



MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

DECEMBER 8, 2016

Page 1 of 3

The meeting was held in the County Board Room, Government Center, Little Falls MN, and was called to order at 9:00 a.m. by Chairman Winscher.

Members present: Commissioners Randy Winscher, Duane Johnson, Mike Wilson, Jeff Jelinski, and Kevin Maurer.

Staff present: Deb Gruber, Tabitha Maher, Steve Backowski, Deb Lowe, Amy Kowalzek, Steve Messerschmidt, Katy Kirchner, Glen Erickson, Shawn Larsen, and Kathy Marshik.

Others present: Tyler Jensen, Mark Slupe, Greg Kimman, Chuck Brey, Cindy Brey, Gene Epsky.

APPROVAL OF COUNTY BOARD MINUTES

A motion was made by Commissioner Jelinski, seconded by Commissioner Maurer and carried unanimously to approve the Morrison County Board of Commissioner Minutes for November 22, 2016.

AGENDA CHANGES

A motion was made by Commissioner Johnson, seconded by Commissioner Maurer and carried unanimously to adopt the agenda as presented.

LITTLE FALLS AIRPORT

A motion was made by Commissioner Maurer, seconded by Commissioner Johnson and carried unanimously to consider the Airport Commission's Recommendation of Kadrmas Lee and Jackson be hired as the Airport Engineer beginning January 1, 2017.

SHERIFF'S REPORT

A motion was made by Commissioner Jelinski, seconded by Commissioner Wilson and carried unanimously to renew the contract between Morrison County Sheriff's Office and James Wyatt and Paul Tschida for rental of land for towers.

A motion was made by Commissioner Maurer, seconded by Commissioner Jelinski and carried unanimously to authorize and approve up to \$41,848.00 to be taken from a reserve fund assigned for Jail Programs regarding the Stanley Security upgrade.

PUBLIC HEALTH

Katy Kirchner, Public Health Director, presented Kevin Maurer with an Award of Recognition for serving on the Morrison County Public Health Advisory Committee for four years.

A motion was made by Commissioner Maurer, seconded by Commissioner Johnson and carried unanimously to approve moving Alcohol Licensing and revenue from fees from Auditor's office to Public Health.

A motion was made by Commissioner Maurer, seconded by Commissioner Johnson and carried unanimously to approve 2016 New Owner Establishment License to Brian Williams, District #1, Chelsea's Roadhouse Grill, Randall, MN.

A motion was made by Commissioner Jelinski, seconded by Commissioner Wilson and carried unanimously to approve starting salary for posted Public Health Nurse position to be determined depending on the candidate, their experience, and their qualifications requiring flexibility to deviate from the starting pay policy in the Morrison County Compensation plan.



MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

DECEMBER 8, 2016

Page 2 of 3

VETERAN'S

Kathy Marshik, Veterans Service Officer, presented to the Board the Veterans Service Office Quarterly Overview December 2016.

PLANNING AND ZONING

A motion was made by Commissioner Jelinski, seconded by Commissioner Wilson and carried unanimously to adopt resolution amending the Morrison County Land Use Control Ordinance, as recommended by the Morrison County Planning Commission.

A motion was made by Commissioner Maurer, seconded by Commissioner Johnson and carried unanimously to approve the 2017 Aquatic Invasive Species Prevention Plan for submittal to the DNR.

The County Board considered a Rezone Request for Matthew Epsky to rezone a parcel of land from Agriculture to Manufacturing/Industry, located in Section 27, Township 39, Range 32, Bellevue Township; per recommendation from the Morrison County Planning Commission on November 28, 2016 to deny the request. A motion was made by Commissioner Maurer, seconded by Commissioner Jelinski and carried unanimously to deny the rezone request that was presented to the Board and are attached to these minutes.

The County Board considered a Rezone Request for Charles and Cindy Brey to to consider rezoning two parcels of land from Shoreland Residential to Shoreland Commercial, located in Section 31, Township 132, Range 31, Scandia Valley Township,; per recommendation from the Morrison County Planning Commission on November 28, 2016. A motion was made by Commissioner Maurer, seconded by Commissioner Johnson and carried unanimously to approve the rezone request that was presented to the Board and are attached to these minutes.

The County Board recessed at 10:14 a.m. and reconvened at 10:20 a.m.

COUNTY BOARD WARRANTS

A motion was made by Commissioner Johnson and seconded by Commissioner Maurer to approve the following Resolution:

WHEREAS, the Morrison County Board of Commissioners have reviewed the list of County Board Warrants;

NOW THEREFORE, BE IT RESOLVED, that the list of County Board Warrants on file in the Auditor/Treasurer's Office for December 8, 2016 be approved for payment:

REVENUE	\$	168,941.59
PUBLIC WORKS	\$	88,748.49
SOCIAL SERVICE	\$	97,859.30
SOLID WASTE	\$	7,079.60
LOCAL COLLABORTIVE	\$	1,662.68
TOTAL	\$	364,327.66
MEALS	\$	147.02

Motion carried on a roll call vote with all Commissioners voting "aye".



MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

DECEMBER 8, 2016

Page 3 of 3

A motion was made by Commissioner Johnson and seconded by Commissioner Maurer to approve the Commissioners Expense Reports as presented. Motion carried on a roll call vote with all Commissioners voting "aye".

PUBLIC WORKS REPORT

A motion was made by Commissioner Johnson, seconded by Commissioner Maurer and carried unanimously to approve members to the Park and Trail Master Plan Task Force.

A motion was made by Commissioner Maurer, seconded by Commissioner Jelinski and carried unanimously to authorize signing the Resolution#2016-101 for the engineering services agreement for Cushing Township bridge replacement project.

ADMINISTRATION REPORT

A motion was made by Commissioner Johnson, seconded by Commissioner Maurer and carried unanimously to approve the Contract for Legal Services between Scott A. Wonderlich and Morrison County.

A motion was made by Commissioner Wilson, seconded by Commissioner Johnson and carried unanimously to allow County Administrator to deviate from Compensation Classification plan for Assessment Coordinator position for starting pay up to Step 9.

A motion was made by Commissioner Johnson, seconded by Commissioner Jelinski and carried unanimously to consider approving Resolution#2016-102 for a Closed Executive Session to discuss Union Labor Negotiations.

The meeting was closed at 10:40 a.m. and reconvened at 11:21 a.m.

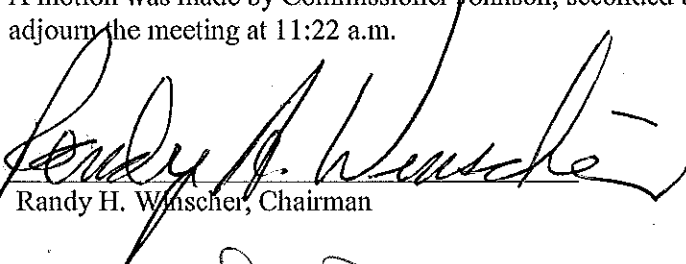
A motion was made by Commissioner Jelinski, seconded by Commissioner Johnson and carried unanimously to consider the tentative agreement with LELS and apply relevant components to non-union staff as applicable.

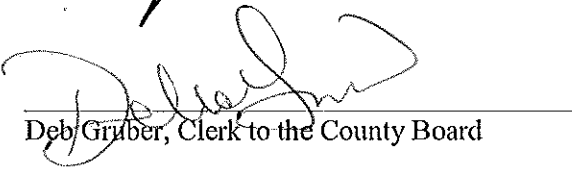
COUNTY BOARD REPORTS AND SCHEDULE

Members of the County Board reported on various meetings they have attended and on their upcoming schedule of meetings with various organizations.

ADJOURNMENT

A motion was made by Commissioner Johnson, seconded by Commissioner Maurer and carried unanimously to adjourn the meeting at 11:22 a.m.


Randy H. Wanscher, Chairman


Deb Gruber, Clerk to the County Board

DATE: 12/8/16

MORRISON COUNTY BOARD OF COMMISSIONERS
COUNTY BOARD MEETING

PLEASE SIGN IN

NAME

ADDRESS/REPRESENTING

Mark Slupe

GRTV Channel 180

Greg Kimman

Little Falls / Airport Commission
Sweetwater

Chuck Brey

30174 Azure Rd - Resort,

Cindy Brey

30174 Azure Rd, Cushing - Resort
Sweetwater

GEORGE EPSKY

EPSKY WOODWORKING

EASEMENT FOR COMMUNICATION SITE

WHEREAS, James and Cindy Wyatt owns the following property located in Morrill Township, Morrison County, Minnesota:

The Southeast Quarter of Section 4 Township 39N Range 29W,

and

WHEREAS, Morrison County wishes to obtain an easement to allow the construction, use and maintenance of a communication antenna on said property,

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. James and Cindy Wyatt grants to Morrison County an easement over, on, and above the described property for the purpose of building, using and a communications antenna and storage/maintenance shed. The antenna shall be placed by the residence. All facilities installed and place by the County on said land shall remain the property of the County, and removable at the option of the county.
2. This Easement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. The acceptance of any transfer or conveyance of title from any party hereto or its respective heirs, representatives, successors, or assigns of all or any part of its interest in its parcel shall be deemed to be an agreement by the prospective tenant, grantee, or assignee not to use or occupy the parcel in any manner which would constitute a violation or breach of any of the easement and covenants contained herein.
3. Morrison County shall have access over and across the above-described property at all times through the terms of this easement for the purpose of maintaining and repairing the communications antenna and equipment.
4. Morrison County shall pay the property owner \$425.00 annually for the first five years, \$475.00 annually for the next five years and \$525.00 annually for the final five years. Said payment shall be made on or before the 1st day of August each calendar year.
5. This easement shall continue for a period of 15 years beginning August 1, 2016, and ending July 31, 2031.
6. All costs related to the construction, repair, and maintenance of the communications antenna and the storage/maintenance shed shall be the responsibility of Morrison County.
7. Morrison County may, at its sole discretion, terminate this easement agreement prior to its expiration date by providing 90 days written notice to the property owners by mailing such notice to the property owners at the address on file with

the Auditor/Treasurer's Office. Upon termination of the easement, the County shall remove all equipment and storage shed from the property.

8. If any additional equipment needs to be stored on the above property, Morrison County will obtain permission by the landowners prior to placement.
9. Property owners agrees that no harmful interference will be caused to the operation of the County's mobile radio equipment, and if any such interference is caused, it shall be immediately ceased.

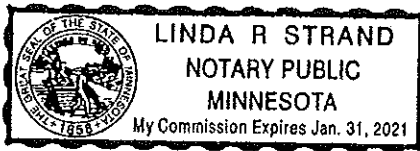
James Wyatt
Cindy Wyatt

James and Cindy Wyatt

Subscribed and sworn to before me
This 21st day of November, 2016.

Linda R Strand

Notary Public



Drafted by:
Morrison County Attorney
Brian Middendorf
213 SE First Ave
Little Falls, MN 56345

EASEMENT FOR COMMUNICATION SITE

WHEREAS, Paul and Lila Tschida and Paul Michael Tschida II owns the following property located in Pulaski Township, Morrison County, Minnesota:

The Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 13 Township 42 Range 29,

and

WHEREAS, Morrison County wishes to obtain an easement to allow the construction, use and maintenance of a communication antenna on said property,

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Paul and Lila Tschida and Paul Michael Tschida II grants to Morrison County an easement over, on, and above the described property for the purpose of building, using and a communications antenna and storage/maintenance shed. The antenna shall be placed near the east edge of the property approximately 100 feet north of the south boundary line. The maintenance/storage shed shall be placed in a location near the antenna and agreeable to the parties. All facilities installed and place by the County on said land shall remain the property of the County, and removable at the option of the county.
2. This Easement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. The acceptance of any transfer or conveyance of title from any party hereto or its respective heirs, representatives, successors, or assigns of all or any part of its interest in its parcel shall be deemed to be an agreement by the prospective tenant, grantee, or assignee not to use or occupy the parcel in any manner which would constitute a violation or breach of any of the easement and covenants contained herein.
3. Morrison County shall have access over and across the above-described property at all times through the terms of this easement for the purpose of maintaining and repairing the communications antenna and storage/maintenance shed.
4. Morrison County shall pay the property owner \$500.00 annually for the first five years, \$550.00 annually for the next five years and \$600.00 annually for the final five years. Said payment shall be made on or before the 1st day of August each calendar year.
5. This easement shall continue for a period of 15 years beginning August 1, 2016, and ending July 31, 2031.
6. All costs related to the construction, repair, and maintenance of the communications antenna and the storage/maintenance shed shall be the responsibility of Morrison County.

RESOLUTION #2016-

RESOLUTION AMENDING PORTIONS OF THE MORRISON COUNTY LAND USE CONTROL ORDINANCE

WHEREAS, a Notice of Intention to consider adopting amendments to the Morrison County Land Use Control Ordinance was published in the Morrison County Record on November 6, 2016; and

WHEREAS, the Morrison County Planning Commission held a public hearing on said ordinance amendments on November 28, 2016; and

WHEREAS, the Morrison County Planning Commission recommended by a majority the adoption of the ordinance amendments; and

WHEREAS, based on the comments heard at the hearing, the proposed language was amended; and

BE IT ORDAINED the amendments to the following ordinance sections is adopted.

SECTION: 200 RULES AND DEFINITIONS

SECTION: 300 GENERAL PROVISIONS

SECTION: 500 ADMINISTRATION

SECTION 600: ZONING DISTRICTS AND MAP

SECTION 700: SHORELAND DISTRICTS AND STANDARDS

SECTION 800: PLANNED UNIT DEVELOPMENTS

SECTION 1200: PERFORMANCE STANDARDS AND CONDITIONAL USE CRITERIA

SECTION 1300: SANITARY SYSTEMS AND WATER WELL STANDARDS

SECTION 1500: SUBDIVISION OF LAND

203 DEFINITIONS

Administrative Plat: a MS 505 plat which is reviewed and approved by County staff and does not require approval or public hearings from the Planning Commission and County Board

Attached: Shall mean structurally affixed to, contiguous to, and sharing a common wall, i.e. an attached garage. For the purposes of this Ordinance, a breezeway or other similar addition connecting one structure to another structure or part of a structure shall not be deemed to attach that structure to the other structure or part of a structure.

Block: A tract of land consisting of one of more lots, as identified by a number, and bounded by plat boundaries, dedicated public ways, outlots, parks, or bodies of water.

Cluster Development: A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density requirements of these regulations and the Zoning Ordinance (See also Planned Unit Development).

Contour: A line connecting all points of which are at the same elevation above a specified datum surface.

Contour Interval: The difference in elevation between adjacent contours on a map.

Contour Map: A map depicting contour lines.

Copy: A print or reproduction made from an original.

Cul-De-Sac: A road having but one end open to traffic; not a through road.

Double Frontage Lots: Lots which have a front line abutting on one road and a back or rear line abutting on another road.

Drainage Course: A water course or indenture for the drainage of surface water.

Easement: A grant by an owner of land for the specific use of said land by the public, or to a person or persons.

Final Plat: The final drawing, which is in compliance with MS 505 or 515B and County Ordinances and rules, of the Subdivider's plan as presented to the County Board for approval and which, if approved, will be submitted to the County Recorder to be recorded. A Final Plat is also considered the Recorded plat.

Lot A parcel of land intended for building development or as a unit for transfer of ownership. All, or part of a Block, as identified by a number on a plat.

Metes and Bounds: A description of a parcel of land by references to course and distances around the tract or by reference to natural or record monuments; most common method is to recite direction and length of each line as one would walk around the perimeter.

Natural Waterway: A natural passageway on the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

Subdivider: Any person commencing proceedings under the Ordinance to effect a subdivision of land hereunder for themselves or as an agent of the land owner.

Subdivision: The division of any parcel or land into two (2) or more lots, blocks and/or sites and includes the re-subdivision of land.

Tax Parcel: Land which is described by a recorded legal description and referenced by an individual and unique parcel identification number assigned by the County.

Plat Monument: A durable magnetic marker placed at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and any witness corners (MS 505.02 subd. 1). All plat monuments placed shall have the license number of the Minnesota licensed Land Surveyor responsible for the preparation of the Final Plat inscribed thereon.

Right-of-Way: The land covered by a public road or other land dedicated for public use or for certain private use.

Section 300 General Provisions

301. Nonconforming lots, uses and structures.

It is the purpose of this section to provide for the regulation of non-conforming lots, uses, structures and on-site sewage treatment systems. It is necessary to satisfy the purposes and intent of this ordinance that non-conforming lots, uses, structures not be permitted to continue without restriction. Further, it is the intent of this ordinance that all non-conforming lots, uses, and structures eventually be brought into conformity.

301.1 Nonconforming Lots

All districts except shoreland

- a. Non-shoreland lots of record in the office of the Morrison County Recorder as of May 17th, 1995 that do not meet the requirements of the appropriate zone district set forth in this ordinance may be allowed as building sites without a variance provided:
 1. the use is permitted in the zoning district;

2. the lot has been in separate ownership from abutting lands at all times since it became nonconforming;
 3. the lot was created compliant with the official controls in effect at the time; and,
 4. sewage treatment and setback requirements of this ordinance are met,
 5. the lot, at the building setback line, is a minimum of fifty (50) feet in width.
- b. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the lot size requirements set forth in this ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more contiguous lots so, that together, they equal one or more parcels of land, each meeting the requirements of this ordinance as much as possible.

All shoreland districts

- c. A nonconforming single lot of record as of May 17, 1995, located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
- (1) all structure and septic system setback distance requirements can be met;
 - (2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 - (3) the impervious surface coverage does not exceed 25 percent of the lot.
- d. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
- (1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - (2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;
 - (3) impervious surface coverage must not exceed 25 percent of each lot; and
 - (4) development of the lot must be consistent with the adopted comprehensive plan.
- e. A lot subject to paragraph (d) not meeting the requirements of paragraph (d) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- f. Notwithstanding paragraph (d), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
- g. In evaluating all variances, zoning and building permit applications, or conditional and interim use requests, the Administrator shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- h. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

301.3 Nonconforming Structures – nonresidential located in Ag, UF, R, RR, C, and MI (as classified by the County Assessor).

- a. A nonconforming structure existing at the time of the adoption of an official control may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except that additions or expansions to the outside dimension of an existing nonconforming structure may be allowed provided that the addition or expansion does not further encroach into the prohibited area. Any deviations from these requirements must be authorized by a variance by the Board of Adjustment.
- b. If the nonconforming structure is destroyed by fire or other peril to the extent of 50 percent of its estimated market value, the nonconforming structure shall not be reconstructed except in conformity with the provisions of this ordinance. Any structure which is damaged to an extent less than fifty (50) percent of its market value may be restored to its former extent, provided, however, that it must be reconstructed within twelve (12) months after the date of the damage. For the purposes of this paragraph, the term "value" includes the value of the destroyed building and all buildings or structures which are necessary accessories to the destroyed building.

301.4 Nonconforming Structures - residential located in Ag, UF, R, RR, C, and MI

- a. This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes as classified by the County Assessor. 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 may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except that additions or expansions to the outside dimension of an existing nonconforming structure may be allowed provided that the addition or expansion does not further encroach into the prohibited area. Any deviations from these requirements must be authorized by a variance by the Board of Adjustment.
- b. 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 established by an appraisal submitted by the property owner, and no land use permit has been applied for within 180 days of when the property was damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
- c. If a nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent or more of its market value, as established by an appraisal submitted by the property owner and a land use permit has been applied for within 180 days of when the property was damaged, the County may impose reasonable conditions upon a land use permit in order to mitigate any newly created impact on adjacent property.

301.5 Nonconforming structures in floodplain districts

- a. Any alteration or addition to a nonconforming structure which would result in increasing the flood damage potential of that structure shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques allowed in the State Building Code.

301.6 Nonconforming structures in SR and SC

- a. A nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.

- b. 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 established by an appraisal submitted by the property owner, and no land use permit has been applied for within 180 days of when the property was damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
- c. If a nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent or more of its market value, as established by an appraisal submitted by the property owner and a land use permit has been applied for within 180 days of when the property was damaged, the County may impose reasonable conditions upon a land use permit in order to mitigate any newly created impact on adjacent property.

301.4 Nonconforming Structures - residential located in Ag, UF, R, RR, C, and MI

- c. This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except that additions or expansions to the outside dimension of an existing nonconforming structure may be allowed provided that the addition or expansion does not further encroach into the prohibited area. Any deviations from these requirements must be authorized by a variance by the Board of Adjustment.

303

Survey Required. All new lots sized less than forty (40) acres and created after July 1, 2008 are required to submit a Certificate of Survey to the Morrison County Planning & Zoning office in both a paper and electronic format. Any survey, including preliminary and final plats, must be completed in accordance with the County's survey requirement standards and delivered in a format compatible with Morrison County's GIS System.

Section 500 Administration

503. LAND USE PERMIT

- 503.4 After the Fact Permit. Permits applied for after the work has begun must comply with section 509.9 of this ordinance.

504. Planning Commission

- 504.1 Establishment. A Planning Commission for Morrison County is hereby established.
- 504.2 Membership.
 - a. The Planning Commission shall consist of six regular members and six alternate members. The six regular members shall consist of five voting members representing each commissioner district and one ex-officio county commissioner member who may participate in discussion, but not vote. The six alternate members shall also consist of one voting member from each commissioner district and one ex-officio county commissioner member. The alternate voting members may sit in place of the regular member from his or her district, in the event the regular member is absent from a meeting. The alternate county commissioner member may sit in the place of the regular county commissioner member, in the event the regular member is absent from a meeting.

506. Variances

- 506.1 Procedures for Variances. The following procedures shall be followed for requests for variances made before the Board of Adjustment:
- a. The person applying for a variance shall fill out and submit to the Planning & Zoning Administrator a variance application including complete sketches of the proposed plans and other information as required by the Administrator or Board of Adjustment. The application shall include a statement of the practical difficulties claimed, along with the filing fee.
 - b. The official submission date for the application will not start until the application and all required documentation is submitted, and the filing fees have been fully paid. The Zoning Administrator shall refer the application to the Board of Adjustment for review.
 - c. After the request for a variance is filed with the Board of Adjustment, the Board shall set a date for hearing thereon and hear any parties who may appear in person or by agent or attorney.
 - d. Notice of the time and place of hearing shall be published once in the official newspaper of the county at least ten (10) days in advance of the hearing. Notice of the time and place of hearing shall be mailed not less than ten (10) days in advance of the hearing to the person filing the notice and to owners of property within one-half (1/2) mile of the subject property or to at least ten (10) property owners whichever is greater.
 - e. The petitioner or his representative shall appear before the Board of Adjustment in order to present evidence concerning the proposed variance.
 - f. The Board of Adjustment may impose conditions on the granting of variances to insure compliance and to protect adjacent properties and the public interest.
 - g. The Board of Adjustment must make a ruling on the variance within sixty (60) days of the County's receipt of a completed variance application request, unless exercising a time extension pursuant to Minnesota Statute 15.99 or successor statutes.
 - h. A certified copy of any order issued by the Board of Adjustment acting upon a request for a variance, shall be filed for record with the County Recorder. The order issued by the Board of Adjustment shall include the legal description of the property owners involved. The Zoning Administrator shall be responsible for meeting the requirements of this subdivision.
 - i. The Zoning Administrator shall be responsible for giving written notice of the decision or order of the Board of Adjustment to the proper parties having matters before the Board of Adjustment.

506.3 Additional Considerations for After the Fact Applications

In circumstances where a variance is sought to an official control after the work has already been begun or completed, in violation of one or more official controls, additional criteria may, in the discretion of the Board of Adjustment, be considered in determining whether to grant or deny the variance request. If the Board of Adjustment finds that all of the criteria set forth in section 506.2 a through f, are met, then the following additional criteria may be considered and weighed by the Board of Adjustment in determining whether to grant or deny the request:

- a. Why did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? Did the applicant act in good faith? Why or Why not?
- b. Did the applicant attempt to comply with the law by obtaining the proper permits: and
- c. Did the applicant obtain a permit from another entity that violated the law: and

- d. Did the applicant make a substantial investment in the property: and
 - e. Did the applicant complete the repairs/construction before the applicant was informed of the impropriety: and
 - f. Is the nature of property residential/recreational and not commercial: and
 - g. Are there other similar structures on the lake (if applicable): and
 - h. Would the minimum benefits to the county appear to be far outweighed by the detriment the applicant would suffer if forced to remove the structure
- 506.4 Burden of Proof. It shall be the burden of the applicant to demonstrate a practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.
- 506.5 Written Findings. Decisions by the Board of Adjustment shall be rendered in writing stating the reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing and according to the criteria contained in this ordinance.
- 506.6 Appeals of Decisions. Any person(s) who deems himself aggrieved by the Board of Adjustment's decision may appeal in writing the decision of the Board of Adjustment to District Court of Morrison County within thirty (30) days after the decision by the Board of Adjustment.
- 506.7 Material Adverse Effect. The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment may be requested by the Board of Adjustment to demonstrate the nature and extent of the effect.
- 506.8 Lapse and Extinguishment. If, within two (2) years after the date the variance was granted, a land use permit was not obtained, the variance shall become null and void. Notice of lapse and extinguishment of the variance shall be filed with the County Recorder and a copy of the notice shall be sent to the landowner.

507. Conditional and Interim Uses

- 507.2 Criteria for Granting Conditional Use and Interim Use Permits. In granting a CUP or IUP, the Planning Commission shall consider the effect of the proposed use upon the health, safety, ~~moral~~s, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission shall make the following findings where applicable:
- a. The use will not put an excessive burden on roadways, utilities and public facilities such as parks and schools.
 - b. The request will not be detrimental to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - c. The use in the opinion of the Planning Commission is reasonably related to the existing land use and the environment. Groundwater, surface water and air quality in the surrounding area will not be adversely affected by the proposed use.
 - d. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - e. The use is not in conflict with the Comprehensive Plan or Water Plan of the County.

509. Enforcement, Penalties and Remedies

- 509.1 Reasonable Investigation. Alleged ordinance violations shall be referred to the Zoning Administrator. The Administrator, or designee, shall make a reasonable investigation and determine whether or not a violation exists. If it is determined that a violation exists, then a violation report shall be prepared establishing the facts supporting the determination that an ordinance violation exists. The Administrator or the Administrator's designee may also prepare a notice of violation setting forth, as a minimum, the following:
- a. The action required on the part of the property owner to eliminate or resolve the violation; and
 - b. A reasonable time in which the violation must be remedied; and
 - c. Informing the property owner(s) of their right to appeal the order and determination to the Board of Adjustment within ten (10) days of their receipt of the notice of violation.
- 509.2 Service of Order and Report. If a notice of violation is drafted, then the Administrator shall serve the order and report upon the record owner of the property upon which the violation exists. Service of the order shall be made by US mail, addressed to the record owner of the property as on file with the County Treasurer. Service of subsequent documents shall be made by mail, addressed to the record owner of the property as on file with the County Treasurer for sending property tax statements or such other address as may be provided by the record owner in writing. The violation report shall constitute the administrative record supporting determination of the violation and issuance of the notice of violation.
- 509.3 Appeals of the Administrator's notice of violation shall follow the procedure below:
- a. Appeal of Determination and Notice of Violation. Upon service of the notice of violation, the record owner of the property shall have ten (10) business days to appeal the notice of violation by the Administrator to the Board of Adjustment, pursuant to Minnesota Statutes, section 394.27, or as amended. Appeal shall be taken by serving written notice upon forms provided by the County of intent to appeal, specifying the grounds on which the appeal is taken, on the Morrison County Planning and Zoning Department within said ten (10) business day period. The Department shall accept service of notice of such appeal on behalf of the Board of Adjustment. If no appeal is taken, then both the facts established in the report and the administrative order shall be deemed a final decision.
 - b. Stay of Proceedings. A notice of appeal stays all proceedings.
 - c. Hearing before the Board of Adjustment, Findings and Decision. If written notice of appeal is received, as provided above, then the Administrator shall schedule a hearing on said appeal before the Board of Adjustment at the earliest practicable time and consistent with the provisions of the Morrison County Zoning Ordinance and applicable state law.
 - d. Public Notice. Notice of the time and place of hearing shall be published once in the official newspaper of the County at least ten (10) days in advance of the hearing. Notice of the time and place of hearing shall be mailed not less than ten (10) days in advance of the hearing to the person filing the notice and to owners of property within five hundred (500) feet of the subject property, per Minnesota Statutes, section 394. 26, or as amended.
 - e. Hearing. The Board of Adjustment shall conduct the hearing and may develop hearing procedures consistent with this Ordinance and with state law. The Administrator or the Administrator's designee shall present the report establishing the violation and any additional facts, testimony or information as may be available to support the Administrator's determination. The record owner of the property may present facts, testimony or information supporting the appeal. The public shall also be given an opportunity to present facts, testimony and information. The Board of Adjustment may take and consider all testimony and information that it deems relevant in making its decision. The Board of Adjustment shall make a record capable of being transcribed of the proceedings and shall preserve all written and pictorial information presented and received at the hearing.

- f. Board of Adjustment Decision. The Board of Adjustment may refuse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from in its decision on appeals from a notice of violation. A majority vote of the Board of Adjustment shall be necessary to reverse a notice of violation, requirement, decision or determination. The Board of Adjustment shall make written findings of fact and state the reasons for its decision in writing. Said Findings and Decision shall constitute the final decision of the Board of Adjustment.
 - g. Notice of Decision; Appeal to District Court. The findings and decision of the Board of Adjustment shall be mailed to the appellant at the address on file with the County Treasurer for sending property tax statements or such other address as may be provided by the record owner in writing. Once mailed, the findings and decision shall serve as the appellant's notice of the decision. Said notice shall be deemed effective, with respect to the appellant record owner, three (3) days after the findings and decision are deposited in the United States mail. A copy of the findings and decision shall also be made available for public inspection in the Morrison County Planning and Zoning Office. Any aggrieved person may appeal the decision of the Board of Adjustment to the District Court, pursuant to Minnesota Statutes, section 394.27, or as amended, within thirty (30) days of notice of the decision. After thirty (30) days, if no appeal is made, the decision is final.
- 509.4 Enforcement of Final Decisions; No Remedy Exclusive. Pursuant to Minnesota Statutes, section 394.27, or as amended, the County Attorney may institute such actions as may be necessary to enforce final decisions issued hereunder. This enforcement method is not exclusive, but is in addition to any other right, remedy or cause of action the County may have to eliminate or resolve violations of this Ordinance. All such rights, remedies and causes of action may, in the County's sole discretion, be exercised separately or in conjunction with one another and with such frequency as the County deems appropriate.
- 509.5 Circumstances Constituting a Violation. Any person, firm or corporation who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards established in connection with the granting of variances, construction site permits, shoreland alteration or grading and filling permits, conditional use permits, interim use permits or failure to comply with restoration orders, or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine or imprisonment or both, as set by Minnesota Law. Each day that a violation continues shall constitute a separate offense.

Section 600 – Zoning Districts and Map

604. AG Agriculture District.

604.7

,1~Bae B 1~1#		
Automotive Repair	Bed & Breakfast	Contractor's yard & storage
Licensed residential treatment center	Outdoor recreation	

604.8

,1~Bae B 1~1# E~B ~B~Bae °1 ~B~°1 .°B,1#		
Home Extended Business	Kennels	Limited Rural Business
Meteorological Towers	Retreat Center	Wood Products Manufacturer

Section 700 Shoreland Districts and Standards

719. Resorts

- 719.10 Docks, Slips, & Moorings. All new resort developments, resort expansions, and resort conversions, shall meet the following design requirements for docks and boat slips.
- a. Each resort is permitted a maximum of one (1) dock per 120 feet of shoreline in SR and SC districts to service the needs of the resort's transient lodgers. Each resort is also permitted one (1) dock to service the needs of the resort caretaker.
 - b. No dock shall exceed a total area of seven hundred (700) square feet, including walkways. The use of fingers, and T or L shaped docks are permitted in any configuration from the main body of the dock, within the maximum footage allowed.
 - c. Docks, when designed and positioned:
 1. must allow free flow of water beneath it;
 2. shall be placed so as not to block access from an adjacent property to open water;
 3. should be kept as narrow as possible;
 4. must not have a constructed rigid roof or walls; and
 5. no dock shall be placed within ten (10') feet of a side lot line of a lot or parcel, as extended to the center of the lake, unless it is a common dock that serves more than one lot.
 - d. Access to a dock or docks shall be along a single designated footpath to minimize disruption of the natural vegetation strip.
 - e. The number of watercraft allowed to be continuously beached, moored, or docked must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

800. Planned Unit Developments.

811. Docks, Slips, & Moorings.

- 811.1 Each PUD is permitted a maximum of one (1) dock per 120 feet of shoreline in SR and SC districts to service the needs of the residents or transient lodgers.
- 811.2 No dock shall exceed a total area of seven hundred (700) square feet, including walkways. The use of fingers, and T or L shaped docks are permitted in any configuration from the main body of the dock, within the maximum footage allowed.
- 811.3 Docks, when designed and positioned:
- a. must allow free flow of water beneath it;
 - b. shall be placed so as not to block access from an adjacent property to open water;
 - c. should be kept as narrow as possible;
 - d. must not have a constructed rigid roof or walls; and
 - e. no dock shall be placed within ten (10') feet of a side lot line of a lot or parcel.

- 811.4 Access to a dock or docks shall be along a single designated footpath to minimize disruption of the natural vegetation strip.
- 811.5 The number of spaces provided for watercraft to be continuously beached, moored, or docked must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

Section 1200 PERFORMANCE STANDARDS AND CONDITIONAL AND INTERIM USE CRITERIA

1208. Small Scale Feedlots. At all times, all animal feedlots, manure storage areas, structures, facilities and manure application sites in the County shall be operated and maintained in a manner consistent with their registration, feedlot construction short-form permit, feedlot interim permit, conditional use permit, variance, State Disposal System Permit, National Pollutant Discharge Elimination System Permit, this Ordinance, Minnesota Rules, chapter 7020; or successor rules, and Minnesota Statutes, section 116.07 subd. 7a; or successor statutes.

1208.1 Tier I (50 to 300 animal units) Feedlots are a permitted use in the AG Agriculture District, provided the use meets the following minimum setbacks and parcel size requirement:

Non-Feedlot Residence 660'	Road Right Of Way 200'	Incorporated City with population greater than 500 1320'	Lakes 1000'
Other Protected Waters 300'	Property Line 100'	Other Existing Feedlot 660'	Minimum Contiguous Parcel Size 20 acres

1208.2 An existing feedlot may expand or construct to the limits of the allowed animal units in its current Tier as of April 1, 2013, or undertake construction activities associated with its feedlot operation, as long as the expansion or construction makes no further encroachment on a nonconforming setback. For Tier changes occurring after April 1, 2013, all new construction must meet current county setbacks.

1208.3 Animal manure shall not be stockpiled for longer than twelve (12) months.

1208.4 The owner of any animal feedlot shall be responsible for the storage, transportation and proper disposal of all manure generated from the feedlot. In the event manure is sold or otherwise transferred to another party, said party shall, at the time of transfer, be responsible for the items listed in this section.

1208.5 The waste storage facility must be within three hundred (300) feet of the associated feedlot.

1208.6 Applications for new building construction associated with a Tier I feedlot must include a Stormwater Plan and Odor Minimization Plan on forms provided by the County.

1209. Large Scale Feedlots. At all times, all animal feedlots, manure storage areas, structures, facilities and manure application sites in the County shall be operated and maintained in a manner consistent with their registration, feedlot construction short-form permit, feedlot interim permit, conditional use permit, variance, State Disposal System Permit, National Pollutant Discharge Elimination System Permit, this Ordinance, Minnesota Rules, chapter 7020; or successor rules, and Minnesota Statutes, section 116.07 subd. 7a; or successor statutes.

1209.1 **Tier II (301 to 650 animal units), Tier III (651 to 1,000 animal units), and Tier IV (1,001 to 2500 animal units),** must meet the following minimum setbacks and parcel size requirements:

	301 – 650 AU Tier II	651 – 1000 AU Tier III	1001 – 2500 AU Tier IV
Non-Feedlot Residence	1000'	1000'	1000'
Non-Feedlot Residence from Hog Facility	1320'	1320'	1320'
Road Right of Way	200'	200'	200'
Incorporated City with population greater than 500	2640'	2640'	3960'
Lakes	1000'	1000'	1000'
Other protected waters	300'	1000'	1000'
Property Line	200'	200'	200'
Other existing feedlot	660'	660'	1320'
Minimum Contiguous Parcel	75 acres	75 acres	75 acres

1209.2 An existing feedlot may expand or construct to the limits of the allowed animal units in its current Tier as of April 1, 2013, or undertake construction activities associated with its feedlot operation, as long as the expansion or construction makes no further encroachment on a nonconforming setback. For Tier changes occurring after April 1, 2013, all new construction must meet current county setbacks.

1209.3 Applications for a conditional use permit to operate a feedlot with more than 300 animal units must include:

a. Evidence that the applicant had a current (within two months prior to application) compliance inspection as specified in Minnesota Rules Chapter 7020,

b. A feedlot environmental review prepared by the Morrison County Soil & Water Conservation District,

c. A site plan showing:

1. All building locations, sizes, and roof area;
2. Property lines;
3. Public road right of ways, and
4. Topographic features and soil types.

d. An area map showing:

1. Distances from all surrounding buildings and residences in a one mile radius;
2. Topographic and soil maps within a one mile radius;
3. Water features including surface waters, drainage ditches and wetlands located on or within a 1,320 foot radius of the site;
4. Unique environmental features of the surrounding area within a one mile radius;
5. All wells on or within a 1320 foot radius of the site;
6. Existing feedlots within 1320 feet.

e. A survey of the site and/or a run off plan if determined necessary by the zoning officer,

f. A manure management plan, meeting MPCA requirements, including manure storage plans.

g. Comments and recommendations from the Soil & Water Conservation District,

h. A dead animal disposal plan,

- i. A Morrison County Good Neighbor Plan,
- j. A Morrison County Stormwater Plan for Feedlot Construction
- k. A Morrison County Feedlot Odor Minimization Plan
- l. Any other information deemed necessary by the Zoning Officer for the purpose of reviewing the feedlot plan and permit.
- m. New feedlots or new construction on existing feedlots shall meet a 91% annoyance free rating to the nearest non-feedlot dwelling as determined by the OFFSET odor evaluation modeling as developed and modified by the University of Minnesota of Biosystems and Agriculture Engineering.”

1230. Kennels

1230.1 Purpose. This section is intended to help enforce public health, safety, and welfare concerns for the general public and for the purpose of prohibiting nuisance, animal neglect, and containing the spread of diseases.

1230.2 Regulations.

- a. Kennels are allowed in the AG Zone with the issuance of an interim use permit.
- b. No dogs on the kennel site shall be debarked. No shock collars will be used to control barking.
- c. A cremation or rendering service must be used for the removal of dead animals. A dead animal box must be employed to shield the view of same from public view.
- d. If applicable, a USDA kennel license must be maintained at all times. The owner must be in compliance with all requirements at all times. If at any time the kennel owner is convicted of violating the license, the County Board may revoke the Interim Use permit.
- e. If applicable, a Minnesota State kennel license must be maintained at all times. The owner must be in compliance with all requirements at all times. If at any time the kennel owner is convicted of violating the license, the County Board may revoke the Interim Use permit.
- f. The owner must be in compliance with all applicable federal, state and county statutes, rules and permit requirements at all times.

1230.4 Information to be Submitted with Interim Use Permit.

- a. Specify the species and maximum number of animals that will be at the site;
- b. A statement that all animals at the property will have current vaccinations;
- c. Identify the location and size of all existing and proposed physical improvements, such as buildings, dog runs and/or outside exercise areas, parking area, and other physical improvements;
- d. A manure management plan;
- e. Information must be provided on how the owner will handle on-site kennel wash water. All kennel owners shall provide proper drainage for indoor and outdoor facilities and which shall be maintained in a healthful manner. Show proposed surface drainage in relation to adjacent land owners and features.

1300 SANITARY SYSTEM AND WATER WELL STANDARDS

1301.12 SSTS ON LOTS CREATED AFTER JANUARY 23, 1996

All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support Type 1 systems as required in the 2011 version of Minnesota Rules Chapter 7080.2200.

Renumber all sections following 1301.12

1500. SUBDIVISION OF LAND

1501. Purpose: Any person platting, replatting or dividing property for purposes of transfer of title or separate description shall do so under the provisions of this ordinance. The Subdivision Ordinance sets forth the minimum requirements deemed necessary to protect the health, safety and welfare of the public. More specifically, the provisions of this ordinance are designed to:

- Assure that to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against becoming deteriorated or obsolete.
- Assure that effective protection is given to the natural resources of the County, especially ground water and surface waters.
- Encourage well-planned subdivision through the establishment of adequate design standards.
- Discourage inferior developments that might adversely affect the tax base.
- Facilitate adequate provisions for transportation and other public facilities.
- Secure the rights of the public with respect to public lands and waters.
- Improve land records by the establishment of standards for surveys and plats.
- Safeguard the interests of the public, the homeowner, the subdivider and units of local government.
- Provide a common ground for understanding between developers and local units of government.
- Prevent, where possible, excessive governmental operating and maintenance costs.
- Assure the availability of utilities adjacent to planned development.

1501.1 Legal Authority. This ordinance is enacted pursuant to Section 394.25, Laws of Minnesota, 2006 or as amended.

1501.2 Administration. The Subdivision Ordinance shall be administered by the Morrison County Board of Commissioners, after review and recommendation by the Planning Commission.

1501.3 Decisions. Unless otherwise provided by statute or this ordinance, all actions of the County Board and Planning Commission pertaining to this ordinance shall require the vote of a majority of the members of the entire County Board or Commission.

1501.4 Land Suitability. No land shall be subdivided which is held unsuitable by the County for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, near shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any feature likely to be harmful to the health, safety of welfare of future residents of the proposed subdivision.

1502. Plats

- A. A Minnesota Statute Chapter 505 plat **is required** under the following circumstances:
 - 1) The creation of four or more total tax parcels except when the tax parcels created can be described by an aliquot part of the Public Land Survey. The minimum division shall be a Quarter-Quarter of the Section (i.e. SE $\frac{1}{4}$ of the NW $\frac{1}{4}$). Non-contiguous land must be separate tax parcels.
 - 2) If a subdivision of a platted lot or outlot can result in one or more potential dwelling sites, the subdivision must be platted.
- B. Administrative Plats. An Administrative Plat process may be utilized if all of the following conditions are met:
 - i. The plat does not dedicate any interests to the public such as easements or roads;
 - ii. The parcels shown on the plat provide for existing public road access for each new division or reconfiguration of land;
 - iii. There is no change of zone requested;
 - iv. No additional building sites are created other than what would be allowed under the existing zoning designation;
- C. All plats, except Administrative Plats as outlined in Section 1502 b, shall be reviewed by the Planning Commission and approved by the County Board.

1503. Metes and Bounds Subdivision

- A. The creation of up to three total tax parcels from one or more tax parcel(s) requires a survey as outlined below except when the tax parcels created can be described by an aliquot part of the Public Land Survey. The minimum division shall be a Quarter, Quarter of the Section (i.e. SE $\frac{1}{4}$ of the NW $\frac{1}{4}$). Non-contiguous land must be separate tax parcels.
 - 1) If the parcel is not within a recorded plat, and a Certificate of Location for each of the pertinent Public Land Survey corners has been filed with the County Surveyor, a Certificate of Survey depicting information listed in Section 1506.1, (B), items 1 through 6, items 8, 11, 12, 13, and 14 shall accompany the subdivision and conveyance of land. The survey must be of the parcel being split and conveyed and, if resulting in under 40 acres, the parcel(s) contributing to the split. If the split parcel is composed of more than one tax parcel, the acreages of those portions of each tax parcel contributing to the split parcel must be indicated on the survey.
 - 2) If the parcel is within a recorded plat, a Certificate of Survey depicting information listed in Section 1506.1 (B), items 1 through 6, items 8 and 11 shall accompany the subdivision and conveyance of land. The survey shall show distance and direction reference ties to each of the pertinent Lot or Block corner monuments. If the pertinent Lot or Block corner monuments do not exist, sufficient mathematical information shall be shown to enable reference of the parcel description to the plat or to the pertinent Public Land Survey corner monuments. The survey must be of the parcel being split and conveyed and, if resulting in under 40 acres, the parcel(s) contributing to the split. If the split parcel is composed of more than one tax parcel, the acreages of those portions of each tax parcel contributing to the split parcel must be indicated on the survey.
- B. No further subdivisions will be approved for tax parcels subdivided within one year of their creation.
- C. All conveyances of land outlined in Section 1503 within the unincorporated areas of Morrison County, must be presented to the County Recorder/Registrar or Titles with a certification by the Morrison County Planning and Zoning Office that the County's subdivision regulations do not apply or that the subdivision has been approved by the Morrison County Planning & Zoning Office. If a conveyance instrument is recorded without the written approval of the Zoning Administrator or their designee, the parties of the conveyance may be subject to misdemeanor prosecution as contained in this Ordinance.

1504. Torrens Properties

- A. In the instance in which a plat or metes and bounds description subdivides Torrens property, the Land Surveyor preparing the proposed plat or parcel description will provide to the County Recorder/Registrar of Titles the new descriptions for the Torrens parcels and any residual parcel(s). These descriptions must accompany the filing of the Certificate of Survey, Certificate of Description, plat, or Registered Land Survey.

- B. Common Interest Communities in which ownership is characterized as real property cannot contain both Torrens and Abstract title.
- C. All subdivisions or combinations of metes and bounds Torrens property descriptions must create a Registered Land Survey or MS 505 plat unless prior approval is obtained by the County Recorder/Registrar of Titles.

1505. GENERAL PROCEDURES FOR PLATTING

1505.1 Procedures. The following procedures shall be followed in the administration of this Ordinance and no real property within the jurisdiction of this Ordinance shall be subdivided or a plat recorded unless approved according to this ordinance.

- A. All Preliminary and Final Plats of any subdivision, as required by this Ordinance, shall be subject to review and approval by the appropriate Board and staff.
- B. No lots, tracts, or parcels within any proposed subdivision may be sold prior to recording the plat with the County Recorder/Registrar of Titles.
- C. The County shall not issue any land use permits for building development on any lot, parcel, or tract within a subdivision that has not received final approval pursuant to this Ordinance.

1505.2 Development Review Team Meeting - Sketch Plan

Prior to the preparation of any preliminary plat, the Subdivider shall meet with the County Planning and Zoning Department and other officials in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time, or at subsequent informal meetings, the Subdivider shall submit a general sketch plan of the proposed subdivision and preliminary proposals for water supply, waste treatment, storm water management, and road layout. The sketch plan may be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and development, the topography of the site, to the appropriate Comprehensive Plan for the area, and to any other requirements as stipulated in this Ordinance. The sketch plan will be considered as the basis for discussion between the Subdivider and staff. Submission of such sketch plan shall not constitute formal filing of a Preliminary Plat.

1505.3 Preliminary Plat

After the Development Review Team meeting, the Subdivider shall apply for a platting permit with the Zoning Administrator. At the time of submission of the Preliminary Plat, the required fees shall be paid by the Subdivider. The Preliminary Plat process may not be required for an Administrative Plat.

- A. The applicant shall be responsible to submit eight (8) full sized (24" x 36") and ten (10) 11' x 17' legible copies of the Preliminary Plat to the Planning and Zoning Department for distribution to the following entities:
 - 1. 3 full sized (24" x 36") copies to the Zoning Administrator
 - 2. 1 full sized (24" x 36") copy to any city within two miles of the proposed plat
 - 3. 1 full sized (24" x 36") copy to the Township Board in which the proposed plat is located
 - 4. 1 full sized (24" x 36") copy to the Soil and Water Conservation District
 - 5. 1 full sized (24" x 36") copy to the Minnesota Dept. of Transportation (District 3) if the proposed plat abuts or is adjacent to a state or federal highway
 - 6. 1 full sized (24" x 36") copy to the Morrison County Engineer
 - 7. 10 - 11" x 17" copies for the Planning Commission and public hearing
- B. The Preliminary plat shall show the data requirements as listed in Section 1506 of this ordinance.

- C. A public hearing will be conducted at a specified Planning Commission meeting after all the appropriate notifications have been submitted. If approved, the Planning Commission shall express its recommended approval or conditional approval and state the conditions of such recommended approval, if any; or if disapproved, shall express its disapproval and its reasons therefore. Such approval or disapproval shall be transmitted to the County Board.
- D. At the time of filing the Preliminary Plat, the owner or owners of the land covered by such plat shall submit to the County Zoning Administrator a petition for rezoning to the precise proposed future use of said land if the land is not already so zoned. The Planning Commission and County Board may approve a zoning change contingent upon approval of the Final Plat.
- E. Based on the information provided, the Planning Commission and the County Board shall review all subdivisions which require their approval, for the following:
 - 1. That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to flooding, water storage, drainage and retention, are such that the site is physically suitable for the proposed density of development;
 - 2. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage;
 - 3. That the design of the subdivision or the type of improvements is not likely to cause serious health problems;
 - 4. Comments gathered as a part of the public hearing process;
 - 5. Requirements and comments of pertinent governmental bodies;
 - 6. That the proposed subdivision adequately addresses road arrangement, location, width, and connections with the current and future plans as outlined in the Morrison County Transportation plan and Official Maps;
 - 7. That the proposed subdivision adequately addresses all the goals and objectives as outlined in the Morrison Comprehensive Plan, and requirements outlined in the Morrison County Land Use Control Ordinance.
- F. The approval of a Preliminary Plat is an acceptance of the general layout as submitted, and indicates to the Subdivider that they may proceed toward preparation of a Final Plat in accordance with the terms of approval and provisions of this Ordinance.
- G. If significant changes occur in the layout design, or other supporting information from an approved Preliminary Plat, the Subdivider must rescind their initial submittal and re-submit the proposal to the Planning Commission and pay any re-submittal fees. Any statutory timelines for review and approval shall terminate upon the rescission request and shall recommence upon re-submittal of the proposal.

1505.4 Final Plat

- A. If a change of zone request is proposed, the change of zone request, Preliminary Plat, and Final Plat shall be submitted by the Subdivider for County Board approval within 120 days of the submission of the initial request.
- B. If a change of zone request is not proposed, the Subdivider shall submit the Final Plat to the Zoning Administrator at least two (2) weeks before the regularly scheduled County Board meeting hearing the request, and within one hundred eighty (180) days of the date of approval of the Preliminary Plat.
- C. The County Zoning Administrator, Attorney, Engineer, and Surveyor shall check the Final Plat to see that it is in substantial agreement with the Preliminary Plat as approved by the Planning Commission and that it meets all ordinances and regulations of the county.
- D. The Subdivider shall submit:
 - 1. One full sized (24"x36") copy to the Zoning Administrator
 - 2. One full sized (24"x36") copy to the County Engineer

3. Two full sized (24"x36") copy to the Surveyor
 4. One full sized (24"x36") copy to the Attorney
 5. A current title opinion or commitment to the County Attorney and County Surveyor, covering the area to be subdivided.
- E. Following Final Plat approval or disapproval by the County Board, the Zoning Administrator shall notify the Subdivider of the Board's action within thirty (30) days thereafter. The Final Plat, if approved, shall be submitted by the Subdivider for filing with the County Recorder within one hundred eighty (180) days after the date of County Board approval.
- F. Final Plat approval shall be null and void if the Final Plat is not filed for recording within the timeframe herein specified. The Planning and Zoning Administrator may grant an extension, for good cause, if the extension request is in writing and presented for decision before the one hundred eighty (180) days terminates.

1506 DATA REQUIRED

1506.1 Data for Preliminary Plat

This section pertains to proposed plats in which the County is the platting authority; or a plat that adjoins or is adjacent to any County Road, County State Aid Highway, or Municipal State Aid Highway.

The Subdivider shall engage a Minnesota Licensed Land Surveyor, Engineer, or Landscape Architect to prepare a Preliminary Plat of the area to be subdivided. The Preliminary Plat shall contain:

- A. Identification and Description
 1. Proof of ownership: A copy of a current Title Commitment, Title Opinion, or Certificate of Title (Torrens property) that covers the property of the proposed plat shall be submitted with the proposed plat.
 2. The name of the proposed plat, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County.
- B. Existing conditions: A current Certificate of Survey, which shall be used as the basis for the proposed plat, shall be prepared and executed by a Minnesota Licensed Land Surveyor, depicting the following information:
 1. Scale of drawing; one (1) inch equals one hundred (100) feet or one (1) inch equals two hundred (200) feet;
 2. North arrow;
 3. Date of Survey;
 4. Legal description of the boundary of the subject parcel(s);
 5. Sufficient boundary survey data and mathematical information (bearings to the nearest one second of a degree and dimensions to the nearest one hundredth of a foot) to locate and retrace the boundary;
 6. Total area in square feet or acres of the proposed plat (or tax parcel);
 7. Existing site improvements within the proposed plat and any existing improvements within 10 feet of the proposed plat boundary, or a notation indicating no site improvements exist;
 8. All encroachments along the boundary of the proposed plat (or tax parcel), or a notation indicating no evidence of encroachment was found;
 9. All easements of record, or a notation indicating the there are no easements of record;
 10. Ponds, lakes, rivers, streams, creeks, wet lands, and other waterways within or adjacent to the proposed plat, or a notation indicating none of these features are within or adjacent to the proposed subdivision. The ordinary high water elevation and 100 year flood elevations shall be shown where applicable. Elevations shall be referenced to an established bench mark with a mean sea level elevation and noted on the proposed plat;
 11. Location, right of way widths, and names of public roads, other public ways, or railroads within or adjacent to the proposed plat boundary;
 12. Location of private roads within or adjacent to the proposed plat boundary
 13. Distance and direction reference ties from the boundary of the proposed plat to a minimum of two Public Land Survey corner monuments.
 14. The structures that are located closest to the proposed tax parcel boundaries along with distances to such boundary.

- C. The names and addresses of the fee owner, Contract for Deed purchasers, or any agent having control of the land; the Subdivider; the Minnesota Licensed professional preparing the plan.
- D. Two foot contours extending throughout the proposed plat location and within a 300 foot buffer surrounding the proposed plat.
- E. Existing and proposed zoning classifications for the land within and adjacent to the proposed plat.
- F. A tabulation of the approximated square footage/acreage and dimensions of each lot, outlot, or park.
- G. Adjoining parcel information to include (within 300 feet of proposed boundary):
 - 1. General location of adjoining parcels; right of way widths; names of existing roads, platted roads, or other public ways; parks; other public lands; public utility easements; Public Land Survey lines; and corporate limits.
- H. Adjoining owner's names.
- I. Vicinity map depicting and labeling the Section, Township, and Range
- J. If applicable, soils analysis and depth to groundwater and bedrock from finished grade must be established. A plan for solving site ground water problems may be required if conditions warrant.
- K. Any other such information that is deemed necessary for review and as may be requested by the Planning Commission, - County Board, or staff.
- L. If applicable, layout of proposed roads addressing all items within the Morrison County Public Works Department Road Construction Specifications.
- M. If applicable, Preliminary road grades and drainage plan, including drainage structure size and location shall be shown on a copy of the contour map.
- N. If applicable, a drainage plan and flood control which includes structure size and location based upon hydraulics of a 100 year flood event.
- O. If applicable, source of water. Connection to municipal water is required, if available.
- P. Provisions for sewage treatment. Connection to municipal sewage treatment is required, if available.
 - 1) Community sewage treatment systems must be designed and installed according to Minnesota Pollution Control Agency Standards.
 - 2) All lots served by an individual sewage treatment system must be evaluated and be able to support two Type I systems.
- Q. If applicable, a plan for soil erosion and sediment control both during construction and after development has been completed.
- R. If the Minnesota Environmental Quality Board regulations require an EAW or EIS, such documentation shall be submitted as part of the Preliminary Plat information.
- S. If applicable, a landscape plan shall accompany the application. The plan shall indicate the location of existing trees, proposed new trees and vegetative plantings, and existing trees proposed to be removed.

1506.2 Data for Final Plat (County Board)

- A. Special conditions and/or restrictions pertaining to the approval of the Final Plat by the County Board shall be recorded as covenants. Recording of the special conditions or restrictions shall be the obligation of the developer.

1506.3 Data for Final Plat (Recording)

- A. The proposed plat shall follow the requirements of Minnesota Statute 505.

- B. All plat monuments shall be placed in the ground prior to recording of the plat with the County Recorder.
- C. Refer to Section 1504, for plats that include Torrens parcels.

1506.4 Planned Unit Developments

Small lot sizes (lot sizes smaller than outlined in the Morrison County Land Use Control Ordinance), may be allowed for planned cluster developments and shall be designed and established under Section 800 of the Land Use Control Ordinance.

1507 SUBDIVISION DESIGN STANDARDS

1507.1 General

Generally, design standards assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the development objectives of the County.

1507.2 Roads

Road design shall be in compliance with the Morrison County Public Works Department Road Construction Specifications, in addition to the following;

- A. Road Names. Proposed roads obviously in alignment with existing and named roads shall bear the names of such existing roads. In no case shall the name for the proposed road duplicate existing road names, phonetically or literally.
- B. Hardship to Owners of Adjoining Property. The road arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- C. Access control and road right of way dedication may be required.
- D. Intersections and driveways tying into existing roads must meet the requirements of the applicable road jurisdiction policies.
- E. Topsoil removed due to the road construction shall be stockpiled for re-spreading over lots and shall not be sold or otherwise removed from the subdivision area unless the removal of excess topsoil is approved by the County.

1507.3 Easements

- A. All public easements shall be dedicated by appropriate language on the plat as required by M.S. 505.021, Subdivision 7.
- B. Utilities easements shall be provided for utilities where necessary.
- C. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way, as will be adequate for storm water runoff based on the 100 year flood event. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

1507.4 Blocks

Road lengths shall not exceed 1,200 feet between intersections. In blocks longer than 800 feet a pedestrian crossway with a minimum right-of-way of ten (10) feet may be required near the center of the block. The use of additional access ways to schools, parks and other destinations may also be required. If additional access ways are required, they should be located at road intersections. The design of the plat should take advantage of the natural amenities on site, and account for optimal traffic flow and adequate vehicle access.

1507.5 Lots

- A. Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Morrison County Zoning Ordinance.
- B. Where possible, side lot lines shall be at right angles to straight lines or radial to curved road lines.

- C. Each lot shall front on a local or private road within the subdivision. Lots with frontage on two (2) parallel roads shall be permitted only under unusual circumstances.
- D. The lot dimensions shall be such as to comply with the minimum lot areas specified in the Morrison County Zoning Ordinance.
- E. Lots shall be graded so as to provide drainage away from building locations and septic drainage fields.
- F. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels unless the owner can show plans for the future use of such remnants wherein they shall be platted as outlots.
- G. Outlots shall be set aside solely for non-building purposes. No Morrison County Land Use Permits shall be issued for structures on outlots. Outlots may be eliminated through re-subdivision approved by the County.

1507.6 Natural Features

- A. In the subdividing of any land, Morrison County Zoning Ordinance regulations need to be adhered to and due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic sites, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.
- B. In general, it is preferable to have trees, other than diseased or damaged trees, only to be cut or removed to accommodate building sites, driveways or utilities. The applicant shall demonstrate that all grading which takes place will be conducted in a manner that preserves the root zone aeration and stability of existing trees and provides an adequate watering area equal to at least each tree's crown cover. The size and species of trees used in reforestation shall be approved by the County. The applicant must contact the Minnesota DNR concerning the timing of trimming or removal of trees.

1507.7 Erosion and Sediment Control

- A. Wetlands and other water bodies shall not be utilized as a primary source of hydrologic and/or sediment traps.
- B. Any proposed alteration, filling, or creating of wetlands need to comply with the Minnesota Wetland Conservation Act Rule 8420, which is administered locally by the Morrison County Soil and Water Conservation District.
- C. The proposed development shall not increase the runoff rate of storm water so as to cause an adverse effect upon adjacent lands. Hydraulics to verify post-development rates are at or less than pre-development rates shall be based on the 100 year flood event.
- D. Erosion protection measures shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on-site as erosion control facilities. The use of approved natural erosion control devices shall be preferred to the maximum extent over the construction of artificial drainage devices including culverts, holding ponds and ditches.
- E. Topsoil removed from lots during construction shall be stockpiled for re-spreading over lots and shall not be sold or otherwise removed from the subdivision area unless the removal of excess topsoil is approved by the County.
- F. Topsoil shall be re-spread so as to provide at least six (6) inches of cover originally existing on the site or a minimum of four (4) inches of cover if the original cover was less. The site shall also be stabilized by seeding and or sodding.
- G. Developments are subject to NPDES and SWPPP permit requirements.

1507.8 Public Lands and Open Spaces

Because subdivision activity creates a need for a full range of public facilities, the County Board may require a portion of the subdivided land to be set aside for open space, park, recreational, or common areas and facilities (MS 394.25, Subd.7).

The County Board may accept a contribution to the County Park Fund in lieu of land designation within the subdivision.

1508 IMPROVEMENTS REQUIRED

1508.1 Improvements Listed and Described

Before the County Board approves a Final Plat, the Subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the County Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site:

- A. Monuments. All plat monuments shall be placed in the ground prior to recording of the plat with the County Recorder/Registrar of Deeds. Delayed staking of any plat monument will be prohibited.
- B. Water supply. Where a connection with a community water system is possible, the public water shall be used. In other instances, safe and potable water shall be provided by a central distribution system serving the subdivision or by individual wells.
- C. Sanitary Sewer. In all cases, the Subdivider shall be required to connect to municipal trunk line sewers when available. In other instances individual on-site or a central system following the standards as outlined in the Morrison County Land Use Control Ordinance shall be used.
- D. Drainage. A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of roads. All culverts installed shall be new. Minimum culvert size through the roadway shall be 24", 18" minimum for driveways. Any culvert over 48" diameter, or at locations requested by the County Engineer, shall have a hydraulic analysis and risk assessment performed. Centerline culverts shall be provided to accommodate all natural water flow and shall be sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion.
- E. Interim measures shall be required to ensure that drainage design functions adequately during phase developments.
- F. Each subdivision must function as independent projects, yet be flexible to integrate with surrounding needs.

1508.2 Development Agreement

Before a Final Plat is approved by the County Board, the Subdivider and owner shall be required to enter into a development agreement which shall be binding on their heirs, or personal representatives of the property owners. The agreement may require submittal of a performance bond, cash escrow agreement, or irrevocable letter of credit, as approved by the County Board to assure the following:

- A. The Subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the costs of any trunk facilities to be extended to the subdivisions with the exception of individual wells and individual sewage disposal systems.
- B. Guarantee completion of the required improvements in accordance with the standards established by the County Engineer or those standards adopted as the official improvement standards of Morrison County within a two (2) year period unless a separate completion timeline is agreed to by both parties.
- C. Payment by Subdivider for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, County Surveyor, and County Engineer as well as other costs of a similar nature. This payment would be in addition to the subdivision fee paid with the submission of the Preliminary Plat.
- D. The County may elect to install any of the required improvements under the terms of the development agreement.
- E. The development agreement shall be equal to one and one-quarter (1.25) times the estimated cost of the required improvements.

F. If the required improvements are not complete within the two (2) year period or alternate approved timeline, all amounts held under the development agreement will be applied to the cost of the required improvements. Any balance remaining after such improvements have made, shall be returned to the Subdivider.

1509 VARIANCES AND EXCEPTIONS

The County Board may have the power to vary the requirements of this Ordinance so long as they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties as defined in Minnesota State Statutes Chapter 394. Any variance to Section 1503 should be heard and acted upon by the Board of Adjustment, all other variances shall be heard and acted upon by the County Board.

1510 CERTIFICATION OF FINAL PLAT

A. For approval by signature of county officials with the recording of the plat.

1) Taxes payable in the year _____ on the land herein described have been paid, there are no delinquent taxes entered this _____ day of _____, 20__.

Morrison County Auditor/Treasurer
By: _____ Auditor/Treasurer

2) I hereby certify that the within instrument was filed in this office for record this _____ day of _____, 20__ at _____ o'clock __m and was duly recorded as document number _____,

Morrison County Recorder

3) Approved by the County Board of Commissioners of Morrison County, Minnesota, this 8 day of Dec, 2010

Signed: _____

[Signature]
Chair

Attest: _____

[Signature]
Administrator

4) Approved by the _____ Township Board this _____ day of _____, 20__.

Signed: _____
Chairman, Township Board

5) I hereby certify:

that I have surveyed or directly supervised the survey of the property described on this plat; that I prepared or directly supervised the preparation of this plat as (name of plat in CAPITAL LETTERS-exactly as it appears in the title); that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been correctly set; that as of the date of this certificate, all water boundaries and wetlands, as defined in Minnesota Statutes 505.01, Subd. 3, are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.

Land Surveyor
Minnesota License No. _____

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____ Land Surveyor.

Notary Public _____ County, Minnesota
My Commission Expires _____

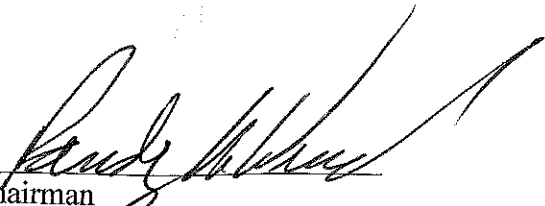
Pursuant to Chapter 389.09, laws of Minnesota, and Morrison County Land Use Control Ordinance, this plat has been approved this _____ day of _____, 20__.

Morrison County Surveyor


I hereby certify that proper evidence of title has been presented to and examined by me and I hereby approve this plat as to form and execution. _____ Attorney for Morrison County

These changes are effective immediately.

Adopted this 8th Day of December, 2016



Chairman
Morrison County Board



Clerk
Morrison County Board

Aquatic Invasive Species Prevention Plan for Morrison County

INTRODUCTION

Aquatic invasive species (AIS) are threatening Minnesota waters. These nonnative species have the potential to harm fish populations, water quality, and water recreation. This plan outlines the efforts that Morrison County will undertake to help prevent the spread of harmful AIS within Minnesota.

AIS are an emerging issue within Morrison County. Few waters within the County are infested with invasive species at this time so the County has an opportunity to implement some prevention strategies to protect the waters within Morrison County. The Comprehensive Water Plan identifies efforts lake associations and lake improvement districts have made to treat invasives and the importance of that work. As the Water Plan is revised in 2016, AIS will undoubtedly have more of a presence within the plan.

The impetus of this plan has come from the 2014 allotment of the Aquatic Species Prevention Aid. These first steps into AIS prevention include ground level education of likely users of Morrison County’s water resources as well as a bolstering of the ongoing efforts many lake associations/improvement districts have already undertaken, as well as the inspections the Department of Natural Resources provides within Morrison County, and the services provided by the Permitted Lake Service Providers.

ACTIONS

Table 1. Actions that Morrison County plans to implement in order to prevent the spread of AIS include many elements contained within the state plan. In the following table, where applicable, related actions and elements from the state plan are cross-referenced.

Action	How action supports AIS prevention	Element in state plan	Action in state plan
Assess the county’s resources and risk of AIS introduction			
Educate County staff to understand the variety of pathways of introduction to local waters.	Knowing the common pathways by which AIS can be spread is essential to effective prevention and education.	Prevention – Understand Risks	I-1-c
Using MNDNR’s list of water bodies that are designated as infested in the county, identify linkages to other water bodies.	Some AIS may travel or be more easily transported between infested waters and other connected water bodies; knowing these linkages will help prioritize prevention and education resources.	Prevention – Understand Risks	I-1-c

Action	How action supports AIS prevention	Element in state plan	Action in state plan
Increase public awareness and participation in prevention			
Develop informal education materials for events such as the water festival to support youth education about AIS.	Young people can help prevent the spread of AIS through their own actions and by modeling their knowledge and actions to their families.	Prevention – Public Awareness	I-8-g
Develop and distribute AIS prevention messages targeting riparian landowners who launch watercraft from their own private residential access	Many watercraft enter lakes and rivers from private residential property and are not reached by education and prevention efforts directed at public accesses and cooperating private non-residential accesses	Prevention – Public Awareness	I-8-a & e
Collaborate with other counties, watershed groups, and/or jurisdictions whose water bodies connect to the county’s to develop a regional education campaign.	Because AIS and the individuals who could transport them do not stay inside county borders, effective coordination is necessary to prevent AIS spread.	Prevention – Regional Approaches	I-9-a
Explore partnership opportunities with existing outreach efforts developed by the MNDNR and the Minnesota Sea Grant Program.	Leveraging existing communications materials ensures that the public receives accurate messages about rules and best practices related to AIS prevention.	Early Detection, Rapid Response, and Containment – Public Awareness	II-8-d
Develop tailored messages aimed at lake-related businesses (e.g., home builders, developers, resorts) regarding AIS prevention.	Ensuring that individuals are aware of AIS prevention measures that they can take in the course of their daily work will help to reduce the risk of AIS spread.	Early Detection, Rapid Response, and Containment – Public Awareness	II-8-f
Coordinate with the MNDNR to publicize new infestations at access sites, in lake association newsletters, and other local publications.	Timely and accurate notice of new AIS infestations empowers the public to help prevent the further spread of AIS.	Early Detection, Rapid Response, and Containment – Public Awareness II-8-i Early Detection, Rapid Response, and Containment – Risk Reduction II-15-c	

Action	How action supports AIS prevention	Element in state plan	Action in state plan
Assist with funding local outreach and monitoring efforts by entities other than the county.	Overall AIS prevention efforts can be strengthened by supporting the capacity of other local organizations to conduct AIS outreach and monitoring activities.	Early Detection, Rapid Response, and Containment – Detection II-1-h	
Increase available resources and leverage partnerships			
Develop and maintain contacts with other local organizations, businesses, and government entities.	The participation of local partners is necessary for a county’s AIS prevention plan to be effective.	Leadership and Coordination - Local	IV-3-a
Establish a grant program to support local efforts to prevent the spread of AIS.	By leveraging existing capacity of other local organizations, the county can maximize the effectiveness of its AIS prevention funds.	Leadership and Coordination - Local	IV-3-c
Broaden knowledge of and participation in early detection and rapid response activities			
Obtain and distribute Watch ID cards from the Minnesota Sea Grant Program.	Finding new infestations of AIS early is key to preventing further spread, and ensuring that many people who use water resources know what AIS to look for maximizes the chance of early detection.	Early Detection, Rapid Response, and Containment – Detection	II-1-b
Encourage county staff, businesses, and individuals to submit samples of suspected AIS to the MNDNR.	The county can support early detection and prevention efforts by helping the MNDNR to quickly confirm new infestations of AIS.	Early Detection, Rapid Response, and Containment – Detection	II-1-d
Cultivate partnerships with organizations interested in AIS prevention (e.g., lake associations) to support AIS surveys in water bodies (infested and non-infested) and on docks and lifts.	Leveraging the resources of existing organizations will help to find new AIS infestations more efficiently and to prevent further spread of those AIS.	Early Detection, Rapid Response, and Containment – Prioritize	II-3-b

IMPLEMENTATION

Morrison County began AIS work in 2015 and shall continue as funding and partnerships become available. The Morrison County Planning and Zoning Department shall be responsible for the implementation of these activities related to AIS prevention. The Planning and Zoning Department shall partner with outside agencies and stakeholders as deemed appropriate to further its' AIS work.

UPDATING AND AMENDING THE PLAN

This plan will be reviewed annually by the Planning and Zoning Department and updated as needed.

APPENDICES

Appendix A: Morrison County Water Bodies infested with AIS

Appendix B: Riparian Property Ownership in Morrison County

Appendix C: Morrison County Public Access Map

Appendix D: List of Permitted Lake Service Providers in Morrison County

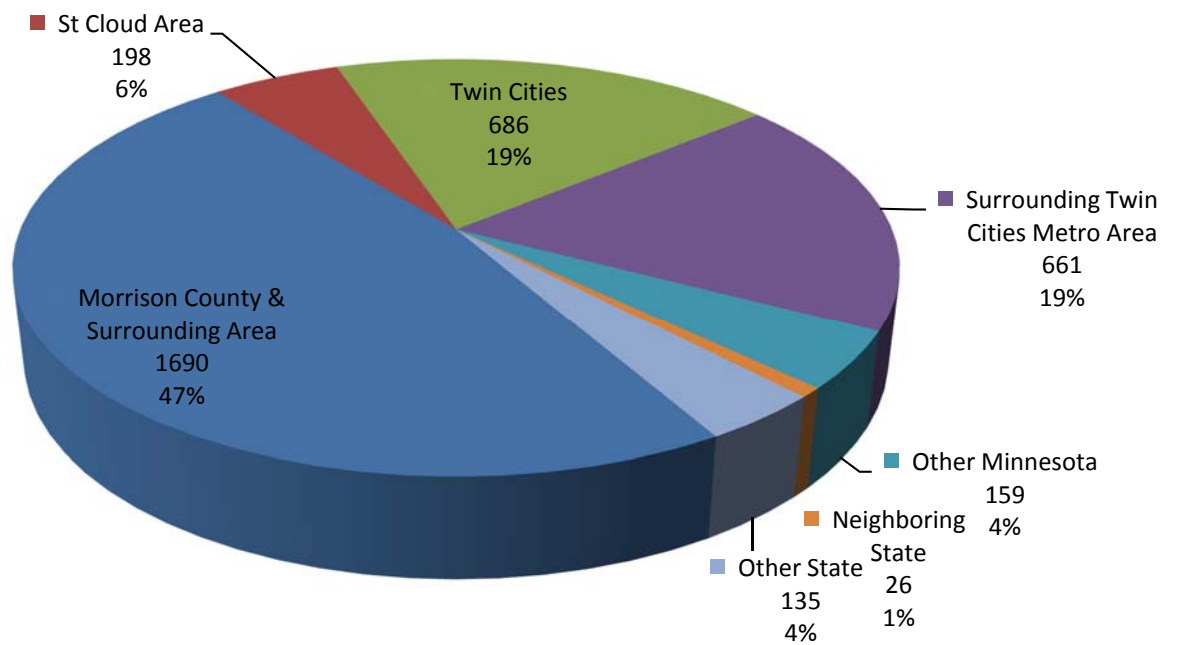
Appendix E: DNR 2015 Planned Inspection Hours at Morrison County Accesses

Appendix A: MNDNR List of Infested Waters in Morrison County

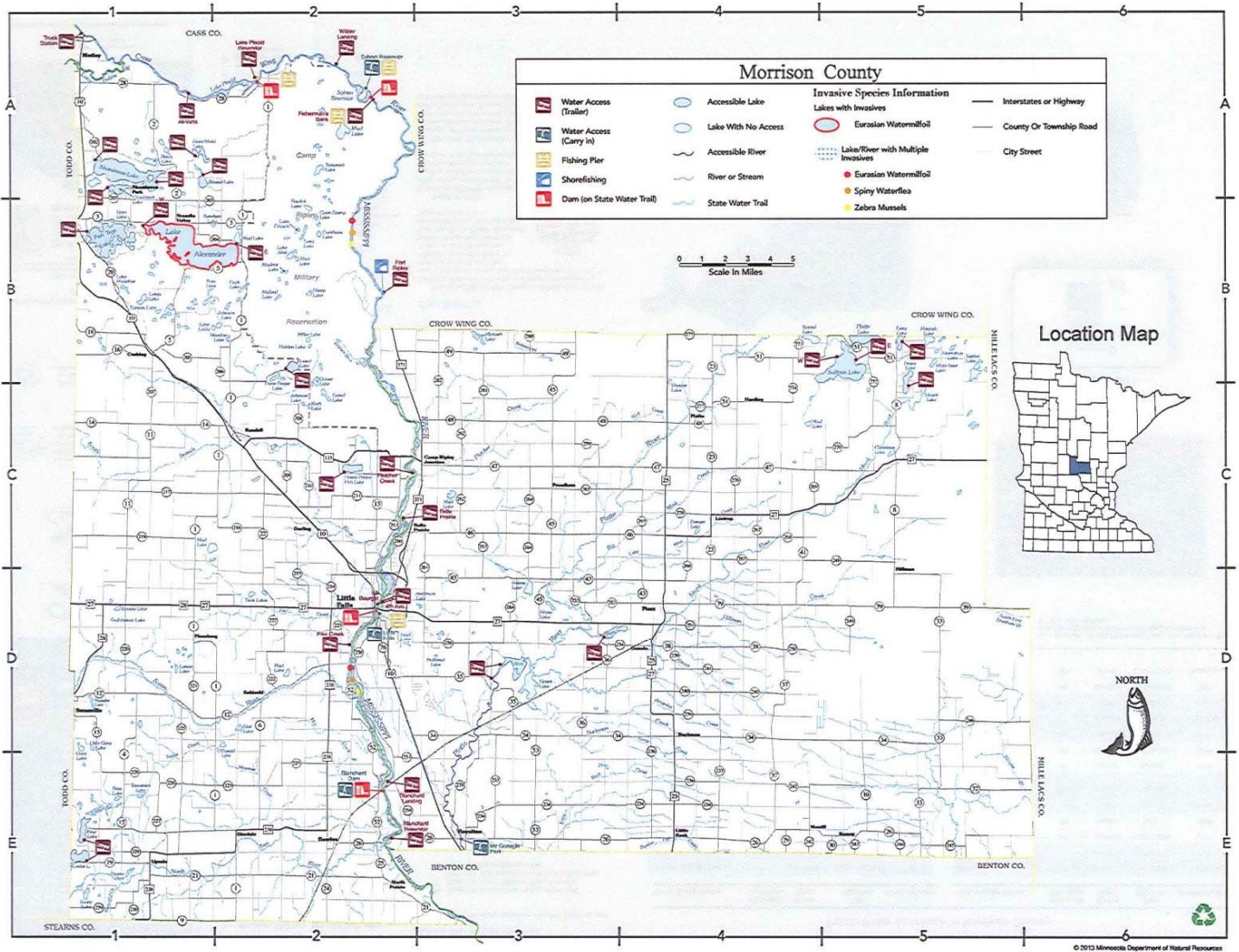
Water body	Species	DOW Number
Alexander	Eurasion watermilfoil	49-0079
Shamineau	Eurasion watermilfoil	49-0127
Fish Trap	Zebra Mussel	49-0137
Fish Trap Creek from Fish Trap Lake to the Long Prairie River	Zebra Mussel	
Crow Wing River downstream of the confluence with the Long Prairie River to the Mississippi River	Zebra Mussel	
Crow Wing River from Highway 87 in Hubbard County downstream to the confluence with the Mississippi River, including 500 feet upstream into its tributaries	Faucet Snail	
Mississippi River, from 500 feet upstream of the mouth of the Pine River in Crow Wing County to the Minnesota-Iowa border, including 500 feet upstream into its tributaries	Zebra mussel	
Long Prairie River, including 500 feet upstream into its tributaries	Zebra Mussel	

Appendix B: Riparian Ownership within Morrison County

Breakdown of Riparian Property Owners in Morrison County



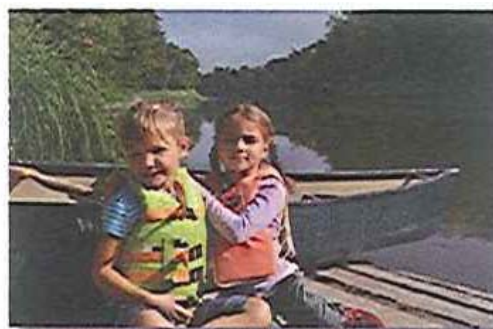
Appendix C: Morrison County Public Access Map and Access Administrators



Public Water Accesses in Morrison County

Water Body Name	Map Grid Location	Ramp Type	Fish Species	Administrator	Water Body Name	Map Grid Location	Ramp Type	Fish Species	Administrator	
Alexander Lake (West)	B1	concrete	C, LB, N, S, SB, W	DNR	Peavy Lake	C5	concrete	LB, N, S, W	DNR	
Alexander Lake (East)	B2	concrete	C, LB, N, S, SB, W	DNR	Pierz Lake	D3	concrete	C, LB, N, S, W	DNR	
Cedar Lake	E1	concrete	C, LB, N, S, W	DNR	Pine Lake	E1	concrete	C, LB, N, S, W	DNR	
Crook Neck Lake	A1	concrete	C, LB, N, S, W	DNR	Rice Lake	D3	earth	N/A	DNR	
CROW WING RIVER	Truck Station	A1	concrete	Various	DNR	Platte River	D3	earth	Various	DNR
	Al-Vah's	A1	concrete	Various	DNR	Platte River (McGonagle Park)	E3	carry in	Various	City
	Lake Placid Reservoir	A2	concrete	Various	DNR	Round Lake	A1	gravel	Various	DNR
	Lake Placid Reservoir	A2	fishing pier	Various	DNR	Round Lake	B2	concrete	C, LB, N, S, W	DNR
	Wilder's Landing	A2	concrete	Various	DNR	Shamineau Lake	A1	concrete	C, LB, N, S, W	DNR
	Sylvan Reservoir	A2	carry in	Various	DNR	Shamineau Lake	A1	concrete	C, LB, N, S, W	Township
	Fisherman's Bank	A2	concrete	Various	DNR	Stanchfield Lake	A1	earth	N, W	DNR
Green Prairie Fish Lake	C2	concrete	C, N, S	DNR	Sullivan Lake (E)	B5	concrete	C, LB, N, S, W	DNR	
Fish Trap Lake	B1	concrete	C, LB, N, S, W	DNR	Sullivan Lake (W)	B5	gravel	C, LB, N, S, W	Township	
Long Lake	B5	earth	C, N, S, W	Township						
MISSISSIPPI RIVER	Fort Ripley Landing	B2	concrete	Various	DNR					
	Fletcher Creek Landing	C2	concrete	Various	DNR					
	Belle Prairie	C2	concrete	Various	County					
	Lt. Falls, 4th Av Landing	D2	concrete	Various	City					
	Lt. Falls - LeBourget Park	D2	concrete	Various	City					
	Little Falls	D2	fishing pier	Various	City					
	Lt. Falls below Dam	D2	earth	Various	City					
	Pike Creek	D2	concrete	Various	County					
	Blanchard Dam	E2	concrete	Various	MPL					
	Blanchard Reservoir	E2	concrete	Various	MPL					
Blanchard Landing	E2	concrete	Various	MPL						

Fish Species: C — Crappie, LB — Largemouth Bass, N — Northern Pike, S — Sunfish, SB — Smallmouth Bass, W — Walleye, N / A — Not Available



Administrator: DNR - MN Dept. of Natural Resources
MPL - Minnesota Power and Light

Appendix D: Permitted Lake Service Providers in Morrison County

County	City	Business Name	Personnel	Attended DNR Decontamination Training	Phone
MORRISON	CUSHING	ACTION DOCK & BOAT LIFT SERVICES, LLC	JORDAN AMUNDSON		(612) 414-7277
MORRISON	CUSHING	DOUCETTE'S DOCKING	SCOTT DOUCETTE		(320) 232-5111
MORRISON	CUSHING	FISH TRAP CAMPING AND RV RESORRT	JEFF HARDY		(218) 575-2603
MORRISON	CUSHING	HILLTOP SPORTS & SERVICES	MICHAEL MROZEK		(320) 749-2280
MORRISON	CUSHING	STAPLES SPORTS	PETER LOCNIKAR		(218) 575-2086
MORRISON	CUSHING	SWEETWATER RESORT	CINDY BREY		(218) 575-2744
MORRISON	HILLMAN	B&B SHORE SERVICE	T.J. BLOCK MARK BRUMMER		(320) 630-5059
MORRISON	HILLMAN	MELVIN JANSON	MELVIN JANSON STEVEN JANSON		(320) 232-7658
MORRISON	LITTLE FALLS	BOATER'S DREAM LLC	BRANDON MARCYES		(320) 632-8152
MORRISON	LITTLE FALLS	LARSON BOATS, LLC	DALE LARSEN		(320) 632-1490
MORRISON	LITTLE FALLS	MID MINNESOTA MARINE, LLC - DBA BOATERS DREAM	JOHN HOFFMAN SANDRA HOFFMAN		(320) 632-2356
MORRISON	LITTLE FALLS	SHIRLEY MAE'S OUTFITTERS LLC	JOHN CARPENTER		(320) 414-0382
MORRISON	LITTLE FALLS	WOLTERS MARINE LLC	MICHAEL WOLTERS		() -
MORRISON	MOTLEY	LI'L JOES DOCK SERVICE	RICHARD SHORTEN	✓	(320) 412-6514
MORRISON	PIERZ	JOHNSON DOCK SERVICE	RYAN JOHNSON		(320) 733-0794
MORRISON	PIERZ	TED STAMMS REPAIR LLC	THEODOR STAMM		(320) 630-9097
MORRISON	ROYALTON	A&A DOCKS&BOAT LIFTS	ADAM HELICKSON ALLEN HOHEISEL		

Appendix E: 2015 MNDNR statewide inspection program allocation (in hours).

Access Name	Water body	Infested?	Species	MNDNR Hours
Fish Trap Lake	Fish Trap Lake	Yes	EWM, ZM, INVASIVE CARP	38.5
Alexander East	Alexander	Yes	EWM, ZM, INVASIVE CARP	38.5
Alexander West	Alexander	Yes	EWM, ZM, INVASIVE CARP	38.5
Shamineau West	Shamineau	Yes	ZM	38.5

Adopted December 8, 2016

Chair
Morrison County Board of Commissioners

Clerk

STATE OF MINNESOTA
COUNTY OF MORRISON

MORRISON COUNTY BOARD OF COMMISSIONERS
REZONING PROCEEDING

DENIAL OF REZONE

PROPERTY OWNER: Matthew Epsky – 03.0450.001

The petition for a Rezone was presented before the Morrison County Board of Commissioners on the 8th day of December, 2016, on a petition pursuant to the Morrison County Land Use Ordinance, for the following described property:

See Attached – Bellevue Township

IT IS ORDERED that a Rezone be denied upon the following conditions or reasons:

To rezone a parcel of land from Agriculture to Manufacturing/Industry for the purpose of expanding the existing woodworking business.

DATED this 8th, of December, 2016.



Chairman
Morrison County Board of Commissioners

STATE OF MINNESOTA)
COUNTY OF MORRISON)

MORRISON COUNTY OFFICE
OF PLANNING & ZONING

I, Amy Kowalzek, Planning & Zoning Administrator for the County of Morrison, with and in for said County, do hereby certify that I have compared the foregoing copy and Order denying a Rezone with the original record thereof preserved in my office, and have found the same to be a correct and true manuscript of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand in Little Falls, Minnesota, in the County of Morrison on the 8th day of December, 2016.

Morrison County Zoning Administrator

RESOLUTION

WHEREAS, the Morrison County Planning Commission and the Morrison County Board of Commissioners held a public hearing on November 28, 2016 to consider rezoning a parcel of land from Agriculture to Manufacturing/Industry, located in Section 27, Township 39, Range 32, Bellevue Township, also known as parcel number 03.0450.001.

WHEREAS, the applicant owns a 15 acre parcel in Bellevue Township. He purchased it 1997, and

WHEREAS, the parcel is located approximately a quarter mile north of the City of Royalton on the corner of US Highway 10 and 63rd Street. Access to the property is off 63rd Street, which is a township road, and

WHEREAS, the property is currently zoned Agriculture, and

WHEREAS, a Conditional Use Permit was granted to the property on August 15, 1997 to establish a wood working shop. Three conditions were attached to the CUP:

1. No more than six full time workers
2. Outside storage in screened area only
3. A minimum of six parking spaces must be provided, and

WHEREAS, on July 21, 2000, an amended CUP was granted to the property to place an addition onto the wood working shop structure. One condition was attached to the CUP:

1. There will be no more than five employees other than immediate family, and

WHEREAS, since the time this CUP was granted, the Land Use Control Ordinance has been amended and now allows this use under an Interim Use Permit, and

WHEREAS, adjacent parcels on the east side of US Highway 10, outside city limits, are zoned Agriculture and Residential. The nearest Commercial zoned parcel is approximately one quarter mile south of this property, and

WHEREAS, the applicant has proposed a phased business expansion plan. Under the Agriculture zoning district, these expansions would require an Interim Use Permit for each project. The applicant explained the phased construction and the need for each addition to the existing business. The reasons included safety, ADA compliance, better working conditions and male and female staff, and

WHEREAS, the applicant originally requested a rezone from Agriculture to Commercial. This request was scheduled to be heard at the October 24, 2016 meeting. The applicant requested a continuance to the November 28, 2016 meeting and amended the request to rezone from Agriculture to Manufacturing/Industry, and

WHEREAS, the Manufacturing/Industry zoning district allows wood working shops as a permitted use. Expansions/construction of buildings would require a land use permit, but no IUP or public hearing, and

WHEREAS, the purpose of the Agriculture Zoning District is: *to promote and protect areas which have high quality agricultural lands and are essentially rural in nature. Within this district agricultural activities shall be given precedence over other land uses,* and

WHEREAS, the purpose of the Manufacturing/Industrial Zoning District is: *to promote and protect areas which currently are active manufacturing or industrial areas or meet the comprehensive plan guidelines for future or desired manufacturing/industrial development,* and

WHEREAS, Applicable Comprehensive Land Use Plan Goals and Objectives are:

Agriculture

Goal A1: Ensure that the County provides and protects areas most suitable for a strong and stable agricultural industry, including, but not limited to crop production, animal husbandry, dairy and meat production, pasturelands or other similar uses.

Objective 6: Identify areas of the county that are the most suitable for long-term agricultural uses and adopt policies and zoning amendments that will best work to protect these areas from encroachment by conflicting uses.

Goal A2: Achieve an appropriate balance between the continued and growing desire of people and certain businesses to locate in rural settings and the need to accommodate agricultural and other rural land uses in these same areas.

Objective 1: Identify areas of the county that would be appropriate for use by both agriculture and limited residential and commercial uses and adopt policies and zoning amendments that allow for them to locate in those areas. Such areas shall also, whenever possible, serve as a buffer between agricultural, mining and forestry uses and areas deemed incompatible with such uses.

Local Economic Development

Goal C1: Support efforts to build a strong and varied local economy that provides adequate employment opportunities and access to the goods and services needed by County residents.

Objective 1: Call attention to Morrison County's physical and human resources as a business attraction tool to promote Morrison County and its communities as a desirable County for business start-up and relocation.

Objective 8: Seek opportunities to encourage and support local entrepreneurs in their efforts to create and expand their businesses, where appropriate, in order to create a more stable and vibrant local economy.

Goal C2: Ensure that land use regulations allow for a variety of business and industry consistent with the rural settings of the County, in areas where they have access to adequate infrastructure and services, and where they will not create unnecessary conflict with other land uses.

Objective 1: Limit commercial and industrial development only to areas capable of handling such development with adequate infrastructure and services.

Objective 2: Mitigate impacts of new commercial and industrial development on existing adjacent land use and the impacts of existing adjacent land on new commercial and industrial development.

Objective 4: Reduce the impacts of legal nonconforming businesses in residential zoned areas by carefully considering the adverse secondary impacts of the business and its future use and limiting expansion that would be inappropriate for the area.

Objective 6: Only rezone properties for commercial or industrial uses when such actions would be consistent with the Comprehensive Plan and when they would not constitute “spot zoning” for the convenience of a particular landowner.

Objective 7: Focus on accommodating business and industry within the unincorporated areas of the County that are best suited for rural settings.

Objective 19: To the extent possible, commercial areas should be developed according to function; the indiscriminate mixing of retail, business services, personal services and other types of commercial activity shall be discouraged, and

WHEREAS, at the public hearing, the applicant submitted letters in support of expansion of the business from five property owners that reside on Holm Court Road, and

WHEREAS, three citizens commented at the public hearing, all were against the rezone of the parcel. They cited concerns with the potential of subdivision of the parcel into 1.5 acre parcels and more than one business moving into the area, change in business/working hours, traffic and chemical use, and

WHEREAS, two representatives from the Bellevue Township Board commented at the public hearing, they expressed concern that rezones cannot be conditioned to be specific for a woodworking business and the potential for other unwanted businesses allowed within the Manufacturing/Industrial zoning district to operate on the property, and

WHEREAS, the Planning Commission discussed the following:

- The purpose of industrial parks
- What the Manufacturing/Industry zoning district would do that the Agriculture zoning district won't do for this particular business, since expansion is allowed with an Interim Use Permit within the Agriculture zoning district
- Stormwater movement on the property and impacts to neighbors
- Concern that the request is in conflict with Objective 6 under Goal C2 of the Comprehensive Land Use Plan (*Only rezone properties for commercial or industrial uses when such actions would be consistent with the Comprehensive Plan and when they would not constitute “spot zoning” for the convenience of a particular landowner*).
- The incompatibility of a Residential zoning district immediately adjacent to a Manufacturing/Industry zoning district

- The potential for the 15 acre parcel to be subdivided into ten 1.5 acre parcels with ten different businesses allowed within the Manufacturing/Industry zoning district and the incompatibility that may create in the area.

WHEREAS, based upon the information and exhibits received at the public hearing on November 28, 2016 and the information provided by staff for the rezone request, a motion was made by Robert Otremba and seconded by Ross Wamre, that the Planning Commission recommends denial of this rezone request. The vote was three (3) yes, one (1) no, and two (2) abstentions.

NOW THEREFORE, based on the information, exhibits and testimony reviewed at the public hearing as well as information provided by staff, be it hereby resolved that the parcel described above be denied the zoning of Manufacturing/Industry.

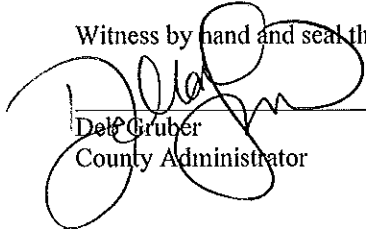
The above resolution was duly adopted by the Morrison County Board of Commissioners at its regular meeting on December 8, 2016.

STATE OF MINNESOTA }
 COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 8th day of December 2016, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Commissioner	Yes	No	Abs	Mot	2nd
Jelinski					X
Johnson	X				
Winscher	X				
Wilson	X				
Maurer				X	

Witness by hand and seal this 8 day of Dec.



 Deb Gruber
 County Administrator

STATE OF MINNESOTA
COUNTY OF MORRISON

MORRISON COUNTY BOARD OF COMMISSIONERS
REZONING PROCEEDING

ORDER OF REZONE

PROPERTY OWNER: Charles & Cindy Brey – 29.0416.000 & 29.0426.000

The petition for a Rezone was presented before the Morrison County Board of Commissioners on the 8th day of December, 2016, on a petition pursuant to the Morrison County Land Use Ordinance, for the following described property:

See Attached - Section 31, Township 132, Range 31 – Scandia Valley Township

IT IS ORDERED that a Rezone be granted upon the following conditions or reasons:

To rezone two parcels of land from Shoreland Residential and to Shoreland Commercial for the purpose of expanding the existing resort.

DATED this 8th, of December, 2016.



Chairman
Morrison County Board of Commissioners

STATE OF MINNESOTA)
COUNTY OF MORRISON)

MORRISON COUNTY OFFICE
OF PLANNING & ZONING

I, Amy Kowalzek, Planning & Zoning Administrator for the County of Morrison, with and in for said County, do hereby certify that I have compared the foregoing copy and Order granting a petition to Rezone with the original record thereof preserved in my office, and have found the same to be a correct and true manuscript of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at Little Falls, Minnesota, in the County of Morrison on the 8th day of December, 2016.

Morrison County Zoning Administrator

RESOLUTION

WHEREAS, the Morrison County Planning Commission and the Morrison County Board of Commissioners held a public hearing on November 28, 2016 to consider rezoning two parcels of land from Shoreland Residential to Shoreland Commercial, located in Section 31, Township 132, Range 31, Scandia Valley Township, also known as parcel numbers 29.0416.000 and 29.0426.000.

WHEREAS, the applicant owns and operates Sweetwater Resort on the south end of Fish Trap Lake. It originally occupied one parcel and that parcel is zoned Shoreland Commercial, and

WHEREAS, in 2007 a Conditional Use Permit was granted to the parcel to the east to expand the resort. At the time, resorts were an allowable use within Shoreland Residential so a rezone was not required, and

WHEREAS, the applicants recently purchased a third parcel to the east of the existing resort. It is zoned Shoreland Residential. They would like to expand the resort onto that parcel. Currently, resorts are allowed within the Shoreland Commercial zoning district but not within the Shoreland Residential zoning district, and

WHEREAS, the applicant is requesting to rezone the two Shoreland Residential zoned parcels to Shoreland Commercial for the purposes of expanding the resort, and

WHEREAS, if the rezone is granted, the applicants must then apply for a Conditional Use permit to expand the resort onto the third parcel, and

WHEREAS, adjacent parcels on the east and west side of the resort are zoned Shoreland Residential. The parcels to the west are classified as non-homestead seasonal recreational residential and the parcels to the east are classified as residential homestead and seasonal recreational residential, and

WHEREAS, the resort is served by Azure Road, also known as County State Aid Highway 20. It is located on the corner of Azure Road and Fish Trap Lake Drive, which is a Township road, and

WHEREAS, Minnesota Shoreland Rule 6120.3100 requires counties to designate land use districts in the following manner:

The development of shorelands of public waters must be controlled by means of land use zoning districts which are designated to be compatible with the classes of public waters in part 6120.3000. Land use zoning districts may be established to provide for:

A. the management of areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, presence of significant historic sites, or any other feature likely to be harmful to the health, safety, or welfare of the residents of the community;

B. the reservation of areas suitable for residential development from encroachment by commercial and industrial uses;

C. the centralization of service facilities for residential areas and enhancement of economic growth for those areas suitable for limited commercial development;

D. the management of areas for commercial or industrial uses which, by their nature, require location in shoreland areas;

E. the protection of valuable agricultural lands from conversion to other uses; and

F. the preservation and enhancement of the quality of water-based recreational use of public waters including provisions for public accesses, and

WHEREAS, MN Rule 6120.3200 describes the Shoreland Residential zoning district and Shoreland Commercial zoning district as:

A residential district is primarily intended to allow low to medium density seasonal and year-round residential uses on lands suitable for such uses. It is also intended to prevent establishment of various commercial, industrial, and other uses in these areas that cause conflicts or problems for residential uses. Some nonresidential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

A water-oriented commercial district is intended to be used only to provide for existing or future commercial uses adjacent to water resources that are functionally dependent on such close proximity, and

WHEREAS, Applicable Comprehensive Land Use Plan Goals and Objectives are:

Shoreland Management

Goal D1: Work to ensure that development occurring within the County's watersheds is done in a thoughtful and deliberate manner so as to balance environmental, social and economic goals to the greatest extent possible.

Goal E3: Ensure that the County's lakes and rivers remain a resource that is available for use and enjoyment by the general public.

Goal D10: Work to better coordinate with federal, state and local government agencies and non-profits, lake associations and others with an interest in shoreland development to effectively balance the benefits that arise from development of shoreland areas with the need to protect, preserve and restore valuable natural resources.

Objective 10: Study and consider the development of clear policies relating to existing and new issues relating to shoreland areas, including vacation rental of homes in residential settings, the creation or expansion of resorts and campgrounds, the conversion, expansion or replacement of seasonal lakeshore cabins into year-round homes and the spread of invasive species.

Local Economic Development

Goal C1: Support efforts to build a strong and varied local economy that provides adequate employment opportunities and access to the goods and services needed by County residents.

Objective 8: Seek opportunities to encourage and support local entrepreneurs in their efforts to create and expand their businesses, where appropriate, in order to create a more stable and vibrant local economy.

Goal C2: Ensure that land use regulations allow for a variety of business and industry consistent with the rural settings of the County, in areas where they have access to adequate infrastructure and services, and where they will not create unnecessary conflict with other land uses.

Objective 1: Limit commercial and industrial development only to areas capable of handling such development with adequate infrastructure and services.

Objective 2: Mitigate impacts of new commercial and industrial development on existing adjacent land use and the impacts of existing adjacent land on new commercial and industrial development.

Objective 4: Reduce the impacts of legal nonconforming businesses in residential zoned areas by carefully considering the adverse secondary impacts of the business and its future use and limiting expansion that would be inappropriate for the area.

Objective 6: Only rezone properties for commercial or industrial uses when such actions would be consistent with the Comprehensive Plan and when they would not constitute “spot zoning” for the convenience of a particular landowner.

Objective 19: To the extent possible, commercial areas should be developed according to function; the indiscriminate mixing of retail, business services, personal services and other types of commercial activity shall be discouraged, and

WHEREAS, prior to the public hearing, the Planning and Zoning Office received an email against the proposed rezone and an email from the Morrison County Engineer stating there is no foreseen issue with the resort continuing to utilize Azure Road for access.

WHEREAS, at the public hearing, three citizens asked questions about the rezone and the use of the lake and a representative of the Fish Trap Lake Association spoke in favor of the rezone request as long as protection from Aquatic Invasive Species is addressed within the Conditional Use Permit process, and

WHEREAS, the Planning Commission discussed the following:

- The request is consistent with the Comprehensive Land Use Plan and specifically meets Objective 8 within Goal C1
- A change in ordinance plays a role in the need for this request, since resorts were allowed within the Shoreland Residential zoning district when this resort was initially established
- The Conditional Use Permit process will provide added ability for the County to control the development of the resort and ensure reasonable use of the lake

WHEREAS, based upon the information and exhibits received at the public hearing on November 28, 2016 and the information provided by staff for the rezone request, a motion was made by Tom Crawford and seconded by Robert Otremba, that the Planning Commission recommends approval of this rezone request. The vote was five (5) yes, zero (0) no, and one (1) abstention.

NOW THEREFORE, based on the information, exhibits and testimony reviewed at the public hearing as well as information provided by staff, be it hereby resolved that the parcels described above be granted the zoning of Shoreland Commercial.

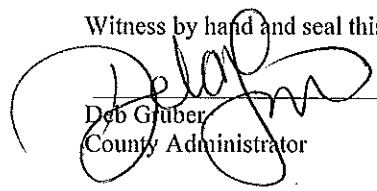
The above resolution was duly adopted by the Morrison County Board of Commissioners at its regular meeting on December 8, 2016.

STATE OF MINNESOTA }
 COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 8th day of December, 2016, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X				
Johnson					X
Winscher	X				
Wilson	X				
Maurer				X	

Witness by hand and seal this 8 day of Dec


 Deb Gruber
 County Administrator

AGREEMENT

Between

Morrison County and Cushing Township for the Replacement of Bridge No. 2930

THIS AGREEMENT is made and entered into by and between Morrison County, acting by and through its Board of Commissioners, hereinafter referred to as the "County" and Cushing Township acting by and through its Board of Supervisors, hereinafter referred to as the "Township".

Project Location: On Township Road Number T-54 (Agate Trail)
Between CSAH 16 (260th Street) and Dead End South
Located 2 miles west of Cushing

WITNESSETH:

WHEREAS; The County and Township agree that the County should provide engineering services needed to replace Bridge No. 2930 as a Town Bridge Replacement project; and

WHEREAS; the Township and County agree that the County should prepare plans, specifications and estimates for replacement of the structure; and

WHEREAS; the Township and County have agreed that the County should let said project as a part of other work the County maybe constructing subject to the terms hereinafter set forth in this Agreement.

IT IS, THEREFORE, MUTUALLY AGREED AS FOLLOWS:

ARTICLE 1: PROJECT PREPERATION

SECTION A: PRELIMINARY ENGINEERING

The County shall conduct the required preliminary engineering necessary to be able to let a construction contract for replacement of said bridge as a Town Bridge Replacement project.

SECTION B: CONTRACT AWARD AND CONSTRUCTION

The Township shall authorize the County to proceed to bid letting. The County shall receive bids and award a contract to the lowest responsible bidder, subject to the Morrison County Board's authorization.

SECTION C: DIRECTION, SUPERVISION & INSPECTION OF CONSTRUCTION

The construction work contemplated herein shall be under the direction of the County, and shall be under the supervision of a Licensed Professional Engineer.

SECTION D: RIGHT-OF WAY ACQUISITION

Should right of way be required the County shall prepare all documents necessary for obtaining right of way for the bridge replacement. The Township is responsible for negotiating settlement and obtaining notarized signatures on the highway easements. The County shall record the highway easements in the Office of the County Recorder.

ARTICLE II - PARTICIPATING OF ITEMS

The Township will bear the local cost to replace the bridge. The State Town Bridge account will be used for the participating costs to replace the bridge.

SECTION A: CONSTRUCTION COST

Upon satisfactory project completion, in accordance with Article I hereof, of all of the construction to be performed on Township Road T-54, the Township shall pay to the County, as the Township’s full share of the total project costs thereof, and amount based on one half of the final estimate of quantities of the Township’s items multiplied by the actual unit bid prices for the awarded contract. The Township portion of this cost shall not exceed \$10,000.

SECTION B: ENGINEERING COSTS

The Township will bear the engineering costs for all engineering work performed by the County. The Township shall also bear all the costs of engineering heretofore performed by any Consultant. The Township share of this cost shall not exceed \$10,000.

ARTICLE III - PARTICIPATING OF ITEMS

SECTION A: ENGINEERING ITEMS SUBJECT TO ARTICLE II SECTION B

Total Not To Exceed \$10,000

- 1) Engineering: The Township will cover the cost of this item
- 2) Construction Inspection: The Township will cover the cost of this item.

SECTION B: CONSTRUCTION ITEMS SUBJECT TO ARTICLE II SECTION A

Total Not To Exceed \$10,000

- 1) Bridge Removal, Turf Establishment, Aggregate Surfacing, Erosion Control, and Traffic Control; (non-participating). The Township will cover the cost of these items.
- 2) Bridge replacement, bedding, backfill, riprap and structure related costs will be covered using available Town Bridge Funds (participating). The State will cover the cost of these items.
- 3) Approach Construction: (non-participating)
The Township will cover the cost of the bridge approaches.

ARTICLE IV: GENERAL PROVISIONS

SECTION A: MAINTENANCE

Upon completion of the construction project, the Township agrees to therefore assume responsibility for the maintenance of the bridge without cost or expense to the County. The Township will also maintain the profile grade and slopes as designed and constructed to meet standards necessary to obtain State Funding.

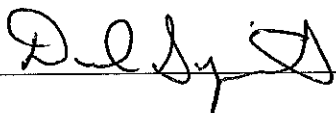
SECTION B: CLAIMS

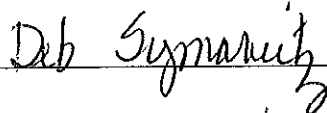
ITEM 1: The Township agrees to indemnify, save and holds harmless the County and all of it's agents and employees of and from any and all claims, demands, actions or causes of action of whatsoever nature or character arising out of or by reason of the execution or performance of the work and/or services provided for herein, and further agrees to defend at it's own sole cost and expense any action or proceeding commenced for the purpose of asserting any claim of whatsoever character arising as a result of the work and/or services to be performed hereunder.

ITEM 2: It is further agreed that any and all employees of the County and all other persons employed by the County in the performance of any work or services required or provided for herein shall not be considered employees of the Township and that any and all claims that may arise under the Worker's Compensation Act of the State of Minnesota on behalf of said employee while so engaged and any and all claims made by any third parties as a consequence of any act or omission on the part of said County employees while so engaged on any of the work or services to be rendered herein shall in no way be the obligation or responsibility of the Township.

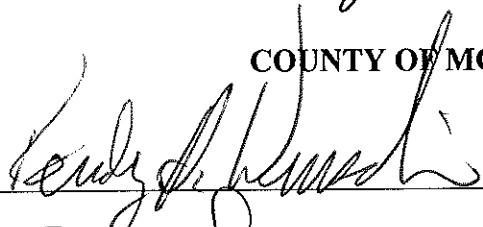
IN WITNESS WHEREOF: The parties have placed their signatures below intending to be bound thereby.

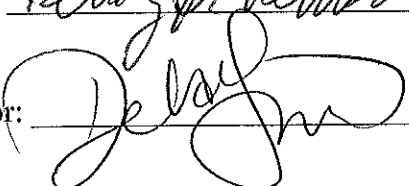
TOWNSHIP OF CUSHING

Chairperson:  Date: 11-2-16

Clerk:  Date: 11-2-16

COUNTY OF MORRISON

Chairperson:  Date: 12-28-16

Administrator:  Date: 12/8/16

COUNTY SEAL

RESOLUTION

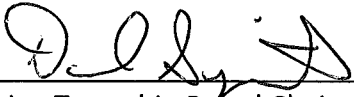
**Authorizing Engineering Services Agreement for Replacement
of Bridge No. 2930**

WHEREAS, Cushing Township is responsible for maintenance and construction of its
Transportation Infrastructure; and

WHEREAS, Cushing Township works to implement Transportation Improvements; and

WHEREAS, It appears that it is in the best interest of Cushing Township to work with Morrison
County in replacing Bridge No. 2930.

NOW THEREFORE BE IT RESOLVED, that the Cushing Township Board of Supervisors authorize
entering into the agreement with Morrison County to replace Bridge No. 2930 and the
Chairman and Clerk are directed to sign said agreement.



Cushing Township Board Chairman

11-2-16

Date



Cushing Township Board Clerk

11-2-16

Date

RESOLUTION # 2016-101

Authorizing the signing of Agreement between
Cushing Township and Morrison County for replacement of Bridge No. 2930

WHEREAS, Cushing Township has decided to replace Bridge No. 2930 on Agate Trail over Little Elk River; and

WHEREAS, Cushing Township has entered into an agreement for Morrison County to provide engineering services in connection with the replacement of Bridge No. 2930 on Township Road T-54 (Agate Trail); and

WHEREAS, Cushing Township agrees that the County should prepare plans, specifications and estimates for the replacement of Bridge No. 2930; and

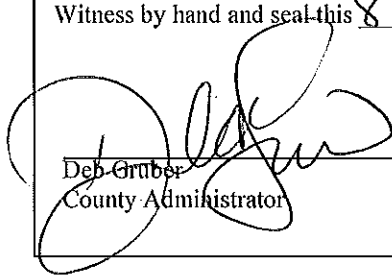
NOW, THEREFORE, BE IT RESOLVED, that Morrison County enter into the agreement with Cushing Township for the replacement of Bridge No. 2930;

BE IT FURTHER RESOLVED, that the County Board Chairman and the County Administrator are hereby authorized and directed for and on behalf of the County to execute and enter into the agreement with the Township of Cushing for the replacement of Bridge No. 2930.

STATE OF MINNESOTA }
COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 8 day of Dec, 2016, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness by hand and seal this 8 day of Dec, 2016



Deb Gruber
County Administrator

Commissioner	Yes	No	Abs	Mot	2nd
Jelinski					X
Johnson	X				
Winscher	X				
Wilson	X				
Maurer				X	

CONTRACT FOR LEGAL SERVICES

MORRISON COUNTY PUBLIC DEFENDER SYSTEM

THIS AGREEMENT is made and entered into by and between Morrison County, hereinafter called THE COUNTY, and Scott A. Wonderlich, hereinafter called the PUBLIC DEFENDER.

WHEREAS, the County has adopted a County Public Defender System for Morrison County;

NOW, THEREFORE, in consideration of the mutual covenants expressed herein, the parties agree as follows:

1. **Term.** The term of this agreement shall be from January 1, 2017, to and including December 31, 2018, the date of signature by the parties notwithstanding, in the service categories of Juvenile Rights Advisories; Civil Commitments, including *Jarvis* Hearings; Paternity cases; Child Support contempt hearings; Guardianship and Conservatorship representation.

2. **Personnel**

The Public Defender shall provide the professional services of attorney for public defender services under the terms of this agreement. Appointments as public defender for Morrison County shall be subject to the approval of the County. In the event the County disapproves of a particular attorney, then, upon notice to the Public Defender, such attorney shall not provide any further professional services in connection with this contract. In the event the Public Defender is unable to provide services due to conflict or illness, the Public Defender will make arrangements for conflict attorneys to provide representation.

The Public Defender further agrees that in the event the Public Defender and the conflict attorneys hired by the Public Defender are unable to serve as public defender in a specific case, due to a contingency such as illness or conflict of interest, replacement attorneys may be appointed by the presiding Judge, who, for good cause, may order that such replacement attorneys be compensated separate and apart from this contract.

3. **Administration and Support.**

The Public Defender shall provide:

A. All general administrative services, including all administrative scheduling of attorneys' court appearances needed to ensure the orderly and timely

provision of the legal services herein. Administration and scheduling shall be made and coordinated exclusively through the law offices of Scott A. Wonderlich.

- B. Office facilities adequate to perform all legal services hereunder.
- C. All necessary stationery, office supplies, and office equipment, including, but not limited to, duplicating equipment, typewriters, and telephones.
- D. All transportation necessary for the provision of the legal services hereunder.
- E. Such library and reference material as the Public Defender deems necessary.

4. **Time required.** The Public Defender shall provide the County with sufficient hours or attorneys' work per week to perform the services required by this contract.

5. **Duties and Responsibilities.** The Public Defender shall provide the following services:

A. Representation of indigents on matters of paternity cases, and civil contempt for non-payment of child support. In paternity cases, representation under this contract shall be limited to one party, and limited to the issue of establishment of paternity only. Representation on issues including establishment of child custody, visitation, birthing costs and ongoing child support are not a part of this contract. In the event the County appoints counsel for more than one party on a paternity/child custody/visitation case, representation of additional parties shall be by attorneys appointed by the Court separately from this contract and paid separately from this contract.

B. Representation of alleged mentally ill, mentally retarded, or chemically dependent persons in civil commitments, including *Jarvis* hearings. This contract does not include representation of persons alleged to be Sexually Dangerous Persons, Sexual Psychopathic Personalities, or Mental Ill and Dangerous.

C. Representation of wards in guardianship and conservatorship cases.

D. Representation of juvenile respondents in civil harassment restraining order and order for protection hearings in which a petitioner seeks a harassment restraining order or order for protection against a juvenile respondent.

E. Service as juvenile rights advisor, to meet with juveniles and their parents prior to the juveniles' first appearance in District Court during juvenile arraignment court on Tuesday afternoons. It shall be the duty of the Public Defender to review the Juvenile Petition, the individual juvenile's rights, and basic

courtroom procedures with the juvenile and his or her parents. The Public Defender shall serve as Juvenile Rights Advisor only to those juveniles who do not qualify for representation, in an appointed or advisory capacity, by a Minnesota State Public Defender. This contract does not include service as stand by or advisory counsel in any case.

F. Provision of all services necessitated by the representation of indigents on appeals, as approved in paragraph 8(c) below.

6. **Compensation.** In consideration of all services and incidental costs, expenses, and materials provided by the County Public Defender under the terms of this agreement as set forth in paragraphs 2-5, above, with the exception of such costs and expenses as are stated in paragraph 7, subparagraph C herein, the County shall compensate the Public Defender as follows:

For services described in paragraphs 5A, 5B, 5C, 5D, and 5E, the Public Defender shall be compensated the sum of \$ 24,650.00 per year for the period running from January 1, 2017 to December 31, 2018, with no other benefits to be paid, except as stated herein. One-twenty-sixth of the total amount shall be paid every other week, on the day county employees receive their paychecks, by check or warrant payable to SCOTT A. WONDERLICH.

Conflict payments

The Public Defender shall be responsible for paying for services of conflict attorneys as follows:

A. Conflict attorneys shall be paid at the rate of \$ 85.00 per hour.

B. The Public Defender shall pay the first \$3,000.00 in conflict attorney fees for services rendered during each calendar year during the term of this contract. If total conflict attorney fees, for all cases combined, exceed \$3,000.00 during any year during the term of this agreement, then any fees above \$3,000.00 shall be paid by Morrison County.

7. **Other provisions.** The parties agree and understand that:

A. Any alterations, amendments, deletions, or waivers of the provisions of this agreement shall be valid only when reduced to writing and duly signed by the parties.

B. No claim for services furnished by the Public Defender, not specifically provided for in this agreement, will be honored by the County, unless (i) such service has been specifically ordered by one of the Morrison County Judges, and (ii) such service, as ordered, is clearly outside the scope of the services specified by the terms of this agreement.

C. The Public Defender shall be reimbursed for representing individuals hereunder, in addition to the reimbursement specified in paragraph 7 herein, for the following fees, costs, and expenses, to the extent approved by one of the Morrison County Judges in advance: (i) the cost of employing such expert witnesses as are reasonably required to properly represent a client hereunder; (ii) the costs of necessary subpoenas; (iii) all reasonable and necessary costs and expenses incurred in representing clients hereunder on appeal, including, but not limited to, attorneys' time, filing fees, transcript costs, and printing costs.

D. The Public Defender is employed hereunder as an independent contractor, and neither the attorney nor his employees acquire any tenure rights, nor any rights or benefits under the County's personnel program covering medical and hospital care, sick pay, vacation pay, severance pay, or retirement benefits.

E. The Public Defender agrees to defend, indemnify, and hold harmless Morrison County, its commissioners, employees, agents, and assignees, against any and all claims, losses, damages, or lawsuits for damages arising from, or relating to, the pursuit or provision of services hereunder by the Public Defender.

F. The Morrison County Commissioners Affirmative Action Policy and Equal Employment Opportunity policies shall apply to this contract, and are incorporated herein by reference and made a part hereof.

G. This agreement may be terminated by either party upon sixty days written notice delivered by United States mail or in person. If mailed, the notice shall be deemed received three days after mailing. Payments shall be made to Scott A. Wonderlich for services satisfactorily performed prior to termination. In no event shall compensation exceed the monthly rate times the number of months of satisfactory service, plus other costs provided for herein reasonably incurred prior to termination.

H. Upon agreement of the parties, this contract may be extended for three additional terms of one year each, with the contract dollar amount to be negotiated by the parties, but not, in any event, to exceed an increase of 10 per cent per annum.

I. It is understood and agreed that the entire agreement of the parties is contained herein and that this agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof as well as any previous agreements presently in effect between the Public Defender and the county relating to the subject matter hereof.

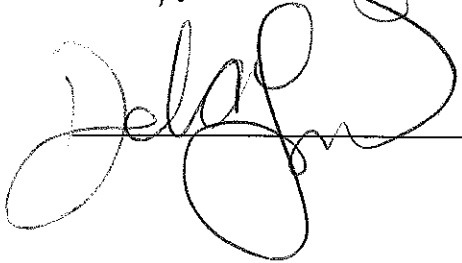
J. In the event of any disagreement between the parties or any person claiming under them in relation to this agreement, such disagreement shall be

resolved under and pursuant to the Uniform Arbitration Act, Minnesota Statutes, Chapter 572.


IN WITNESS WHEREOF, the parties have hereunto set their hands on the dates below:

APPROVED BY MORRISON COUNTY:

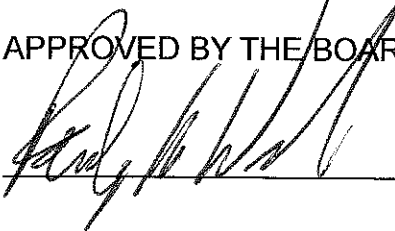
 12-12-16
Date

 12/8/16
Date

APPROVED BY THE PUBLIC DEFENDER:

 11/28/16
Scott A. Wonderlich Date

APPROVED BY THE BOARD OF COMMISSIONERS OF MORRISON COUNTY:

 12-08-16
Date

RESOLUTION 2016-102

CLOSED EXECUTIVE SESSION
LABOR NEGOTIATIONS STRATEGY

WHEREAS, Morrison County will be entering into labor negotiations for 2017, with two bargaining units and;

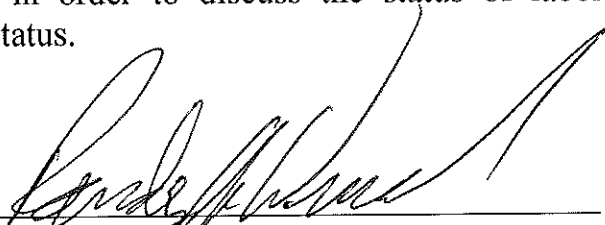
WHEREAS, Morrison County wishes to develop negotiation strategies;

WHEREAS, pursuant to Minnesota Statute Chapter 13D.03, the County Board by resolution may close a meeting to discuss labor negotiations strategies;

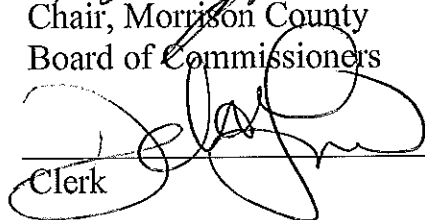
NOW THEREFORE, be it resolved:

The Morrison County Board of Commissioners hereby closes the County Board meeting on December 8, 2016 in order to discuss the status of labor negotiations and receive a report on the status.

Date: December 8, 2016



Chair, Morrison County
Board of Commissioners



Clerk