

Carver County Leaders Meeting
July 26, 2016 – 7:30 a.m.
Oak Lake Conference Room



Carver County Board of Commissioners
July 26, 2016
Work Session
County Board Room
Carver County Government Center
Human Services Building
Chaska, Minnesota

PAGE

WORK SESSION

- 9:00 a.m. **A. COMMUNITIES: Create and maintain safe, healthy and livable communities**
1. Master Plan Amendment for Lake Waconia Regional Park, Draft
 Phase I Development Program Cost Estimate 1
- 9:30 a.m. **B. GROWTH: Manage the challenges and opportunities resulting from growth
and development**
1. Temporary Family Health Care Dwellings 2-7
- 10:15 a.m. **BOARD REPORTS**

David Hemze
County Administrator

UPCOMING MEETINGS

July 26, 2016	7:00 p.m. Carver County Township Association Meeting
August 2, 2016	9:00 a.m. Board Meeting
August 9, 2016	No Meeting
August 16, 2016	4:00 p.m. Board Meeting
August 23, 2016	9:00 a.m. Work Session

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Master Plan Amendment for Lake Waconia Regional Park, Draft Phase I Development Program Cost Estimate

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Staff and consultant will review with the Board the Draft Master Plan Amendment for Lake Waconia Regional Park along with a draft of a phase I development program and cost estimate.

ACTION REQUESTED:

No action is requested at this time.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2016- 4078

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Temporary Family Health Care Dwellings

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Work Session

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The State enacted a new law, M.S. 394.307, to provide for Temporary Family Health Care Dwellings. The dwellings are also referred to as "Drop Homes" because they are limited to 300 sq. ft. and are not attached to a permanent foundation. The purpose of the dwelling is to accommodate impaired people for 6-12 months as they are cared for by relatives ("Caregivers"). For the County's purposes, the law will apply only to unincorporated areas. The law is effective on September 1st, and it allows counties to opt out by resolution. The statute and a sample opt-out resolution are attached.

ACTION REQUESTED:

Discussion and guidance.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2016 - 4104

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2555

(SENATE AUTHORS: HOFFMAN, Rosen, Eken, Koenen and Abeler)

DATE	D-PG	OFFICIAL STATUS
03/10/2016	4960	Introduction and first reading Referred to State and Local Government
04/06/2016	5675a	Comm report: To pass as amended and re-refer to Health, Human Services and Housing
04/07/2016	5715a	Comm report: To pass as amended and re-refer to Finance
04/28/2016	6535a	Comm report: To pass as amended
	6538	Second reading
05/02/2016	6572a	Special Order: Amended
	6573	Third reading Passed
05/12/2016	7006	Returned from House Presentment date 05/12/16
05/17/2016	7050	Governor's action Approval 05/12/16
	7050	Secretary of State Chapter 111 05/12/16 Effective date 09/01/16

1.1 A bill for an act
 1.2 relating to local government; regulating zoning of temporary family health
 1.3 care dwellings; establishing temporary dwelling permits; amending Minnesota
 1.4 Statutes 2014, section 144D.01, subdivision 4; proposing coding for new law in
 1.5 Minnesota Statutes, chapters 394; 462.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 4, is amended to read:

1.8 Subd. 4. **Housing with services establishment or establishment.** (a) "Housing
 1.9 with services establishment" or "establishment" means:

1.10 (1) an establishment providing sleeping accommodations to one or more adult
 1.11 residents, at least 80 percent of which are 55 years of age or older, and offering or
 1.12 providing, for a fee, one or more regularly scheduled health-related services or two or
 1.13 more regularly scheduled supportive services, whether offered or provided directly by the
 1.14 establishment or by another entity arranged for by the establishment; or

1.15 (2) an establishment that registers under section 144D.025.

1.16 (b) Housing with services establishment does not include:

1.17 (1) a nursing home licensed under chapter 144A;

1.18 (2) a hospital, certified boarding care home, or supervised living facility licensed
 1.19 under sections 144.50 to 144.56;

1.20 (3) a board and lodging establishment licensed under chapter 157 and Minnesota
 1.21 Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660,
 1.22 or 9530.4100 to 9530.4450, or under chapter 245D;

1.23 (4) a board and lodging establishment which serves as a shelter for battered women
 1.24 or other similar purpose;

1.25 (5) a family adult foster care home licensed by the Department of Human Services;

3.1 (f) "Temporary family health care dwelling" means a mobile residential dwelling
 3.2 providing an environment facilitating a caregiver's provision of care for a mentally or
 3.3 physically impaired person that meets the requirements of subdivision 2.

3.4 Subd. 2. Temporary family health care dwelling. A temporary family health
 3.5 care dwelling must:

3.6 (1) be primarily assembled at a location other than its site of installation;

3.7 (2) be no more than 300 gross square feet;

3.8 (3) not be attached to a permanent foundation;

3.9 (4) be universally designed and meet state-recognized accessibility standards;

3.10 (5) provide access to water and electric utilities either by connecting to the utilities
 3.11 that are serving the principal dwelling on the lot or by other comparable means;

3.12 (6) have exterior materials that are compatible in composition, appearance, and
 3.13 durability to the exterior materials used in standard residential construction;

3.14 (7) have a minimum insulation rating of R-15;

3.15 (8) be able to be installed, removed, and transported by a one-ton pickup truck
 3.16 as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002,
 3.17 subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

3.18 (9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an
 3.19 Industrialized Buildings Commission seal and data plate or to American National
 3.20 Standards Institute Code 119.2; and

3.21 (10) be equipped with a backflow check valve.

3.22 Subd. 3. Temporary dwelling permit; application. (a) Unless the county has
 3.23 designated temporary family health care dwellings as permitted uses, a temporary family
 3.24 health care dwelling is subject to the provisions in this section. A temporary family health
 3.25 care dwelling that meets the requirements of this section cannot be prohibited by a local
 3.26 ordinance that regulates accessory uses or recreational vehicle parking or storage.

3.27 (b) The caregiver or relative must apply for a temporary dwelling permit from the
 3.28 county. The permit application must be signed by the primary caregiver, the owner of the
 3.29 property on which the temporary family health care dwelling will be located, and the
 3.30 resident of the property if the property owner does not reside on the property, and include:

3.31 (1) the name, address, and telephone number of the property owner, the resident of
 3.32 the property if different from the owner, and the primary caregiver responsible for the care
 3.33 of the mentally or physically impaired person; and the name of the mentally or physically
 3.34 impaired person who will live in the temporary family health care dwelling;

3.35 (2) proof of the provider network from which the mentally or physically impaired
 3.36 person may receive respite care, primary care, or remote patient monitoring services;

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counties

5.1 Subd. 8. No public hearing required; application of section 15.99. (a) Due to the
 5.2 time-sensitive nature of issuing a temporary dwelling permit for a temporary family health
 5.3 care dwelling, the county does not have to hold a public hearing on the application.

5.4 (b) The procedures governing the time limit for deciding an application for the
 5.5 temporary dwelling permit under this section are governed by section 15.99, except as
 5.6 provided in this section. The county has 15 days to issue a permit requested under this
 5.7 section or to deny it, except that if the county board holds regular meetings only once per
 5.8 calendar month the county has 30 days to issue a permit requested under this section
 5.9 or to deny it. If the county receives a written request that does not contain all required
 5.10 information, the applicable 15-day or 30-day limit starts over only if the county sends
 5.11 written notice within five business days of receipt of the request telling the requester what
 5.12 information is missing. The county cannot extend the period of time to decide.

5.13 Subd. 9. Opt-out. A county may by resolution opt-out of the requirements of
 5.14 this section.

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5.15 Sec. 3. [462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.

5.16 Subdivision 1. Definitions. (a) For purposes of this section, the following terms
 5.17 have the meanings given.

5.18 (b) "Caregiver" means an individual 18 years of age or older who:

5.19 (1) provides care for a mentally or physically impaired person; and

5.20 (2) is a relative, legal guardian, or health care agent of the mentally or physically
 5.21 impaired person for whom the individual is caring.

5.22 (c) "Instrumental activities of daily living" has the meaning given in section
 5.23 256B.0659, subdivision 1, paragraph (i).

5.24 (d) "Mentally or physically impaired person" means a person who is a resident of
 5.25 this state and who requires assistance with two or more instrumental activities of daily
 5.26 living as certified in writing by a physician, a physician assistant, or an advanced practice
 5.27 registered nurse licensed to practice in this state.

5.28 (e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle,
 5.29 aunt, nephew, or niece of the mentally or physically impaired person. Relative includes
 5.30 half, step, and in-law relationships.

5.31 (f) "Temporary family health care dwelling" means a mobile residential dwelling
 5.32 providing an environment facilitating a caregiver's provision of care for a mentally or
 5.33 physically impaired person that meets the requirements of subdivision 2.

5.34 Subd. 2. Temporary family health care dwelling. A temporary family health
 5.35 care dwelling must:

City
 language ↓

- 7.1 (4) an executed contract for septic service management or other proof of adequate
7.2 septic service management;
- 7.3 (5) an affidavit that the applicant has provided notice to adjacent property owners
7.4 and residents of the application for the temporary dwelling permit; and
- 7.5 (6) a general site map to show the location of the temporary family health care
7.6 dwelling and other structures on the lot.
- 7.7 (c) The temporary family health care dwelling must be located on property where the
7.8 caregiver or relative resides. A temporary family health care dwelling must comply with
7.9 all setback requirements that apply to the primary structure and with any maximum floor
7.10 area ratio limitations that may apply to the primary structure. The temporary family health
7.11 care dwelling must be located on the lot so that septic services and emergency vehicles
7.12 can gain access to the temporary family health care dwelling in a safe and timely manner.
- 7.13 (d) A temporary family health care dwelling is limited to one occupant who is a
7.14 mentally or physically impaired person. The person must be identified in the application.
7.15 Only one temporary family health care dwelling is allowed on a lot.
- 7.16 (e) Unless otherwise provided, a temporary family health care dwelling installed
7.17 under this section must comply with all applicable state law, local ordinances, and charter
7.18 provisions.
- 7.19 Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is
7.20 valid for six months. The applicant may renew the permit once for an additional six months.
- 7.21 Subd. 5. **Inspection.** The municipality may require that the permit holder provide
7.22 evidence of compliance with this section as long as the temporary family health care
7.23 dwelling remains on the property. The municipality may inspect the temporary family
7.24 health care dwelling at reasonable times convenient to the caregiver to determine if the
7.25 temporary family health care dwelling is occupied and meets the requirements of this
7.26 section.
- 7.27 Subd. 6. **Revocation of permit.** The municipality may revoke the temporary
7.28 dwelling permit if the permit holder violates any requirement of this section. If the
7.29 municipality revokes a permit, the permit holder has 60 days from the date of revocation
7.30 to remove the temporary family health care dwelling.
- 7.31 Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge
7.32 a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.
- 7.33 Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the
7.34 time-sensitive nature of issuing a temporary dwelling permit for a temporary family health
7.35 care dwelling, the municipality does not have to hold a public hearing on the application.

**RESOLUTION OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 394.307**

WHEREAS, on May 12, 2016, the Governor of Minnesota signed into law Chapter 111 of the 89th Legislature of the State of Minnesota establishing definitions and requirements for Temporary Family Health Care Dwellings, which was introduced during the 2016 legislature session as Senate File 2555 and House File 2497; and

WHEREAS, Chapter 111 amends Minnesota Statute § 394 which regulates county permitting and zoning processes by establishing new rules for the placement of Temporary Family Health Care Dwellings on residential property; and

WHEREAS, the Minnesota Association of County Planning and Zoning Administrators, the professional association for county planning and zoning staff in Minnesota, supports the concept of Temporary Family Health Care Dwellings; and

WHEREAS, Chapter 111 erodes local control of the permitting process; limiting a county’s ability to foster and guide development, and placing undue burden on county staff to forego standard permitting practices; and

WHEREAS, it is the intent of the **XXXXXX** County Board of Commissioners to protect the public health, safety, and general welfare of County residents and the environment of the County; and

WHEREAS, subdivision 9 of Minnesota Statute § 394.307 allows a county to “opt-out” of the regulations through the passage of a county board resolution; now therefore,

BE IT RESOLVED, **XXXXXX** County elects to regulate Temporary Family Health Care Dwellings through already existing permitting standards of the **XXXXXXX** County Zoning Ordinance; and

BE IT RESOLVED, pursuant to authority granted by Minnesota Statutes, Section 394.307, Subdivision 9, the County of **XXXXXX** opts-out of the requirements of Minnesota Statute 394.307, which defines and regulates Temporary Family Health Care Dwellings.

ADOPTED this _____ day of _____, 2016, by the County Board of Commissioners of the County of _____.

County of **XXXXXX**
By: _____
Chairman, **XXXXXX** County Board of Commissioners

ATTEST:
