehensive Plan policies include: Solar Access (Renewable Energy); Transfer of Building Eligibilities; Residential Density Options (Wooded Lots and Conservation Incentive); Large Scale Activities (Ag activities with a retail component); Access to Aggregate Uses (Mining and/or land reclamation); and Transition Areas (Overlay Zone). The proposed changes that directly relate to a change in State Statute are: Non-conforming structure(s) which allows for the continuance and replacement of certain residential structures; and Interim Use Permits (IUPs), allowing for mining, temporary homes, and certain special events, home occupations and recreational activities as IUPs rather than being handled as CUPs. Bluff setbacks have been reduced to 50 feet, except for actively eroding bluffs. Also, Roadside Stands with a "pick your own" feature would be allowed. This section of the Ordinance includes numerous definitions, "housekeeping" text changes and reorganized sections.

Section 3 Sign Regulations, Chapter 154. The main amendment would be the elimination of the 500-foot setback from intersections, provided the signage that does not create obstruction of vision as determined by the road authority. One of the other changes would be to eliminate the 30 day and 10 day deadlines for the issuing authority to approve or deny applications because these timelines should be consistent with M.S. § 15.99 (i.e. 60 day law) rather than being more restrictive. Language was also simplified with no change to square footage allowances.

Section 4 Carver County Zoning Map. The updated Zoning Map includes all of the new Transition Areas approved by the townships in their individual Comprehensive Plan Chapters. The Agriculture ("A") District, Residential Cluster District(s), and Rural Service Overlay Districts (RSDs) are essentially unchanged. The Road Classifications have been updated to correspond to the Existing Functional Class Map of the Roadway Systems Plan. The Floodplain Overlay District was developed from a recent flood insurance study authorized by the Minnesota DNR and FEMA. The preliminary Digital Flood Insurance Rate Map (DFIRM) "geodatabase" approval date was November 30, 2010. In the past, the Floodplain Overlay District was not included on the Zoning Map, but with the County's GIS mapping capabilities and approved LiDAR (topography) an accurate depiction is possible. According to FEMA guidelines, the County needs to use the best available data (i.e. the latest flood study data) for all of the areas designated as special flood hazard areas without Base Flood Elevations (BFEs) or an identified Floodway. Based on the flood study, there are several new areas in the Bevens Creek and Carver Creek watersheds that would be added to the County's Floodplain Overlay District on the updated Zoning Map. Several revisions have also been made to the Shoreland Overlay District to improve the accuracy of the District and to eliminate two areas designated as dry lake beds.

4. The proposed amendments are in conformance with the 2030 Comprehensive Plan. The amendments are not in conflict with any other official controls and they will 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 70-2010 for the amendments to the County Code and Zoning Map.

**ADOPTED** by the Carver County Planning Commission this 21<sup>st</sup> day of December 2010.

  
\_\_\_\_\_  
Ted Beise  
Planning Commission Chair

# CARVER COUNTY, MINNESOTA

## ORDINANCE 70-2010

AMENDING CHAPTER 151, SUBDIVISIONS; CHAPTER 152, ZONING CODE;  
AND CHAPTER 154, SIGN REGULATIONS; AND THE CARVER COUNTY ZONING MAP,  
INCLUDING TRANSITION AREAS AND THE FLOODPLAIN AND SHORELAND OVERLAY  
DISTRICTS.

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

**SECTION 1.** Strikethrough signifies deleted language and underline is new language. The specified sections of Chapter 151, the Carver County Code, shall be amended as follows:

### GENERAL PROVISIONS

#### § 151.005 PLATTING AUTHORITY.

The County Board shall serve as the platting authority of the county in accordance with M.S. Chapters 394 and 505, as they may be amended from time to time. No plat, replat, subdivision of land or registered land survey, ~~excluding minor subdivisions,~~ shall be filed or accepted for filing by the County Recorder/Registrar of Titles of Carver County unless it is accompanied by a certified copy of a resolution adopted by the affirmative vote of the majority of the members of the County Board approving such plat, replat, subdivision of land or registered land survey except as provided in §§ 151.095 *et seq.*

#### § 151.007 DEFINITIONS.

**BLUFF.** A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

(1) ~~There is at least a 25-foot rise from the toe of the bluff (point at the bottom of the slope where the slope exceeds 12%) to the top of the bluff (the point on the upper part of the bluff where the average slope is 18% or less);~~

(2) ~~The grade of the slope from the toe of the bluff to the top of the bluff averages 25% or greater; and~~

(3) ~~An area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff. Refer to the Zoning Code regulations, Chapter 152 of this code of ordinances.~~

**BUILDING.** ~~Any structure used or intended for supporting or sheltering any use or occupancy. Refer to the Zoning Code regulations, Chapter 152 of this code of ordinances.~~

**COMPREHENSIVE PLAN.** ~~The document entitled Carver County/Townships Comprehensive Plan adopted pursuant to M.S. §§ 473.864 and 394.21 and all amendments thereto. Refer to the Zoning Code regulations, Chapter 152 of this code of ordinances.~~

**DEPARTMENT.** Refer to the Zoning Code regulations, Chapter 152 of this code of ordinances.

**OFFICIAL MAP.** ~~A map adopted in accordance with M.S. Chapter 394, as it may be amended from time to time, which may show existing county streets, county and state highways, proposed future county streets, county and state highways, and areas needed for the planned widening of such streets and highways. An 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, and travel service facilities. Refer to the Zoning Code regulations, Chapter 152 of this code of ordinances.

***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. Refer to the Zoning Code regulations, Chapter 152 of this code of ordinances.~~

***PLATTING OFFICER.*** ~~That person appointed by the County Board to perform the duties so outlined in this chapter. The Manager of the "Department" assigned to perform the duties so outlined in this chapter.~~

***SUBDIVIDER.*** A person, owner, applicant, or developer who submits a plat for the purpose of land subdivision as defined herein. The subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

## GENERAL PROCEDURES FOR THE SUBDIVISION OF LAND

### § 151.028 BOARD OF ADJUSTMENT/VARIANCES.

~~(A) *Approval.* Where the Board of Adjustment finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be serviced to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of this chapter or the zoning code and further provided the Board of Adjustment shall not approve or disapprove variances unless it shall make findings based upon the evidence presented to it in each specific case that:~~

~~(1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.~~

~~(2) The conditions upon which the request for variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.~~

~~(3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter is carried out.~~

~~(4) The variance will not in any manner vary the provisions of the zoning code, county or affected township comprehensive plan or official map.~~

~~(B) *Conditions.* In approving variances, the Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this chapter. Failure to adhere to the conditions of a variance shall be considered a violation of this chapter.~~

~~(C) *Application required.* Application for any such variance shall be made in writing by the~~

~~subdivider at the time when the preliminary plat is filed for consideration by the Planning Commission, stating the reason the variance is required, the hardship involved and why it is unique to this property, potential impact on development and surrounding property, compliance with the county and affected township comprehensive plan and the zoning code. The application shall state fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Board of Adjustment in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.~~

~~(D) *Record.* Any variance or modification thus granted or denied shall be recorded in resolution form and entered in the minutes of the Board of Adjustment setting forth the reasons which justified the action.~~

~~(Ord. 33, § 2.4, passed 1-21-92) A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lot(s) for their intended use. But, where the Board of Adjustment finds that extraordinary hardship(s) or practical difficulty(s) may result from strict compliance with these regulations and/or the purposes of these regulations may be serviced to a greater extent by an alternative proposal, the Board of Adjustment may approve variances from these subdivision regulations, provided that such variances shall not have the effect of nullifying the intent and purpose of this Ordinance, the Zoning Code, or the Comprehensive Plan, and further provided the Board of Adjustment shall not approve or disapprove variances unless it shall make findings based upon the evidence presented in the Zoning Code regulations, Chapter 152 of this code of ordinances.~~

## SKETCH PLAN

### § 151.040 PURPOSE.

Subdividers shall prepare, for review and approval by the ~~Department Planning Commission and staff,~~ a sketch plan depicting a subdivision proposal. In addition, the subdivider shall prepare, for review and approval by the Planning Commission, a sketch plan depicting a subdivision proposal if a conditional use permit is required. The sketch plan and accompanying information shall serve as the basis for discussions between the subdivider, the Planning Commission and the staff, and is intended to provide the developer with an advisory review of the subdivision without incurring major costs. This step may not be necessary if another action, typically a zoning action, accomplishes the same purpose as the sketch plan review.

### § 151.043 ACTION BY THE PLANNING COMMISSION.

~~If applicable, the Planning Commission shall recommend to the County Board and unofficially advise the subdivider as to the conformity of the subdivision with the comprehensive plan, the subdivision regulations, potential variances that may be required, and of other applicable official controls. A determination should be made at this time, if possible, whether the proposed division comes under the jurisdiction of this chapter. Any comments or recommendations for modifications made and/or approval at this point by the Planning Commission are recommendations advisory only from the Planning Commission, and shall not constitute approval or commitment to approve. If the subdivider determines to proceed with the subdivision as proposed or revised, he or she may proceed with the preparation of the preliminary plat as provided in §§ 151.055 et seq.~~

## PRELIMINARY PLAT

### § 151.055 REQUIREMENT FOR APPLICATION.

~~(C) Required cash Application fee. Refer to the Carver County Fee Schedule. This fee will be used~~

for the expenses of the county in connection with approval or disapproval of said plat. ~~The fee shall be that fee set by resolution by the County Board.~~

(D) If the subdivider requests that any existing special assessments which have been levied against the premises described in the subdivision be divided and allocated to the respective lots in the subdivision plat, the county shall estimate the clerical cost of preparing the revised assessment roll, filing the same with the County Auditor Taxpayers Services Department, and making such division and allocation, and upon approval by the Board of such estimated cost the same shall be paid to the Treasurer County Finance Department in addition to the fee mentioned above to cover the cost of preparing and filing such revised assessments.

## MINOR SUBDIVISION APPROVAL

### § 151.098 APPLICATION PROCEDURE.

(B) Prior to subdividing land, an owner of the land or his or her agent, shall file an application for approval of a minor subdivision. The application shall be made on forms available from the Carver ~~County Zoning Office~~ Department and include:

(1) A map or sketch drawn to scale and showing:

(i) Location of a primary and a secondary area for an on-site sewer system on parcels of less than 20 acres. ~~A copy of per-e tests and soil borings for the two proposed locations for on-site sewer systems.~~

(2) A survey of the proposed lots or parcels showing the location of all existing buildings thereon which has been prepared and signed by a licensed land surveyor when:

(d) Boundary adjustments unless this requirement is waived by the ~~County Board~~ Department.

### § 151.099 PROCEDURES FOR APPROVAL/DENIAL.

(B) The Carver County ~~Planning Director~~ Platting Officer or designee has authority to approve the minor subdivision when:

(C) Approval shall be signified by the signature of the ~~Planning Director or Zoning Officer~~ Platting Officer on the application and the deed of conveyance in accordance with Ordinance No. 6.

(D) In cases where the parcels to be conveyed or retained are not eligible residential sites under the provisions of the zoning code any instrument of conveyance and all ~~zoning office~~ Department records of the parcels shall be marked "not an eligible building site." ~~Notice of no more remaining building eligibility on a retained parcel shall be recorded in the office of the County Recorder.~~

### ~~§ 151.100 PARK DEDICATION FEE.~~

~~Prior to recording the deed for any minor subdivision wherein the purpose of the subdivision is residential, the subdivided shall pay the county the park dedication fee set by resolution of the County Board.~~

### ~~§ 151.115 DEDICATION OF LAND.~~



~~In all new subdivisions where a homeowners' association will be established as part of the platting process and where the county and the subdivider agree that common land is needed or would be an asset for the subdivision, the subdivider shall be required to dedicate to the homeowners' association for use as parks, playgrounds, or common open space a suitable tract of land in general containing at least 10% of the residential area within the boundaries of the subdivision, which land shall be in excess of any land dedicated for streets and roadways or for drainage or similar uses. Land shall not be dedicated as parks, playgrounds, or common open space until such lands have been approved by the County Board for the purpose to which they are to be dedicated. Such dedication of land shall be without restrictions or reservations and shall be transferred by deed to the homeowners association approved by the County Board. The subdivider shall leave such dedicated land in an condition suitable to the County Board. The location, type, and use of the land shall comply with the comprehensive plan.~~

#### ~~§ 151.116 PAYMENT IN LIEU OF DEDICATION.~~

~~In all other new subdivision, as defined in this chapter, the subdivider shall be required to pay, in lieu of land dedication, a fee per lot for maintenance and development of county parks. Said fee per lot shall be set by ordinance by the County Board.~~

### IMPROVEMENTS

#### § 151.137 DEVELOPMENT CONTRACT.

(A) Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the county and the township requiring the subdivider to furnish and construct said improvements at his or her sole cost and in accordance with plans and specifications and usual contract conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the contract shall provide for the development of any restrictions, covenants, easements, or other conditions of the approved preliminary plat and provide for the proper execution, recording or other action required.

(B) Approval of the development ~~agreement~~ contract shall be by County Board resolution and town board resolution.

(5) The development contract shall state that the subdivider agrees that the County is authorized to automatically draw from the financial guarantee account should it find the subdivider to be in violation of County Code and/or the conditions set forth in this contract.

(6) One (1) copy of the development contract which was signed by the applicant, Town Board, and the County shall be submitted to the Department at time of final plat approval. The County Board shall ensure that the development contract and all attachments, exhibits, easements, and other associated documents are recorded in the County Recorder's Office with the final plat. All recording costs shall be the responsibility of the developer.

#### § 151.141 COMPLETION OF IMPROVEMENTS.

(C) *Failure to complete improvement.* For a subdivision for which no financial guarantee has been posted, if the improvements are not completed within the period specified by the County Board in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a financial guarantee has been posted and required improvements have not been installed within the terms of such ~~financial guarantee~~ development contract the county may thereupon declare the ~~financial~~

guarantee development contract to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the financial guarantee is declared to be in default.

(E) *Release or reduction of financial guarantee*

(2) *Reduction of financial guarantee.* A financial guarantee shall be reduced upon actual acceptance of public improvements and then only to the ratio that the cost of public improvement dedicated bears to the total cost of public improvements for plat. ~~In no event shall a financial guarantee be reduced below 25% of the principal amount.~~ In the event that the financial guarantee is reduced below 125% of the cost of the work to be completed, the County may stop work on the subdivision until the guarantee deposit is replenished to the amount of 125% of the cost of the remaining development work.

**§ 151.144 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY PRIOR TO THE COMPLETION OF IMPROVEMENTS.**

As provided for elsewhere in this chapter, building permits shall not be issued prior to the approval of the final plat. The ~~developer's development agreement contract~~ may provide further restrictions on the issuance of building permits. Certificates of occupancy shall not be issued until such time as adequate improvements have been made and accepted on the site. Minimum improvements shall be functioning sewer, water, electricity, provision for heating, and sufficient improvement of the street to provide all weather access by the prospective occupant and by police and fire equipment. Adequacy of improvements shall be determined by the County Engineer and responsible authority. No building permit shall be issued for the final 10% of lots in a subdivision or if 10% be less than two, for the final two lots of a subdivision, until all public improvements required by the County Board for the plat have been fully completed and dedicated to the responsible authority. However, this provision does not require the county to issue any building permits until all improvements required by the county have been fully completed and accepted by the county.

**SUBDIVISION DESIGN AND PUBLIC IMPROVEMENT/INSTALLATION STANDARDS**

**§ 151.156 LOT STANDARDS.**

~~(C) *Lot surface.* Impervious surface coverage of lots must not exceed 25% of the lot area.~~

**§ 151.159 ~~ON-SITE SEWER~~ SUBSURFACE SEWAGE TREATMENT SYSTEMS.**

~~(A) *Location.* On-site sewers consisting of a septic tank and drainfield shall be located in accordance with the Carver County On-site Sewer Ordinance. There must be two areas on each residential, commercial or industrial lot suitable for an on-site sewer system. In order to be considered as suitable there must be a minimum of two percolation tests and three to four soil borings for each drainfield location. After completion of said tests the proposed areas must be sectioned off so that no heavy equipment will intrude upon the locations. Refer to the subsurface sewage treatment system regulations, Chapter 52 and zoning code regulations, Chapter 152 of this code of ordinances.~~

~~(B) *Design.* Drainfields must be designed so that there is a three-foot separation between the first instance of mottling shown in the soil borings and the bottom of the drainfield trench. Design must be in accordance with the Carver County On-site Sewer Ordinance.~~

**§ 151.160 NATURAL FEATURES AND AMENITIES.**

(A) *General.* Existing features which add value to a proposed development or to the local government as a whole such as trees, watercourses, waterbodies, areas of historic significance and similar irreplaceable features, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be reserved, and all trees where required shall be welled and protected against change of grade. The preliminary plat shall show the number, species, size and location of all proposed shade trees along the street side of each lot. ~~All dead diseased trees shall be removed from the property by the developer.~~

(B) *Trees.*

(2) *Species/size.* New trees to be provided shall be approved by the County Forester and shall be planted in accordance with the requirements of the County Forester. Such trees shall have a minimum trunk diameter as determined by the County Forester, but shall not be seedlings. Only long-lived shade trees, of varying species, acceptable to the County Forester shall be planted, in accordance with the local tree plan if applicable.

### § 151.161 ENGINEERING REQUIREMENTS.

(A) *General.*

(2) The professional services required of the developer might include, but are not limited to, an architect, land surveyor, planner and engineer. The engineering services shall include not only preparation of plans and specifications but field staking and inspection certification in order to ensure the County Engineer that the completed project is in conformance with the approved plans and specifications.

(B) *Procedure.* When the development contract provides that the developer shall install any or all improvements, the following procedures shall be followed. When the county or township is to install all or part of the improvements, substantially the same procedure shall be followed, as appropriate, and any contractors employed by the county shall abide by these procedures.

(2) Developer shall submit ~~a erosion and sediment control plan~~ Stormwater Pollution Prevention Plan (SWPPP) and/or appropriate applications as required by the watershed district or Water Management Organization (WMO) to the governing body for review and approval, and to the watershed district, or similar agency, if one exists for review and, if required, approval.

(7) The developer's ~~contractor~~ contractor shall take out and maintain in full force for the duration of the contract the insurance designated below. Further, the contractor shall submit certificates of insurance coverage to the county. If any section of the work entails special hazards, the contractor shall provide riders to the public liability and property damage insurance to provide appropriate coverage.

(b) *Public liability and property damage.* The contractor shall take out and maintain during the life of the contract, public liability insurance and property damage insurance covering personal injury (as determined by the development contract), including death, and claims for property damage which may arise out of work or the work of his or her subcontractors, or by one directly or indirectly employed by either of them. ~~Limits for bodily injury or death shall be not less than \$300,000 for one person and \$600,000 for each accident. Limits for property damage shall be \$300,000 for each accident and \$600,000 for accidents during the policy period.~~

(c) *Automobile liability.* The contractor shall take out and maintain during the life of the contract, automobile liability insurance (as determined by the development contract) on all used in

connection with the contract, whether owned, non-owned, or hired, ~~public liability limits of not less than \$100,000 for one person and \$300,000 for each accident, property damage limit of \$100,000 for each accident.~~

(8) The developer may furnish and erect a project identification sign on the project site in a location to be approved by the county. The sign may be erected prior to construction and may remain until the development is complete. The sign shall be removed by the developer upon completion of the development. The sign shall meet the requirements of Chapter 154, Sign Regulations of the county zoning this code of ordinances.

(11) Upon completion of all the work required, the County Engineer and any other designated representative of the county, a representative of the township, a representative of the contractor and a representative of the developer's engineer, will make a final inspection of the work. Before the final payment is made to the contractor by the developer, all work shall be completed to the satisfaction of the County Engineer and in accordance with the approved plans and specifications, the developer's engineer shall submit a written statement attesting to same. Acceptance of said work shall be made by resolution of the County Board upon the recommendation of the County Engineer.

#### **§ 151.162 STANDARD PLANS.**

In order to standardize the construction and record drawings, the following set of guidelines were developed to make all plans or drawings uniform. The guidelines are to be adhered to insofar as they are practical, but may be altered by the Platting Officer depending upon the project.

#### **§ 151.163 ROADWAY AND UTILITY DESIGN REQUIREMENTS.**

(A) *Application.* The following standards are generally accepted design standards and in some cases are standards mandated by the state. These standards are applicable to the typical situation. However, there are situations where these standards may not be appropriate due to unique topography, environmental factors, or a non-typical development proposal. In response to these situations, other standards may be appropriate. These standards are to be deviated from only upon the approval of the County Engineer, and watershed district or Water Management Organization (WMO) as deemed appropriate.

(C) *Drainage facilities and erosion control.*

(1) *General requirements.* The following shall apply, in addition to the Stormwater Pollution Prevention Plan (SWPPP), watershed district or Water Management Organization (WMO), or similar agency, if one exists for review and, if required, approval. Detailed plans and calculations are to be submitted along with the road plans for all drainage works. The plans are to address the drainage for the entire area to be subdivided and demonstrate how the drainage related to the drainage of the surrounding lands. The drawings are to show location, capacity, type and size of any culverts and storm sewers or other drainage facilities. Storm water and sedimentation retention basins may be required.

(2) *Surface water runoff systems.* Surface water runoff systems are to be as follows:

~~(a) Design for ten-year storm frequency unless a greater frequency is required by the County Engineer.~~

~~(b)~~(a) Consider future expansion to undeveloped areas.

~~(e)(b)~~ Base design on current adopted comprehensive plan.

~~(d)~~ Provide energy dissipation such as surge basins, riprap and filter blanket or other approved devices where required by the County Engineer.

~~(e)~~ Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

~~(f)(c)~~ Minimum culvert size of 18 inches on rural sections.

(3) *Storm water retention and sedimentation ponds.* Storm water retention and sedimentation ponds are to be as follows:

~~(a)~~ Operational standards:

~~1.~~ Control the rate of discharge from the site after development so that it does not exceed the rate before development for all one year to 100 year frequency storms.

~~2.~~ Create proper detention times to allow for settlement of suspended materials.

~~3.~~ Baffle the outlet structure such that oils and other floating debris are skimmed and held in the pond.

~~(b)(a)~~ The pond or ponds are to be constructed with initial phases of site grading or road construction and are to be excavated one foot below finished bottom elevation for sediment storage during construction.

~~(c)~~ The pond side slopes are not to be steeper than a 3:1 grade and are to be restored by seeding with mulch or sodding. A three inch layer of topsoil shall be applied prior to seed or sod.

(4) *Erosion control barriers.* Erosion control barriers are to be as follows:

~~(a)~~ Erosion control barriers are to be installed at locations to prevent soil from leaving the site and polluting lakes, streams or adjacent land.

~~(b)~~ Barriers are to be installed prior to grading at locations approved by the governing body.

~~(c)~~ Barriers are to be silt fences, staked hay bales or straw bales reinforced with snow fence, erosion control fabric or other suitable devices. Barriers are to be maintained throughout the construction phase and removed after establishment of surface vegetation.

~~(d)(a)~~ The developer shall be responsible for maintaining barriers in a functional condition until such time as the barriers are deemed no longer necessary by the governing body.

(6) *Buildings adjacent to storage ponds.*

~~(a)~~ The lowest level of buildings within 500 feet of the ordinary high water level are to be 3 feet above the ordinary high water level of the pond.

~~(b)(a)~~ Buildings shall not be constructed within 50 feet of the 100-year high water level.

## FINANCIAL GUARANTEE

### § 151.175 FINANCIAL GUARANTEE.

(A) Escrow deposit or appropriate surety. An escrow deposit in cash, certificate of deposit, time certificate or other approved form, shall be made to the County Treasurer in the sum equal to 125% of the total cost as estimated by the County Engineer, including cost of inspection and legal and administrative costs incurred by the county, of all of the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been installed by the subdivider prior to the approval of the final plat. A separate guarantee shall be required by the subdivider as part of Chapter 153, Water Resource Management to ensure erosion and sediment control and installation of practices intended to meet the filtration/bioretenion/infiltration requirements.

~~(B) Letter of credit. In lieu of division (A), the subdivider may furnish the county with a letter of credit from a financial institution providing authorization and guarantee to the county that the county may draw on the subdivider's account amounts not to exceed the required financial guarantee. The required financial guarantee shall be the sum equal to 125% of the total cost as estimated by the County Engineer, including the cost of inspection by the county, of all of the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to the approval of the final plat. The letter of credit shall be irrevocable, and shall provide for 30 days' notice to the county and approval by the county of any change, amendment, or termination. The letter of credit shall be accepted as a financial guarantee only after review and approval by the County Attorney and other appropriate staff and the County Board. The letter of credit shall be held by the County Treasurer.~~

~~(B)~~ (B) In lieu of divisions (A) or (B) guarantee, the agreement between the county and the subdivider may provide that the county and/or township shall provide the engineering services and construct all or any portion of said improvements and that payment for said improvements will be made to the county as follows:

(1) Prior to final plat approval, the county may require payment to the county in cash, certified check or cashier's check in an amount of at least 125% of the total estimated cost of said improvements, exclusive of amounts provided in division ~~(C)~~(B)(2).

(2) The remainder of the total cost thereof shall be assessed against the benefitted property as determined by the county and shall be payable in equal annual installments of not to exceed five such annual installments. ~~In the event the county shall issue its bonds to cover the remaining cost of said improvements, the annual installments of assessments shall be such that the last installment shall be collected by the county in the same year that the bonds issued for said improvement mature.~~ Assessments on any lot, which are not fully paid at the time of transfer, shall be paid in full on or before such time of transfer, or transferred to the new owner.

~~(C)~~ (C) However, depending upon economic conditions, the total amount of improvements requested, the area of land to be subdivided, ~~the amount of money the county must borrow to pay for the cost of construction under such agreement~~ and any other relevant factors, the county shall determine what portion, if any, of said improvements may be installed; and constructed and paid for under the terms of this provision.

**SECTION 2.** Strikethrough signifies deleted language and underline is new language. The existing language of §§ 152.077 (B) and 152.080(C)(4) shall be repealed and replaced in its entirety with the new Interim Uses language provided below. The specified sections of Chapter 152, the Carver County Zoning Code, shall be amended as follows:

## GENERAL PROVISIONS

### § 152.006 ZONING DISTRICTS AND MAPS.

(B) *Maps.* The boundaries of the above districts are hereby established as shown on the maps entitled “Carver County Zoning Map,” and the flood insurance rate maps dated 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 January 86, 1988, and as modified by the January 29, 2004 Letter of Map Revision (LOMR) or most recent updated version and the water surface profiles and flood boundary and floodway maps and flood insurance rate maps therein and the preliminary Digital Flood Insurance Rate Map (DFIRM) flood insurance study 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 Boundary and Floodway Maps and Flood Insurance Rate Maps, dated January 86, 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. 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, based on 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 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 Clerk~~ Auditor.

**§ 152.007 ROAD CLASSIFICATIONS.**

Road classifications shall be as designated on the ~~“Future Functional Classification Plan” in the Transportation Element of the Carver County 2020-30 Comprehensive Plan.~~ Future Functional Class Map of the Carver County Roadway Systems Plan.

**§ 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 nonhomestead 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 percent 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 percent of its estimated market value, as indicated in the records of the county assessor at the time of 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 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent 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.

**§ 152.010 DEFINITIONS.**

***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.

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

***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.



**BUILDING SITE.** A parcel of land exclusive of all easement and setback requirements with the following characteristics: (1) One acre in size with no dimension less than 630 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 seasonal high water table-periodically saturated-soil or other limiting factor and the surface of the soil in its original, natural state as shown on the Carver County Soil Survey.—This separation shall be demonstrated by the submission of soil borings, from a licensed SSTS designer identifying both a primary and secondary (alternate) individual sewage treatment SSTS site as required in Chapter 52 the various sections of this chapter. A competent professional such as an engineer or soil scientist may certify that soil on a site meets the minimum criteria as a buildable soil. The areas identified for on-site sewage treatment sites may be included in the area utilized to obtain the one acre minimum building site.

**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.

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

**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, sewer SSTS installation, or who has two or more trucks used for hauling or transport or to supply a property maintenance service.

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

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

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

**GROUND SOURCE HEAT PUMP SYSTEM.** A system that uses the relatively constant temperature of the earth of 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.

**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 Minnesota Rules, Chapter 7080 and 7081.

**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.

**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.

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

**LOT AREA PER UNIT.** The number of square feet or lot area required per dwelling unit.

**LOT THROUGH.** A lot which has a pair of opposite lot lines abutting two substantially parallel streets and which is not a corner lot.

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

**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.

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

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

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

**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.

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

**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.

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

**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.** 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.

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

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

**WIND ENERGY CONVERSION SYSTEM (WECS).** A device such as a 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 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.

### STANDARDS

#### § 152.027 WATER MANAGEMENT, EROSION AND SEDIMENTATION CONTROL.

(A) All activities conducted pursuant to this chapter, including activities that involve grading, filling, or excavation, shall comply with the Carver County Water Plan and Water Rules. If one is more restrictive, then the more restrictive shall apply.

#### § 152.032 UNLICENSED/INOPERABLE/MOTOR VEHICLES OR ACCUMULATION OF LICENSED MOTOR VEHICLES.

No more than a total of two unlicensed, and/or inoperable motor vehicles shall be kept or stored outside a building in any district unless specifically permitted by this chapter or a CUP. On properties less than 1 ½ acres in size an accumulation of more than 5 licensed vehicles located outside a building is prohibited. For the purposes of this section motor vehicles shall include, but are not limited to, cars, trucks, semi tractors and/or semi trailers, boats, motorcycles and recreational ~~camping~~ vehicles, regardless of whether said vehicle has a motor.

#### § 152.033 LOT REQUIREMENTS.

(D) *Road frontage, lot width and depth.*

(2) *Minimum width.* ~~One hundred twenty-five~~ 125 feet with 125 feet of frontage on a public road existing at the time of application; or the minimum width required to maintain width to depth ratio, whichever is greater. The minimum width must be maintained for the entire depth of the lot except where the lot is located on a cul-de-sac.

(E) Lot configuration.

(4) Lot shall be configured so that there is an site area that can be utilized for an second on-site sewer system alternate SSTS.

#### § 152.034 SETBACKS.

(D) ~~Bluff Exemptions.~~ Lots and building sites that were approved with a 50-foot bluff setback requirement by plat, minor subdivision, CUP, variance or a similar action, on or before April 1, 2002, shall be exempt from the 100-foot bluff setback standard but shall continue to be subject to the 50-foot bluff setback.

(E) *Table of setback requirements.* All structures unless exempted above; and signs and parking areas near a public right-of-way:

Bluff Setback--All Structures and ISTS	All Districts	Structures-- <del>100</del> 50 feet; 100 feet for actively eroding bluffs		
Front Setbacks		The front setback shall be required from any public road or private road serving the function of a public road. Front setbacks are measured from the center of the road. R-O-W shall be the assumed <u>typical planned</u> right-of-way.		
<i>Class of Road as Shown in 2020 Comp. Roadway Systems Plan</i>	Setback from centerline	Reduced Setback*	R-O-W	Reduced R-O-W
<i>Parking Areas shall not be located in the assumed R-O-W specified in this chapter for the road classification</i>				
<i>Signs 10 feet from the actual road right-of-way unless R-O-W is 66, then setback 43 feet from road centerline</i>				
NOTICE: The ISTS <u>regulations, Chapter 52</u> , and <u>feedlot management regulations, Chapter 54, sign regulations, Chapter 154</u> of this code of ordinances and <u>water rules</u> contain setback provisions that may affect the placement of buildings and structures. All setback provisions of those <u>ordinances chapters</u> must be maintained.				

**§ 152.035 INDIVIDUAL SUBSURFACE SEWAGE TREATMENT SYSTEM (ISSTS) STANDARDS.**

(B) *Standard for new systems.* Permits shall be issued, building eligibilities granted, or a site shall be considered suitable for the construction of new residences or other activities requiring sewage treatment by ~~individual sewage treatment system~~ a SSTS only on land that has a minimum of 12 inches of separation between the ~~seasonal high water table~~ periodically saturated soil or other limiting factor and the surface of the soil in its original, natural state. This separation shall be demonstrated by the submission of soil borings, provided by a licensed ~~ISSTS contractor designer~~, identifying a primary and ~~secondary (alternate) treatment SSTS site~~ as required in Chapter 52 of this code of ordinances.

(C) *New lots.* New lots less than 20 acres which are intended for a land use which will require an ISSTS shall not be created unless a plan showing two soil treatment sites, a primary site and alternate site is submitted. Suitability of the sites shall be documented by the submission of a soil borings ~~report for each site~~ by a licensed SSTS designer. The plan shall clearly show the location of both the primary and ~~secondary alternate SSTS sites.~~ Lots of 20 acres or more shall contain at least 2 acres of soils that will

accommodate an ~~standard~~ ISSTS that meets Minnesota Rules, Chapter 7080, based on the ~~soil map~~ Carver County Soil Survey. The Department after consultation with the Environmental Services Department may require the identification of two soil treatment sites as provided for lots of greater than 20 acres.

(D) *New lots containing existing uses.* New lots which contain an existing land use required to utilize an ~~ISSTS~~ shall not be created unless the existing ~~system~~ SSTS is issued a certificate of compliance or a guarantee is provided that ensures the issuance of a certificate of compliance within 10 months of the application approval date or the time required by ~~the ISSTS regulations~~ Chapter 52 of this code of ordinances, whichever is more restrictive. Lots of less than 20 acres shall submit a plan with soil borings for an ~~secondary (alternate) soil treatment~~ SSTS site. The plan shall include a soil boring report for the site, which has been prepared by a licensed ~~ISSTS~~ contractor. A certificate of compliance and a ~~secondary alternate~~ SSTS site shall not be required when the lot is the result of a land exchange for purposes of correcting errors in legal descriptions, changing legal descriptions to reflect lines of occupation, or the attachment of land to an existing parcel to provide land to accommodate an ~~ISSTS~~ upgrade or to bring a nonconforming lot into conformity. For the purpose of this section, a new lot shall be any parcel, parent parcel, or remnant parcel created as the result of a minor subdivision or plat application, pursuant to Chapter 151 of ~~the County Code~~ this code of ordinances.

(F) *Protection of primary and secondary (alternate) treatment SSTS sites.* On parcels where a ~~treatment~~ SSTS site plan has been submitted, the primary and alternate sites shall be protected from activities that may render the sites unsuitable for future ~~treatment site~~ SSTS use. The sites shall be staked and flagged so they are clearly identified. The sites shall not be disturbed and shall be left in its their natural state until the ~~treatment system~~ SSTS is constructed. No buildings shall be erected on the sites nor shall the sites be used for parking vehicles. Heavy equipment must be kept off the sites and no trees shall be planted on the sites. If a either site has been disturbed or rendered unusable a plan including soil borings identifying a new SSTS site(s) shall be submitted.

(G) *Permit review.* All permits that include activities that may affect the ability to locate an ~~secondary treatment~~ alternate SSTS site on a parcel shall be reviewed to ensure that a feasible ~~secondary alternate~~ SSTS site is preserved. The Department, in consultation with the Environmental Services Department, may require soil borings to identify a suitable ~~secondary treatment~~ alternate SSTS site.

(H) *Temporary uses.* Temporary uses, such as construction and similar activities, and other uses permitted pursuant to this chapter which may exist for a short period of time and have a number of people on the premises that cannot be accommodated by an existing ~~system~~ SSTS may be required to provide additional auxiliary sanitary facilities.

### **§ 152.037 HEIGHT REGULATIONS.**

(B) *Height limitations; exceptions.* The maximum height as stated above shall be increased to 100 feet for the following: belfries, church spires and steeples, cooling towers, flagpoles, smokestacks, water towers, ~~towers for windmills, wind generators,~~ farm accessory structures and similar structures. The structure shall be located at least the height of the structure plus 10 feet from any lot line. Structures in excess of 100 feet shall be permitted only upon issuance of a Conditional Use Permit CUP. For a structure of 200 feet or more in height, the procedures of Minnesota Rules 8800.0100 through 8800.1200, as they may be amended from time to time, shall be observed. Wireless Communications Facilities are regulated by §§ 152.052 and 152.056. Renewable energy facilities are regulated by § 152.039.

### **§ 152.038 PARKING STANDARDS.**

(A) General Provisions.

(6) Location.

(a) In all zoning districts, any off-street parking space shall not be designated within the assumed actual or prescriptive road right-of-way, whichever is greater.

**§ 152.039 RENEWABLE ENERGY.**

(A) Wind Energy Conversion System (WECS).

(1) Permitted use. Structures 100 feet or less in height are permitted in all districts with the issuance of a building permit. Structures greater than 100 feet in height shall be permitted only upon issuance of a CUP.

(2) Height regulations. The maximum height for WECS shall be 100 feet above ground level (AGL), including appurtenances. The height of a tower shall be measured from the base of the structure to the furthest tip of the rotor blade. Towers shall be located at least the height of the structure plus 10 feet from any lot line. Towers in excess of 100 feet shall be permitted only upon issuance of a CUP. For a structure of 200 feet or more in height, the procedures of Minnesota Rules 8800.0100 through 8800.1200, as they may be amended from time to time, shall be observed.

(3) Color and finish. All towers shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.

(4) Lighting. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.

(5) Discontinuation. A WECS shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the Department outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed within 90 days of the discontinuation of use.

(6) Noise. All WECS shall comply with Minnesota Rules 7030, as amended, governing noise.

(7) Electrical codes and standards. All WECS and accessory equipment shall comply with the electrical code and other applicable standards.

(B) Solar Energy System (SES).

(1) General Provisions.

a. All SES shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the Minnesota State Electric Code, as amended.

b. Setbacks. SES shall meet the structure setback requirements.

c. Approved Solar Components. Electric solar system components shall have an

Underwriters Laboratory (UL) listing.

- d. Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- e. Application. An application to the County for a permit under this section is not complete unless it contains the following:
  - i. Site plan of existing conditions.
  - ii. Site plan of proposed conditions.
  - iii. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
  - iv. The number of panels to be installed.
  - v. A description of the method of connecting the array to a building or substation.
  - vi. A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary.
  - vii. A decommissioning plan to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

(2) Activities.

a. Small SES.

- i. Permitted use. Small SES shall be permitted on parcels with an existing single-family home.
- ii. Height. Building or roof-mounted SES shall not exceed 35 feet. Ground- or pole-mounted SES shall not exceed 15 feet in height when orientated at maximum tilt.
- iii. Maximum coverage. Roof or building mounted solar systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted.

b. Large SES.

- i. Conditional use. Large SES shall be permitted with the issuance of a CUP pursuant to § 152.079.

ii. Standards.

1. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
2. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exceptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

(C) Biomass.

(1) General Provisions.

- a. All biomass systems shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the Minnesota State Electric Code, as amended.
  - b. All components of biomass systems shall meet the structure setback requirements. Increased setbacks may be required as part of a CUP.
- (2) Permitted Use. Biomass systems shall be permitted on parcels with an existing single-family home provided installation is solely used by/for home/farmstead.
- (3) Conditional Use. Biomass systems not used in conjunction with an existing single-family home pursuant to § 152.054 D.

**§ 152.040 OPERATIONAL STANDARDS.**

(B) Uses permitted in the various districts, conditional and accessory uses, shall conform to the following standards:

(8) Screening. The screening of activities conducted under a conditional use permit, interim use permit or variance issued under this chapter may be required as a condition of a permit or variance to break up the visual profile in an aesthetically pleasing manner. The type and extent of screening shall be shown on a landscaping plan submitted determined during as part of the permit or variance process. If a fence is to be used as screening, the fence shall be between six feet and eight feet in height and shall be at least 50% opaque. Plantings may be utilized for screening purposes provided the plantings are of a type that will attain six to eight feet in height and 50% opacity throughout the year within two growing seasons after planting. Screening shall not be placed across an easement.

***ESSENTIAL SERVICES***

**§ 152.050 SCOPE.**

(B) An essential service would typically fall into one or more of the following categories of activities:

(1) *Governmental uses, buildings, and storage.* Governmental services such as office buildings, garages, temporary open space, open storage when not a principal use, fire and police stations, parks and



recreational areas, training centers, correctional facilities or other essential uses proposed by federal, state, county, local, special districts, and school districts; ~~except that schools shall not be permitted under this provision.~~

**§ 152.051 PERMITTED USES.**

(B) Towers and antennas ~~less than~~ 100 feet in height above ground level (AGL) or less, which are not wireless communications facilities. These facilities, including, but not limited to, television, CB radio, farm and business communications, and wind generators are permitted upon the issuance of a building permit provided the structure is located a distance at least the total height of the structure plus ten feet from any lot line;

**§ 152.054 PUBLIC/QUASI-PUBLIC FACILITIES.**

(B) Schools. Schools and related facilities provided they have the approval of the State Department of Education;

(D) Waste management facilities.

(8) The permit shall be subject to compliance review. ~~Compliance review shall typically occur during the same month as county license renewal;~~

***“A” AGRICULTURE DISTRICT REGULATIONS***

**§ 152.071 ANIMAL AGRICULTURE.**

(F) The establishment of a new feedlot of 50 or more animal units on a parcel of less than 40 acres shall require the issuance of a conditional use permit pursuant to this chapter. For purpose of this section, the following shall not be considered new feedlots (that is, existing): All feedlots included in the 2010~~2~~ County Feedlot Registration provided they have not been abandoned or unused for a period of 12 months or more.

**§ 152.072 BUILDING ELIGIBILITIES.**

(C) *Lot of record building eligibilities.*

(1) The lot of record has a minimum of 33 feet of frontage on a public road, can meet all required setbacks in this chapter and can accommodate an ISSTS including a primary and alternate ~~treatment~~ SSTS sites; or

(G) *Transfer of 1/40 building eligibilities.*

(2) The transfer of a building eligibility shall occur only between adjacent parcels; and between non-adjacent parcels, if that option is provided for in the township chapter of the comprehensive plan, and the sending and receiving parcels are located within the same township and taxing district;

**§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.**

(C) Home occupations.

(6) Any additional need for parking generated by the home occupation shall be met by off-street parking. The parking area shall be limited to three spaces and shall not be located within the ~~required setbacks-actual or prescriptive right-of-way~~;

(12) The home occupation shall not generate sewage of a volume, nature or type that cannot be treated by a ~~permitted on-site sewage system-certified (ISSTS)~~;

(D) Decorative landscaping features provided the item is incidental to the primary use of the property which requires grading, excavating and filling of less than 400 cubic yards of material for one project.

(I) Roadside stands less than 120 square feet for the sale of horticultural products grown on the premises or grown by the owner of the roadside stand, on a seasonal basis, provided sufficient off-street parking is available. "Pick your own" sites with an operational area accessed by the public two acres or less in size shall be considered a roadside stand in this section, provided sufficient off-street parking is available and approval from the road authority is received.

### **§ 152.074 ACCESSORY USES AND STRUCTURES REQUIRING AN ADMINISTRATIVE SPECIAL USE PERMIT.**

#### *(A) General provisions.*

(8) Any permit issued under this section is issued to the applicant for the parcel named in the permit only and is not transferable to another parcel of property or to another owner of the parcel for which the permit was issued. The Department has the authority to revoke and enforce the permit.

#### *(B) Activities requiring a special use permit.*

(3) Driveway construction and associated land preparation prior to issuance of a residential building permit provided a building eligibility is available.

(a) A survey of affected property lines shall obtained, at the property owner's expense, and submitted to the Department when project is within ten feet of a property line.

(4) Grading, excavating, or filling of 400 cubic yards or more but less than 10,000 cubic yards for one project including, but not limited to landscaping, excavation, site preparation for building and similar activity and land improvements.

(a) A survey of affected property lines shall obtained, at the property owner's expense, and submitted to the Department when project is within ten feet of a property line.

(7) Contractors' yards existing prior to January 1, 1989 are allowed to remain but not expand, pursuant to a Certificate of Compliance provided the applicant submits verifiable proof that his or her contractor's yard was in existence on the date. ~~The following additional criteria also apply to this section: (a) Employees (except office employees) report to the site only for the purpose of picking up equipment and supplies or for general equipment maintenance. An office may be maintained on the site either in a storage building or in the home. The maximum number of office employees in addition to family members residing in the residence on the site shall be two. (b) Supplies stored on site are those used during the ordinary course of the construction business. The building or storage area shall not be used as a warehouse. Outside storage is to be substantially screened from view of the road, any neighboring residences and a lake if the storage area is in the Shoreland Overlay District. Screening shall be in accordance with the operational standards. A maximum of 25% of the area of the contractor's yard parcel~~

~~of land may be used for screened outdoor storage. (c) The size of a contractor's yard storage building shall be limited by the size of the parcel of land. A building of 100 square feet per tenth acre (example - 3.2 acres = 32 tenths acres x 100 square feet = 3,200 square feet for a 3.2 acre parcel) will be permitted with the maximum size being 5,000 square feet even for parcels larger than 5 acres. Only one contractor's storage building will be permitted. If more space is needed additions must be made to existing buildings up to the maximum size permitted. (d) Applicant must submit a certificate of workers compensation insurance or proper affidavit.~~

(9) Temporary home or emergency dwelling. An interim home or emergency dwelling (such as, travel trailer) may be temporarily located on a parcel for the purpose of housing the property owners while they are constructing a permanent home provided:

(a) Temporary homes require the following:

1. The property owner must obtain building and ~~on-site-sewer~~ SSTS permits for construction of a permanent home.

3. An ~~on-site-sewer system~~ SSTS must be installed in accordance with Chapter 52 of this code of county ordinances prior to occupancy of the temporary home;

(b) Emergency dwellings require the following:

2. The landowner is in the process of obtaining building and ~~on-site-sewer~~ SSTS permits (if needed) for the construction or repair of the permanent home;

(10) Roadside stands less than 120 square feet for the sale of horticultural products grown on the premises or grown by the owner of the roadside stand, on a seasonal basis, that has a "pick your own" component with an operational area accessed by the public greater than two acres in size, provided sufficient off-street parking is available.

## § 152.078 CONDITIONAL USES-ADDITIONAL DENSITY OPTIONS.

*(A) General Provisions.*

(2) *Limitation on density.* No more than ~~four~~ 4 homes shall be located on a quarter-quarter section (40 acre parcel) based on the configuration of the parcel on July 1, 1974; homes subdivided from a parcel prior to July 1, 1974 shall not be considered in this calculation. In cases where the land does not follow the quarter-quarter section configuration, the shape most nearly approximating a quarter-quarter section containing 40 acres shall be used. The Conservation Incentive, pursuant to subpart (E) of this section, shall allow for flexibility in the 4 homes per 40 acre parcel determination.

(3) *Limitation on use of density options.* The issuance of a conditional use permit pursuant to "wooded and lakeshore lots" ~~or~~, "high amenity" or "conservation incentive" provisions is prohibited on any parcel that was of record as of July 1, 1974 or any parcels derived therefrom, if at any time since December 7, 1982 a conditional use permit was issued or a rezoning occurred which provided residential density greater than that provided by the basic one per 40 or one per quarter-quarter section provisions of this chapter.

*(B) Wooded and lakeshore lots.*

(4) Additional criteria for wooded lots:

(a) Each lot shall contain at least 2½ acres of land that meets the criteria for eligible land. Wetlands or non-wooded steep slope (12% and over) land may be added to the lot. These lands shall not be considered wooded and shall not be counted as part of the 2½ acres of wooded land needed to qualify as a wooded lot. There may be one area of ~~approximately up to ¼~~ 1 acre on each lot that does not contain evenly distributed trees and is suitable for the placement of the home, primary and alternate SSTS in accordance with Chapter 52 of this code of ordinances, and a detached accessory structure.

(C) High amenity areas.

(2) Eligible land:

(a) Land considered wooded, wooded pasture and similar areas not in agricultural production with soils suitable for ~~on-site sewer~~ an SSTS (land that is not in production because of a state or federal program is considered production land); or

(3) General Criteria

(g) The high amenity building sites are to be considered residential lots, not agricultural parcels. The minimum lot size shall be ~~two and one-half~~ 2 ½ acres and able to accommodate a minimum ~~one~~ 1 acre building site having at least two ~~on-site sewer systems~~ SSTS (primary and alternate), a house, garage, and detached storage structure, while maintaining all required setbacks. The maximum lot size shall be ~~five~~ 5 acres except for unusable lands being attached to individual lots, as determined to be necessary during the permitting process.

(E) Conservation Incentive.

(1) This section provides an opportunity for landowners to protect, preserve, enhance, or restore natural resources on their property in exchange for one or more additional building eligibilities. Density shall be a maximum of 4 homes per 40 acre parcel as defined by the CUP with the intent to provide flexibility with the configuration of the quarter quarter or 40 acres. However, it is not the intent of this provision alone, or in combination with the other density options, to provide for the development of the land generally at a 1/10-4/40 density; nor is it the intent of this provision to generate exclusively large lot subdivisions, such as dividing a 40 acre parcel into 4, 10 acre lots.

(2) Eligible land:

(a) A minimum of 30 acres that can support the proposed conservation activity, ag land preservation and clustering of homes as defined by the CUP; and

(b) Land that has received another permanent incentive is not eligible for the conservation incentive. Land that is receiving a temporary incentive is not eligible until the temporary incentive period has ended; and

(c) The Conservation Incentive is available only in Townships that provide for it in their chapter of the Comprehensive Plan.

(3) General Criteria:

(a) The minimum lot size shall be 1 ½ acres.

(b) Lots should either be small and clustered or 20 plus acres to support a farming activity.

(c) Conservation activity shall generally require 10 acres for a building eligibility and may consist of a combination of one or more of the following: permanent preservation, restoration, or enhancement of: Wetlands, Forest or Woodlands, Prairie, Bluffs, or Shoreline. In determining the number of additional building eligibility(s) to be granted, the proposed conservation activity shall be evaluated using a guide developed by the Department which may include, but is not limited to, the following criteria: natural resource assessment priority, size of easement/area preserved, public use value, value of restoration proposed by landowner, restoration plan submitted by landowner, adjacent to other protected land, adjacent to protected water or wetland, adjacent to impaired water, and unique characteristics. The guide will be provided at the time of application or upon request.

(d) Preference will be given to subdivision plats that include the natural area to be protected with a conservation easement as a separate platted outlot, rather than covering portions of individual lots.

(e) If at all possible, long term agricultural land should remain in large, farmable parcels.

(4) Additional Criteria:

(a) A conservation easement proposal shall be submitted for review by the Department, SWCD, affected township and any other agency deemed appropriate. The proposal shall identify the qualified conservation easement holder; easement terms and restrictions; any land management, monitoring and enforcement responsibilities; and maintenance plans which shall include, but are not limited to: a description (inventory) of baseline conditions, a schedule of maintenance activities, identification of roles and responsibilities as well as funding sources. The schedule of maintenance activities shall be appropriate to sustaining the type and quality of the plant community existing at the time of dedication or pertaining to the establishment and maintenance of the target plant community determined by the restoration assessment.

(b) Conservation easement areas must be shown on the preliminary plat. Easement documents must be recorded simultaneously with the final plat.

**§ 152.079 CONDITIONAL USES—ACTIVITIES CENTERED AROUND A HOME OR A HOME/FARM COMBINATION.**

(C) Activities.

(9) Home extended business accessory use.

(b) The following shall be the minimum conditions/operational standards for the issuance and continuation of such a permit; additional conditions may be added as necessary:

~~(1) Requirements for The business location: the business shall not be located on a residential lot in a platted area; it shall not be located on a lot of less than five acres where there are three or more lots of less than five acres that are adjacent to each other; and it shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.~~

(10) Contractor's yards.

~~(b) The operational area is not located within 500 feet of ten or more homes or the residential~~

~~parcels of a platted area existing prior to location of the business on the site and if a new lot is created not more than two acres can be SCS Class I or II land. The business shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.~~

**§ 152.080 CONDITIONAL USES—LARGE SCALE ACTIVITIES WITH UNIQUE LAND OR LOCATION NEEDS.**

(A) Minimum criteria for issuance.

(3) Sewage can be managed in accordance with Chapter 52 of this code of ordinances. ~~The county may require design by a registered engineer.~~

(C) Activities.

(8) Agricultural activities with a retail component, exceeding the scope of an accessory use or administrative special use permit, subject to the following criteria: (a) 90 % of the products offered for sale shall be grown on-site. (b) Sufficient off-street parking must be provided.

**§ 152.081 INTERIM USE PERMIT (IUP).**

The County may authorize an interim use of a property by means of an IUP. These interim uses may be utilized in a temporary manner as approved by the County Board. In reviewing the interim use permit application, the County will establish a specific date or event that will terminate the use of the property. In granting an IUP, the County Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission and County Board shall make the following findings where applicable:

(A) General Provisions.

(1) The use conforms to the zoning regulations;

(2) The date or event that will terminate the use can be identified with certainty;

(3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future;

(4) The user agrees to any conditions that the governing body deems appropriate for permission of the use;

(5) Any interim use may be terminated by a change in zoning regulations.

**§ 152.082 INTERIM USE PERMIT—AG DISTRICT.**

(A) Minimum criteria for issuance.

(1) If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

(2) The activity conforms to all other county ordinances, state, and federal regulations.

(3) Minimum five acre lot size; unless another size is specified under a particular provision.

(4) Waste generated shall be treated in accordance with Chapter 52 of this code of ordinances. The county may require design by a registered engineer.

(5) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.

(6) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads or streets, can be accommodated within the context of the service levels available in the commercial agricultural area. Adequate water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.

(7) The operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs--traffic capacity or roads, waste disposal or management, fire or police protection, sewage treatment and dispersal--that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions.

(1) Permit shall be subject to administrative review or compliance review as set by the permit.

(2) The operational plan and site plan shall become part of the permit.

(3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.

(4) The applicant must submit a copy of workers compensation insurance or sign an affidavit stating that he or she will not have any employees.

(5) All buildings used in the operation must meet the State Building Code.

(6) The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.

(7) The date or event that will terminate the use shall be identified.

(C) Activities.

(1) Mining and/or land reclamation involving 10,000 cubic yards or more (allowed in AG Preserve if the principal use remains ag and restoration is suitable for farming):

(a) The permit shall be issued only upon findings that:

1. There is no substantial environmental impact or that the impact will be alleviated

through a restoration program and other condition of the permit;

2. The activity will have no substantial adverse impact on surrounding property or that the impact will be alleviated through the conditions of the permit;

(b) Each permit shall contain the following minimum standards unless modified by the County Board, and all activities shall conform to these and any additional standards:

1. General operating requirements must address operating hours, dust control, housekeeping, safety and specifying compliance review.

2. Minimum requirements for the operation.

i. Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.

ii. No non-granular material shall be removed unless the permit is specifically for such an operation.

iii. Vertical faces shall be kept to a minimum except during actual mining.

iv. Mining shall not take place within 50 feet of a property line. All slopes at property lines shall maintain a 2.5:1 slope or flatter. The setback from the assumed road right-of-way shall be a minimum of 50 feet. The setback from all homes shall be a minimum of 500 feet, excluding the residence of the mine owner and/or permittee. The setback from a bluff shall be a minimum of 100 feet.

v. The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation. The Board may order the exclusive use of white noise beepers on trucks and equipment utilized on the site.

vi. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

vii. The maximum permitted operational area for mining shall be 35 acres. Only one active IUP for mining is allowed for a parcel.

viii. Stockpiles in excess of 1,000 cubic yards shall not be located within the Floodplain Overlay District.

ix. Any mining within 300 feet of a Class 3 through 8 wetland must include a plan to improve public value(s), in conjunction with any Wetland Conservation Act requirements.

x. A mandatory traffic study shall be prepared by a licensed engineer.

xi. The operation must comply with applicable watershed management rules.

3. Site/operational plan. A plan shall be drawn on both a 1 inch = 200 feet half section map and a 1 inch=200 feet aerial plat showing at a minimum the operational area, mining area, phasing of mining, erosion control measures or structures, restoration areas, type of restoration, and staging of restoration, any areas where mining will be below the water table or result in standing water.



4. Reclamation plan. A reclamation plan must include the grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and an end use plan for final site restoration. The operator and owner must follow the reclamation plan approved by the County Board. The following minimum standards and conditions apply:

i. The peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No graded slope shall exceed a 5:1 ratio (20%). The final grade slope shall commence at the setback. Berms will be removed to the original elevation of the land, unless the Board has approved a different elevation as part of the end use plan. Restored slopes must be 8:1 or flatter within 500 feet of the top of a bluff.

ii. Excavated, graded or back-filled areas shall meet the following requirements:

A. All materials used for back-filling in any area of the reclamation shall be free of all contaminants and shall be non-noxious, non-flammable and non-combustible.

B. The graded or back-filled area shall not collect or permit stagnant water to remain therein, unless there is an approved ponding area or wetland restoration or creation.

C. Such graded or back-filled area shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least four inches, and seeded or sodded.

D. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.

iii. Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.

iv. Soil restoration, seeding and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage and staging areas within each phase.

v. Soil erosion and sedimentation control measures shall be consistent with MPCA's publication entitled "Protecting Water Quality in Urban Areas."

vi. Unless otherwise amended or approved by the county, all final grades and site restoration efforts shall be consistent with the reclamation plan.

vii. When the end-use is some form of open space, the type of vegetative regrowth must provide appropriate habitat for wildlife consistent with the form of end-use.

viii. The end-use plan shall consider the safe use of the property. The end-use plan shall be consistent with the Comprehensive Plan and the zoning ordinance.

ix. Within nine months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, stock piles of extracted mineral materials and debris shall be removed from the subject property.

x. For each phase, within nine months after completion of mineral extraction for that phase, reclamation must be completed. If the permit is terminated earlier, reclamation must be completed within nine months after termination.

xi. Soil and Water Conservation District and watershed review and recommendations. As a part of the original application for a interim use permit, the applicant shall submit grading plans, phased reclamation plans and water control plans to the Carver County Soil and Water Conservation District and to the governing bodies of the watersheds for review and recommendations. Said recommendations on the phased reclamation, grading, soil and water retention plans may be included as conditions of the IUP. The permit may require reforestation. Reforestation requirements shall be based on the recommendation of the Natural Resources Conservation Service and/or the DNR Forester.

5. Performance securities and insurance.

i. The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance.

ii. A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the county for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit.

(2) Temporary Manufactured Homes (allowed in AG Preserve).

(a) General Provisions:

(1) Location. Temporary manufactured homes shall be located on the same site as the principal residence. The manufactured home shall be located so that land that was in crop production is utilized only to the extent that it is necessary to meet other requirements and provide a feasible location.

(2) Removal. At such time as a temporary home ceases to be occupied as required, the home shall be removed within 120 days of the cessation of the required occupancy and no other occupancy shall occur.

(3) Temporary manufactured homes shall not be made a permanent structure. The manufactured home shall not be greater than 20 feet in width nor shall an existing manufactured home be replaced with a structure greater than 20 feet in width. Additions other than decks or steps shall not be made to a manufactured home.

(4) The applicant shall demonstrate a need to provide the housing.

(5) Temporary manufactured homes shall use the existing well.

(b) Farm workers. A manufactured home 20 feet or less in width may be temporarily located on a parcel of 80 acres or more for the purpose of housing farm workers. The parcel must contain one permanent dwelling unit occupied by the owner or operator of the farm and must have one unused residential building eligibility for each temporary home. If the manufactured home is to be located on a parcel with one permanent dwelling, the occupant of the manufactured home must work a minimum of 20 hours per week in the agricultural operation. If the manufactured home is to be located on a parcel with a

permanent home and either a farm-related permanent home or a farm-related manufactured home pursuant to this section or “farm related” or “temporary mobile homes” under previous ordinances, then the occupant of the manufactured home must work at least 40 hours per week in the agricultural operation.

(c) Elderly/Special Needs Parent/Grandparent. A manufactured home 20 feet or less in width may be temporarily located on a parcel in order to accommodate parents or grandparents with special needs. The parcel must be at least five acres with one permanent dwelling. The elderly or special needs parent or grandparent may occupy either the temporary or permanent home. The principal occupant of each home shall be specified by name in the permit.

(3) Reoccurring Special Events (allowed in AG Preserve)

(a) Gatherings or events conducted on an annual or periodic basis, typically one or two days in length, which are open to or accessible by the public.

(b) General provisions:

(1) Pre-event meeting shall be held with the Department to discuss application.

(2) Appropriate road authority shall review and approve the application.

(3) Sherriff’s Office shall review the application related to safety and traffic control.

(4) Performance security and/or liability insurance certificate may be requested as part of the application. The decision regarding sureties and insurance would be subsequent to consultation with the County Risk Manager and/or a County Attorney.

(5) Applicant must comply with the conditions attached to the permit for the reoccurring event.

(4) Home Occupation Detached Structure (allowed in AG Preserve)

(a) IUPs may be issued for the adaptive re-use of detached accessory structures existing prior to January 1, 2010. Permits pursuant to this section may provide for expansion of the operation however, the IUP would need to allow for easy conversion to a personal accessory use. The following criteria must be met in order to qualify for this provision:

(1) The lot shall be a minimum of 2 acres in size;

(2) The structural condition of the building is determined to be sound and not in need of major repair or rehabilitation;

(3) The building is of a size, type of construction, or configuration that it is reasonable to expect that it can be efficiently or economically used as an accessory to the principle use.

(4) The use shall comply with the home occupation standards pursuant to this chapter, with the exception of the detached accessory structure.

(5) The business shall be located at least 200 feet from neighboring residences, not on the same parcel of property, existing at the time of application for the permit.

(5) Recreational, educational, and institutional activities that require a location in a rural area because of a need for seclusion or a natural setting or a large area of land and do not require a permanent or significant structure(s) subject to the following criteria:

(a) No more than 20% of the land utilized for the activity shall have been shown to be SCS Class I or II land under till, as illustrated on the 2008 metropolitan digital photography;

(b) The road authority will grant an access permit;

(c) A certificate of insurance and/or a performance surety may be required;

(d) A stipulation is made in the permit as to the number of persons to be using the site at any one time;

(e) Any type of special event that will attract or involve more than the number of people stipulated in subsection (5)(d) above shall require approval of the County Board.

#### **§ 152.122 ISSUANCE OF PERMITS; ISSTS COMPLIANCE REQUIRED.**

(A) Building permits, variances, conditional or interim use permits or permits of any type that are required for any improvement on, or use of property, except as provided below, shall not be issued unless a certificate of compliance, pursuant to Chapter 52 of this code of ordinances, has been submitted for all systems SSTS existing on the property at the time of application.

(B) If a system SSTS is found to be nonconforming, the permits or variances shall not be issued until the system SSTS is upgraded or replaced to meet the standards of Chapter 52 of this code of ordinances. In lieu of the upgrade or replacement, or when an ISSTS compliance inspection report cannot be completed due to weather (such as, snow and frost), an appropriate escrow may be established for system the SSTS upgrade, replacement and/or inspection, upon approval by the Department. All ISSTS work shall be completed within 12 months of the issuance of the permit or variance, unless a different timeframe is addressed by the permit, variance, or other regulation.

(D) Special provision for certain feedlot conditional use permits. Conditional use permits pursuant to § 152.113 may be issued to correct an existing erosion and/or pollution problem if an increase in the number of animal units is not being requested. At a minimum, submittal of an ISSTS compliance inspection report shall be required within 12 months of the issuance of the permit.

#### **FLOODPLAIN REGULATIONS OVERLAY DISTRICT**

#### **§ 152.145 DISTRICTS.**

(C) *General Floodplain District.* The General Floodplain District shall include those areas designated as Floodplain Overlay District on the Carver County Zoning Map unnumbered and designated A Zones 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.

#### **§ 152.149 GENERAL FLOODPLAIN DISTRICT.**

(C) *Public utilities, railroads, roads, and bridges, ~~on-site sewers~~ SSTS.*

(3) *On-site sewage treatment SSTS and water supply systems.* Where public utilities are not provided:

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

(b) New or replacement ~~on-site~~ SSTS sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the ~~systems~~ SSTS and discharges from the ~~systems~~ 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 ~~on-site~~ subsurface sewage treatment systems shall be determined to be in compliance with this section.

### ***TRANSITION AREA OVERLAY ZONE***

#### **§ 152.160 PURPOSE.**

The purpose of this overlay zoning district is to implement the policies contained in the comprehensive plan regarding the use of land in the Transition Policy Areas.

#### **§ 152.161 DESIGNATION.**

The provisions of this section shall apply to those lands identified as Transition Policy Area on the Land Use Carver County Policy Areas Map in the comprehensive plan.

#### **§ 152.162 GENERAL PROVISIONS.**

(A) Animal agriculture. New animal agriculture operations of 30 animal units (AU) or more are prohibited. For the purpose of this section, a NEW ANIMAL AGRICULTURE OPERATION shall mean ten ~~animal units (AU)~~ or more, as defined in the feedlot management regulations. Animal agriculture operations having ten ~~thirty animal units~~ AU or more, existing as of January 2, 2002, shall not be expanded such that there would be an increase in the number of ~~animal units~~ AU documented by the operator's Feedlot Registration.

(D) *Conditional use permits.* Applications or requests for conditional uses shall be referred to an appropriate municipal official for ~~review and comment for~~ and consideration at as early on as possible, at a minimum, prior to the public hearing. ~~Conditional uses provided for in the Agriculture District should not be permitted in transition areas if they are a significant departure from the future land use in the City's Comprehensive Plan and the use is of a nature that it could not easily and economically be converted to the planned land use upon urbanization.~~ ~~Conditional uses shall not be issued for land uses meeting the following criteria unless the affected city submits a resolution or similar document (certification) stating that the proposed use and/or structure will conform to the city's comprehensive plan. If a city fails to respond within 30 days of the referral, the application may be processed according to typical procedures as though the city had provided an affirmative response. The public hearing shall not be closed within the 30-day time period. City certification is required for the following conditional uses: (1) New residential accessory structures that exceed 3,000 square feet on parcels that are less than 20 acres; (2) All land uses requiring the construction of a new structure of any size that would not be considered a residential accessory structure. Adaptive re-~~

~~use of existing structures shall be exempt from this requirement provided they have been in existence since January 2, 2002 and would not be enlarged; (3) Mining or land reclamation involving 10,000 cubic yards of material or more.~~

**§ 152.177 AGRICULTURAL AREA REGULATIONS**

(B) *Conditional and Interim Uses.* The following conditional and interim use permits as provided in the "A" District are permitted conditional or interim use permits in the agricultural area provided they are not prohibited by the conditional use permit that was issued for the residential cluster: §§ 152.050, 152.077, 152.079 (C), (D) and (E), 152.079(A) ~~(F)~~, 152.082. No other conditional use or interim permits are permitted.

***ADMINISTRATION AND ENFORCEMENT***

**~~§ 152.190 PLANNING AND ZONING DEPARTMENT; AUTHORITY/RESPONSIBILITY.~~**

~~(A) The Carver County Planning and Zoning Department, hereinafter called "Department," is responsible to the County Board of Commissioners for the administration and enforcement of this chapter. The Department may delegate administrative responsibility and authority to town boards, in certain instances specified herein.~~

***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 hardship or 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.

**§ 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.

**§ 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.

***CONDITIONAL USE 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 conditional-use permit CUP or IUP shall submit an application to the Department. The applicant shall demonstrate compliance with the requirements for the conditional-use permit CUP or IUP and shall include on the application all information required by the Department.

(B) When a request for a ~~conditional-use permit~~ CUP or IUP is within the Floodplain (FP) District, the following information shall be supplied:

(C) When a request for a ~~conditional-use permit~~ CUP or IUP is within the Shoreland Overlay District, the applicant must meet the requirements set forth in §§ 152.121 and 152.122.

#### **§ 152.246 HEARING REQUIRED.**

The Planning Commission shall hold a public hearing in conformance with § 152.285 on all applications for a ~~conditional-use permit~~ CUP or IUP.

#### **§ 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:

(3) Whether such use is a permitted conditional or interim use within the zoning district;

(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 ~~conditional-use permit~~ CUP or IUP within the floodplain, the Planning Commission may use the following criteria in arriving at its recommendation:

#### **§ 152.248 RECOMMENDATIONS FOR CONDITIONS.**

(A) The Planning Commission shall consider conditions relating to the granting of the ~~conditional use permits~~ 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:

(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.

**§ 152.250 COUNTY BOARD ACTION.**

(A) The County Board shall take action on the ~~conditional-use-permit~~ 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 ~~Planning and Zoning~~ 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 ~~conditional-use-permit~~ 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 ~~denial~~ approval and if conditions in addition to those specifically required by this chapter are attached findings supporting the conditions shall be included.

(D) Conditions. In ordering the issuance of a ~~conditional-use-permit~~ 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.

(F) Effect of denial. Whenever an application for a ~~conditional-use-permit~~ CUP or IUP has been considered and denied by the County Board, a similar application for a ~~conditional-use-permit~~ 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 affecting ~~substantially the same property~~ 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 ~~conditional-use-permits~~ 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.

(H) File with County Recorder. A certified copy or original of any ~~conditional-use-permit~~ CUP or IUP shall be filed with the County Recorder. The ~~conditional-use-permit~~ 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.

**§ 152.251 REQUIRED FINDINGS.**

An order for the issuance of a ~~conditional-use-permit~~ CUP or IUP can be adopted only if all of the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

(A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district, and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules or regulations.



(B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

(C) The establishment of a conditional or interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

**§ 152.252 CONFORMITY REQUIRED, EXPIRATION EXTENSION, REVIEW, DURATION.**

(A) *Conformity with permit.* Any use permitted under the terms of any ~~conditional-use-permit~~ CUP or IUP shall be established and conducted in conformity with the terms of the permit and of any condition designated in connection therewith. Any deviation from the conditions or uses approved may be considered grounds for suspension or termination of the ~~conditional-use-permit~~ CUP or IUP by the County Board. The action shall occur by order of the County Board. The Board may call a public hearing prior to termination of a permit.

(B) *Expiration of ~~conditional-use-permit~~ CUP or IUP.* Unless significant work has been done within six months from the date of adoption of the Board order, the permit shall become null and void, unless a petition for extension of time in which to complete the work has been granted by the County Board. In cases where significant action clearly has not been taken to place a permit into effect and an extension has not been granted by the County Board, the Department shall, after appropriate investigation and 30-day written notice to the present property owner, file a notice of termination in the Office of the County Recorder. In cases where a use provided for by a ~~conditional-use-permit~~ CUP or IUP will no longer be conducted due to an irreversible change in circumstance or when the current owner of the property so requests, the Department shall, after a 30-day notice to the present property owner, file the appropriate termination documents in the Office of the County Recorder.

(C) *Request for extension.* A holder of a conditional or interim use may request an extension of the time to do significant work to place the permit into effect for up to one year. The request shall be in writing and shall be filed with the Department at least 30 days before the ~~conditional-use-permit~~ CUP or IUP is due to become null and void. The request for extension shall state facts showing a good faith attempt to do significant work toward meeting the specifications and conditions of the permit. The request shall be presented to the County Board for a decision.

(D) *Permit review.* Conditional or interim use permits may be reviewed on a periodic basis or when it is brought to the attention of the Department that the permittee is deviating from any conditions or uses approved for the ~~conditional-use-permit~~ CUP or IUP. Periodic permit review shall fall into one of the following classifications:

(E) *Duration of permit.* A ~~conditional-use-permit~~ CUP shall remain in effect for so long as the conditions agreed upon are observed. At the time designated for the IUP to expire, the Department will conduct an inspection of the site. If the Department finds that the use is still compatible, and is not creating an adverse affect on the surrounding area, the applicant may apply for an extension. A reapplication for an IUP shall be administered in the same manner as the original IUP application.

(F) *New owner, permittee or operator.* A new landowner or individual assuming the role as permittee is required to contact the Department to review the conditions and current status of the ~~conditional-use-permit~~ CUP, and to determine whether there is a need for additional applications pertaining to amendments or additional permits.

(G) *Amendments.* Nothing in this section shall prevent the Board from enacting or amending official controls to change the status of conditional or interim uses.

## *AMENDMENTS*

### § 152.268 APPLICATION.

(B) Required information accompanying application to change the wording of this chapter shall contain the following:

(5) Additional information as may be requested by the Planning Commission or Zoning staff Department.

## *PUBLIC HEARINGS*

### § 152.999 PENALTY.

(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.

**SECTION 3.** Strikethrough signifies deleted language and underline is new language. The specified sections of Chapter 154, Sign Regulations of the Carver County Code of Ordinances, shall be amended as follows:

## *ADMINISTRATION AND ENFORCEMENT*

### § 154.10 PERMIT REQUIRED.

(B) The issuing authority shall approve or deny the sign permit ~~in an expedited manner no more than 30 days from the receipt of the complete application, including applicable fee or as otherwise required by law. All sign permits not approved or denied within 30 days shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of denial within ten days of its decision, describing the applicant's appeal rights. Requests for signage included within a CUP application shall be issued or denied within a time frame that complies with M.S. § 15.99.~~

### § 154.11 EXEMPTIONS.

(C) Street signs, official traffic control signs or devices, railroad signs or signals, ~~or~~ emergency vehicle signals, or any other signs authorized by the responsible road authority or public entity.

## *GENERAL PROVISIONS*

### § 154.20 SIZE.

(A) No single sign shall exceed 32 square feet of surface area per side, or a total of 64 square feet for a two-sided sign. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush (i.e. back to back).

(B) No parcel shall have signage exceeding an total aggregate of 36 square feet of surface area for all signs, or no parcel shall have signage exceeding an aggregate of 72 square feet of surface area for two-sided signs.

### § 154.21 REGULATIONS.

Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the street or highway. No sign which is erected or maintained flat against any building or structure shall extend or project more than 15 inches over the sidewalk, street or highway.

### § 154.23 UNAUTHORIZED SIGNS.

(F) ~~No~~Any sign(s) in excess of three square feet per surface shall be placed within 500 feet of near the intersection of public roads, or public roads and railroads, provided that advertising may be affixed to or located adjacent to a building within 500 feet of the intersection in such a manner as not to cause any greater obstruction of vision to a motorist and/or pedestrian as determined by the appropriate road authority than that caused by the building itself.

### § 154.24 SETBACKS.

Signs shall be at least three feet from front and side yard property lines or actual or assumed typical planned rights-of-way, whichever is greater.

### § 154.25 AREA.

The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Except for the allowance for a two-sided, flush sign, Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

**SECTION 4** – The Carver County Zoning Map shall be amended to reflect the current comprehensive plan policies including transition areas and the modified floodplain and shoreland overlay districts which were based on review by the MN/DNR.

**SECTION 5 – 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 \_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
County Board Chair

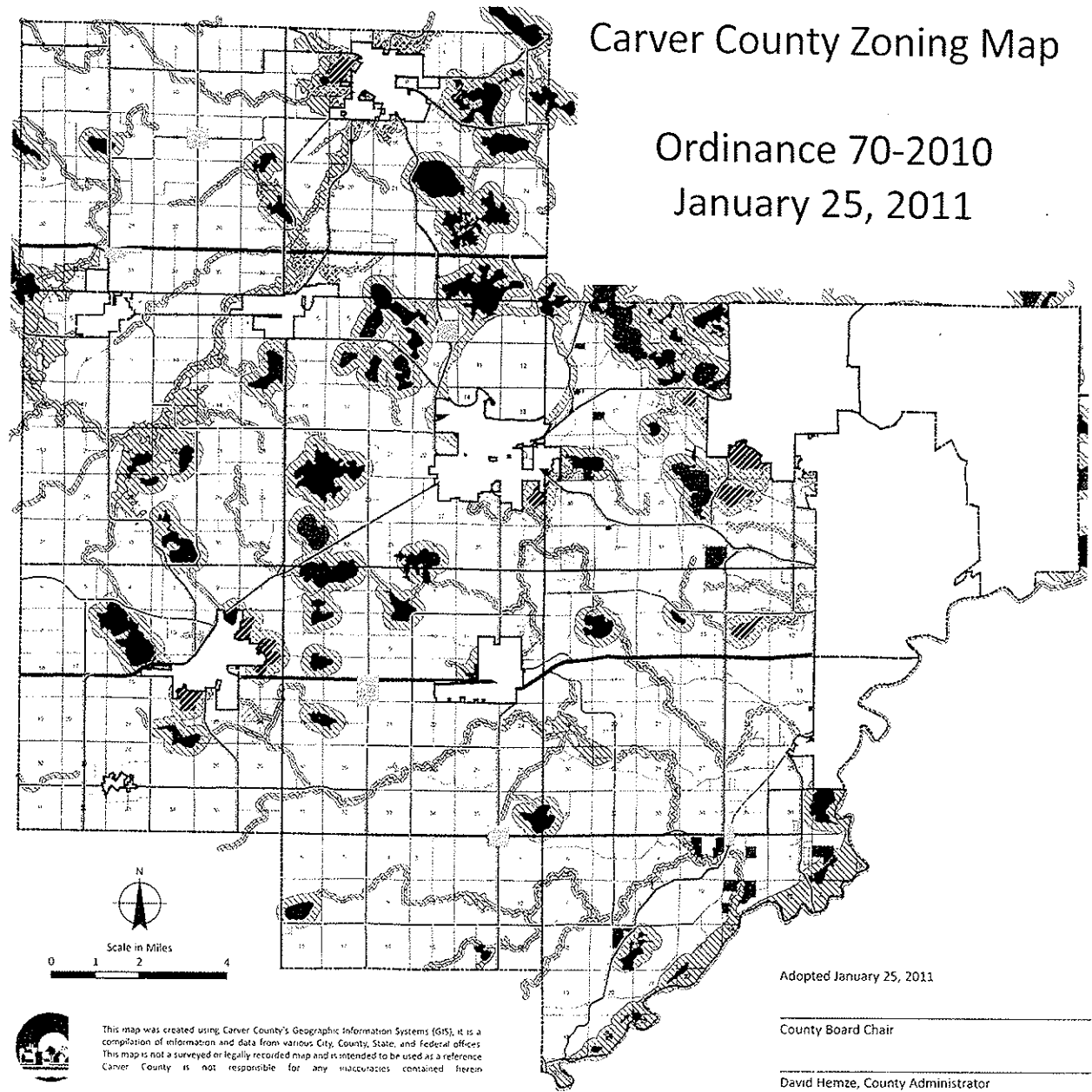
Date: \_\_\_\_\_


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

Date: \_\_\_\_\_

# Carver County Zoning Map

Ordinance 70-2010  
January 25, 2011




- 
**"A" Agriculture 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.
- 
**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.
- 
**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.
- LAKE SHORELAND CLASSIFICATIONS**
  - 
 General Development
  - 
 Recreational Development
  - 
 Natural Environment
- BOUNDARY LINES**
  - 
 Sections
  - 
 Cities
  - 
 City/Township Boundaries
- ROAD CLASSIFICATIONS**
  - 
 Principal Arterials
  - 
 Minor Arterials
  - 
 Collectors
  - 
 Local Roads

Adopted January 25, 2011

\_\_\_\_\_  
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 \_\_\_\_\_ RESOLUTION NO. \_\_\_\_\_

MOTION BY COMMISSIONER \_\_\_\_\_ SECONDED BY COMMISSIONER \_\_\_\_\_

**A RESOLUTION ADOPTING ORDINANCE 70-2010,**  
AMENDING CHAPTER 151, SUBDIVISIONS; CHAPTER 152, ZONING CODE; CHAPTER 154, SIGN REGULATIONS; AND THE CARVER COUNTY ZONING MAP, INCLUDING TRANSITION AREAS AND THE FLOODPLAIN AND SHORELAND OVERLAY DISTRICTS.

**WHEREAS**, the Planning Commission adopted Resolution #10-09 recommending amendments to Chapter 151, Subdivisions; Chapter 152, Zoning Code; Chapter 154, Sign Regulations, and the Carver County Zoning Map, including updates to Transition Areas and the Floodplain and Shoreland Overlay Districts; and,

**WHEREAS**, the 2030 Comprehensive Plan has been adopted and the Carver County Code of Ordinances and Zoning Map must be consistent with the Comprehensive Plan; and numerous text changes were necessary to update outdated sections, clarify definitions, reference appropriate statutes, rules, and chapters; and it is beneficial to update additional code language, such as, subdivision procedures, bluff setbacks, creating renewable energy opportunities, interim use permit provisions, and flexibility related to roadside stands; 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 January 25, 2011 and the County Board finds as follows:

1. The amendments are in conformance with the Comprehensive Plan.
2. The amendments are not in conflict with any other official controls.
3. 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 70-2010, Amending the County Code and Zoning Map.

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 \_\_\_\_\_, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011. \_\_\_\_\_  
County Administrator



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Carver County Open Fiber Initiative Update**

Originating Division: Administrative Services

Meeting Date: January 25, 2011

Amount of Time Requested: 15 minutes

Attachments for packet: Yes NoItem Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

Staff will update the County Board on the project, work completed to date, near term plans and future effort associated with the \$6 million ARRA fiber optic grant awarded to the County in August of last year.

Staff is recommending approval of the following individuals who will make up the Broadband Infrastructure Taskforce team: John Douville with Susan Arntz as alternate (City), Todd Swanson with Dan Sieling as alternate (Schools), Ken Essig with Chuck Heid as alternate (Township), Robert J. Moeller (Business), Steve Taylor and Randy Lehs, Dave Frischmon (County Staff) and Fazil Bhimani (Technical consultant).

Staff is also requesting a County Board member to participate with an alternate designated as well.

**ACTION REQUESTED:** Approve membership of the Broadband Infrastructure Taskforce.**FUNDING**

County Dollars =

Other Sources &amp; Amounts =

= \$

**TOTAL**

=

**FISCAL IMPACT**NoneIncluded in current budgetBudget amendment requestedOther: included in the 2011 budget*Related Financial Comments:*Reviewed by Division Director  
Steve Taylor, Administrative Services Director

Date: January 18, 2011



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Professional Service Agreement GSP Consulting

Originating Division: Public Works

Meeting Date: January 25, 2011

Amount of Time Requested: 20

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Lake Waconia Regional Park is a planned park on the southeastern shore of the lake. An approved element of the park is a public boat access. The area where the boat access is planned is within the planned park boundary and is to be acquired from the property owner. The property has an appraised value of \$3,000,000 and development costs are projected at \$600,000. Due to the value of the land and development cost, traditional funding sources provided through the Metropolitan Council and County are unable to provide the resources to acquire and develop the boat access site. Legislative assistance and legislation is being considered to help the County and the Regional Park System with the acquisition and development of this boat access. Lake Waconia is the second largest lake in the metropolitan area and is a regional destination for boating and fishing.

Benefits to pursuing acquisition and development of the boat access through a legislative appropriation include reducing the amount that Carver County would contribute to the acquisition. Currently Carver County is to contribute 25% as a match to 75% regional and state funding for acquisition of regional park lands. At the appraised value Carver County would contribute \$750,000. Second, the current public access is often overflowing with many vehicles park along County Road 92. A second public boat access will help satisfy user demand and contribute to improved safety of County Road 92. Third, improved access will contribute to increased user satisfaction with Lake Waconia Regional Park. Activities of recreational boating and fishing will contribute to more users of the park. Currently the park has annual visitation of 77,000. While it is difficult to project the number of increased visitors due to the addition of a boat access, the redevelopment of the beach for example increase user visits by approximately 40,000 visits per year. The increase in visitation has contributed to increases in user fees collected and operations and maintenance funding of the Metropolitan Council. Fourth, depending on how a deal is structured to acquire the site, the County could reduce costs related to the ongoing operation of the boat access. For instance, if the DNR would own the site, the County agrees to not charge an entrance fee to launch watercraft and operate the site seamless from the park, ongoing capital improvements to the boat access could be a responsibility of the DNR. A fifth benefit is that County and Regional funds the County may have used for the boat access are available for other park projects.

Staff has received seven proposals for legislative assistance to help the County with legislation for a public boat access and provided a report to the Board and Administration. The recommendation was to hire GSP Consulting based on the completeness of the proposal, understanding of funding sources, and ability to terminate the contract upon 30 day notice.

**ACTION REQUESTED:** *It is requested that the Board approve the agreement with GSP Consulting and authorize the Board Chair and County Administrator to sign the agreement.*

### FUNDING

County Dollars = \$18,000

Other Sources & Amounts =

= \$

**TOTAL** = \$18,000

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* Note: Contract not to exceed \$18,000. Funds to be transferred from, unexpended 2010 Parks Professional & Technical Fees for Services to the 2011 Parks Professional & Technical Fee for Service line item 520-000-0000-6260.

Reviewed by Division Director

Date: January 18, 2011





# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Appointments to Advisory Committees

Originating Division: Administration

Meeting Date: 1/4/11

Amount of Time Requested: 15 minutes

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

At the January 11<sup>th</sup> meeting, the Board agreed to hold the remaining appointments to the CDA and Park Commission for two weeks. Listed below are the remaining vacancies and applications received to date:

#### COMMUNITY DEVELOPMENT AGENCY (5-year terms)

##### Current members:

Sarah Carlson – Commissioner District 1  
Cindy Monroe - Commissioner District 3  
Darrel Sudheimer - Commissioner District 4  
Bob Lano - Commissioner District 5

**Current vacancies: 1, Commissioner District 2**

##### Applications received:

Michael Schachterle – resides Commissioner District 2

#### PARK COMMISSION (3-year terms) -

##### Current members:

Neil Wingert – resides Commissioner District 1  
Jerald Moja – Commissioner District 3  
Gail VonBargen – resides Commissioner District 5  
Thomas Herrmann - resides Commissioner District 5  
Myron Karki – resides Commissioner District 4  
Cindy Dobratz – resides Commissioner District 3

**Current vacancies: 1**

##### Applications received to-date:

Krista Goedel, Commissioner District 5

### ACTION REQUESTED:

Motion appointing applicants to advisory committees.

#### FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

**TOTAL = \$**

#### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Reviewed by Division Director

Date: 1/19/11



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Closed Session, Labor Negotiations Strategy**

Originating Division: Employee Relations

Meeting Date: 1/25/2011

Amount of Time Requested: 30 minutes

Attachments for packet:  Yes  NoItem Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

Employee Relations is the negotiation process with the AFSCME Assistant County Attorneys. Employee Relations is seeking strategic direction before returning to negotiations with this unit.

Minn. Stat 13D.03 subd. 2 allows a public entity to go into a closed session to plan and discuss its strategy for negotiations of labor agreements.

The requested action is to enter into a closed session to refine the strategy for future negotiations.

**ACTION REQUESTED:**

Motion to go into closed session to discuss Labor Negotiation strategies.

Following the closed session, motion to return to regular session.

**FUNDING**

County Dollars = \$

Other Sources &amp; Amounts =

= \$

**TOTAL** = \$**FISCAL IMPACT** None Included in current budget Budget amendment requested Other:*Related Financial Comments:* Reviewed by Division Director

Doris M. Krogman

Date: 1/25/2011