

2030 Comprehensive Plan



Adopted by the New Germany City Council on
May 20, 2008

**City of New Germany
Carver County, Minnesota**

2030 Comprehensive Plan

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I. Introduction

A. Purpose

The City of New Germany has adopted this Comprehensive Plan to guide the growth and development of the community over the next ten to twenty years. In particular, this Plan responds to the anticipated increase in interest in the community by residential developers and potential homeowners. This Plan provides an overview of New Germany, including the historical setting, natural features, existing land use, public facilities and population and employment trends, followed by goals and policies, a Growth Management Plan, and an Implementation Plan.

This Plan is intended to reflect the values and goals that the City's residents and other stakeholders view as important, and to establish a sound direction for the future development of the community and surrounding area.

Under Minnesota Statutes 462.351-375, the City of New Germany has the authority to prepare a comprehensive plan to direct development and manage growth. This Plan replaces the City of New Germany Comprehensive Plan, adopted in 1998.

B. Community Involvement

One of the key activities of the comprehensive plan update is public involvement. Successful and useful comprehensive plans are those where there is significant involvement in the development and review of the plan by elected and appointed officials, and the public.

The City Council appointed Planning Commission to oversee the preparation of the 2030 Comprehensive Plan. A community involvement process was utilized by the Planning Commission and staff in disseminating information and obtaining public comment on the Comprehensive Plan.

The Metropolitan Land Planning Act requires at least one public hearing before the City Council, and the Metropolitan Council approves the draft comprehensive plan. In addition to the required public hearing, the Planning Commission hosted several public open houses and provided periodic reports to the City Council.

C. Location and Planning Area Designation

Figure 1 shows the location of New Germany in Carver County. It is located in the western third of the County, immediately south of TH 7. It is surrounded by Camden Township except to the north where it borders Hollywood Township. Camden and Hollywood Townships are primarily farming communities.

The Metropolitan Council designated New Germany as a rural center in the metropolitan area in the Systems Statement received in September 2005. In response to a request from the City of New Germany, the Metropolitan Council changed the planning designation of the City from a Rural Center to a Rural Growth Center in 2007 to accommodate the city's desire to:

- * plan for additional growth,
- * plan for higher growth forecasts than its 2005 System Statement allowed, and
- * plan for the potential acquisition of the wastewater treatment plant by the Metropolitan Council.

Rural Growth Centers are small communities that are interested in growing and the Metropolitan Council role is to utilize regional investments and incentives to help accommodate growth as an alternative to scattered development in the rural area.

According to the Metropolitan Council, the city's role as a Rural Growth Center is to:

- * "request the Council to consider acquiring and operating its wastewater treatment plant or locating a new wastewater treatment facility in the rural growth center if doing so would be more efficient and cost effective, and provide other regional benefits.
- * execute orderly annexation agreements.
- * identify areas that will accommodate post-2030 growth forecasts and implement strategies to preserve these areas for future growth (e.g. clustered development not to exceed 1 unit per 10 acres in Diversified Rural Areas and clustered development not to exceed 1 unit per 40 acres in agricultural preservation areas).
- * plan for necessary infrastructure improvements.
- * adopt ordinances that time development with infrastructure availability."

New Germany is one of several Rural (Growth) Centers in western Carver County. Chapter II – Background Conditions compares certain socio-economic data with the other rural (growth) centers of Hamburg, Mayer, Norwood Young America and Watertown because of their similar characteristics. It is anticipated that some of the changes that have occurred in these communities will similarly affect New Germany.

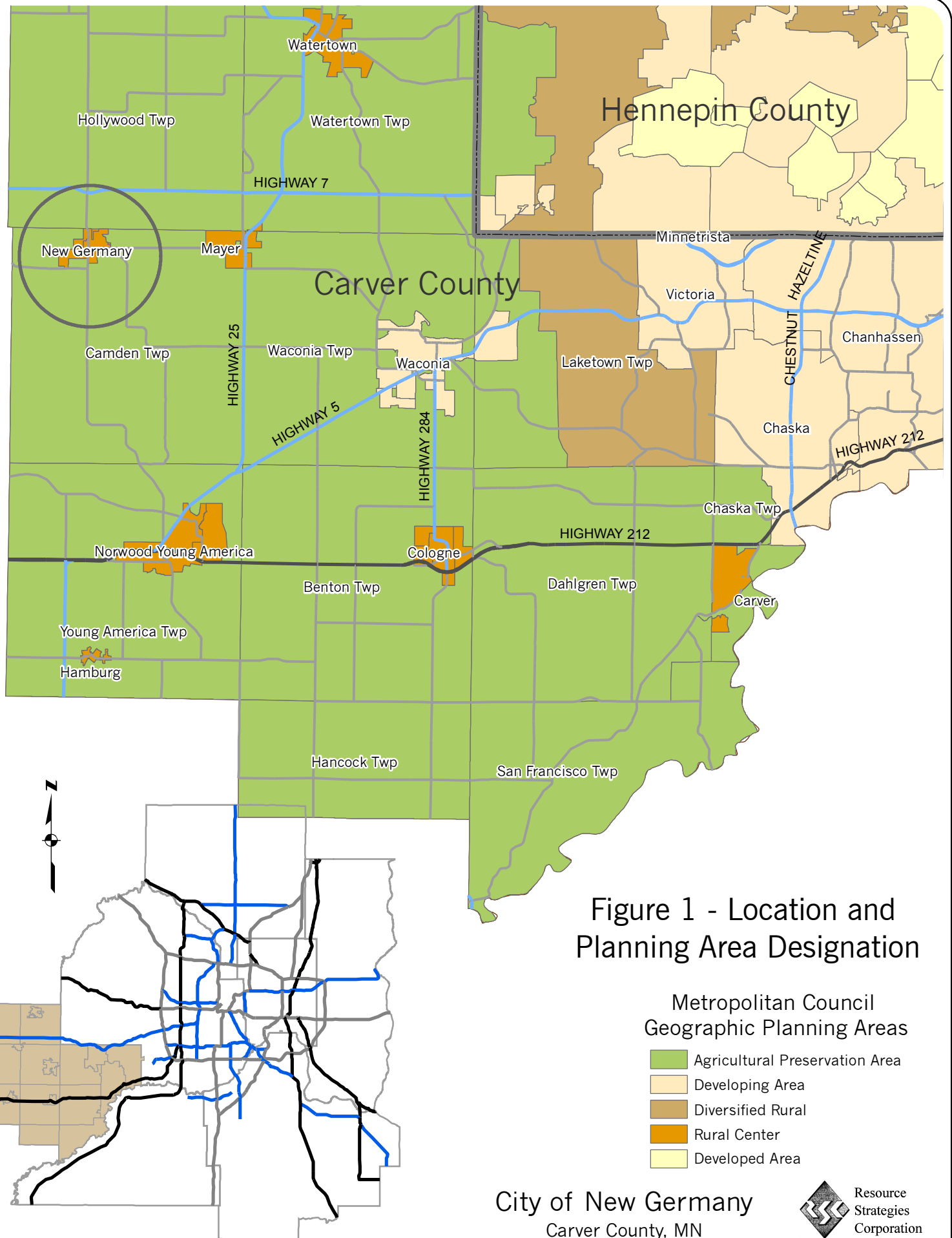


Figure 1 - Location and Planning Area Designation

II. Background Conditions

A. Historical Profile

The City of New Germany officially began in 1887 with the arrival of the St. Paul Minneapolis and Manitoba Railway Company, running from St. Paul to Hutchinson. The tracks ran past a settlement known as New Germany about one half mile north where the St. John's Lutheran Church in Hollywood is now located.

A loading facility was built (1887) at the City's present location, and as a result this new stopping place was named for the settlement center north of town, called New Germany, since many of the residents of the community were all Germans. The primary bulk of shipping was meat, wood, wheat and grain. Because of the influx of businesses and people, the town incorporated into a village that same year. The area was part of three farms: the land on the north side was owned by Amand Bury. The land on the south side of the tracks was owned by Christian Wolfrom, and the land on the west and south of the railroad was owned by Joseph Paul.

As the village increased in number, the Purity Post office, which was located three miles south of town, was moved to New Germany, but retained the name Purity. Not until 1902 was the name changed.

In 1897, the first creamery was built by A.W. Schweppe. As a result of the big fire of 1899 and the fires of 1900, a fire department was organized in 1901. The sewer was built in 1905, and the following year the State Bank was organized with a capital stock of \$10,000. This bank was discontinued in 1925 and taken over by the First State Bank of New Germany (est.1919).

Passenger travel by train became popular and as a result the first passenger train began in the spring of 1900. Many would travel to the Twin Cities for shopping tours or business. With the introduction of the motor vehicle, the passenger business began to wane until 1958 when it was discontinued altogether.

In 1908, a new school district was organized and a new school was built, located one mile south of town. This school provided education until the 1960's.

At the height of WWI with the hysteria over anti-German propaganda, anything connected to the name, culture or language of Germany was met with disdain and distrust. Consequently, the village officials changed the name to Motordale; this name remained until 1922.

The town of New Germany was part of the Camden Township (est. 1860). In 1928, the village elected to separate from the Camden, and the following year the town was replatted and incorporated. At the time the city was incorporated, there had been a general consensus that the village did not grow in leaps and bounds. The reason stated was that there was a lack of home industry. It could also be stated that it did not attract businesses. In fact, New Germany has been known, for most of its history as a bedroom community where most of the young men and women commute daily by car to outside occupations and industrial centers.

1937 was the year when New Germany was 50 years old, and the Golden Jubilee was celebrated on June 26 and 27. No expense was spared to make this event memorable and enjoyable. Two years later the village hall was built mostly for the purpose of serving the needs of the Fire Department. Included within the structure was a hall for social and civic meetings and gatherings. It stands today as a center for most of the town's events including weddings and

civic obligations.

The reason for the village being more than a half mile long is partly due to the fact that what is now practically the center of town, was at that time (1887) a slough which contained water the greater part of the year. The east and west ends of the town were high and it was on the high spots that the first business places were built, and each end of town vied for supremacy. The South Fork of the Crow River is south and east of the town that has in the past overflowed its banks causing much damage.

Early on the when houses were being built, basements in all parts of town filled with water because of the slough, and water springs were encountered in many places while digging basements.

A central water system was voted on in 1960 and completed by the spring of 1961. By 1971, the city government moved to construct the sanitary sewer system. This was followed by improvement to the streets with the development of curb and gutter, and storm sewers. In addition, in 1976 a new Fire Barn was built where the old Blacksmith shop stood.

Although the town the New Germany has remained steady in population, growing at a steady rate from the 1960's onward, it has in recent years become available for further housing development options. Furthermore, the city government has put in place aggressive plans for growth with the addition of a new 250,000 gallon water tower, a wastewater treatment facility and 300 gpm well. As the Twin Cities continue to expand, the need for further housing along with businesses has presented the city of New Germany with better opportunities to grow and develop.



B. Natural Resources

The City of New Germany is situated in an area of Carver County where alterations to the original water and vegetation resources occurred because of farming and settlement activities. An understanding of the existing natural environment is needed to guide new development, protect remaining significant resources and to comply with County and regional resource management requirements. In particular, much greater community and statewide value has been placed on the need to preserve water resources and prevent activities that have the potential to negatively impact these resources.

The following section provides an overview of existing natural resources with particular emphasis on those that influence or are affected by community development activities.

Topography, Aquifer and Soils

The topography and soils within the New Germany area were formed from the Des Moines Lobe outwash from the Wisconsinian glacial period. The New Germany area lies within the Hamburg Moraine that extends through the western portion of Carver County. The topography is characterized by gently rolling terrain with few areas of steep slopes.

The Franconian aquifer is the main source of water in New Germany, which is also open to the Iron-ton-Galesville aquifer. The geologic sensitivity rating of the aquifer is classified as “moderate”, as is the case in most of Carver County. The geologic sensitivity rating is a means of determining contamination of the uppermost aquifer, and is directly proportional to the groundwater travel time. A “moderate” rating indicates that potential contamination of the uppermost aquifer may occur within “years to decades”, if proper environmental precautions are not observed.

Typically, aquifer contamination is not as much of a concern in areas that are served with public sewer and water, as opposed to areas that are dependent on private on-site sewage treatment systems and individual wells. Other activities, such as development, farming and effluent from wastewater treatment facilities may also deteriorate the aquifer, if not properly managed.

Susceptibility to contamination is based upon a combination of factors, including the ability of the soil to absorb contaminants, transform the contaminants into inert substances, dilute them to be inactive and release them into the aquifer. Typically, sandy soils aggravate aquifer contamination to a greater degree than loam or clay soils. It should be noted that high sensitivity does not indicate that water quality has or will be degraded, and low sensitivity does not guarantee that water is or will remain pristine.

Figure 2 shows the general soil associations in the New Germany area. There are five major soil series within the City and three minor soil associations located outside of the municipal boundaries. The major soil series are described as follows:

- Cordova and Webster Series - these soils are found primarily in the agricultural land in the western part of the New Germany area. They are characteristically poorly drained on end moraines, requiring drainage and some site and construction engineering.
- LeSueur-Lester Series - these soils are found primarily in the western agricultural area, but are also scattered in the developed area of the city. They are, typically, moderately well-drained soils.
- Glencoe Series - these soils are found scattered in small areas around the city. They are very poorly-drained, lying generally in shallow depressions and drainage ways. During wet periods the water table is often found near the surface.
- Canisteo Loam - These soils are found in the northeast portion of the City. They consist of poorly-drained soils, found typically in rims of drainage ways and slight rises within wet depressions.
- Palms Series- These soils are found in small areas in the northwest corner of the city, in the undeveloped area west of Camden Street, and in the developed area in the north part of the city. They are poorly-drained peats, requiring extensive drainage, removal and fill prior to any consideration of development.

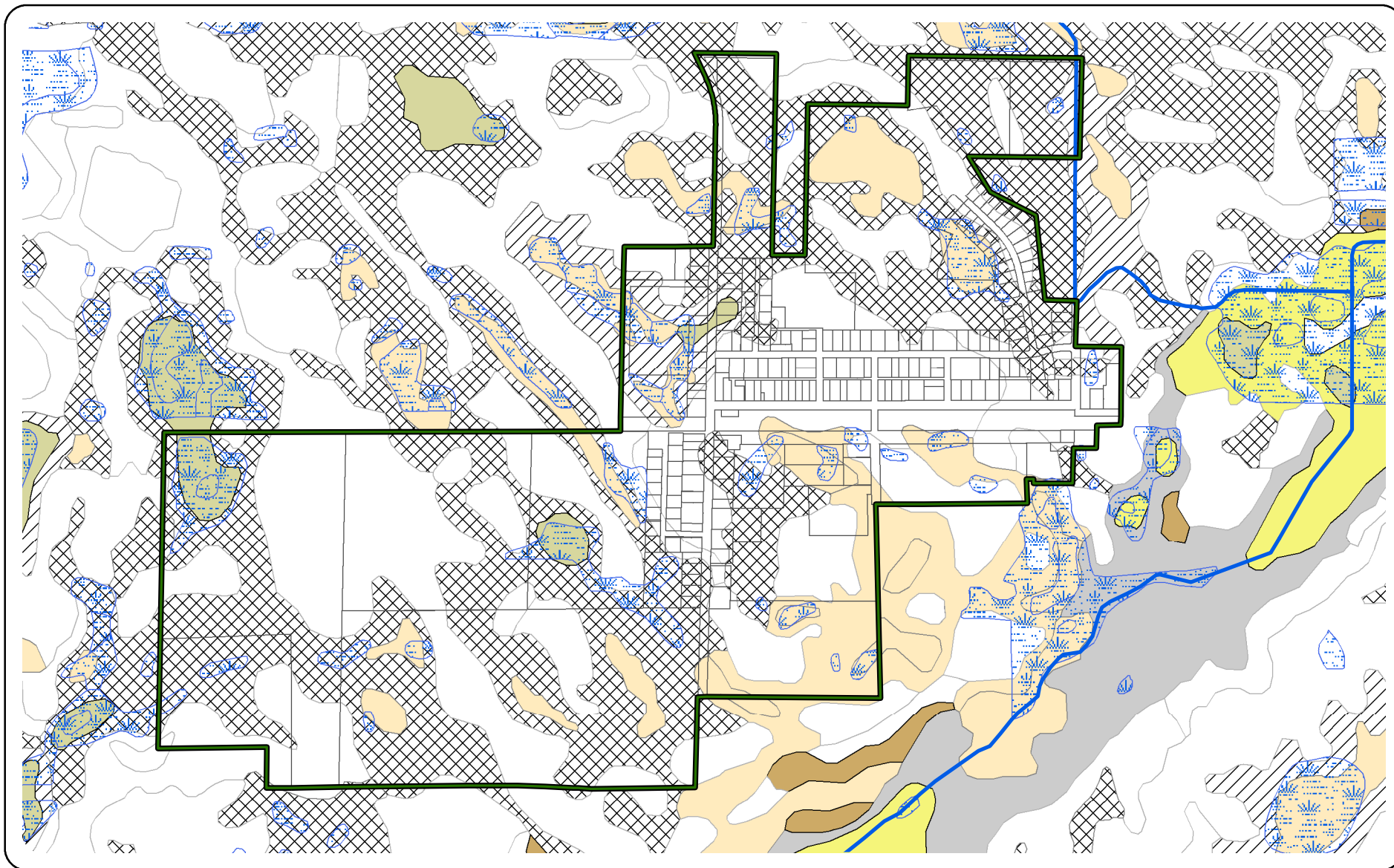
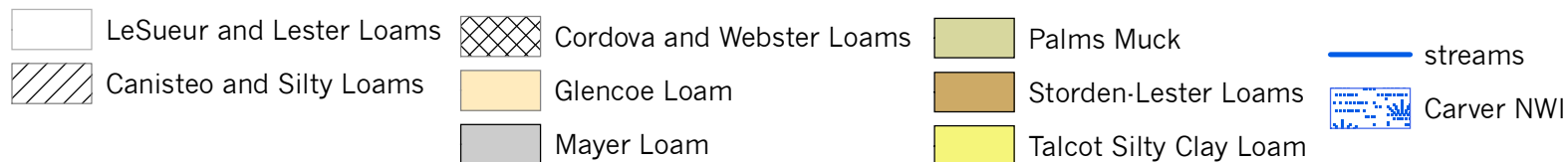


Figure 2 - Soils

City of New Germany
Carver County



Source: Carver County GIS and MnDNR

Vegetation

Much of the pre-settlement vegetation in the New Germany area has been altered as a result of the agricultural and settlement activities. This portion of Carver County was included in the “Big Woods” of the eastern broadleaf forest. Tree species within the “Big Woods” included hardwoods such as oak, maple, basswood and hickory.

The remaining significant vegetation in the City is primarily located on residential properties and along road boulevards. Stands of hardwoods are located to the south and southeast of the City Lindstrom Park, east of St. Marks School and in the northeastern area of the City.

Figure 3 shows the land coverage of areas in the New Germany area obtained from the DNR’s Minnesota Land Cover Classification System (MLCCS). To the northwest of the City, there are wooded and herbaceous areas associated with the stream (ditch) that connects to the South Fork of the Crow River.

Water Resources

The New Germany area lies within the Crow River Watershed. The area drains into the South Fork of the Crow River located to the east of the City. The South Fork extends northward through Wright County and joins the Crow River near Rockford and discharges to the Mississippi River near Rogers.

Drainage is facilitated to the river by County Ditch No. 9, as shown on **Figure 4**, located east of the City, which enters South Fork near Mayer. Drain tile exists along a portion of Hilda Avenue and connects to County Ditch No. 9 north of County Road 30.

The National Wetland Inventory (NWI) map indicates that there are several wetlands in the New Germany area. However, it is probable that some of these wetlands no longer remain in their natural state because of the historical agricultural activities that predate wetland conservation requirements.

There are eight types of wetlands that are regulated in the state under the Wetland Conservation Act. There are four types of the regulated wetlands in the New Germany area as shown on **Figure 4**. The following describes the characteristics of these wetlands:

Type 1 - Seasonally Flooded Basin or Flat

Soil: Usually well-drained during much of the growing season

Hydrology: Covered with water or waterlogged during variable seasonal periods

Vegetation: Varies greatly according to season and duration of flooding from bottomland hardwoods to herbaceous plants

Common sites: Upland depressions, bottomland hardwoods (floodplain forests)

Type 3 - Shallow Marsh

Soil: Usually waterlogged early during growing season

Hydrology: Often covered with 6 inches or more of water

Vegetation: Grasses; bulrush; spikerush; and various other marsh plants, such as cattail, arrowhead, pickerelweed, and smartweed

Common sites: May nearly fill shallow lake basins or sloughs; may border deep marshes on landward side, commonly as seep areas near irrigated lands

Type 6 - Shrub Swamp

Soil: Usually waterlogged during growing season

Hydrology: Often covered with as much as 6 inches of water; water table is at or near the surface

Vegetation: Includes alder, willow, buttonbrush, dogwood, and swamp privet

Common sites: Along sluggish streams, drainage depressions, and occasionally on floodplains

Type 7 - Wooded Swamp

Soil: Waterlogged within a few inches of the surface during the growing season

Hydrology: Often covered with as much as 1 foot of water; water table is at or near the surface

Vegetation: Hardwood and coniferous swamps with tamarack, northern white cedar, black spruce, balsam fir, balsam poplar, red maple, and black ash; deciduous sites frequently support beds of duckweed and smartweed

Common sites: Mostly in shallow ancient lake basins, old riverine oxbows, flat terrains, and along sluggish streams

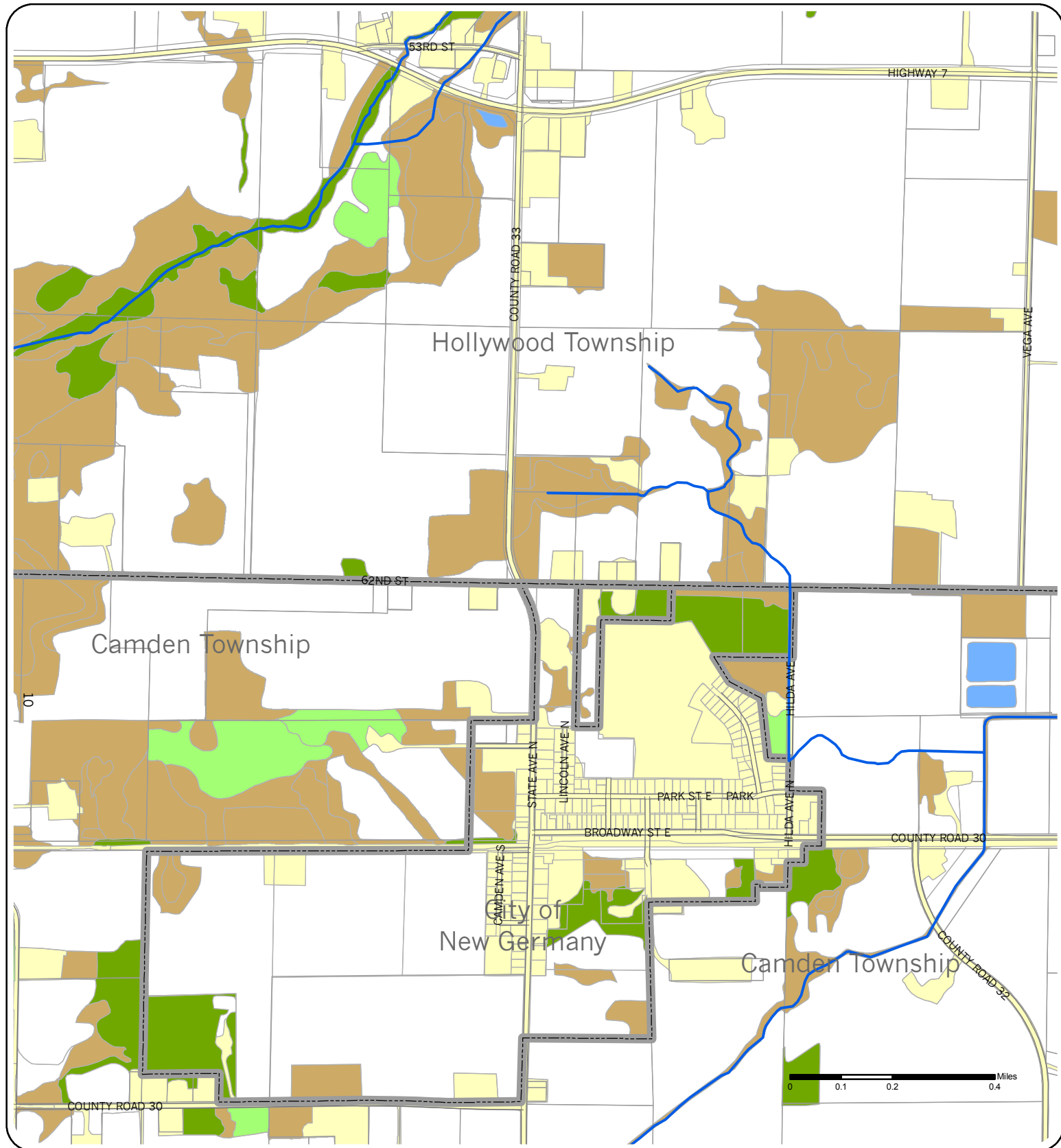


Figure 3 - Land Cover

- Cultural Vegetation (crops and farmland)
- Impervious Surfaces
- Forests

- Woodlands
- Herbaceous
- Water

City of New Germany
Carver County, MN



Source: Carver County GIS and MLCCS January, 2008

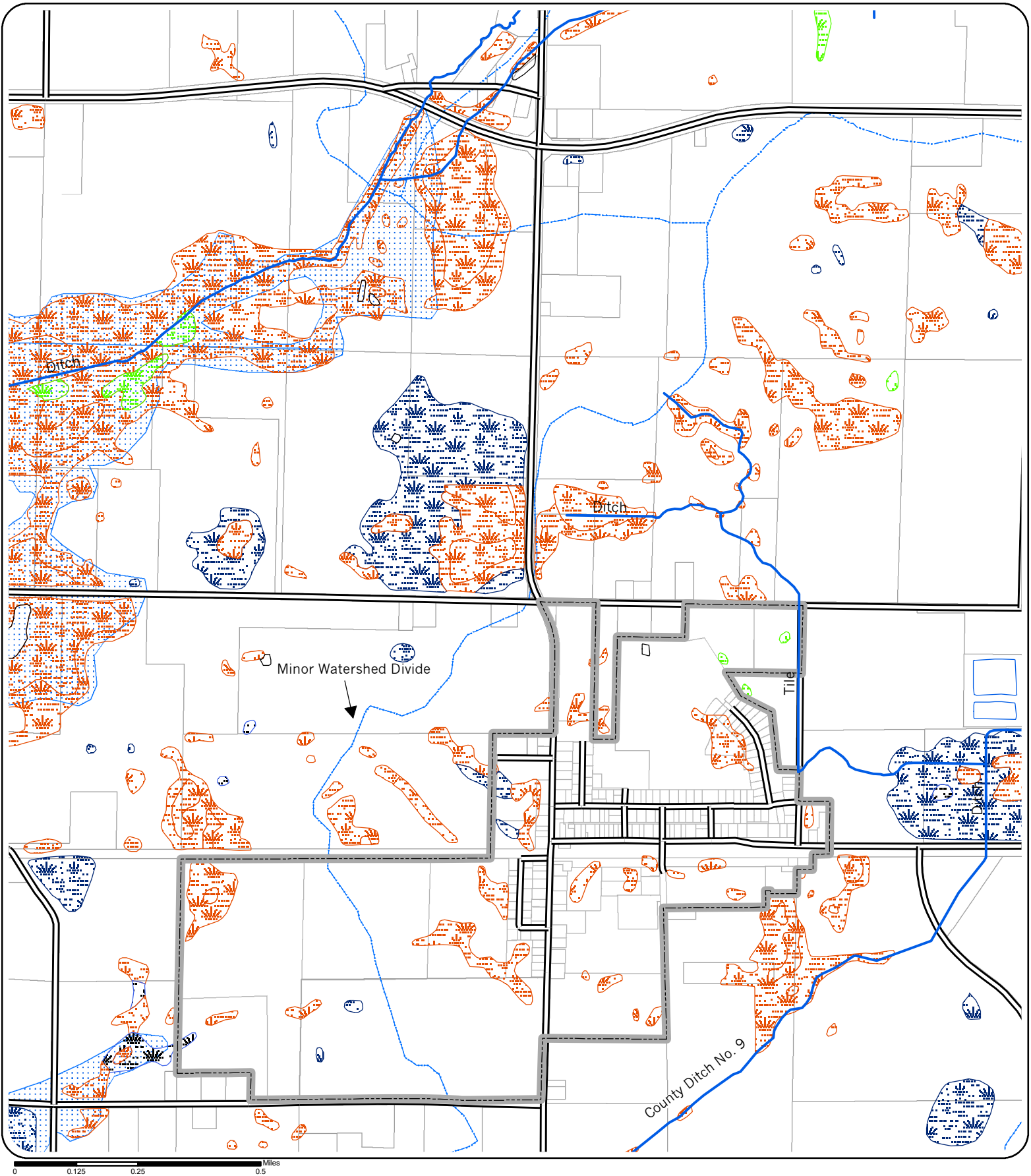






Figure 4 - Water Resources

City of New Germany
Carver County, MN

Wetland Type

- | | |
|--|--|
|  Type 1 |  Type 6 |
|  Type 3 |  Type 7 |

 ditch/drain tile

Source: Carver County GIS, MnDNR January 2008



C. Population, Housing and Employment Trends

Population

Table 1 depicts recent population history for the City of New Germany, western Carver County communities and Carver County. The City's population has grown since 1970, though more slowly than other communities and Carver County as a whole. Since 1970, the City has grown by 13%, while the County has grown by over 200%.

Carver County is rapidly becoming one of the fastest growing counties in the metropolitan area. Based upon the percentage increase in population between 2000 and that estimated in 2006, it is the second fastest growing County after Scott County in the metropolitan area. Most of the growth has occurred in the eastern communities however, the growth is moving westward as evidenced by population gains in Mayer and Watertown.

Table 1
Population 1970 – 2006

Population	1970	1980	1990	2000	2006 (est.)*	Percent Increase 1970 - 2006
New Germany	303	347	353	340	342	39
Percent Change		15%	2%	-4%	1%	13%
Hamburg	405	475	492	538	558	153
Percent Change		17%	4%	9%	4%	38%
Mayer	325	388	471	554	1,615	1,290
Percent Change		19%	21%	18%	192%	397%
Norwood Young America	1,784	2,456	2,705	3,108	3,526	1,742
Percent Change		38%	10%	15%	13%	98%
Watertown	1,456	1,818	2,408	3,029	4,081	2,625
Percent Change		25%	32%	26%	35%	180%
Carver County	28,331	37,046	47,915	70,205	86,236	57,905
Percent Change		31%	29%	47%	23%	204%

Source: 2000 U.S. Census, *Metropolitan Council

Table 2 shows the age of the population in 2000 in New Germany, western Carver County communities and the County. New Germany has a larger proportion of its population aged 75 and above than the other communities and the County. Additionally, there are a smaller percentage of older children and teens than the other comparable communities and the County.

Table 2
2000 Age of Population

Age	1-4	5-9	10-19	20-24	25-34	35-54	55-64	65-74	75+	Total
New Germany	25	28	33	22	58	90	24	19	47	346
Percent of Total	7%	8%	10%	6%	17%	26%	7%	5%	14%	100%
Hamburg	30	39	81	28	72	146	59	38	45	538
Percent Change	6%	7%	15%	5%	13%	27%	11%	7%	8%	100%
Mayer	35	45	87	27	79	182	36	31	32	554
Percent Change	6%	8%	16%	5%	14%	33%	6%	6%	6%	100%
Norwood Young America	225	223	564	210	412	932	177	177	188	3,108
Percent Change	7%	7%	18%	7%	13%	30%	6%	6%	6%	100%
Watertown	246	245	481	153	457	833	194	152	268	3,029
Percent Change	8%	8%	16%	5%	15%	28%	6%	5%	9%	100%
Carver County	6,170	6,497	11,078	3,163	9,749	23,793	4,509	2,782	2,464	70,205
Percent of Total	9%	9%	16%	5%	14%	34%	6%	4%	4%	100%

Source: 2000 U.S. Census

Household Characteristics

Table 3 shows household characteristics in the City with comparisons to the County over the last two census periods, and an estimate for 2006. The number of households (people living in one housing unit) and families (people living in one household and related to the householder) increased in the City and the County between 1990 and 2000; however the percentage increase is substantially lower in New Germany than the County. As the number of households and families have grown, their average size has decreased more so in the City than the City.

Table 3
1990, 2000 and 2006 Household and Family Number

	New Germany			Carver County		
	1990	2000	2006* (est.)	1990	2000	2006* (est.)
No. of Households	138	143	138	16,601	24,356	30,968
Percent Increase		4%	-4%		47%	27%
Number of Families	92	95		12,864	18,774	
Percent Increase		3%			46%	

Source: 2000 U.S. Census and Metropolitan Council

New Germany has had a smaller number of persons per household and persons per family than other western County communities and the County in 1990 and 2000 as shown in Table 4. Additionally, the number of persons per household and family has decreased in New Germany, the cities and the County between 1990 and 2000. For comparison purposes, the number of persons per household and family for the metropolitan area was higher in 1990 and 2000 than

those for the Carver County and the selected communities.

Table 4
1990 and 2000 Comparison of Person per Household and Family

	Person per Household		Persons per Family	
	1990	2000	1990	2000
New Germany	2.56	2.42	3.17	2.98
Hamburg	2.67	2.61	3.19	2.99
Mayer	2.84	2.78	3.39	3.26
Norwood Young America	2.78	2.65	3.31	3.19
Watertown	2.74	2.71	3.28	3.22
Carver County	2.84	2.84	3.26	3.26
Metropolitan Area	2.56	2.53	3.12	3.14

Source: 2000 U.S. Census

Housing type and tenure for the City is shown in Table 5. The primary housing type in the City is single family homes with the second highest being apartments in three to four unit buildings. Nearly three-quarters of the housing units in New Germany were owned in 2000 rather than rental occupied.

Table 5
2000 Housing Tenure and Type

	Single Family	Attached	Two Units	Three - Four Units	Five + Units	Mobile Homes	Total
New Germany							
Owner occupied	108	0	0	0	0	0	108
Renter occupied	<u>12</u>	<u>0</u>	<u>4</u>	<u>13</u>	<u>9</u>	<u>0</u>	<u>38</u>
Total	120	0	4	13	9	0	146

Source: 2000 U.S. Census

Table 6 shows a comparison of the percentage of housing type and tenure with other western Carver County communities and the County. New Germany has one of the higher percentages of single family homes compared to the other communities and the County. However, the City has one of the lower percentages of owner occupied units compared to the other cities and the County.

Table 6
2000 Comparison of Housing Type

	Single Family	Attached	Two Units	3 - 4 Units	Five + Units	Mobile Homes	Total	Owner Occupied	Rental
New Germany	82%	0%	3%	11%	0%	0%	100%	74%	26%
Hamburg	77%	0%	2%	7%	13%	0%	100%	78%	22%
Mayer	85%	1%	3%	5%	6%	1%	100%	86%	14%
Norwood Young America	70%	2%	3%	3%	20%	2%	100%	73%	27%

	Single Family	Attached	Two Units	3 - 4 Units	Five + Units	Mobile Homes	Total	Owner Occupied	Rental
Watertown	64%	4%	2%	2%	12%	0%	100%	80%	20%
Carver County	75%	8%	1%	2%	11%	4%	100%	83%	17%

Source: 2000 U.S. Census

Over 60 percent of the residences in New Germany were built before 1970 as shown in Table 7. Only Hamburg has a higher percentage (71%) of older residences of the western communities built before 1970. Over half of the new residences in Carver County as a whole have been built since 1970 with the vast majority constructed after 1990. Most of these new housing units have been constructed in the eastern communities of Chaska, Victoria and Waconia. The cities of Mayer and Watertown have experienced the most growth in new housing of the western communities.

Table 7
Age of Housing

Age of Housing	Pre 1950	1950-59	1960-69	1970-79	1980-90	1990-2000	Total
New Germany							
Number	36	12	18	19	10	13	108
Percent	33%	11%	17%	18%	9%	12%	100%
Hamburg	40%	10%	21%	15%	2%	12%	100%
Mayer	31%	9%	10%	21%	10%	20%	100%
Norwood Young America	34%	12%	10%	23%	8%	13%	100%
Watertown	24%	8%	7%	19%	17%	25%	100%
Carver County	15%	6%	7%	15%	18%	39%	100%

Source: 2000 Census

Table 8 depicts the reported owner occupied housing value in 2000. Ninety-eight percent of the homes in New Germany were less than \$200,000, making them very affordable. The City has a higher percentage of “affordable” homes than the rest of the western Carver County communities. Also, the median value in 2000 was considerably less than the comparable communities and the County.

Table 8
2000 Housing Value by Percent and Median Value

	Less than \$100,000	\$100,000- \$199,999	\$200,000- \$299,999	\$300,000- \$499,999	Over \$500,000	Total	Median Value
New Germany	61%	37%	0%	2%	0%	100%	\$89,800
Hamburg	36%	63%	2%	0%	0%	100%	\$114,200
Mayer	29%	65%	4%	0%	2%	100%	\$116,500

	Less than \$100,000	\$100,000- \$199,999	\$200,000- \$299,999	\$300,000- \$499,999	Over \$500,000	Total	Median Value
Norwood Young America	37%	58%	3%	0%	0%	100%	\$111,300
Watertown	35%	58%	6%	0%	0%	100	\$125,200
Carver County	13%	50%	21%	12%	3%	100%	\$170,200

Source: 2000 Census

Table 9 shows the 2006 income of New Germany households, home resale prices and rental housing characteristics.

Table 9
2006 Household Income, Home Resale Prices and Rental Rates

	New Germany	Carver County
Median Household Income	\$45,800	\$79,375
Average resale price of existing single family home	\$164,620	\$355,600
Average sales price of new construction single family home	\$240,000	\$520,000
Average Monthly Rental Rate		
One-bedroom unit	\$540	\$745
Two-bedroom units	\$650	\$870
Affordable/Subsidized rental Units	8	722

Source: Maxfield Research, Inc.

The median household income of New Germany residents in 2006 was \$45,800 compared to the median household income of \$79,375 for Carver County. Home prices and multiple family rental rates are more affordable in New Germany than Carver County, as indicated in the table above.

Employment Characteristics

Table 10 shows a comparison of the occupation of New Germany and Carver County residents in 1990 and 2000. In 2000, the occupation of City residents was primarily in services, the production and moving industry, and sales. This is a shift from the statistics of the 1990 census which showed more residents employed by the moving industry. Carver County, as a whole, had a higher percentage of employed residents working in management operations, professional services and sales/office but a lesser percentage in the moving industries and services than the City.

Table 10
1990 and 2000 Occupation of Employed Population, over 16

Occupation	New Germany				Carver County	
	1990		2000		1990	2000
	No.	Percent	No.	Percent	Percent	Percent
Management, business and financial operations	8	5%	17	10%	12%	20%
Professional and related services	15	10%	22	13%	16%	20%
Services	20	13%	40	23%	12%	11%
Sales and office	37	24%	34	20%	28%	27%
Farming, fishing and forestry	2	1%	0	0%	4%	0%
Construction, extraction and maintenance	61	40%	21	12%	21%	8%
Production, transportation and material moving	11	7%	39	23%	7%	13%
Total	154	100%	173	100%	100%	100%

Source: 1990 and 2000 Census

The travel time to places of employment is longer for New Germany workers than Carver County workers, as a whole, as shown in Table 11. In 2000, 47% of New Germany workers traveled over 30 minutes to get to their jobs compared to 39% of Carver County workers. Additionally, the number of workers who lived relatively close to their jobs (within 15 minutes) was fewer in 2000 compared to 1990 in New Germany and the County.

In 2000, the mean travel time to work for New Germany workers was 27.3 minutes while the mean for County residents was 25.6 minutes.

Table 11
1990 and 2000 Workers Travel Time and Means of Travel

Travel Time	New Germany		Carver County	
	1990	2000	1990	2000
0-15 minutes	22%	16%	29%	24%
15-30 minutes	28%	30%	33%	32%
30-44 minutes	31%	27%	20%	25%
45-60 minutes	15%	16%	8%	10%
60+	3%	4%	3%	4%
Worked at Home	1%	7%	7%	6%
Total	100%	100%	100%	100%
Average travel time to work	27 minutes	27.3 minutes	23 minutes	25.6 minutes

Source: 1990 and 2000 Census

The majority of New Germany residents traveled to work by motorized vehicle in 1990 and 2000 with the vast majority driving alone. Interestingly, Table 12 shows the percentage of workers who carpooled decreased between 1990 and 2000, by a larger percentage in the City compared

to the County. However, the percentage of New Germany workers that participated in carpooling is higher than Carver County workers as a whole.

Table 12
1990 and 2000 Means of Travel to Work

Means of Travel	New Germany		Carver County	
	1990	2000	1990	2000
Car, truck, van				
drove alone	66%	72%	77%	83%
car-pooled	28%	14%	12%	9%
Public transit	0%	0%	1%	1%
Motorcycle, bike, walk	5%	7%	4%	2%
Other	0%	0%	0%	0%
Worked at home	1%	7%	7%	6%
Total	100%	100%	100%	100%

Source: 1990 and 2000 Census

D. Existing Government Services

Governmental Facilities

The City of New Germany provides a full level of municipal services. Municipal government services and the City Council chambers are situated within the City Hall located on Broadway Street (CSAH 30) in the center of town. The City Hall also serves as a senior citizen center and community meeting facility. The fire hall houses fire equipment and the administrative office for the volunteer fire department. The municipal garage is located on the west side of State Avenue (CSAH 33) north of Park Street East. The City contracts with the Carver County Sheriff's Department for police services.

New Germany is located within the Waconia Independent School District (ISD 110) although there are no public school buildings within the City. Children are bused to the elementary, middle and high schools located within Waconia. There is one private elementary school within the City: the St. Marks-St. Johns Elementary School located south of Broadway Street.

The Camden Township Hall also is within the City limits. It is located on the on the east side of State Street South.

Sanitary Sewer Facilities

The City operates its own municipal wastewater treatment plant which is currently, independent of the Metropolitan Council's regional wastewater treatment facility. The treatment plant is located east of the City within Camden Township on the north side of CSAH 30 as shown on **Figure 5**. The design of mechanical plant includes primary and secondary stabilization ponds. Currently, the average wet weather flow is 0.052 million gallons per day. Treated effluent is discharged to creek that eventually flows to the Crow River. Currently, the plant has a design capacity of 46,000 gallons per day.

Sanitary sewer lines carry sewage flows from the City to a lift station located at the northeast corner of Park Street and Jefferson Avenue. A force main conveys effluent from the lift station to the treatment facility. The sanitary sewer system has been televised to monitor areas of potential inflow and infiltration within the system.

Municipal Water




The municipal water system includes one City well, with a pumping capacity of 115 gallons per minute, a 50,000 gallon water tower, and a distribution system of 6" and 8" water mains. Water treatment consists of gas chlorination and fluoridation. The City's well and water tower is located to the north of City Hall on Park Street East as shown on **Figure 5**.


In 2005, a feasibility study was completed that examined increasing the reliability of the City's water system. The study recommended adding a second 500 gallon per minute well and replacing the existing water tower with a 250,000 gallon facility to provide water system reliability and accommodate future community growth. Currently, the City is constructing a second 300 gpm well and new water tower within Ballfield Park. Completion is anticipated in 2008.


The City adopted an ordinance in 2003 to manage the water supply during periods when there is the potential for water shortages. The ordinance provisions allow the City Council to limit the times and hours when water may be used for specified activities (lawn sprinkling, car washing, etc.) from the City's water system. Further, the ordinance specifies penalties for violations of the provisions.

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Other Facilities

-  Water Tower
-  Well No. 1
-  Sanitary Sewer Lift Station

 Parks: N. Germany Ballfield, Water Tower and Lindstrom Parks

 Gov't. Facilities: City Hall, Maintenance Garage, Camden Town Hall and WWTP



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Stormwater

The existing stormwater system within the City is old and does not contain water quality treatment areas or design characteristics. The existing system is effective in conveying storm water run-off to culverts and nearby ditches located around the current city limits. A map of the existing stormwater system and supporting information is included in the City Stormwater Management Plan.

Transportation Facilities

Figure 5 identifies roadways in the New Germany area, including their jurisdiction and existing “functional classification.” These roadways are under the jurisdiction of various levels of government, including the Minnesota Department of Transportation (Mn/DOT), Carver County, Camden and Hollywood Townships and the City. Limited access roadways that carry larger volumes of traffic at higher speeds tend to be under the jurisdiction of Mn/DOT (e.g., Interstates, U.S. and State Trunk Highways).

Roads that carry local traffic are under the jurisdiction and the responsibility of the City or the Townships. Carver County has jurisdiction over roads that carry intermediate levels of traffic and which provide connections among communities in the County. County roadways include those that receive direct aid from the Mn/DOT, County State Aid Highways (CSAH's), and general County Roads.

The functional classification of a roadway is based upon:

- the volume and speed of traffic that the road can carry,
- the amount and kind of access to the road, and
- the distance one can travel on the road.

A description of the functional classification of roads in general as developed by the Metropolitan Council and the existing classification of roads in the New Germany area is presented in Table 13.

Table 13
Roadway Functional Classification

Functional Classification	Description of Classification	Existing Classifications
Principal Arterial		
✓	Roads that compose the metropolitan highway system	TH 7
✓	Includes all interstate freeways and other major roadways.	
✓	Provide long distance connections within the metro area.	
✓	Connections with other roadways are limited to other principal arterials and a minimum number of other roads.	
✓	Intersections are generally spaced between 3 - 6 miles in developing areas and between 6 - 12 miles in rural or agricultural areas.	
Minor Arterial		
✓	Generally provide mobility for shorter distances than principal arterials.	
✓	Provide interconnection between other arterial roadways and between regional business concentrations, often supplementing principal arterials.	CSAH 30
✓	Connect developed metro area with cities and towns outside Twin Cities area.	CSAH 33
✓	Spacing of interconnections generally occurs as needed.	
Collector (in rural area)		
✓	Provide supplemental interconnection among rural growth centers.	CR 32
✓	Connect to minor arterials, other collectors and local streets	
✓		

Functional Classification	Description of Classification	Existing Classifications
Local (in rural area)		
✓ Created as needed to access properties.		All other roads
✓ Connect to a few minor arterials.		

Source: Metropolitan Council

TH 7 is located approximately one mile north of the City. Currently, the highway contains two lanes and paved shoulders however; safety improvements are planned east of the City from Mayer to the Carver County border in 2007.

CSAH's 30 and 33, and CR 32 are two lane, paved County roads. CSAH 30 is an east-west road that connects New Germany to Mayer and Waconia. CSAH 33 is a major north-south route through the western portion of the County. There are no improvements are planned for these roadways over the next ten years other than typical maintenance activities. Given the low traffic volumes on these roadways, no capacity improvements are planned.

Since the City is outside the Metropolitan Transit Taxing District, there are no metropolitan transit facilities in the New Germany area. The nearest park and ride facilities are in Mayer to the east and the nearest bus service is in Excelsior. The Carver Area Rural Transit (CART) provides "call ahead" service for disabled, senior and economically disadvantaged residents of the County.

The nearest airport to the City is Flying Cloud Airport, located approximately 28 miles east in Eden Prairie. The Minneapolis-St. Paul International Airport, located about 35 miles east of the City, serves the entire region. Neither airport poses any potential impacts on New Germany, nor are there any airspace restrictions affecting development in the City. Facility operation, maintenance and improvements for both airports are provided by the Metropolitan Airports Commission (MAC).

Parks and Trails

There are three existing public parks in the City as on **Figure 5**. The New Germany Ball field, located east of Lincoln Avenue N contains a baseball/softball field, a grandstand and open space. Water Tower Park located on the south side of Park Street E contains playground equipment. Lindstrom Park located in the southern portion of the City is the site of a second baseball/softball diamond, tennis courts and a volleyball court. St. Marks School, east of Lindstrom Park also provides a baseball/softball field and a play area on the school campus.

There are several regional parks within a twenty mile radius of New Germany. These parks include:

- Baylor Regional Park in the southern portion of Camden Township, east of CSAH 33
- Carver Regional Park located to the east between TH 7 and TH 5
- Gale Woods Regional Park on the western end of Lake Minnetonka, and
- Lake Waconia Regional park

Presently, there is a sidewalk along Main Street but no trails within the New Germany area. However, the Carver County Regional Railroad Authority has acquired the 12 mile segment of Dakota Rail Line property that extends east-west across the County and passes through the City. The approximate 250' wide corridor is planned for future transportation uses including bicycle and pedestrian use. The current plans call for the construction of an asphalt trail. Carver County will lease a portion of the corridor for development of the regional trail.

Additionally, the Metropolitan Council has identified a trail search corridor to the east of the City

extending from Norwood Young America northward through the Mayer area, in the vicinity of the Crow River. A future regional trail is proposed for the corridor area.

E. Existing Land Use, Trends and Controls

Land Use

Figure 6 shows the location and type of existing land uses within the New Germany municipal boundaries and Table 14 lists the acreage of the land uses.

Table 14
Existing Land Use

Land Use	Acres	Percent
Residential		
Single Family Residential	35.8	7.6%
Multiple Family Residential	<u>2.9</u>	<u>0.6%</u>
Subtotal	38.7	8.2%
Commercial/Industrial		
Commercial	1.6	0.3%
Industrial	2.7	0.6%
Mixed Use	<u>5.0</u>	<u>1.1%</u>
Subtotal	9.3	2.0%
Public/Semi-Public		
Institutional (church, school and government)	12.6	2.7%
Park	19.9	4.2%
Right of Way	<u>39.4</u>	<u>8.4%</u>
Subtotal	71.9	15.3%
Subtotal Developed Acreage	119.9	25.5%
Other		
Agricultural	200.0	42.7%
Rural Residential	8.0	1.7%
Vacant	106.4	22.7%
Wetlands	34.6	7.4%
Subtotal Undeveloped Acreage	349.0	74.5%
Grand Total	468.9	100.0%

Single family uses comprise the majority of the total residential land uses within the City while the commercial/industrial land uses accounts for the smallest category of land uses. The largest acreage of the developed land uses are the public and semi-public land uses. Street right of way and park uses contribute the greatest amount of acreage to these land uses. The undeveloped County trail corridor property (10.4 acres) accounts for a major portion of the park land uses.

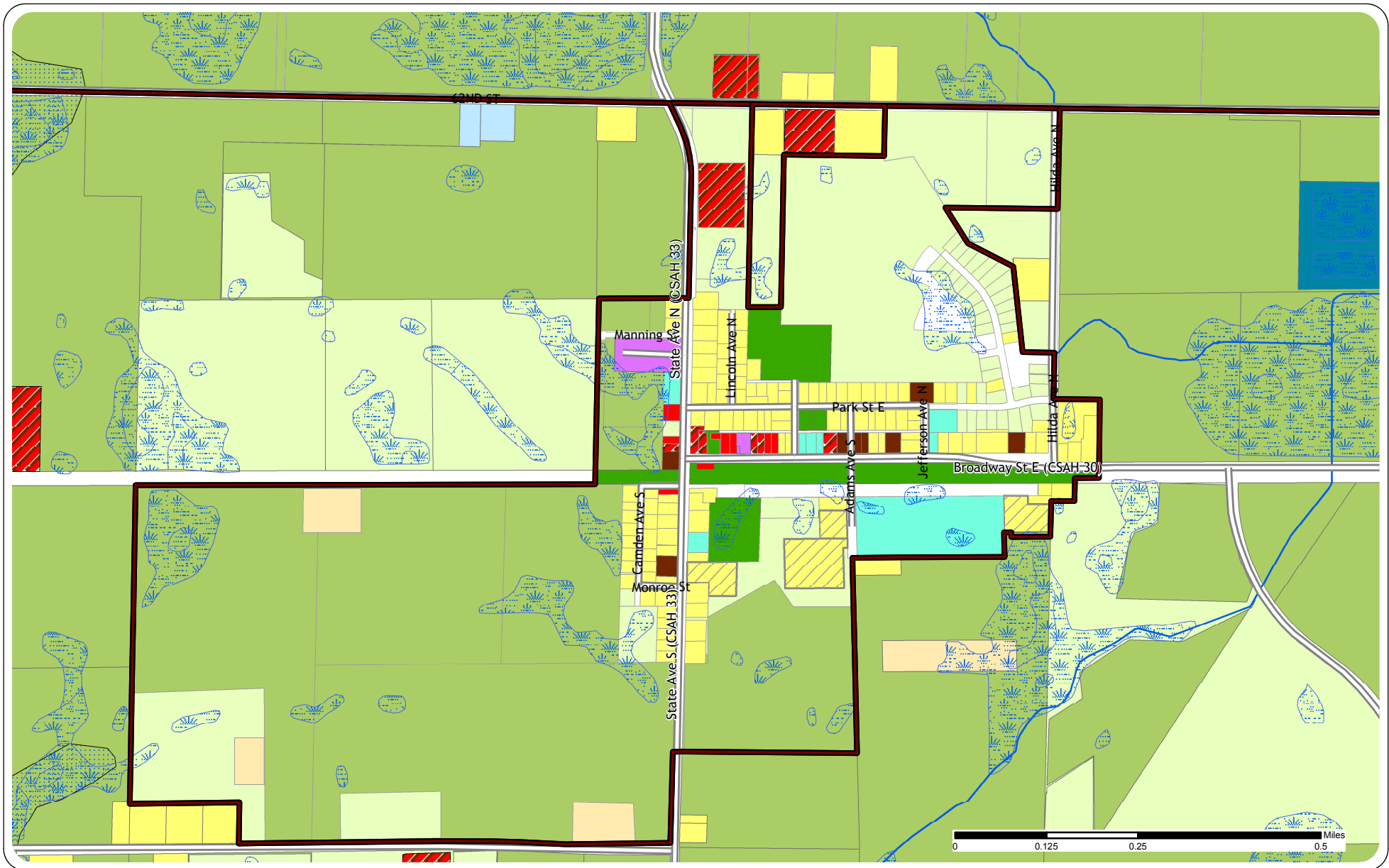












Figure 6 - Existing Land Use



-  Farmstead
-  Rural Residential
-  Single Family Residential
-  Multiple Family Residential

-  Commercial/Residential
-  Commercial
-  Industrial
-  Institutional

-  Park
-  Agricultural
-  Vacant

-  Municipal Boundary
-  NWI Wetlands
-  Floodplain
-  Streams

City of New Germany

Carver County



Carver County GIS

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The concentrations of existing residential development are along Broadway and Park Streets, and along State Ave. S. to the south of Broadway Street. The business district is located on the west end of Broadway Street and along State Avenue N. There are several mixed use buildings in the downtown consisting of commercial uses on the street level with apartments on the second floors.

A large part of the City is still under agricultural use. Most of this acreage is within the southwest quadrant of the City and was recently annexed to the City. Other areas of undeveloped land uses include the agricultural and vacant properties in the northeast quadrant of the City. However, a portion of the vacant land uses is currently platted and therefore, committed for development.

The City is a typical rural center with the surrounding land uses consisting of agricultural activities in Camden and Hollywood Townships. However, there are several scattered rural residential homes and commercial/residential land uses along the County roads. Additionally, the City's sewage treatment plant is located outside of the City limits to the east in Camden Township.

Development Trends

There has been little new building activity within New Germany over the past decade. One of the reasons for the lack of activity is the lack of capacity in the City's sewage treatment facility. All of the sewer connection permits have been used for the existing development within the City or committed to new homes to be constructed within the Black Forest Estates 2nd Addition subdivision.

While there has been no building permits issued for new homes from 2001 to 2004, five permits for new homes were issued in 2005 and five in 2006. All are within the recently platted Black Forest Estates subdivision. Building interest for the remaining lots within the subdivision (and the remaining sewer connection permits) is strong and construction of homes should be completed in the next several years.

Development pressure has been significant in the western Carver County communities where sanitary sewage treatment capacity exists or plant expansions have been committed. It is anticipated that the City will receive similar type of pressure, if sewage treatment plant capacity can be expanded. Table 15 shows the number of single family home building permits issued for these communities

Table 15
Single Family Residential Building Permits Issued

	2001	2002	2003	2004	2005	2006
New Germany**	0	0	0	0	5	5
Hamburg**	0	5	4	2	1	0
Mayer	25	73	70	82	72	52
Norwood Young America	8	22	29	32	53	7
Watertown	79	82	65	71	18	15

**Sewage treatment plant constraints
Source: Metropolitan Council

Local Controls

Presently, the City has an adopted Zoning Ordinance and Subdivision Ordinance. The various zoning districts allow for the land uses shown in the Comprehensive Plan. Additionally, the ordinances provide for the following:

- flexibility in the type and intensity of housing development under the Planned Unit Development provisions,
- height regulations that allow for solar access and prohibit obstructions to aviation air space,
- new development must be served by the municipal sewer and water system,
- storm water management including runoff and erosion control, and
- wetland conservation in compliance with the Wetland Conservation Act of 1991, as amended.

F. Background Information Conclusions

The following are the major findings of the analyses of the City's demographics, natural resources, land uses and storm water related activities:

Population

- The City has experienced the lowest rate of population growth over the past thirty five years compared to the other western Carver County communities of Hamburg, Mayer, Norwood Young America and Mayer.
- The City has an "older" population, and fewer numbers of people per household and family compared to other western Carver County communities.
- Over 80 % of workers residing in New Germany travel more than 15 minutes to get to their jobs.
- The majority of workers travel to work alone and the number that carpool has decreased between 1990 and 2000.

Housing

- The only type of owner occupied housing in the City is single family residential units.
- The City has one of the higher percentages of rental housing compared to other western Carver County communities.
- There are fewer multiple family units in the City compared to other western Carver County communities.
- The City has an aging housing stock, with few new homes built over the last thirty five years.
- Housing cost remains affordable in New Germany compared to other Carver County communities.

Parks and Recreation

- Although there are three City parks within the City, there is only one sidewalk/trail (along the north side of Broadway Street).
- The County is planning to construct a regional east-west trail within the Dakota Rail corridor.
- There is the potential for additional recreational activities within the City with the planning for the Carver County trail.
- Several regional park facilities are within 20 miles of the current municipal limits.

Public Facilities (sewer, water and transportation)

- New development is limited within the City due to the lack of existing municipal sewer and water capacity.
- A new well and water tower is planned for construction in Fall 2007.
- The City's wastewater treatment plant needs expansion for new development. Construction of the first phase of expansion is planned for completion in 2008.
- The City's wastewater treatment plant is located outside of the current municipal limits.
- Good regional and local access is available to the City from TH 7 and CSAH's 30 and 33

and CR 32.

Natural Resources

- There are few “pre-development” natural resources (wetlands and tree stands) remaining in the City due to past agricultural activities.
- There are no significant environmental impediments to growth within the current New Germany municipal limits however, there is the potential for preservation and/or restoration of natural areas to the northwest of the City.

Land Use

- There remains a significant amount of vacant, agricultural and rural residential land within the existing City limits.

Vacant	106.4 acres
Agriculture	200.0 acres
Rural residential	<u>8.0 acres</u>
Total	314.4 acres

- The only undeveloped area designated for commercial development within the existing City limits is along the northern portion of CSAH 33.
- There are few, if any, vacant parcels for industrial development within the existing City limits.
- One vacant area (east of Lindstrom Park) remains for multiple family uses within the City.

Storm Water Related Considerations

- Future developments should apply appropriate storm water treatment and rate control measures, as well as address the potential for infiltration/filtration techniques to aid in groundwater recharge and the reduction of runoff volume.
- The need to reduce sediment loadings leaving the City and protect the recreational uses of the area wetlands and streams, whether it is for maintenance of waterfowl habitat, fishing, etc.
- The need for including storm water management projects in the Capital Improvement Program and implementation plan to adequately address identified problems and funding for on-going maintenance of the system.
- The importance of being prepared to address the potential future NPDES storm water permits requirements and maintaining this plan.

Other Considerations

- The nearby western Carver County communities of Mayer, Norwood Young America and Watertown have experienced a significant increase in the number of building permits over the last five years.
- Developers have expressed interest in developing properties to the north, east and west of the existing municipal limits.
- While the City remains a rural center with a unique “small town” heritage, its residents

and businesses have grown to rely more on opportunities and services of the suburban areas.

The City of New Germany is beginning to be impacted by characteristics of growth as the metropolitan area has grown outward into the previously rural areas. While the City remains a rural center with a unique “small town” heritage, its residents and businesses have grown to rely more on opportunities and services of the suburban areas. It is anticipated that the City will start to experience additional impacts/opportunities when sewer and water capacity improvements are completed.

III. Community Vision, Goals and Policies

This Chapter establishes the land use “vision” for New Germany, and goals and policies to implement the “vision”. A “vision” is a realistic description of the land use setting desired for the City of New Germany in the future. The basis for the “vision” is review of the Background Information conclusions and the public attitudes about City strengths, weaknesses, growth concerns and preferences for future land use planning. The “vision” guides the City’s long term expectations that are described in the goal and policy statements.

The goals describe the general long term expectations for specified topic areas. Policies represent the specific performance measures to achieve the community goals. The policies determine the proper strategies used to implement the Comprehensive Plan. Collectively, the goals and policies represent the overall City “vision” and provide the basis for the growth management strategies included in the land use plan.

The target horizon of the community vision and the goals and policies is 2030. A review of the goals and policies by the City should occur on a periodic basis, but no more than every ten years, to assure that the current City “vision” remains relevant.

A. City Survey

A series of exercises were conducted by the Planning Commission to determine community strengths and weaknesses, resident concerns about future growth and development, and preferences for future land use planning. Input was received from approximately 28 residents, landowners, and other interested parties at a Town Meeting and via a mailed survey. The complete results of the survey are included in Appendix A.

The resident responders felt that the top strengths of New Germany are:

- ✓ The residents are family, oriented and friendly,
- ✓ Its’ small town values,
- ✓ The quiet rural atmosphere and
- ✓ low crime rate.

Other strengths include the amount of affordable housing in New Germany and good transportation and access to area highways.

The overwhelming top overall weakness was the lack of businesses, restaurants, grocery stores. The responders also noted that the lack of industry and the limited sewer and water capacity were weaknesses. Planning Commissioners felt that the lack of housing variety is a concern in New Germany because existing or potential residents must leave the City to find alternatives to owner occupied single-family homes.

City residents were asked to respond to land use changes and growth concerns assuming New Germany will grow in the coming years. The top concerns are the need good planning direction, higher costs of services, and loss of farmland to development. Some felt that there would be an increase in crime. Those items that were not a concern also included a loss of farmland to

development, need for better highway system and care for children and elderly.

Residents were asked to respond to statements about the location, amount, intensity and regulation about growth. The responder's desires for future growth include:

- ✓ the retention of the rural atmosphere,
- ✓ more commercial/industrial zoning, and
- ✓ agricultural land protection.

In addition, several responders noted the need for orderly annexation agreements to control speculation and lower density (larger lot requirements).

The survey responders also prepared statements about their vision for the City and newspaper headlines they would like to see about New Germany in the next 15 to 20 years. Three primary themes emerged with the vision statements:

- ✓ Quality of life and small town values
- ✓ Well planned, steady and orderly growth
- ✓ A balanced community – housing types and business opportunities

Additionally, three primary themes also emerged with the newspaper headlines that were prepared:

- ✓ Community Values
- ✓ Community Involvement
- ✓ Steady and balanced growth

Input from the surveys served as the basis for discussion by the City to create an overall community vision for New Germany and for preparing goals and policies for the future land use plan.

B. Community Vision, Goals, and Policies

Community Vision

A “vision” statement is a realistic description of what the City of New German should look like in 15 to 20 years that serves as an overall guide for change. The following vision statement for New Germany is based upon consideration and discussion of the vision statements prepared by survey responders:

New Germany will encourage and manage future growth,
consistent with our community values, by:

- * allowing a reasonable level of urban development while preserving the small town character of our community;
- * providing opportunities for a variety of housing types and cost and downtown economic development; and
- * supporting and maintaining parks and other public and semi-public facilities and services.

Goals describe the general long-term expectations by the City for the future based upon the vision. Policies represent the official position of the City or specific courses of action to be taken

to achieve the City goals. Many of the following goals and policies were also included in the 1998 New Germany Comprehensive Plan.

Growth Management and Land Use Goals and Policies

Overall Growth Management

Goal: The City of New Germany will manage future growth to:

- * protect the health, safety and welfare of the public,
- * protect natural resources and water quality,
- * provide adequate public services,
- * provide diversity in housing,
- * promote economic development,
- * and employment opportunity

in a manner that promotes the small town character of the City.”

General Land Use

Goal: It is the goal of the City of New Germany to establish:

- * land use patterns that ensure compatibility between uses.
- * land use patterns that complement natural amenities and respect environmental constraints.
- * phased growth areas that reflect City priorities for development staging and contiguous, planned extensions of public facilities.
- * responsible growth management that preserves the rural, small town atmosphere.
- * transition area policies that are complementary to township and City growth management strategies and result in orderly transition from agricultural to non-agricultural uses.
- * the overall community identity and existing values through community planning techniques.

Policy a.) Prepare a 2030 land use plan that incorporates community goals.

Policy b.) Identify land that is suitable for residential, commercial and industrial development that is accessible to existing and planned roadways and compatible with existing and planned land uses.

Policy c.) Limit development to areas identified as capable of receiving utilities according to utility staging plans.

Policy d.) Assist Camden and Hollywood Townships in their efforts to promote long-term agriculture, cooperate in planning for the Orderly Annexation areas and prevent premature demand for City services in areas unplanned for non-agricultural development.

Policy e.) Prohibit development with private utilities unless agreements guarantee connection to public utilities when they become available.

Policy f.) Require all subdivisions to adhere to long-range plans for roads, trails, parks and utility corridors to ensure continuity of development patterns and implementation of community priorities.

- Policy g.) Require all new developments to use low impact development techniques to minimize impacts on water quality and quantity, and comply with the requirements of the City's storm water management plan.

Residential

Goal: It is the goal of the City of New Germany to provide:

- * a housing mixture that will allow opportunities for all income and age levels of families.
- * for the orderly development of safe and efficient housing opportunities.
- * and maintain a level of residential growth compatible with the level of public services available.

Policy a.) Only allow residential development if adequate utilities are immediately available and are consistent with public utility staging plans.

Policy b.) Identify areas appropriate for multiple family and senior housing opportunities.

Policy c.) Encourage a variety of new housing type, style, ownership and cost to balance the overall housing stock.

Policy d.) Protect residential neighborhoods from incompatible and offensive uses.

Policy e.) Prohibit residential development at densities greater than one home per 40 acres, unless connected to public sewer.

Policy f.) Encourage the revitalization of the existing housing stock in the city as a source of affordable housing.

Policy g.) Avoid adoption of regulations that create excessive obstacles to the development of affordable housing.

Policy h.) Promote residential housing concepts that will maintain the "small town" character of the City.

Commercial/Industrial

Goal: It is the goal of the City of New Germany to foster:

- * a variety of economic and development opportunities.
- * the commercial/industrial tax base and employment opportunities in the city.
- * and promote the downtown area for retail shopping opportunities.
- * new highway oriented business and industrial development in locations with adequate access to TH 7.

Policy a.) Require all commercial and industrial uses to connect to public utility systems.

Policy b.) Establish adequate lot sizes and minimum buildable areas for business uses to provide for convenient and safe access, adequate parking, site buffering and landscaping.

Policy c.) Avoid incompatibilities between commercial/industrial uses and residential uses.

Policy d.) Develop business sign regulations compatible with the rural character of the City.

- Policy e.) Evaluate various economic development programs (e.g., tax increment, CDBG) as potential sources of assistance for rehabilitation of the commercial area.
- Policy f.) Designate adequate areas in the City to allow for commercial and industrial expansion.
- Policy g.) Encourage downtown business uses that complement the County regional trail.
- Policy h.) Prohibit businesses that require public services, transportation needs or environmental controls in excess of local capabilities.
- Policy i.) Develop retail uses in a clustered concept rather than “strip” or scattered fashion.

Public Utilities

Goal: It is the goal of the City of New Germany to maintain a system of public utilities suitable for the level of existing and anticipated development to 2030.

- Policy a.) Require that all public infrastructure (sanitary sewer, water, stormwater, and roadways) is designed and constructed according to City standards and specifications.
- Policy b.) Design public utility systems for 2030 development or beyond and establish cost effective staging of utility systems.
- Policy c.) Require new development to be consistent with planned extensions of public utilities and require connection to public facilities.
- Policy d.) Evaluate the need for an ongoing maintenance and repair program for existing infrastructure.
- Policy e.) Require new development to pay reasonable costs for capacity, extension and connection to the public utility system.
- Policy f.) Prohibit any private wastewater treatment or water facilities in the City.
- Policy g.) Establish design and construction standards for sanitary sewer installation and maintenance to minimize potential sources of inflow/infiltration in the sewer collection system.
- Policy h.) Continue monitoring potential sources of inflow/infiltration to reduce inefficiencies in the wastewater treatment system.
- Policy i.) Enforce Ordinance #42A prohibiting unauthorized discharges to the sanitary sewer system.

Stormwater Management

Runoff Water Quality and Volume (New Development)

Goal: To maintain or enhance the water quality of the New Germany area wetlands and watercourses.

- Policy a.) Enhance pond design criteria and work with the County to achieve its goal of regional ponding whenever practical, including the implementation of infiltration/filtration (bioretention areas, rain gardens, etc.) areas to aid in storm water volume reduction (as required by Carver County).

- Policy b.) The city will work with developers to incorporate low-impact development and best management practices (BMP's) that may fit each unique site.
- Policy c.) Compliance with the requirements in the Stormwater Management Plan for rate control, water quality treatment, erosion and sedimentation control, infiltration/filtration measures, and evaluation of new techniques and practices

Runoff Water Quality (Existing Sewer System)

Goal: To preserve, maintain and expand (where possible) the storm water storage and detention systems to control excessive runoff volumes and rates, prevent flooding, protect public health and safety, and minimize public capital expenditures.

- Policy a.) The City will inspect and maintain ponds and other drainage facilities on a regular basis and conduct maintenance activities, as required.
- Policy b.) The City will evaluate its operations to ensure that best management practices are implemented, to the extent practical.
- Policy c.) The maintenance of the City stormwater management system will be an on-going activity.
- Policy d.) The City will work with and cooperate with the County to improve water quality around the New Germany area.

Erosion and Sediment Control

Goal: The City will continue to review development plans for conformance with City, County and State requirements and confirm conformance through the construction site inspection process.

- Policy a.) The City will utilize the policies, requirements and standards of the Stormwater Management Plan to regulate alteration of land to prevent erosion and sedimentation.
- Policy b.) The City requires the maintenance of all erosion and sedimentation devices on a continual basis by the responsible party, as set forth in the Stormwater Management Plan, and any applicable state or federal requirement.
- Policy c.) The City will undertake enforcement action, as permitted by law, to require compliance of any development with the approved stormwater pollution prevention plan for the project as approved by the City in compliance with the Stormwater Management Plan and/or the County.

Transportation

Goal: It is the goal of the City of New Germany to maintain:

- * a safe, efficient and convenient transportation system.
- * the integrity of the transportation system.
- * and encourage sufficient off street parking.

- Policy a.) Adopt land use development standards that promote safe and efficient access to the transportation system.
- Policy b.) Develop land uses and access spacing guidelines compatible with the functional classification of the regional and county highway system.
- Policy c.) Maintain the City roadway system to compliment the small town

atmosphere and provide links to community and regional parks and facilities.

Policy d.) Identify long-term transportation corridors to provide access to and within the New Germany area as development occurs.

Policy e.) Coordinate transportation planning and system improvements with Carver County and the Minnesota Department of Transportation, as appropriate.

Park and Recreation

Goal: It is the goal of the City of New Germany to provide:

- * convenient active and passive recreation opportunities to residents.
- * adequate expansion of parks and recreation areas in proposed residential developments.
- * safe and convenient bicycle and pedestrian access to community and County recreational facilities.
- * recreational facilities and programs to serve the varied recreational needs of all age groups in the City.

Policy a.) Develop a trail plan that provides interconnection of park and recreation areas and neighborhoods.

Policy b.) Design and maintain parks with proper lighting, shelter and landscaping to ensure public and property safety.

Policy c.) Develop land use regulations compatible with adjacent parks, recreation areas and natural features.

Policy d.) Require dedication of developable parkland or cash in lieu of land in conjunction with the subdivision of all properties.

Policy e.) Encourage and accept land gifts and forfeitures in areas with potential recreational development opportunities.

Policy f.) Coordinate regional trail and park development potential with Carver County and adjacent communities.

Policy g.) Encourage public and private activities that enhance the regional trail corridor.

Natural Resource Goals and Policies

Goal: It is the goal of the City of New Germany to protect:

- * existing environmental systems from potential negative impacts of future growth and development activities.
- * surface waters and wetland areas of the City to promote recreation opportunities, aesthetic qualities, natural habitat areas and groundwater recharge.
- * a reasonable amount of open space to promote the rural atmosphere of the community.

Policy a.) Manage new development to protect shorelands, floodplains, wetlands and other environmentally sensitive areas in the New Germany area.

Policy b.) Protect the quality and quantity of groundwater resources.

- Policy c.) Establish development densities and standards that will protect environmentally sensitive areas, and encourage the use of conservation design principles in the review of new development.
- Policy d.) Encourage development in the City to conform to the natural limitation of the topography and soil to lessen the potential for soil erosion.
- Policy e.) Comply with the Minnesota Wetland Conservation Act (WCA) to avoid impact on wetlands whenever possible, limit the impact on wetlands when impact is unavoidable, and require mitigation of wetlands, where affected by growth, in accordance with state law.
- Policy f.) Establish a buffer around each wetland, as part of the development approval process, to help protect existing wetlands and improve the effectiveness of newly constructed wetlands.
- Policy g.) Require new development to comply with the requirements of the City's Storm Water Plan, as approved by Carver County, and the Carver County Water Plan.
- Policy h.) Encourage agricultural operators in the City, to consult with the Carver County Soil and Water Conservation District.
- Policy i.) Review zoning and subdivision requirements to ensure reasonable protection of environmentally sensitive areas such as wetlands and woodland protection in compliance with State and County requirements.
- Policy j.) Require abandoned wells to be capped and grouted, in conformance with state requirements.

Community Facilities and Services

Goal: It is the goal of the City of New Germany to:

- * Promote safe neighborhoods and crime prevention in the community.
- * Provide efficient and responsive public services to residents and businesses.
- * Maintain land uses and services that contribute to the accessibility of a quality education for residents.
- * Provide areas for growth in community education, religious organizations, arts and other similar organizations.

- Policy a.) Explore potential joint service initiatives through continued communication and cooperation with City, Township, County, school and church officials.
- Policy b.) Expand efforts for effective communication and cooperation with Camden and Hollywood Townships and western Carver County communities on area growth issues and common concerns.
- Policy c.) Promote effective communication with residents, business owners, educators and volunteer organizations to maintain cooperation and participation in community affairs.
- Policy d.) Establish priorities for basic services to ensure that the highest levels of safety and accessibility are provided in the City.
- Policy e.) Maintain adequate and efficient administrative, maintenance and emergency services as the City grows.

IV. Growth Management Plan

A. Regional Planning Context

The Metropolitan Council is the regional agency responsible for ensuring the implementation of the Metropolitan Land Planning Act. The Council develops regional plans for transportation, parks, wastewater treatment and aviation. Local plans must be consistent with the planning policies for these regional systems and avoid or mitigate substantial negative impacts on the systems (“system impacts”). A system impact might involve a community allowing more growth or development than a regional highway or wastewater treatment system could accommodate. The Metropolitan Council has the authority to require communities to change their plans when the Council finds a system impact.

The Metropolitan Council has adopted the *2030 Regional Development Framework*, a growth strategy for the region that identifies future areas for urban development, including investments in regional infrastructure such as regional highways, parks and sewers. The *2030 Regional Development Framework* also addresses other regional planning issues such as housing choice, protection of natural resources, and multi-modal transportation choices. The Council may find that components of a community’s plan are inconsistent with regional policies in these areas. This finding may hurt a community’s chances for future regional funding opportunities unless the community amends the plan to obtain consistency with regional policies.

The rural planning area of the region is divided into areas that are classified as the Rural Centers, Rural Growth Centers, Agricultural, Diversified Rural or Rural Residential. Urban-levels of development are discouraged within these areas, except for “rural growth centers”. Within the “agricultural” area, the Metropolitan Council policy is to preserve lands with high-quality soils for existing or future agricultural use. To accomplish this, the Metropolitan Council advocates the adoption zoning districts that limit residential development densities to an average of one home per forty acres (1:40). Most of the townships in Carver County fall within the “agricultural” area, including Camden and Hollywood Townships surrounding New Germany.

As described in Chapter I, New Germany is in the geographic planning area that is termed a Rural Growth Center defined by the Metropolitan Council as a small town located in the rural area as shown in **Figure 1** of this Plan. The 2030 Growth Management Plan is based upon the designation of the City as a rural growth center for the following reasons:

- The City provides municipal sewer and water services to existing and planned development within the City,
- The City will allow annexation of township lands for development purposes, provided that municipal services can be provided,
- The County has implemented zoning restrictions to preserve land for agricultural purposes or future development, and
- The City may request the Metropolitan Council to take over the existing wastewater treatment plant (as discussed in Chapter V – Public Facilities).

B. Carver County

The County serves as the planning and zoning authority for the rural townships in the County. As such, the County is responsible for the planning of Camden and Hollywood Townships that surround the City of New Germany. The adopted County Plan (2000) maintains a 1:40 rural density in the area surrounding the New Germany city limits although does allow clustering under certain circumstances. New development at urban densities is directed towards the cities within the County.

Hollywood Township does contain a small rural service land use district that is occupied highway oriented retail uses. This area is located approximately two-thirds of a mile north on the northern New Germany city limit at the southeast corner of the CSAH 33/TH 7 intersection.

The County supports annexation of township land to a city if the following conditions exist:

- “The annexation is consistent with the municipal and township land use plans.
- The area to be annexed is a logical expansion of the municipality.
- Urbanization is about to occur.
- Municipal services (central sewer and water at a minimum), provided by the annexing municipality, will be available at the time of development.
- Planning for stormwater runoff and protection of natural resources will be completed prior to development.
- The annexation of additional land is necessary to accommodate development, and the supply of developable land within the city is extremely limited.”

The County administers and enforces the Agricultural Preserve Program. The properties that are in proximity to New Germany and currently enrolled in the present Agricultural Preserves Program are shown on **Figure 7**.

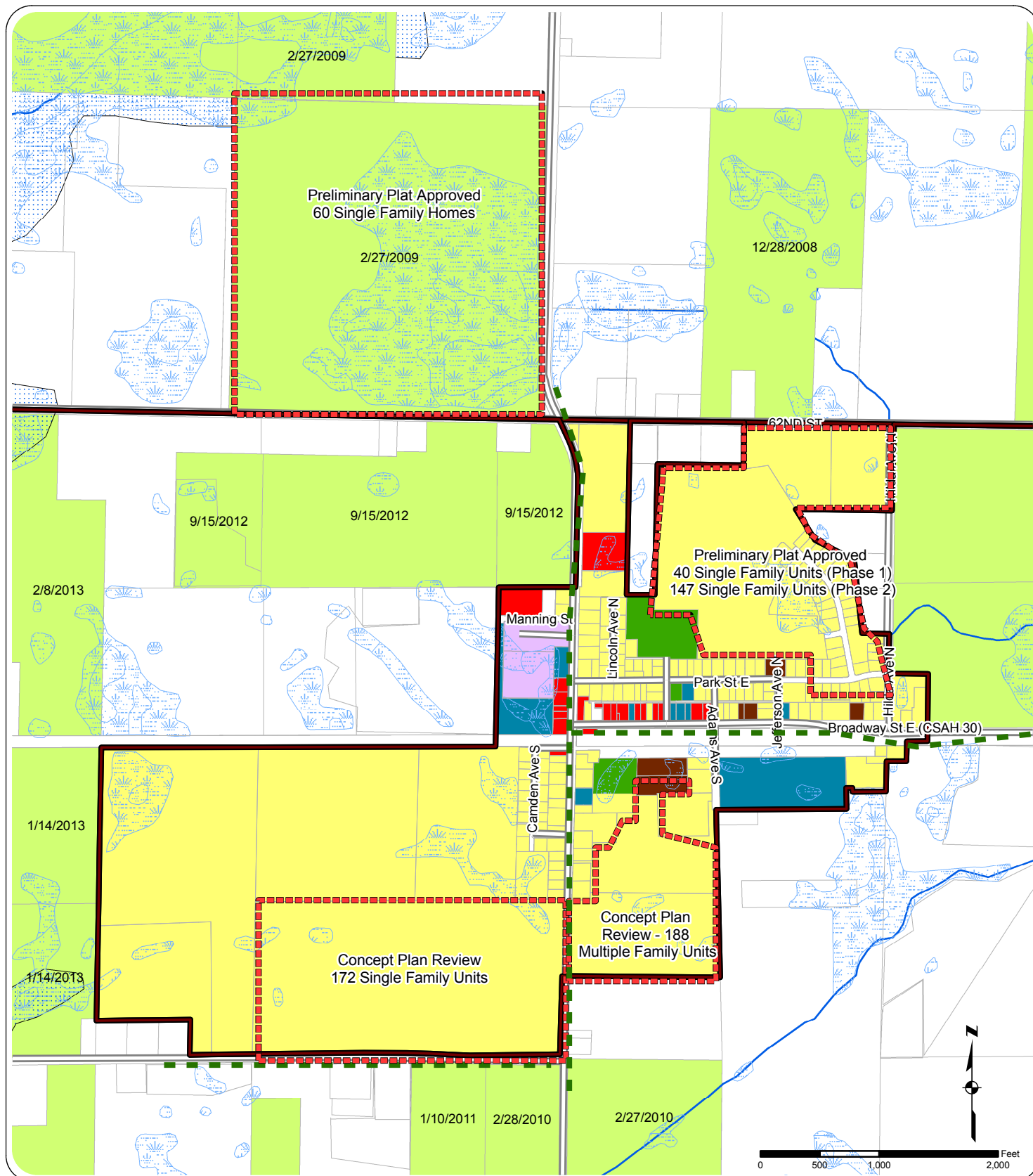
In addition to the Comprehensive Plan, the County has adopted a County Water Plan that manages the impact of development on surface and groundwater resources. The cities within the County watersheds are required to have adopted local water plans that are consistent with the County Water Plan.

Carver County provides transportation, police protection and social services to the City of New Germany.

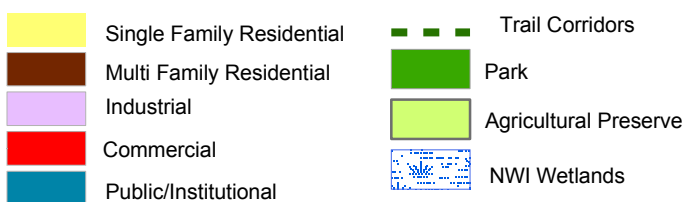
C. Population, Household and Employment Forecasts

Population, household and employment forecasts are important to comprehensive planning for a number of reasons. Growth forecasts help determine the amounts of land needed for various uses, the future tax base or employment opportunities the city might experience, and the level and type of public services and infrastructure required to serve new residents and businesses in the future.

Unlike most metropolitan area cities, New Germany relies on all of its own facilities to provide utility services to existing and future residents. Therefore, it is critical that the City's planning forecasts for future utility needs are realistic to allow for responsible financing of facility expansions. The Metropolitan Council requires the use of forecasts included in the *2030 Regional Development Framework* in community plans.



1998 Growth Management Plan Land Use



Approved and Pending Developments

Figure 7 - New Development and 1998 Growth Management Plan



Resource
Strategies
Corporation
January 2007

Source: Carver County GIS

The Metropolitan Council prepares population, household and employment forecasts for each community in the seven-county metropolitan area. These forecasts are based on a combination of factors, including historical growth, demographic trends, economic growth trends, and public policies that may discourage or encourage growth depending on its location. In 2007, the forecasts for New Germany were revised by the Metropolitan Council in response to a request from the City to allow for additional growth.

The basis of the revised forecast was based on recent trends regarding the amount of development that has been approved or proposed over the last several years in New Germany and the western Carver County communities, as follows:

1. In 2005, the City Council approved a preliminary plat for 187 single family lots in northeast New Germany,
2. In 2006, a concept plan was reviewed by the City for development of two areas in south New Germany for 290 single family and multiple family residential units, and
3. In 2007, the City approved a preliminary plat for new residential development for 60 single family homes to the northwest of New Germany, within a 160 acre property that is the subject of an orderly annexation agreement (see Appendix B) between the City and Hollywood Township.

These developments are shown on **Figure 7** and together they represent a potential increase of 537 residential units in New Germany over the next ten to twenty years.

The forecasts assume issuance of building permits for 20 homes per year after 2010, assuming the phase 1 expansion of the wastewater treatment plant. It is likely that, if current trends continue, the rate of annual building permit issuance will increase over these forecasts due to rising land costs in eastern Carver County and “affordable” land costs in the New Germany area. If development demand increases above the forecasts, the City will need to request further amendments to the Metropolitan Council forecasts.

Table 16 shows the Metropolitan Council’s forecasts for household and population growth in New Germany and Carver County. The forecasts indicate that the City will be home to 1,500 people and 650 households by the year 2030.

Table 16
Metropolitan Council 2000 – 2030 Forecasts

	2000	2005	2010	2015	2020	2025	2030
Population	346	483	620	860	1,100	1,300	1,500
Households	143	197	250	350	450	550	650
Employment	52		70		200		300
Persons Per Household	2.42	2.31	2.33	2.28	2.28	2.28	2.24

*Revised by the Metropolitan Council, 2007

D. Land Use Designations

The City has the authority to designate future uses of land to serve the general health, welfare and safety of the community. In practice, this means that the City will balance individual and community interests to ensure an economically and socially healthy community.

The 2030 Growth Management Plan is similar to that prepared in 1998 (the 1998 Growth Management Map and table of land uses is shown in Appendix C) in that it depicts future non-agricultural land uses for all land within the existing City limits and anticipation of potential requests for annexations for surrounding properties in Camden and Hollywood Townships. However, there are significant changes in the amount and direction of future growth.

First, the amount of new development is based upon the phase one improvements to the existing wastewater treatment plant. Additional development may be allowed by the City if further capacity improvements are made to the wastewater treatment plant and amendments are made to this Plan, as approved by the City and found consistent by the Metropolitan Council. Next, the direction of growth has changed to the north, since the 1998 plan was prepared, in recognition of the influence of TH 7, a major transportation artery, to local planning efforts.

Further, the City and Camden and Hollywood Townships have cooperated in the development of Orderly Annexation Areas (OA) for properties on the east, west and north sides of New Germany in anticipation of long-term future growth. The future growth into the Orderly Annexation areas is dependent upon phased capacity improvements are made to the existing New Germany wastewater treatment facility.

Figure 8 depicts the 2030 Growth Management Plan indicating the land use designations for all properties within the current municipal boundaries and Orderly Annexation No. 1 located in Hollywood Township to the northwest of the existing city limits. The property within Hollywood Township OA No. 1 has received preliminary land use approvals for a residential development from the City of New Germany contingent upon availability of municipal sewer and water and other requirements, and is included within a utility staging area. To date, no specific development is planned for properties located within the Hollywood Township OA No. 2 and Camden Township OA areas.










The areas where additional non-agricultural uses may occur, dependent upon future urban services, are designated as the Transition Area on Figure 8. Land uses within the orderly annexation agreement areas will remain under agricultural and rural service land uses with County zoning authority until urban services are available, as specified in the Orderly Annexation Agreements with each respective Township (see agreements in Appendix B).

Table 17 shows the comparison of the future land uses within the City limits and the Hollywood Township Orderly Annexation Area No. 1 in 2006 and 2030.


Figure 8
2030 Growth Management Plan
City of New Germany

2030 Development Areas

Areas Within Current Municipal Boundaries:





- | | |
|--|--|
|  Low Density Residential (average 3 units per acre) |  Industrial |
|  Medium Density Residential (4 to 10 units per acre) |  Institutional (public, educational, religious) |
|  Mixed Business/Residential |  Park |
|  Commercial |  Neighborhood Park Search Area |
|  Future Low Density Residential (assuming sewer capacity) | |

Hollywood Twp OA No. 1:








- | |
|---|
|  Low Density Residential |
|---|




 Orderly Annexation Area Boundaries

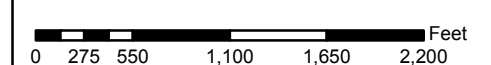
Camden Twp. OA No. 1 and Hollywood Twp OA No. 2 Areas

- | |
|--|
|  Transition Area (interim agriculture at one home per 40 acres) |
|  Agricultural (one home per 40 acres) |
|  Institutional (public, educational, religious) |
|  Neighborhood Park Search Area |

2030 Functional Roadway Classification

- | |
|---|
|  Principal Arterial |
|  Existing Co. Minor Arterial |
|  Planned Co. Minor Arterial |
|  Existing Future Collector |
|  Planned Local Collector |
|  Planned Local Road |
|  Dakota Rail Corridor Trail |

- | |
|--|
|  Streams |
|  NWI Wetlands |
|  Floodplain |



Source: Carver County GIS

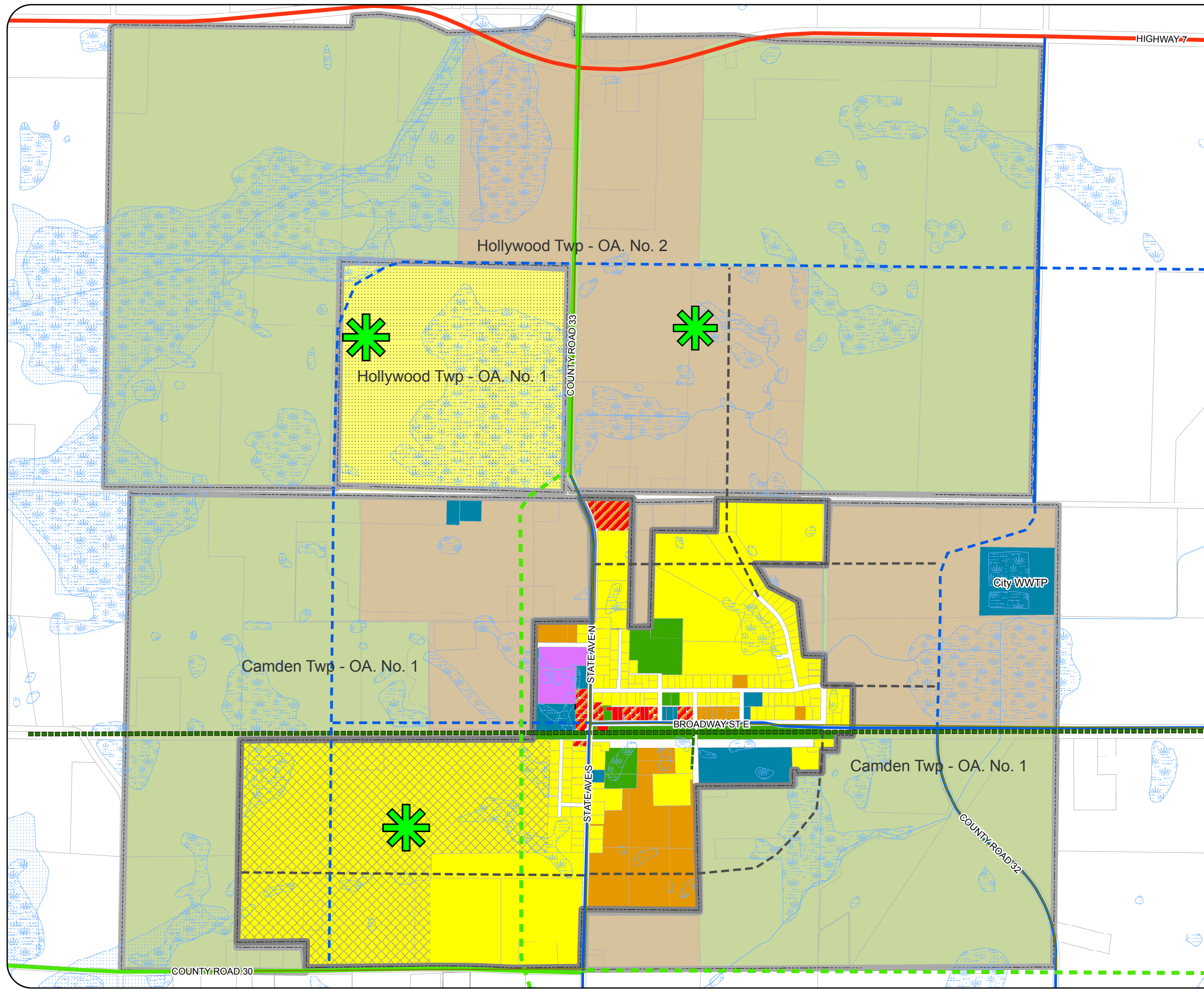


Table 17
2030 Future Land Uses within Current Municipal Boundaries
and Hollywood Township Orderly Annexation Area No. 1

Land Use	2006 Existing Land Uses		2030 Planned Land Use*	
	Acreage	Percent	Acreage	Percent
Low Density Res	35.8	7.6%	222.4	35.4%
Medium Density Res	2.9	0.6%	30.5	4.8%
Commercial	1.6	0.3%	1.6	0.3%
Industrial	2.7	0.6%	6.5	1.0%
Mixed Use	5.0	1.1%	7.8	1.2%
Institutional	12.6	2.7%	12.6	2.0%
Park	19.9	4.2%	36.7	5.8%
Open Space (private)	0.0	0.0%	12.0	1.9%
Right of Way ¹	39.4	8.4%	57.9	9.0%
Vacant	106.4	22.7%	0.0	0.0%
Rural Residential	8	1.7%	0	0.0%
Agriculture/Future Residential	200.00	42.7%	149.20	23.7%
Wetlands ²	34.60	7.4%	51.00	8.1%
Open Water, Rivers, Streams ³	0.00	0.0%	42.00	6.7%
Total	468.90	100.0%	629.90	100.0%

*Includes annexation of 161 acres from Hollywood Township (Orderly Annexation Area No. 1) to New Germany

¹ 2030 right of way includes acreage needed for CR 33 and CR 30 (arterial roadways)

² In 2003, includes 16.4 wetlands from Hollywood Township (Orderly Annexation Area No. 1) to New Germany

³ In 2003, includes 42 acre lake from Hollywood Township (Orderly Annexation Area No. 1) to New Germany

Residential (within municipal limits and Hollywood Township Orderly Annexation Area No. 1)

The residential land use categories allow for two levels of density; low and medium density residential. These categories are established to allow for a range of housing type and cost that accommodates family's lifecycle housing needs. The City is committed to allowing a variety of housing types at varying densities to maintain a minimum of three units per net residential acre of land on a citywide basis. Currently, the density of the existing residential land uses is 4.5 dwellings per net residential acre of land.

Properties designated for low density residential are allowed at a density of up to four units per net residential acre and densities of over four to ten units per net residential acre are permitted on properties designated for Medium Density Residential served by municipal utilities. Additionally, the City will consider residential development at densities higher than ten units per acre within Medium Density Residential areas under a Planned Unit Development zoning approach.

Table 18 depicts the existing and planned net residential density calculated in accordance with the Metropolitan Council of the residential land use areas in New Germany.

Table 18
Net Residential Density Worksheet

Land Use	Existing Residential Land Uses Within 2007 City Limits	Planned Residential Land Uses Within 2007 City Limits	Hollywood Twp. Orderly Annexation Area No. 1	TOTAL
No. of single family units	120	303	60	483
No. of multi- family units	26	148	0	174
Gross residential acres	35.8	167.8	161	364.6
Wetland & water-body acres	3.02	31.58	58.4	93.0
Public parks & open space acres ¹		18.7	0	18.7
Road ROW acres ²		15.5	3.0	18.5
Other undeveloped land acres ³			12.0	12
Net residential acres*	32.78	102.02	87.6	222.4
Net density units/acre	4.5	4.4	0.7	3.0

¹ 10% dedication of gross land area of vacant land has been subtracted for parks/open space dedication

² 2030 right of way includes acreage needed for realigned CR 33 and extension of CR 30 (arterial roadways)

³ Private open space included in development and preserved/controlled by homeowners association

The City will determine the exact residential density at the time of development review and it will be dependent upon performance criteria including:

- compatibility of the proposed developments' off-site impacts with those of the adjacent existing and planned developments;
- conformance of the proposed project with land use and housing policies;
- compliance with the City's zoning and subdivision ordinances; and
- capacity of adjacent infrastructure.

The acreage of undeveloped properties designated for planned residential land uses will accommodate the local growth forecasts for new households at a density of three or more dwelling units per acre. Over half of the new residential development planned between 2007 and 2030 will occur on property where development commitments have been approved or concepts have been reviewed by the City.

It is expected that properties designated for urban residential land uses will be used for agricultural purposes until such time that sewer and water become available to the property (see public facility staging plan) and market conditions are favorable towards residential development. Therefore, the City will allow agricultural land uses to remain on low and medium density residential properties as an interim land use.

Low Density Residential

Most of the existing residential development in the City falls within the low density residential category. This land use designation replaces the former "Single Family Residential" category in the 1998 Comprehensive Plan to encourage flexibility in housing types that are low density in nature. Generally, this land use category accommodates attached and detached single family homes at an overall minimum net density of three units per acre where public sanitary sewer and water service is available. The maximum net density within this land use designation is four

units per acre.

New areas planned for low density residential development are located in the south, northwest and northeast portions of the community. The Black Forest Estates development in the northeast will accommodate approximately 187 new single family homes and a planned area in the south portion of New Germany, west of County Road 33 is planned for 172 single family homes. The Trophy Lakes Estates IV development is planned within Orderly Annexation Area No. 1 within Hollywood Township to the northwest of the existing municipal limits and will accommodate 60 single family homes.

The City encourages a mix of low density housing types and ownership options to provide housing choice for all age and income groups. This designation may allow for the “lifestyle” type of planned developments where neighborhood densities may vary as long as the overall development meets the minimum three dwelling unit per acre threshold. Generally, the existing zoning district that is applicable to the low density land use category is R-1 single family district that allows a minimum 10,000 sq. ft. lot size and the planned unit development district.

Medium Density Residential

The medium density residential areas accommodate developments at net densities that range from over four units per acre to 10 units per acre, (although 16 dwelling units per acre is the maximum density permitted under the existing zoning ordinance). Current medium density developments include the Deutschland Apartments and several smaller apartment buildings located on the eastern half of Broadway Street.

Planned areas of new medium density development include properties in south New Germany on the east side of County Road 33 (State Street). It is expected that residential units developed on these properties will be townhomes and quads. Additionally, medium density developments are encouraged along the east and west ends of Broadway Street (County Road 30) to allow for additional housing diversity.

Mixed Use (within municipal limits)

The Mixed Use designation applies to existing properties along Broadway Street (County Road 30) and County Road 33 (State Street) in the downtown where apartments are located above businesses. In addition, planned mixed use areas are located in the northern portion of the City along County Road 33 (State Street) where a home-based business is located. The City may permit new mixed use developments on properties where the developer demonstrates that the architectural and site design of the uses are coordinated and that the uses are compatible with each other and the neighboring properties.

There is no residential density requirement for this district for existing structures. The residential density requirement for new mixed use development is a maximum of ten units per acre, unless approved as a planned unit development, with the density specified by the City as part of the review process.

Business (within municipal limits)

Commercial

The City has designated areas for continued business use in the downtown area. The City encourages new development and redevelopment within the downtown area to provide for revitalization and needed services to New Germany residents. Additionally, business opportunities should become more attractive when the County develops the new Dakota Rail Corridor trail along the old railroad right of way through the downtown area.

There are limited areas for planned for new commercial development within the current boundaries. This is because of the desire to encourage business uses in the downtown and plan for long range business development near TH 7. An area is planned for small convenience commercial or neighborhood retail at the southeast corner of County Road 33 (State Street) and 62nd Street. It is probable that development of the property will be somewhat long range and be dependent upon the growth of new residential neighborhoods within its service area.

Industrial

A limited area for light industrial uses is located at the west end of the downtown, adjacent to municipal uses and areas planned for medium density residential development. As industrial development expands, the active areas of the planned uses should be located on the east or southern sides of the development, away from the planned residential areas to minimize impacts. Additionally, landscaping should be provided along the common property boundaries to separate the uses.

Institutional (within municipal limits)

The “Institutional” planning area provides ongoing opportunities for government, religious, non-profit, or other institutional facilities. The City Hall and municipal garage, fire station, the Camden Town Hall, St. Marks Church and school are located on properties designated for Public/Institutional uses. Outside of the City limits, the St. Marks cemetery and the Lutheran Church located on 62nd Street, and the City’s wastewater treatment plant are designated institutional uses.

Orderly Annexation Areas – Transition Area (outside of municipal limits)

In addition to the Hollywood Township Orderly Annexation Area (OA) No. 1, there are two other orderly annexation areas, occupying the remainder of sections 32 and 33 in Hollywood Township and sections 4 and 5 in Camden Township where urbanization may occur in the future. The purpose of the orderly annexation areas (transition area) is to identify areas where urban levels of development may occur in the long-range future.

Figure 8 shows the land subject to orderly annexation agreements and the long term land use designations. Land uses within the Hollywood Township OA No. 2 and Camden Township OA No. 1 will remain under rural land uses until urban services are available, as specified in the Orderly Annexation Agreements with each respective Township (see agreements in Appendix B).

The City recognizes that future urban development within the orderly annexation areas will require annexation to the City, an amendment to the land use and utility staging portions of the Comprehensive Plan and review by the Metropolitan Council. The Townships and the City have adopted agreements that specify the conditions of development including land use planning and zoning authority prior to actual annexation. The County will retain planning and zoning authority for the orderly annexation areas except that the City will have comprehensive planning authority. This will allow property owners to continue activities as permitted under the County zoning requirements.

The Agricultural District zoning allows agricultural land uses, except new feedlots or feedlot expansions, at a density of one home per forty acres (1:40), the same density as designated in the County Comprehensive Plan for agricultural land uses. The Rural Service District zoning designation applies to the Hollywood Station area located at the TH 7/County Road 33 intersection. Land uses for this area are limited to the expansion of agriculture-related business, community service activities, and limited highway service activities until such time that

annexation occurs with New Germany. A site plan addressing, at a minimum, traffic access and circulation and storm water management shall be required.

For future planning purposes, the City has established long-term potential land uses for properties in the transition area of the OA's., as identified in **Figure 9**. Table 19 lists the potential long range land uses and the expected number of residential units on these properties.

Table 19
Transition Area Long Range Future Land Use

Land Use	Camden Township		Hollywood Township	
	Net Acres	Dwelling Units	Net Acres	Dwelling Units
Low Density Residential	142	426	166	396
Medium Density Residential	52	233	0	0
Mixed Use	0	0	44	181
Commercial	0		55	
Institutional	15		0	
Park	26		33	
Right of Way	26		33	
Wetlands	50		129	
Total	311	659	460	577

Note: Does not include Hollywood Township Orderly Annexation Area No. 1

The City expects that further highway oriented commercial and light industrial uses will occur to the north of the City near the TH 7 corridor sometime after 2030 and that municipal services will be requested from the City. The City will need to carefully site new industrial land uses and review the design to protect existing residential neighborhoods from truck traffic and ensure that proper access is available and planned from TH 7 and other roadways.

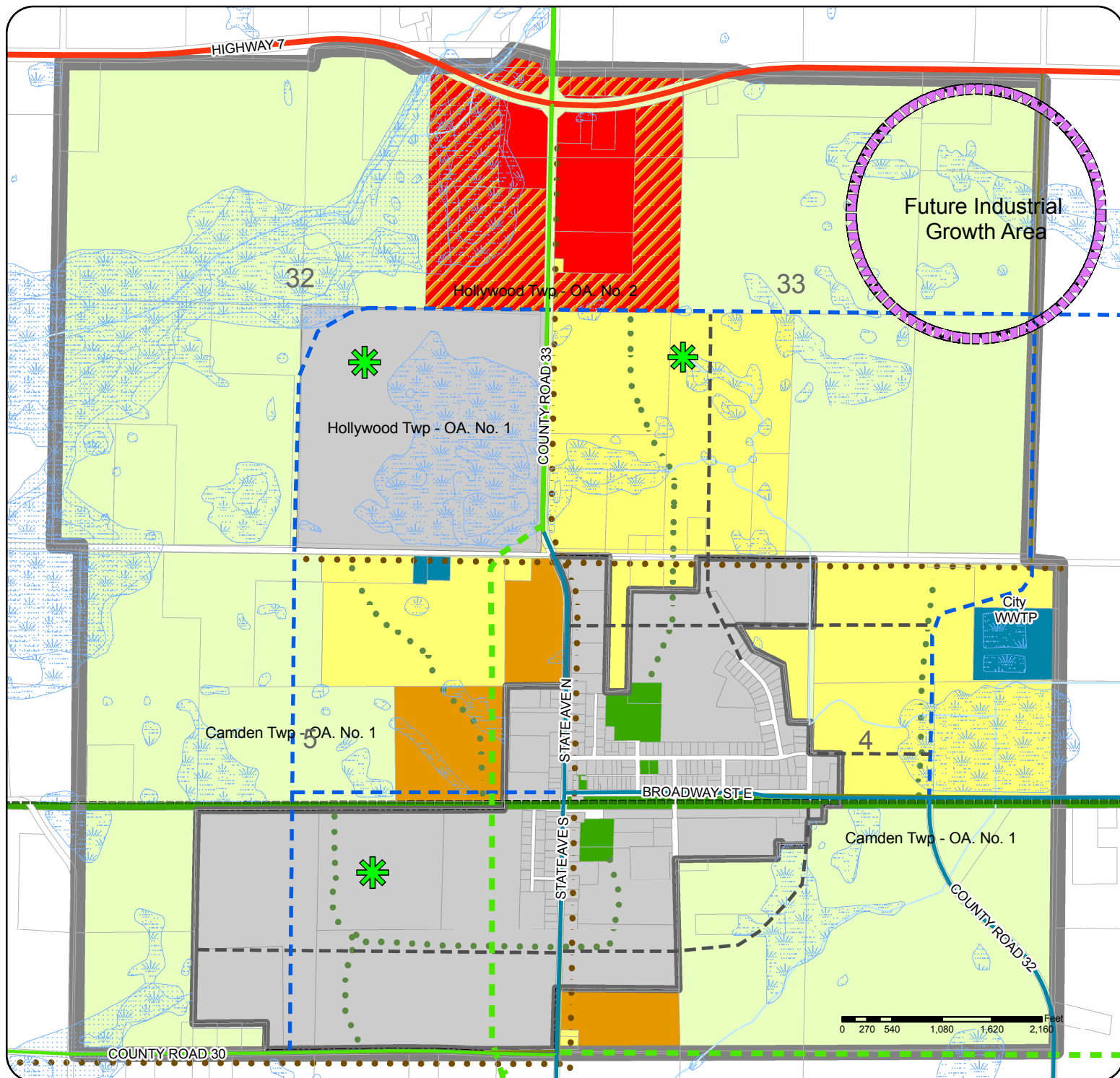
Parks and Trails

Local Parks

Areas designated for park and recreation uses are to be used for public and private recreational, open space, and other similar uses. New park facilities should be planned as part of new residential development, however, the exact location and design will not be known until the development review process. A new neighborhood park is needed in the southwest portion of New Germany to serve residents of the planned developments. The park and associated facilities should be easily accessible to residential neighborhoods and be located in an area where amenities exist or can be provided.

Trails

The City has taken an active role in participating with the County in the development of Dakota Rail Corridor Master Plan. The trail corridor, extending from Wayzata to Hutchins, bisects the City and is approximately 250' wide in the New Germany area. Currently undeveloped and without rails, the trail is planned as a multi-use corridor that will accommodate year-round non-motorized use (except for equestrian use) and snowmobiling (by permit) in the winter.



Transition Area Long-term Potential Land Uses

- Low Density Residential
- Medium Density Residential
- Commercial
- Mixed Use - Commercial/Residential
- Institutional
- Agriculture/Land Use Not Determined
- ✱ Neighborhood Park Search Area

2030 Functional Classification

- Principal Arterial
- Existing Co. Minor Arterial
- Planned Co. Minor Arterial
- Existing Future Collector
- Planned Local Collector
- Planned Local Road

Planned Trails

- Local Trail
- PedBike
- Regional Trail

Figure 9 Transition Area Long Term Potential Land Uses

- City of New Germany and Hollywood Township OAA No. 1
- Camden Twp OAA No. 1 and Hollywood Township OAA No. 2



Resource
Strategies
Corporation

Source: Carver County GIS

January 2008

The City needs to coordinate several items with the County as development of the rail corridor continues. First, the City and County will need to determine the potential for a trailhead and associated parking in the downtown area. The siting of the trailhead is important in that it can serve as a focal point in attracting and maintaining business opportunities in the downtown. However, careful study by the City is needed to find the appropriate trailhead location to allow for joint parking, landscaping and other site amenities to mutually benefit the downtown and the park corridor.

Next, the City will need to consider trail crossings locations in consultation with the County. Trail crossings exist at Adams Avenue and County Road 33 (State Street) and there are no other planned crossings in the New Germany area. As development occurs in the southwestern portion of the City, a new north-south roadway should be located between Yale Avenue to the east and County Road 33 (State Street). The City will need to begin planning for this roadway over the next several years and reach agreement with the County for an appropriate trail crossing location.

The existing local trail system consists of a sidewalk extending along Broadway Street in front of the businesses. A citywide system of trail corridors are needed to connect neighborhoods to the existing and planned parks, the Dakota Rail corridor and other attractions in the area, including Baylor Lake Regional Park, south of the City on County Road 33 (State Street). Trails serving bicyclists and pedestrians located along the shoulders of major roadways should be provided along the major routes in the City including County Road 33 (State Street), County Road 30 (70th Street) and 62nd Street. The construction of the on-street trails on existing roadways can be coordinated with roadway improvement or maintenance plans. The location of planned trail corridors is shown on **Figures 8 and 9**.

Trails within new subdivisions can be installed as part of the subdivision improvements. These trails should inter-connect neighborhoods with existing facilities and trails. The 2030 Growth Management Plan shows “local trail corridors” indicating the general area and direction where future trails are needed and the exact location and design of the trails can be determined by the City as part of the development review process.

E. Housing Plan

The City of New Germany is committed to maintaining existing housing and developing new housing that meets the needs of existing and future residents. The properties that are designated for Low and Medium Residential on **Figure 8** - 2030 Growth Management Plan are appropriate for a range of housing choices.

The City has participated with the Carver County Community Development Agency (CDA) in housing programs and the development of the *2007 Carver County Housing Study* prepared by Maxfield Research Inc. According to the housing study, the primary housing demand in New Germany between 2005 and 2015 will be for single-family homes and most new residents will be moderate-income households moving to the community in search of more affordable single-family homes. Additionally, because the local employment base is projected to accommodate a modest amount of new jobs through 2020, rental housing demand will remain low.

Although the housing market in New Germany is relatively affordable, it is dominated by detached single family housing. The Metropolitan Council and the State define “affordable” housing as “housing that a low- or moderate-income household can occupy without spending more than 30 percent of household income. Also incorporates the idea of quality (safe and decent dwelling), choice of location, and an adequate supply.” Currently, approximately 70 percent of the existing housing supply in the City is affordable and that 52 percent will be

affordable in 2020. Over the next decade (2011 to 2020), the Metropolitan Council and the State has identified that New Germany will need to accommodate a minimum of 11 new units or more of affordable housing.

The City is committed to working with the Carver County Community Development Agency, Minnesota Housing Finance Agency and other organizations to maintain housing affordability in the community and to accommodate additional new affordable units.

F. Resource Protection Plan

The Metropolitan Land Planning Act requires communities in the seven county metro area to include provisions in local comprehensive plans for historic preservation, solar access protection, protection of aggregate resources. The following section describes the methods for planning and protecting these resources in the New Germany area.

Historic Preservation

There are no properties or structures in New Germany and the surrounding “transition area” that are on the Register of National Historic Places. Additionally, there are no properties that the Minnesota Historical Society has identified as eligible to be on the National Historic Preservation list.

The City is committed to preservation of its history since it serves to reinforce the quality of life associated with a rural center in Carver County. The City will work with the State, Carver County Land and Water services Division and the Carver County Historical Society to identify and publicize any potential historic resources and to expand efforts to protect and preserve them.

Solar Access

The City recognizes that the use of alternative energy sources is important to preserving natural resources. Currently, the structure setback and height standards within the Zoning and Subdivision Ordinances are sufficient to prevent potential interference to solar collectors from adjacent structures and vegetation.

Aggregate Resources

According to the *Aggregate Resources Inventory of the Seven County Metropolitan Area, Minnesota*, 2000, there are few aggregate resources in Carver County and none within the New Germany area.

V. Future Public Services and Facilities Plan

The following section of the Comprehensive Plan establishes the level of public facilities that to be provided to the various planned land uses in the City. The type of public facilities include sanitary sewer, water service, transportation, and other local services such as public safety, maintenance of public properties and facilities, and administrative services.

Public facilities will need to be extended to properties in the New Germany area that are shown for development in the Growth Management Plan map (**Figure 8**). A staging plan is required to indicate the level of development that the City will be able to serve with public facilities to 2030.

A. Public Facility Staging Plan

Development in the New Germany area as well as other locations is dependent upon certain factors including economic and market conditions. Therefore, it is difficult to predict the type and amount of development that may occur in the New Germany area over the next twenty five years. However, the rate of recent residential development growth in nearby Carver County communities, suggests that the New Germany area may experience a greater demand for residential development in this planning period assuming public facilities are available to serve developing properties.

The purpose of the staging plan is to anticipate and plan for public facility needs, particularly public sewer and water, and the implications of future growth. Consequently, it should not be interpreted as a strict timeframe for development.

The staging plan reflects the following assumptions:

- It reflects current and anticipated development trends,
- contiguous development patterns,
- the ability of the public wastewater treatment and water supply systems to accommodate a reasonable level of development, and
- reasonable land consumption sequencing.

If the pace of development becomes accelerated for extended time periods, the staging plan will need to be adjusted to accommodate development assuming the availability of public services. Further, capacity improvements to the wastewater treatment and public water utility systems may be required to anticipate development needs.

The staging plan is shown on **Figure 10** and Table 20 shows the acreage of land uses for the six staging areas. The staging areas are planned contiguous to existing development to minimize infrastructure costs to benefiting properties. The first staging period is through the end of 2010 and thereafter, each staging period occurs in five-year increments in compliance with Metropolitan Council requirements. The first staging period assumes the construction of the first phase improvements to the municipal sewer and water system discussed later in this chapter.

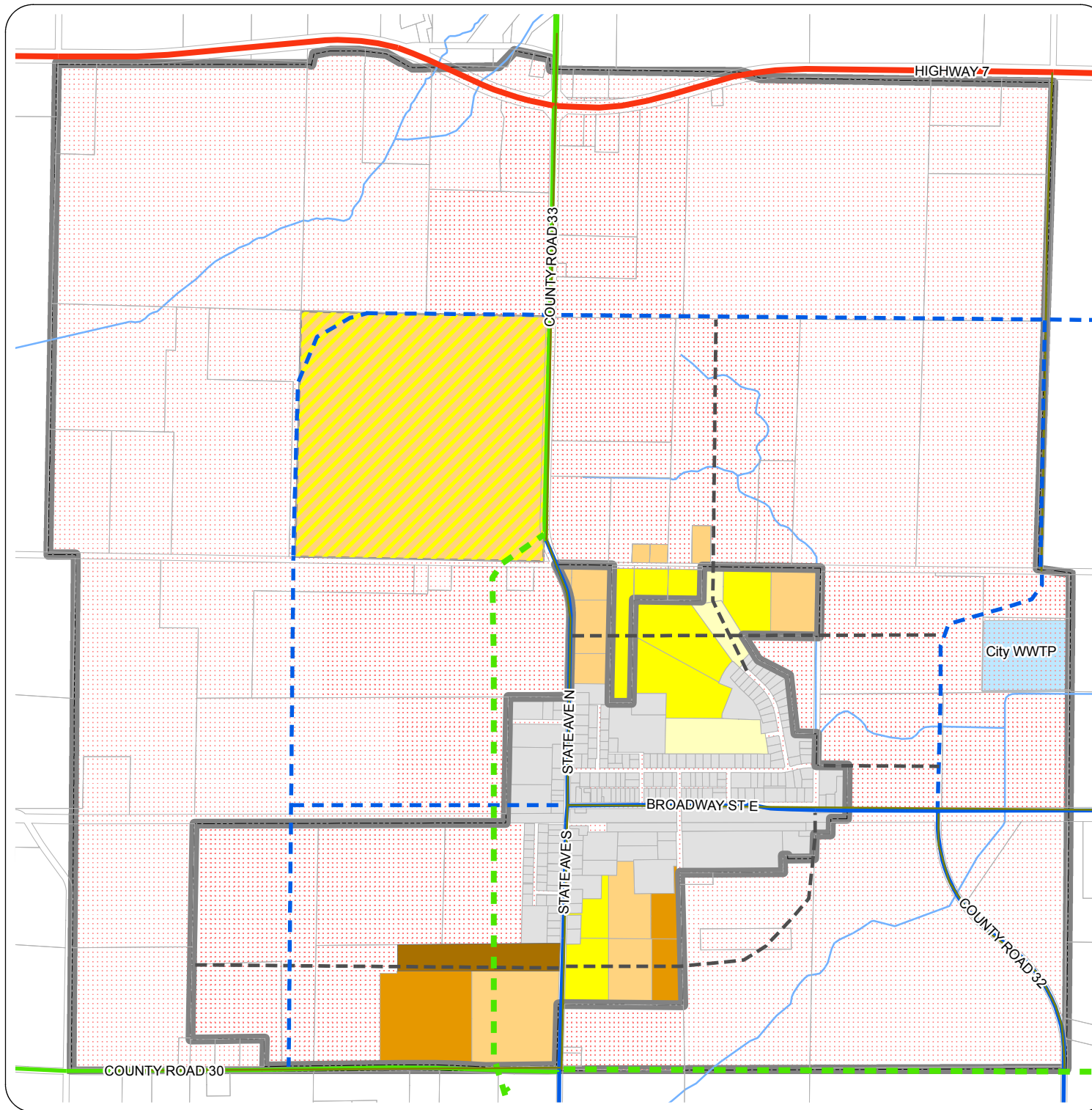
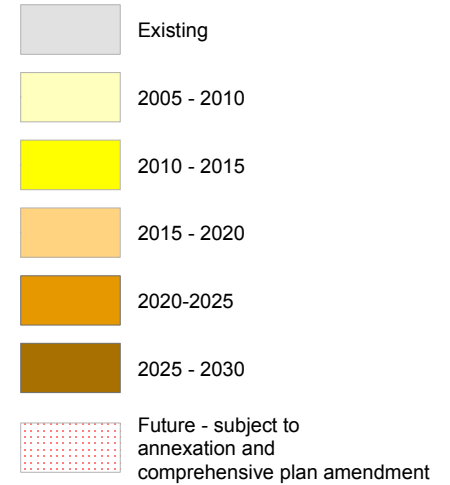


Figure 10
Public Facilities Staging
City of New Germany

Staging



Orderly Annexation Agreement Area

2030 Functional Classification



Planned Trails

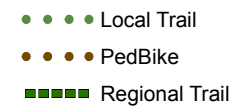


Table 20
Future Land Use in Five Year Stages

Existing and Planned Land Use Table (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2006)	2010	2015	2020	2025	2030	Change 2000-2030
	Minimum	Maximum							
Residential Land Uses									
Low Density Residential	3.5*	4	35.8	91.5	166.7	196.3	214.2	223.1	187.3
Medium Density Residential	4.1	10	2.9	2.9	11.3	22.9	30.5	30.5	27.6
Mixed Use Primarily Residential*	See land use chapter		1	1	1	2.4	2.4	2.4	1.4
C/I Land Uses	Est. Employees/Acre								
Commercial	NA		1.6	1.6	1.6	1.6	1.6	1.6	0
Industrial	NA		2.7	6.5	6.5	6.5	6.5	6.5	3.8
Mixed Use Primarily C/I*	NA		4	4	4	5.4	5.4	5.4	1.4
Public/Semi Public Land Uses									
Institutional			12.6	12.6	12.6	12.6	12.6	12.6	0
Parks and Recreation			19.9	21.9	26.9	32.4	35.6	36.7	16.8
Open Space				6	12	12	12	12	12
Roadway Rights of Way			39.4	41.7	48.2	53.1	55.8	56.9	17.5
Subtotal Sewered			119.9	189.7	290.8	345.2	376.6	387.7	267.8
Outside Urban Service Area	Minimum lot size	Maximum lot size	Existing (2000)	2010	2015	2020	2025	2030	Change 2000-2030
Rural Residential 2.5 acres or less			8	8	0				-8
Rural Residential 10-40 acres			106.4	92.7	61.4	6.8	0	0	-106.4
Agricultural 40+ acres			200	195.3	184.9	184.9	160.2	149.2	-50.8
Subtotal Unsewered			314.4	296	246.3	191.7	160.2	149.2	
Undeveloped									
Wetlands	--	--	34.6	42.8	51	51	51	51	16.4
Open Water, Rivers and Streams	--	--		21	42	42	42	42	42
Total			468.9	549.5	630.1	629.9	629.8	629.9	

*Note – based on minimum lot size of 10,000 sq. ft. in R-1 Single Family Residential Zoning District

The staging areas to 2030 are based upon the capacity of the 2008 phase 1 improvements to the municipal sanitary sewer system and the addition of the well and water tank planned for completion in 2007. It is anticipated that the phase 2 improvements will need to be planned for by 2025 and the amount of property planned in the “Future” staging area allocated to be accommodated by these improvements. The phase 1 improvements will accommodate a total of 356 acres of new development and a maximum of 531 future households.

Depending on the demand for development, the staging areas may be accelerated from that shown on **Figure 10** and the above table. If this occurs, the City will amend the Public Facilities Staging Plan map in accordance with the Land Planning Act requirements.

B. Sanitary Sewer Service

The municipally owned sanitary sewer system provides service to all residents and businesses in the City. The City requires that all residences and businesses within proximity to the sanitary sewer system connect to the municipal sewer system. Consequently, there are no homes or businesses that utilize private individual sewage systems within the current sanitary sewer service area. There are three farmsteads located in the southwest portion of the City that are served by private individual septic treatment systems.

Existing System

The existing wastewater treatment system, shown on **Figure 4**, includes 8” diameter sanitary sewer lines, a lift station located on Hilda Avenue North, a 10” diameter force main, a two-cell stabilization pond system with an outfall to Carver County Ditch No. 9, which flows to the South Fork Crow River. The treatment facility is designed to treat an average wet weather design flow of 52,000 gallons per day based upon a 180 day storage capacity.

The existing wastewater treatment plant is currently nearing capacity and further development cannot occur until the treatment capacity of the plant is expanded. The current number of residential connections allocated to the existing treatment facility and flows are shown on Table 21. The number of allocated connections includes the 40 connections for the Black Forest Estates 2nd Addition residential units (three of the 40 units were constructed at the end of 2006).

System Improvements

The City recently completed a study to determine the feasibility for expansion of the wastewater treatment plant. The study identifies that two phased expansions to the plant are possible. The first phase expansion identifies the necessary improvements to add capacity that equates to an average wet weather flow of 210,000 gallons per day (gpd) or approximately 175,000 gpd average flow. The additional capacity will allow for approximately 500 new housing units for a total of 650 households.

The second phase expansion is designed to accommodate an average wet weather flow of 350,000 gpd or 292,000 gpd average flow. The second phase can accommodate approximately 530 additional housing units or a total of 1,080 housing units within the City.

Currently, the City is requesting Metropolitan Council acquisition of the wastewater treatment plant according to the procedure established by State Statute. Agreement with the Metropolitan Council will allow the City to proceed with the first phase expansion and should accommodate the revised Metropolitan Council 2030 population and household forecasts.

If development occurs at a faster rate than anticipated with the revised 2030 forecasts, the City and Metropolitan Council will need to take the necessary steps to expand the wastewater

treatment capacity for the City. Therefore, it is important for the City to monitor new development activity to anticipate the timing for wastewater needs well in advance of when the actual capacity improvements are available for use in the City.

Future Sewer Flows and Staging Plan

Table 21 shows the sewer flows by five year increments assuming the first phase expansion of the wastewater treatment plant occurs in 2008, as currently planned.

Table 21
Sanitary Sewer Flows 2000 - 2030

	2000	2005	2010	2015	2020	2025	2030
Sewered Population	346	342	620	798	1100	1300	1500
Sewered Households	143	148	250	350	450	550	650
Residential Flows* (gpd)	39,000	40,000	68,000	95,000	122,000	149,000	175,000

Total Flows

* 270 gallons per residential unit per day

There is more geographic area within the current municipal limits and the orderly annexation areas than can be served by the existing wastewater treatment plant capacity and the first phase improvements to the wastewater treatment plant. The City's Subdivision Ordinance requires that all development be served by municipal facilities including sanitary sewer service.

Several residential developments have recently been reviewed by the City with construction planned over a ten year period. The City's policy is to allocate utility capacity to developments that have received preliminary plat approval if utility capacity is available or will become available to serve the development. The City will continue to allow the platting of property on a "first come/first serve" basis until the sanitary sewer facilities (with planned improvements) nears full capacity.

Trunk utility service extensions should be anticipated according to the Utility Staging Plan and will be incorporated into the City's Capital Improvements Program.

Inflow and Infiltration (I/I)

Historically, significant Inflow and Infiltration (I/I) has been present in the City's sanitary sewer system. The I/I has reduced the capacity of the City's sanitary sewer mains as well as the wastewater treatment facility. The excess flow in the system has caused sewer backups in homes and has required the City to utilize bypass pumping during large rain events. At the request of the Minnesota Pollution Control Agency (MPCA), the City has adopted an inflow/infiltration investigation and elimination program to reduce the amount of I/I that enters the sewer system to improve the performance of the system.

The City has made numerous efforts to locate the sources of I/I including the adoption of ordinances prohibiting the discharge of storm water, ground water, roof runoff, sump pumps, etc. to the sanitary sewer system. The ordinance provisions allow the City to enter the homes for inspection purposes, prescribe correction efforts and impose a surcharge for noncompliance. The City has inspected properties since the ordinances were adopted by the City Council.

Certain portions of the City's sanitary sewer system consist of older clay pipes that may have sagged or cracked with age, allowing I/I to enter the sewer system. In 1998, the City performed a

televised analysis of the municipal sanitary sewer pipes. The analysis indicated several locations where the clay sewer pipe had cracked, debris in the pipes, mineral deposits at the joints, and several tree roots in the pipes.

The City's future steps to control I/I include steps to continue to identify the exact locations where I/I enters the municipal system and expand the methods for exploration. The expanded steps include:

1. Continue to inspect for sump pump cross connections in the homes and businesses on a regular basis.
2. Perform smoke or dye testing to determine if roof drains or gutter leads are connected to the home or business's sanitary sewer system. The dye testing for roof drain connections are scheduled to begin in the summer of 2007.
3. A new televised inspection of the sewer mains is scheduled for spring 2007 along with an inspection of the manholes and castings for structural integrity and leaks.

The City is committed to eliminating I/I for the stormwater system. The following steps will be taken to implement I/I sources:

- ✓ Review the existing ordinance by 2007 to determine effectiveness,
- ✓ Based on the results of the smoke and dye testing, require homeowners and businesses to disconnect roof drains/gutter leads to the sewer system and re-inspect the home or business in 30 days to ensure that the proper corrections have been made. If corrections have not been completed, impose penalties as allowed by ordinance.
- ✓ Based upon the televising and manhole inspection, develop a yearly rehabilitation or slip-lining schedule to begin in 2007 and continue until all the areas in need of repair are properly fixed.

If the investigation methods do not identify the locations of significant amounts of I/I or the corrective actions do not eliminate the I/I problem, the City will prepare a more detailed study to determine the I/I sources. This will include the installation of flow meters at strategic locations to identify the areas of the City are producing the most I/I. Also, the study will include flow calculations to determine the expected wastewater flow in each area of the City under normal circumstances (no I/I present) as well as the collection of rainfall data and water use data to compare with the flows documented at each flow meter. The flow calculations are intended to identify areas of the City where drain tile lines may be connected to the sanitary sewer system.

C. Municipal Water Service

The City plans to expand the municipal trunk water system according to the geographic areas shown on **Figure 10**, the Staging Plan. Currently, there is one 300 gallon per minute (gpm) well under construction that will be available for use in 2008. Additionally, a new 250,000 gallon water tank is currently under construction and when completed, the existing 50,000 water tank will be dismantled.

The current improvements to the water system will accommodate approximately 120 new households. Future improvements to the municipal water system include another 500 gpm well in 2013 and a 1,000 gpm treatment facility in 2018, dependent upon the rate of development. A Public Water Supply Plan has been completed and is available at City Hall.

D. Stormwater Management

In 2007, the City adopted its *Stormwater Management Plan*, that includes goals and policies, and protection methods for the New Germany area water resources. The stormwater plan is consistent with the Carver County Water Plan and requires development activities to meet County, State and federal requirements for protecting water quality, managing water quantity and protecting areas and resources from erosion and sedimentation.

To accommodate future development, the plan focuses upon the provision of regional treatment plans to minimize the number of ponds within the City and associated maintenance costs. The *Stormwater Management Plan* includes implementation priorities and a capital improvement program for planning purposes.

E. Transportation

The Transportation Plan is a guide for providing facilities and services to the roadway system to meet the needs of residents and businesses as the City grows and changes. The transportation system in the New Germany area includes the city, township Carver County and State roadway network as well as bicycle/pedestrian facilities, transit and proximity to aviation facilities. The Transportation Plan was developed in conjunction with the Growth Management Plan, as future uses of land require different kinds of transportation access.

Traffic Assignment Zones (TAZ)

The Metropolitan Council utilizes the population, household and employment forecasts within each Traffic Assignment Zone (TAZ) to anticipate future traffic volumes and characteristics on the regional roadway system. The City of New Germany and Camden Township are within TAZ 125 and Hollywood Township is with TAZ 127. The County has subdivided the larger TAZ's for transportation planning analysis on the County level as shown on **Figure 11**.

The population, household and employment growth planned within the New Germany area (according to the areas shown on Fig. 10 – Public Facilities Staging) are depicted on Table 22. The forecast area comprises the planned New Germany municipal boundaries in 2030 and includes Hollywood Township OAA No. 1. The forecasts are based upon the planned land uses shown on the Growth Management Plan and the improvements planned as phase one for the wastewater treatment plant.

Table 22
Transportation Assignment Zone (TAZ) Forecasts for New Germany

TAZ	Population	Households	Retail Employment	Non-retail Employment	Total Employment
125.2.2	148	60	0	0	0
127.3	689	281	91	100	191
127.2.2	393	177	29	50	79
127.2.3	270	132	12	18	30
Total	1500	650	132	168	300

Note: The forecasts do not include the township areas outside of the New Germany public facilities staging area

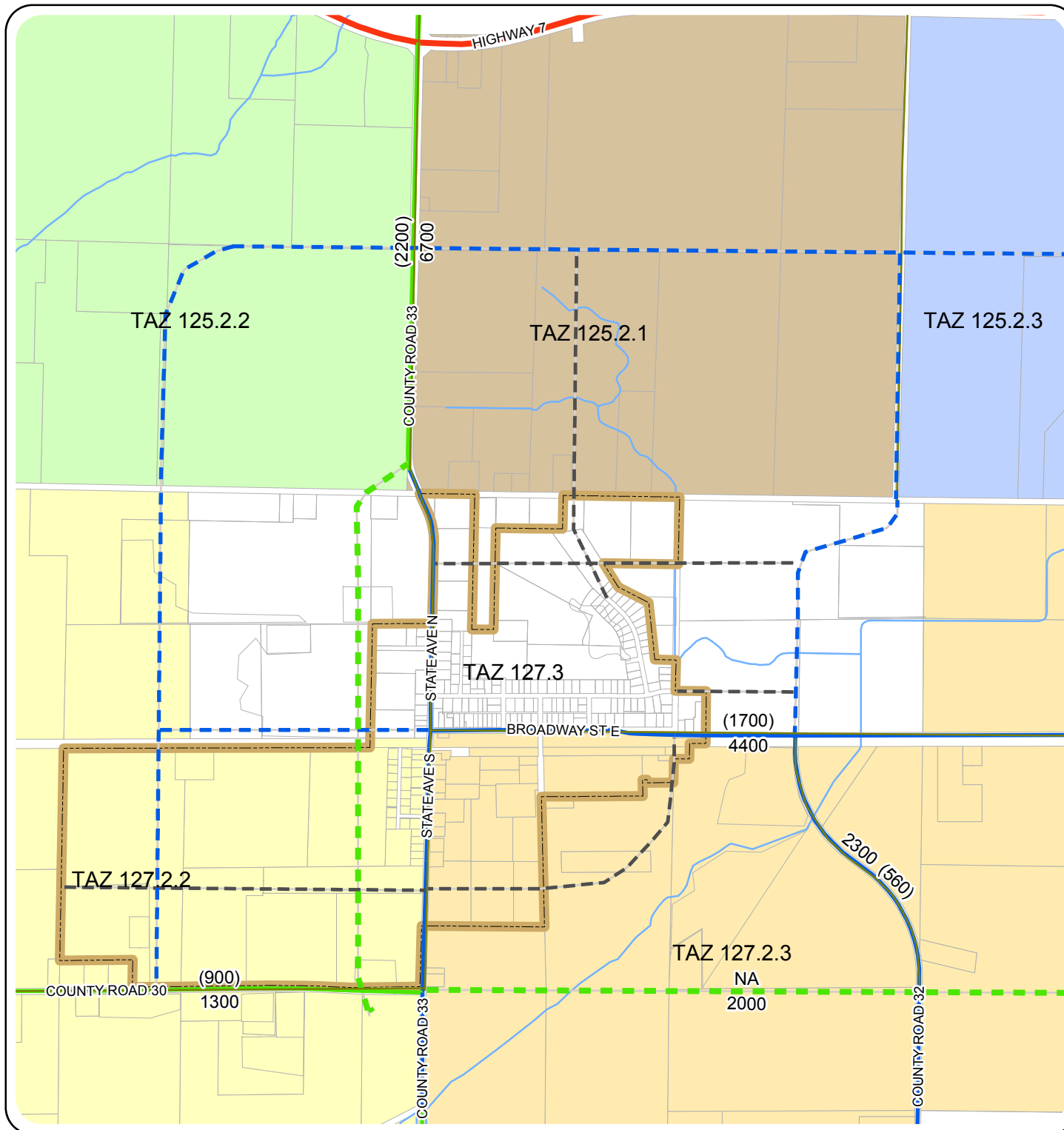


Figure 11

Traffic Assignment Zones and 2030 Traffic Volumes

City of New Germany
Carver County

Traffic Assignment Zone (TAZ)

- 125.2.1
- 125.2.2
- 125.2.3
- 127.2.2
- 127.2.3
- 127.3

(560)/2400 = existing/2030
average daily traffic volumes from
SRF Carver County Plan Update

2030 Functional Classification

- Principal Arterial
- Existing Co. Minor Arterial
- Planned Co. Minor Arterial
- Existing Future Collector
- Planned Local Collector
- Planned Local Road



2030 Functional Classification

The planned 2030 roadway system “builds” upon the existing municipal roadway network by identifying a future roadway network that can be staged as development occurs on vacant property within the City and the surrounding townships.

The overall future roadway plan is shown on **Figure 11**, the Staging Plan, and designates the future functional classification of existing and planned roadways. The future roadway plan takes into account the planned changes to the overall County roadway system as reflected in the draft *County 2030 Transportation Plan*. It is unknown when the future roadway plan will be fully realized within the New Germany area. The majority of the plan is dependent upon the pace of development and is expected to be constructed as development occurs.

The future roadway plan includes the following long range actions:

- Realignment of CSAH 33 to the west, to “by-pass” the downtown: It is anticipated that this improvement will be a cooperative planning effort with the County and should occur when further development occurs in the New Germany area. The purpose of the realignment is to lessen the impacts of traffic volume and truck traffic through the downtown, and improve north-south County and regional continuity. The draft 2030 County Transportation Plan indicates the potential redesignation of CSAH 33 to a trunk highway.
- Realignment of CSAH 30 to the south: Similar to CSAH 33, the realignment of CSAH 30 to the south will lessen the traffic volumes within the downtown area of New Germany.
- Designation of a local ring route corridor: As development occurs in the New Germany area, additional local collector roadways are needed to allow for easy access through and within New Germany. The ring route corridor is planned to be constructed as future development occurs within the City and surrounding area. The local ring routes are designed as collector roadways that interconnect with County Road 32 (Vega Avenue) on the east and the realigned CSAH 30 on the south side of the City. New routes are planned to the west and north of the current municipal boundaries. Figure 11 shows the desired corridors for the ring route. As development within the ring route area becomes imminent, the City will need to identify the specific locations for each segment of the route. Local roadway connection spacing to the ring route should be carefully considered to take into consideration roadway spacing and safety.
- Local roadway extensions: Several local roadway extensions are depicted on Figure 8 that are planned to promote local continuity. These extensions should be planned and constructed as part of the phasing of new development.
- Potential Turnbacks: Depending upon the eligibility of New Germany for state-aid funds, CR 30, to the east of the City limits and CR 32 may be potential candidates for turnback to the City from the County. The City will need to carefully review any agreement to accommodate future turnbacks to ensure appropriate compensation for the cost of maintenance and any improvements.

Traffic Volumes

Traffic volumes have been prepared by the Carver County Highway Department. The traffic volumes shown for New Germany are based on the “2030 Unconstrained Growth Scenario” assumptions because they are most similar to the recently amended forecasts approved for New Germany by the Metropolitan Council. The 2030 traffic volumes and existing volumes are shown on **Figure 11**.

Access Management

The Township is committed to working with Mn/DOT and Carver County to regulate access on roadways within the City. For new development and redevelopment along CSAH 33 and CSAH 30, the City will utilize the access management requirements of the Carver County Transportation Plan and the Public Works Department. Further, access spacing and requirements will be used for local roads and driveways that intersect with County State roadways to promote a safe and efficient transportation system.

The City will utilize the County's and State's access spacing guidelines to the maximum extent practicable as part of the zoning and subdivision review of development. As part of planned road reconstruction, the City will work to obtain consistency with access guidelines and requirements.

Transit

The Metropolitan Council oversees the planning of the region's transit system, which currently includes regular bus service, dial-a-ride services, high occupancy vehicle lanes and ramp meter bypasses, bus-only shoulder lanes, park-and-ride lots and Light Rail Transit service. The Council determines policies for transit based on the need for different types of service as well as the potential demand for service.

Regional transit service in New Germany is currently limited due to the low density of residential development in the City and the surrounding townships, and lack of large employers. Any future immediate transit to New Germany is likely to be the "dial-a-ride" services provided by the Carver County Transit (CART)), for shopping, senior dining and adult day care, and for County residents with medical needs.

However, there may be potential for future transit related facilities as improvements to TH 7 are examined by Mn/DOT and the County in the future. These facilities may include additional park and ride lots at key intersections such as TH 25 to the east of the City and potentially, the Hollywood Station area. The City will continue to encourage transit opportunities with the County, Mn/DOT and Metro Transit as development continues in the City and western Carver County.

Aviation

No metropolitan airports pose any potential impacts on the City, or are there any airspace restrictions affecting development in the City. The City will notify the Metropolitan Airports Commission and Mn/DOT if any new structures are proposed in excess of 200 feet above ground level.

F. Public Safety

As growth occurs in the City, there will be increasing needs for police and fire protection. It is anticipated that the contract provisions for public safety with the Carver County Sheriff's Department will remain cost-effective and efficient. The City's fire contract with Hollywood and Camden Township is subject to ongoing review and adjustment.

G. Other Public Facilities

The City does not anticipate a need for any major new public facility buildings in the near future. Public and institutional uses include city government buildings, school, and church. These uses are generally allowed in most zoning districts as either a permitted or a conditional use. The City

will review the zoning ordinance in order to make sure that adequate provisions for new public and institutional uses are available to insure their compatibility with surrounding land uses.

The City will continue to conduct an ongoing evaluation of public facilities and make improvements as needed. Proposed improvements will be incorporated into the City's Capital Improvements Program, as they are identified and needs are determined.

VI. Implementation

The implementation of the Comprehensive Plan is accomplished, in part, through the application of the City's official controls, the Zoning Ordinance and Subdivision Ordinance. The regulatory provisions of these ordinances, as revised, will provide a means of managing development in the City in a manner consistent with the Comprehensive Plan.

The City also implements the Comprehensive Plan policies through the adoption of more detailed planning and management studies. These studies set specific implementation methods for environmental protection and public facilities. Additionally, the City adopts a Capital Improvements Program on an annual basis to plan for the funding and construction of public facilities to meet growth needs.

A. Official Controls

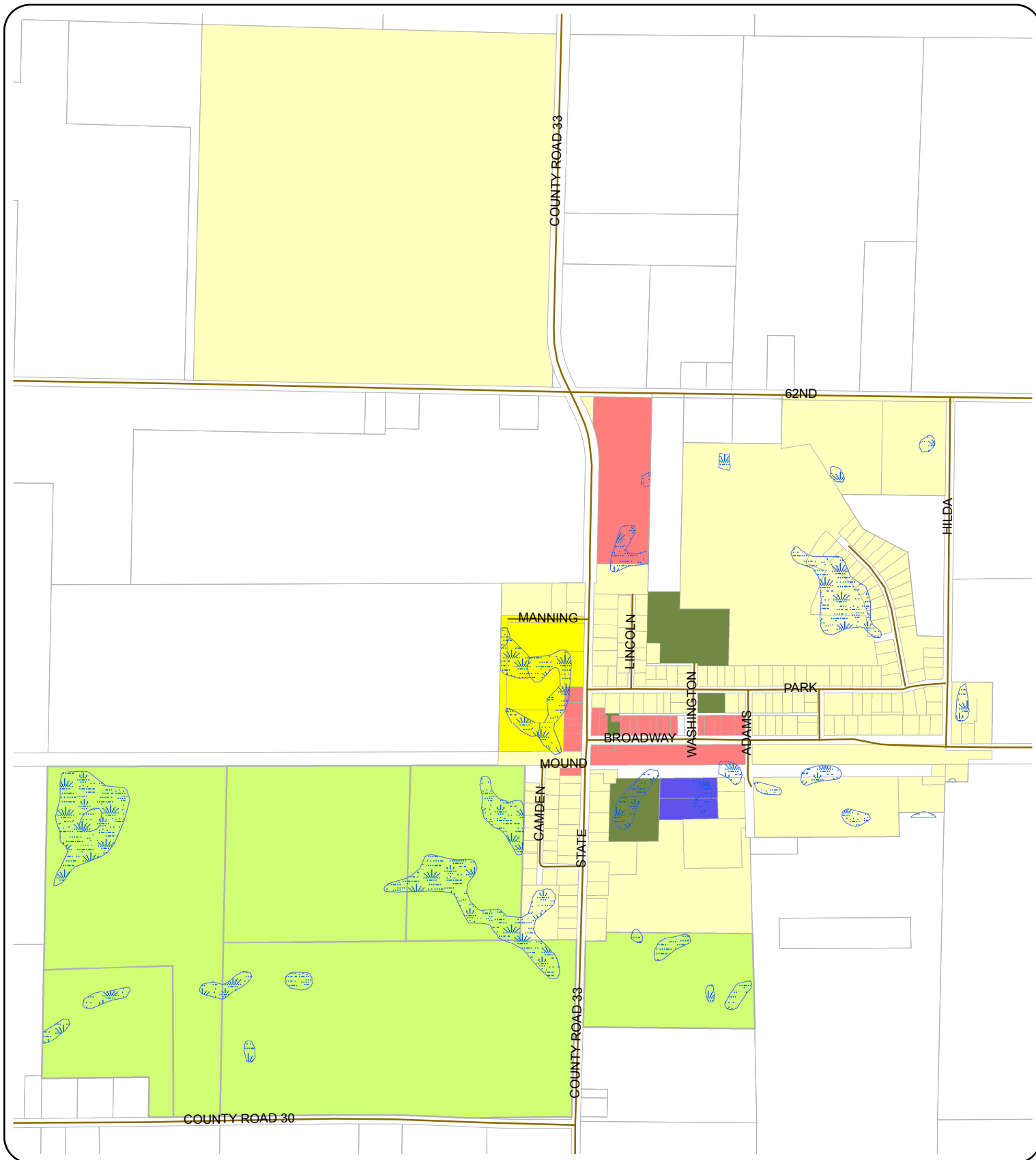
The City has an adopted Zoning Map shown on **Figure 12** and a Zoning Ordinance to implement the Comprehensive Plan. Table 23 shows the zoning districts in the City with each respective primary use and minimum lot size/intensity of use.

Table 23		
City of New Germany - Zoning Districts		
District	Primary Use	Minimum Lot Area/Intensity
R-1	Single Family Residential	10,000 sq. ft.
R-2	Multiple Family	16 du/acre maximum
A	Agricultural	2 acres
B	Business/Commercial	NA
I	Industrial	30,000 sq. ft.
P	Parks/Open Space	NA

In addition to the above, the City has adopted a Planned Unit Development subdivision process that allows certain minor variations of the dimensional requirements of the Zoning and Subdivision Ordinances.

The Zoning and Subdivision Ordinances will allow the City to implement the following objectives of the plan:

1. An overall density of residential development that exceeds three dwelling units per acre.
2. Connection of all new development to municipal sanitary sewer and water systems.
3. Platting of property that allows for the dedication of right of way for public roadway and trail connections and improvements.



Zoning Districts







	Single Family Residential		Business/Commercial
	Duplex/Townhouse/Multi-Family		Industrial
	Agricultural		Parks/Open Space

Figure 12
2007 Existing Zoning Map
City of New Germany

Source: Carver County GIS January 2008



4. Compliance of all new development with stormwater management and erosion control requirements, including wetland buffer areas of the City *Stormwater Management Plan* and the Carver County *Water Management* requirements.
5. Additionally, the City recognizes the importance of protecting access for solar collectors and other renewable resource systems from potential interference by adjacent structures and vegetation. City decisions regarding development will be made to enhance the possible future development and use of solar energy and other renewable resource systems. Provisions within the City's official controls establish the regulatory basis for this protection including, but not be limited to minimum structure separation and height restrictions.

As part of the planning process, the City will evaluate its land use controls and consider amendments to the existing Zoning and Subdivision Ordinances, after the adoption of this Comprehensive Plan. The purpose of the evaluation is to eliminate inconsistencies in the ordinances with the policies and objectives of new Comprehensive Plan, enhance performance standards, protect public and private investments, and conform to mandatory State and Federal regulations.

B. Housing Implementation Program

The City of New Germany is committed to encouraging the availability of affordable housing as a long term community value. Today, many of the existing homes in New Germany are considered affordable for a family of four whose annual adjusted income is at or below 80 percent of the area median income, which in 2007 is \$62,800. This income would allow a home purchase of approximately \$206,800.

The City will continue to participate and work with programs offered by the Carver County Community Development Agency (CDA) and the Minnesota Housing Finance Agency. Carver County CDA offers the following programs to all residents:

- ✓ Homebuyer Education
- ✓ Foreclosure Prevention Counseling and Financial Assistance to qualified County Residents
- ✓ Section 8 Rental Assistance
- ✓ Transitional Housing
- ✓ Rental Rehabilitation Grants and Loans
- ✓ Single Family Rehabilitation Grants and Loans

The Minnesota Housing Finance Agency in partnership with the CDA offers the following services:

- ✓ MHFA Single Family Fix-Up Fund
- ✓ MHFA Single Family Rehabilitation Loan Program
- ✓ MHFA HOME Rental Rehab Program
- ✓ MHFA also has various other Grant and Loan Programs for Homeowners, Homebuyers, Renters and Landlords

Additionally, the City will continue to maintain the existing Zoning Ordinance standards that allow densities that are consistent with affordable housing objectives.

C. Other Planning Studies

The City recently adopted the City of New Germany *Stormwater Management Plan* that is made a part of this Comprehensive Plan. As growth occurs in the community, there will be a need to update or establish studies or plans for various functions, including, but not limited to:

1. Update the Water System and Distribution Plan
2. Prepare a new Comprehensive Sewer Plan

D. Capital Improvement Plan (CIP)

The City reviews capital expenditure needs for improvements that are anticipated over the next several years that result from the implementation of the Comprehensive Plan. The capital needs include public and private investments in infrastructure, infrastructure repair and replacement, building maintenance and repair, park expenditures, and other similar facilities. Like the Comprehensive Plan, the capital improvements planning process is ongoing and subject to modification, as appropriate.

The City recently completed the relocation of the main lift station easterly, from Jefferson Avenue North to Hilda Avenue and upgraded the force main as part of the Black Forest Estates subdivision in the northeastern portion of the City. Future lateral sanitary sewer and water extensions and new local street improvements for the phases of this subdivision will be financed through the development process.

Currently, the City is constructing a new water storage facility, well and improvements to the well house to facilitate existing and future development. Table 24 illustrates the planned capital improvements for the next five years to meet the needs identified in the Public Facility Staging Plan (see **Figure 10**).

Table 24
Capital Improvement Plan

Year	Project	Amount	Funding Source
2007	250,000 gallon water tower	\$767,000	Connection fees/billing charges
2008	Municipal Well No. 2 (300 gpm)	\$221,000.00	Connection fees/billing charges
2008	Well house Improvements	\$55,455.00	Connection fees/billing charges
2008	Expansion to the wastewater treatment plant	\$3,8000,000 (approx.)	To be determined
2009	Sewer & water trunk utilities along 62nd Street	\$975,000.00 (approx.)	Assessments
2009-2015	Sewer and water utilities within Trophy Lakes Estates IV	\$1,040,000 (approx.)	Assessments
2009-2010	Construction of 62nd Street from CSAH 33 to west edge of 62nd	\$640,000.00 (approx.)	Assessments

As noted in the Public Services and Facilities Chapter, the City has requested that the Metropolitan Council consider acquisition of the City's wastewater treatment plant. Therefore, the funding source for the expansion is unknown at this time.

The above table will require review on an annual basis to determine the need for any adjustments as further development within the City occurs and other governmental decisions are made regarding sub-regional or County improvements. For example, improvements and funding sources have not been established for parks, open space and trails. It is anticipated that funding will be needed for these improvements sometime after 2015.

E. Plan Amendment Process

The Comprehensive Plan is intended to be general and flexible; however, formal amendments to the Plan will be required when land use elements, sewer staging areas or growth policies are revised. Periodically, the City should undertake a formal review of the plan to determine if amendments are needed to address changing factors or events in the New Germany area. While a plan amendment can be initiated at any time, the City should carefully consider the implications of the proposed changes before its adoption.

When considering amendments to this plan, the City will use procedures outlined in the City's ordinances. Landowners, land developers, organizations, individuals, the City Council and Planning Commission may initiate amendments to the Comprehensive Plan. All amendments to the Comprehensive Plan require a public hearing and must be submitted to the Metropolitan Council, the County and Townships for review prior to implementation.

When considering amendments to this plan, the City will use the following procedure:

1. The Planning Commission will conduct a thorough analysis of the proposed amendment.
2. A public hearing will be held on the proposed amendment.
3. Following the public hearing, the Planning Commission will make findings and a recommendation to the City Council.
4. The City Council will receive the recommendation from the Planning Commission and make a final decision on whether to adopt the amendment.

Appendices

Appendix A

Community Survey and Results

New Germany
Public Meeting - April 25, 2006

Community Strengths

		Rating	No. of Respondents
1.	Small town values		
2.	Good transportation and access		
3.	Availability of land for growth		
4.	Quiet rural atmosphere		
5.	Family-oriented and friendly		
6.	Good schools		
7.	Good parks		
8.	Low crime		
9.	Affordable housing		
10.	Strong church community		
11.	Community history / identity		
12.	Community involvement		
13.			
14.			
15.			
16.			
17.			

New Germany

Public Meeting - April 25, 2006

Community Weaknesses

		Rating
1.	Lack of businesses, restaurants, grocery stores, etc.	
2.	Lack of housing variety	
3.	Limited sewer and water capacity	
4.	Little population growth	
5.	Lack of industry	
6.	Lack of elderly care facilities	
7.	Lack of recreational opportunities	
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

New Germany

Public Meeting - April 25, 2006

Land Use Change / Growth Concerns

		Rating
1.	Higher costs of services	
2.	Increase in crime	
3.	Need better highway system	
4.	Loss of small town feeling	
5.	Loss of farmland to development	
6.	Need good planning direction	
7.	Concern for job shortage	
8.	Care for children and elderly	
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		

New Germany

Public Meeting - April 25, 2006

Growth Desires

		Rating
1.	Protect Agricultural Land	
2.	Create More Restrictive Zoning	
3.	Create Less Restrictive Zoning	
4.	Lower Density – Larger Lot Requirements	
5.	Keep Density / Zoning As Is	
6.	Higher Density – Smaller Lot Requirements	
7.	Less Strict Environmental Regulations	
8.	More Strict Environmental Regulations	
9.	Retain Rural Atmosphere	
10.	More Commercial / Industrial Zoning	
11.	Orderly Annexation Agreements to Control Speculation	
12.	More Growth Options	
13.		
14.		
15.		

New Germany

Public Meeting - April 25, 2006

Vision Statement: A description of a realistic and desired FUTURE for the city

Write a Vision Statement for New Germany

Newspaper headline (related to tonight's meeting) you would like to read about New Germany in 15-20 years.

Survey Summary

Exercise 1 – Community Strengths

		1	2	3	4	5	6	7	8	9	10	11	12	13
1	Small town values	10	2	1	2	1	4		4		2	1		
2	Good transportation and access	5	2	3	3	3	3	4		1	2	1	3	
3	Availability of land for growth		1	1	1	2	2	2	2	1	3	5	4	
4	Quiet rural atmosphere	7	2	2	3	2	1		1	2	2	2	3	
5	Family-oriented and friendly	11	3	1	2	3	1	2	3	1		1		
6	Good schools	2	6	5	1	1	1	4	1	7				
7	Good parks	2	1	4	2	2	5	1	3	1	2	2	2	
8	Low crime	7	4	1	4	3	3		2	1	2		1	
9	Affordable housing	5	4	4	4	2	2	3	1		2	1		
10	Strong church community	4	1	2		4		3	4	1		3	6	
11	Community history / identity	2	1	1	2	1	1	2		5	4	4	2	1
12	Community involvement	4		5	1	2	1	3	2	2	4	1	1	1
13	<i>Better water quality</i>		1											
14	<i>Clean up junk around houses</i>	1												
15	<i>Keep property clean and neat</i>	1												
16	<i>Get rid of drug houses</i>	1												
	Total	62	28	30	25	26	24	24	23	22	23	21	22	2

Comments

3 *Just because its available doesn't mean it has to be developed*

Exercise 2 – Community Weaknesses

		1	2	3	4	5	6	7	8	9
1	Lack of businesses, restaurants, grocery stores, etc.	16	5	1	1	2	1	1		
2	Lack of housing variety		2	3	2	10	4	4	1	
3	Limited sewer and water capacity	2	5	8	6	3	3	1		
4	Little population growth	1	3	1	8	3	3	5	1	1
5	Lack of industry	4	6	3	3	2	3	2	1	
6	Lack of elderly care facilities		2	5	5	3	2	7	1	
7	Lack of recreational opportunities		2	2	1	5	5	7	1	

8	Lack of water quality	1								
9	High rental properties in town							1		
	Total	24	25	23	26	28	21	28	5	1

Comments

- Water sucks
- 2 Doesn't matter
- 3 This only matters if you want more people
- 4 This is a positive in my opinion
- 5 Doesn't matter
- 6 Great nursing home in Watertown, which is close

Exercise 3 – Land Use/Growth Concerns

		1	2	3	4	5	6	7	8	9
1	Higher costs of services	9	1	6	2	4	3	1		
2	Increase in crime	5	4	3	6	5	3		1	
3	Need better highway system	2	3		5	3	5	2	5	
4	Loss of small town feeling	3	2	5	5	3	3	2	2	
5	Loss of farmland to development	7	1	1	1	1	3	4	7	1
6	Need good planning direction	9	5	4	1	2	3		3	
7	Concern for job shortage	3	2	6	2	2	3	3	4	
8	Care for children and elderly	3	3	1	2	2	5	8	4	
9	Concern for fire personnel availability		1							
10	Total	41	22	26	24	22	28	20	26	1

Comments

All of these are very real concerns and would need to be addressed

Exercise 4 – Growth Desires

		1	2	3	4	5	6	7	8	9	10	11	12
1	Protect Agricultural Land	9	2	2	1	1	2	3	1		2		2
2	Create More Restrictive Zoning	4	3	2		1	1	1	3	4	2		2
3	Create Less Restrictive Zoning		1		2	2	1	1	3	4	2	3	3
4	Lower Density – Larger Lot Requirements	7	2	2	1	2	1		4	4	2	1	
5	Keep Density / Zoning As Is	3	2	2	4	3	1	2	2	2	2		
6	Higher Density – Smaller Lot Requirements			1		2	2	2	1	1	6	2	7
7	Less Strict Environmental Regulations	1		1	1	1		4	3	2	1	4	3

8	More Strict Environmental Regulations	3	1	6	3	6	3		2	1		2	1
9	Retain Rural Atmosphere	10	4	2	4	2	1	2	1				
10	More Commercial / Industrial Zoning	7	5	4	3	4	2			1			
11	Orderly Annexation Agreements to Control Speculation	6	5	1	2	3	2	1		1	1	2	
12	More Growth Options	2	2	5	2	2	3	1	1	2	1	1	3
	Total	52	27	28	23	29	19	17	21	22	19	15	21

Comments

Not knowledgeable about these areas in New Germany

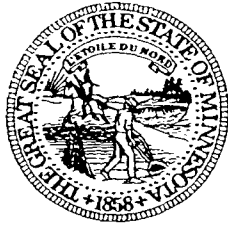
5 *like large lots*

7 *not sure what it means*

8 *not sure what it means*

Appendix B

Orderly Annexation Agreement with Hollywood Township (Trophy Lakes Estates IV).....	B-1
Orderly Annexation Agreement with Hollywood Township (Sections 32 and 33)	B-2
Orderly Annexation Agreement with Camden Township (Sections 4 and 5)	B-3



STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

6-14-07

658 Cedar Street, Room 300 St. Paul, Minnesota 55155
Telephone (651) 284-3383 Fax (651) 284-3545 TTY 800-627-3529

June 14, 2007

The Honorable C. Pete Pederson
Mayor of the City of New Germany
New Germany City Hall
300 Broadway Street, East
P. O. Box 177
New Germany, MN 55367-0177

Curtis Thaemert
Hollywood Town Board Chair
14540 58th Street
Mayer, MN 55360

Re: OA-1338 New Germany/Hollywood Township
(Joint Resolution 2007-1/2007-11; 160 acres)

Dear Mayor Pederson and Mr. Thaemert:

On June 14, 2007, the Chief Administrative Law Judge accepted the above-referenced joint resolution for orderly annexation between the City of New Germany and Hollywood Township. The Chief Administrative Law Judge congratulates you and your respective governing bodies for your efforts. The citizens of your area will benefit from your cooperation and foresight and the citizens of other communities can benefit by your example.

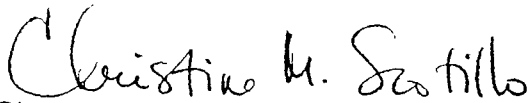
The actual annexation of any part of the designated areas may be initiated as provided for in Minnesota Statutes 414.0325, subdivision 1. Unless otherwise stated in the joint resolution, only a resolution signed by all parties to the agreement avoids the hearing requirement for any subsequent annexations.

As you may be aware, recent legislative amendments to Chapter 414 became effective August 1, 2006. Minn. Stat. 414.036 now **requires** every order that annexes property from a township issued by MBA, to provide a reimbursement from the city to the town. Accordingly, any subsequent resolutions filed for annexation of any part of the designated area must include a reimbursement to the town for lost property taxes from the annexed property.

OA-1338 New Germany/Hollywood Township
June 14, 2007
Page Two

If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

CMS:ry

cc: David Hubert, Attorney at Law
Joan Guthmiller, City Planner
Rebecca Burns, Township Clerk

HOLLYWOOD TOWNSHIP RESOLUTION NO. 2007-1

CITY OF NEW GERMANY RESOLUTION NO. 2007-11

MUNICIPAL BOUNDARY ADJUSTMENTS DOCKET NO. _____

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN
THE TOWN OF HOLLYWOOD
AND THE CITY OF NEW GERMANY,
CARVER COUNTY, MINNESOTA
(HUSTAD PROPERTY)**

WHEREAS, the City of New Germany (hereinafter referred to as the "City") and the Township of Hollywood (hereinafter referred to as the "Town" or "Township"), both located entirely within Carver County, in the State of Minnesota, desire to accommodate growth in the most orderly fashion; and

WHEREAS, the Town Board and City Council have expressed their desire to encourage future development of selected properties near the City so as to avail such development of municipal services as much as is practical; and

WHEREAS, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow that the City and Town enter into this Joint Resolution for Orderly Annexation (sometimes hereinafter referred to as "Agreement") and that the property herein described is proposed to be annexed by the City of New Germany and shall be annexed subject to the following terms and conditions:

1. **Designation of Orderly Annexation Area.**

The Township and the City hereby designate the areas legally described on **Exhibit 1** attached hereto and incorporated herein by reference (referred to hereafter as the "Orderly Annexation Area", "OAA" or "Subject Area) for orderly annexation pursuant to Minnesota Statutes Section 414.0325.

A boundary map showing the Subject Area legally described on **Exhibit 1** is attached hereto as **Exhibit 2** and incorporated herein by reference.

The Township and City agree that the Orderly Annexation Area legally described on **Exhibit 1** and designated for orderly annexation pursuant to Minnesota Statutes Section 414.0325 is approximately 160 acres.

2. **Office of Administrative Hearings, Municipal Boundary Adjustments.**

Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the State of Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments (hereinafter referred to as “the MBA”) or its successor pursuant to Minnesota Statutes.

3. **No Alterations of Boundaries.**

The Town and City mutually agree and state that no alterations by the MBA of the stated boundaries of the area designated for orderly annexation is appropriate. Any alterations of boundaries may only be made upon the joint agreement of the Town and City.

4. **Review and Comment by Municipal Boundary Adjustments.**

The Town and City mutually agree and state that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated and that no consideration by the MBA is necessary. The MBA may review and comment, but may not alter the boundaries or change the provisions of this Agreement. When all necessary conditions of annexation as set out in this Agreement are fulfilled for one or more parcels of property, the MBA shall order such annexation in accordance with the terms of this Agreement within 30 days of receipt of a resolution from the City requesting such annexation.

5. **Planning and Land Use Control Authority.**

- A. Upon approval of this Agreement by Municipal Boundary Adjustments, Office of Administrative Hearings (“MBA”), and upon approval by the Carver County Board of the transfer of planning and zoning authority to the City, the City shall have exclusive zoning, subdivision and comprehensive plan authority over the Orderly Annexation Area. Upon receipt of development plans (including rezoning requests, preliminary plat application or final plat application), the City shall provide copies of such submissions and notice of any associated public hearings to the Township at least 10 days before such hearing is held.
- B. However, Township agrees that the current zoning requirement of no more than one residential dwelling unit per 40 acres within the Orderly Annexation Area shall not change without City consent and that the Township shall oppose any new feed lots and any feed lot expansion within any existing feed lot area within the Orderly Annexation Area. Nothing in this paragraph shall obligate the Township to establish a zoning ordinance within the Orderly Annexation Area.

- C. Also, the Township agrees to notify the City of any requests for conditional use permits, land use changes, subdivision, rezoning or grading and filling within the OAA and allow the City to review and comment.

6. **Taxation Reimbursement.**

- A. The Township has made arrangements via a separate agreement with the owner of the property described in Exhibit 1 for taxation reimbursement. The Township shall not receive any taxation reimbursement from the City for the property described in Exhibit 1 except as may arise under paragraphs 6B and 6C of this Agreement.
- B. Delinquent Taxes. The City agrees that it shall remit all delinquent taxes, charges and assessments collected from any portion of the Orderly Annexation Area after annexation of such property if such taxes or charges were originally payable while the delinquent property remained in the Township. Additionally, when a property no longer qualifies for special tax treatment through Green Acres or other applicable programs such as Ag Preserves, CRP, This Old House, and taxes that were deferred under one of these programs is paid to the City, the City shall remit to Township the amount which was deferred during the time the property was in the Township.
- C. Assumption of Liability for Public Improvements. The City does not assume by this annexation any liability or responsibility for the payment of any obligations issued to finance public improvements constructed by the Township or for which special assessments were levied by the Township. In the event that the City annexes land under this Agreement upon which outstanding special assessments levied by the Township remain at the time of annexation, the City shall forward to the Township upon receipt all special assessment payments which the City receives as a result of special assessments levied by the Township.
- D. Other than the reimbursement outlined above in paragraphs B and C, no other reimbursement or taxes shall be owed to the Township from the City.
- E. The Township agrees that within 45 days of receipt of the amounts due under paragraph 6A above, the Township shall pay to the City 10% of such amount. The City agrees that it will hold such amount and dedicate it for use only for City fire department building improvements and/or equipment purchases as shall be agreed upon by the City and the Township. Such money shall count as a contribution of all parties (including the City) which receive contractual fire services from the City in the same proportion as the total fire department expenses are divided among all the parties receiving contractual fire services from the City.

7. **Conditions for Orderly Annexation.**

The City and the Town mutually state that properties in the areas described on **Exhibit 1** and shown on **Exhibit 2**, or a portion thereof shall be annexed to the City by the MBA upon receipt of a resolution from the City requesting such annexation. The City may adopt such resolution not sooner than 45 days after submitting a copy of an annexation petition to the Township and only when all of the following conditions are met:

- A. The property must be within the Orderly Annexation Area.
- B. 100% of the property owner(s) must petition the City for annexation.
- C. The Township has received all tax reimbursement as provided by paragraph 6A above.

8. **Subsequent Development of Annexed Properties.**

Any property owner seeking to develop land annexed pursuant to this Agreement shall comply with the following requirements:

- A. Submit a development plan to the City of New Germany and to the Town of Hollywood showing the need for municipal water, and sanitary sewer or other City services for the property annexed. Further, upon receipt by the City, the City shall forward to the Town Clerk all preliminary and final plat submissions for any property annexed to the City under this Agreement, and shall send the Town Clerk notice of all public meetings for concept plan approval, preliminary plat approval and final plat approval for any property annexed to the City under this Agreement.
- B. The development plan must be of sufficient detail to show that it will meet the standards and requirements of the City's zoning and subdivision ordinances.
- C. The Clerk of the Town Board may then submit written documentation stating the opinion of the Town Board for the proposed development. These comments will be forwarded to the City Planning Commission and City Council. The costs incurred by the Township, if any, to review the proposed development shall be paid by the developer and/or property owner.
- D. The City shall require in its developer's agreement regarding development of all lands annexed pursuant to this Agreement that the Developer meet the requirements of the City's Storm Water Management Plan. Further, unless otherwise agreed to by the Parties, the City, through its developer's agreement, shall require that any functioning draintile lines located during development of any parcel in the Orderly Annexation Area be connected to the City's storm sewer system, to the extent practical and reasonable.

E. The City agrees, as part of the mailing process for public hearing notice of the preliminary and final plat, to mail notice to property owners within a quarter mile of the proposed plat.

9. **Roads Within Area Designated for Orderly Annexation.**

The parties agree as follows with regard to the roads located within the Orderly Annexation Area:

- A. Roads Serving New Plats. The City shall require that all roadways abutting or serving new developments which have been annexed to the City shall be improved by the developer and/or property owner with bituminous surfacing from the access of the development to the nearest County, City or State road. All said road improvements shall be constructed to City of New Germany standard street requirements.
- B. Maintenance of Roads. Except as specifically set out herein or unless otherwise agreed by the parties, the Township shall maintain all roads in the Orderly Annexation Area not annexed to the City and the City shall maintain all roads annexed to the City.
- C. Undue Burden on Town Roads. The Township and City recognize that there may be instances where it is appropriate for the City to assume responsibility to maintain additional portions of Town roads because City development imposes an undue burden on Town roads that serve the annexed property. The City shall, at the Township's request, maintain the entire road (i.e. both sides of the road) where the City has annexed property abutting one side of the road. The length of road required to be maintained shall be limited to the length of road directly abutting the property annexed under this Agreement to the nearest County, City or State road.
- D. Use of Township Roads. For all properties annexed under this Agreement, the City shall require in its developer's agreements that during plat development (including construction of residences) all construction traffic use State Trunk Highways, Carver County Highways or New Germany city streets, and that Township roads be used only when no State Trunk Highway, Carver County Highway or New Germany city street is available. The City's developer's agreements shall also require that the Developer pay the Township for the cost to repair any road damage that may occur as a result of construction traffic using Township roads.
- E. 62nd Street. The City shall require that the length of 62nd Street abutting the Subject Area be paved with bituminous pavement upon development of the Subject Area.

10. **Provision of Municipal Utility Service.**

A. Extension of Services. Extension of sanitary sewer service to annexed properties requesting sewer service will be a high priority by the City.

B. Assessment Rates. Assessment or connection charges to annexed properties will be at the City's customary rates for improvements of a similar type at the time of benefit and/or connection to said service.

C. Time-line for Connection. Annexed properties for which municipal services are available must connect to municipal services on the earlier of one of the following:

1. The property owner petitions for service;
2. The property is sold or otherwise transferred for purposes other than agricultural including, but not limited to, being platted other than for an administrative lot split;
3. The property's septic system is failing; or
4. State or Federal law requires connection.

D. Provision of Other Municipal Services. The City shall be responsible for the provision of all normal and customary municipal services to annexed properties.

11. **Deferred Assessment Policy.**

With respect to road, sewer and water improvements to be constructed within the OAA, New Germany's policy for deferred, delayed, or future assessments for such improvements shall be as follows:

A. Sanitary Sewer and Water Utilities. The City of New Germany shall not specially assess any properties in Hollywood Township related to the cost of construction of sanitary sewer and water utilities located within the OAA. However, the City of New Germany may impose connection charges as permitted by law on properties within the OAA that are to become due and payable at such time as the properties are: 1) annexed to the City of New Germany; and 2) connect to municipal water or sewer service.

B. Street Curb and Gutter and Storm Sewer Utilities. The City of New Germany shall not specially assess any properties in Hollywood Township related to the cost of construction of streets, curb, gutter or storm sewer within the OAA. However, the City of New Germany may, if it chooses, and to the extent permitted by law, impose

charges upon such properties for such properties' proportionate share of such improvements as a condition of annexation to the City of New Germany.

C. Reservation of Rights. The City of New Germany reserves the right to enter into development agreements with the developers of any specific parcels of property within the OAA, or other Hollywood Township properties, that vary from the terms of this paragraph ~~12~~ with respect to such parcel.

12. **Periodic Review.**

The City and Town mutually agree and state that a joint periodic review of this agreement is to be conducted beginning five (5) years after the effective date of this agreement and every five (5) years thereafter upon the request of either party.

13. **Authorization.**

The appropriate officers of the City and Town are hereby authorized to carry the terms of this Joint Resolution into effect.

14. **Severability and Repealer.**

A determination that a provision of this Joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein. However, should any element of paragraph 6 relating to "Taxation Reimbursement" be deemed unlawful or unenforceable, the Township at its discretion may terminate this Agreement. Any prior agreement or joint resolution existing between the parties and affecting the property described in the attached Exhibits shall be considered repealed upon the effective date of this Joint Resolution.

15. **Effective Date and Termination.**

This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Town and approved by the MBA. Unless the parties have agreed to an extension, this agreement shall terminate on December 31, 2030. Notwithstanding the termination of this Agreement, the provisions of paragraphs 5, 6, 7, 9, 10 and 12 of this Agreement shall remain binding after the termination of the Agreement for all properties annexed under the terms of this Agreement prior to its termination.

16. **Disputes and Remedies.**

The City and Township agree as follows:

A. Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and the Township will direct staff members, as

they deem appropriate, to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

B. Mediation/Arbitration. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to mediation and/or binding arbitration.

C. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to mediation or binding arbitration, or such action has not otherwise resolved the matter in dispute, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default, or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

17. **Amendment.**

Both parties reserve the right to initiate an amendment or revision to the Agreement at any time. Upon initiation, the parties agree to meet and discuss the proposed amendment or revision, but neither party shall be required to approve such amendment or revision.

18. **Costs Associated with OA Agreement.**

Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement, but the City shall pay any filing fees required by the State of Minnesota.

19. **Venue.**

The venue for all actions concerning this Agreement shall be Carver County, Minnesota.

20. **No Further Annexation.**

During the term of this Agreement, unless otherwise agreed, the City shall not annex any property from the Township except as set out in this Agreement. The parties recognize that Property owners continue to maintain those options available by law at the time of their action to pursue municipal boundary adjustments. However, during the term of this Agreement, the City will not support any property owner initiated annexation petition for areas proposed for development that are located outside of the Orderly Annexation Area. It

is the intent of the parties that this Agreement set the exclusive geographical boundaries of land which may be annexed and set the exclusive procedures under which annexation from the Township to the City may occur during the term of this Agreement.

21. **Entire Agreement.**

With respect to the Subject Area and Orderly Annexation Area legally described on **Exhibit 1** and shown on **Exhibit 2**, respectively, which are attached hereto and incorporated herein by reference, the terms, covenants, conditions, and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.

22. **Notice.**

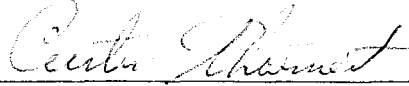
Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. Mail, postage prepaid, to the Hollywood Township Clerk and the New Germany City Administrator at their official addresses.

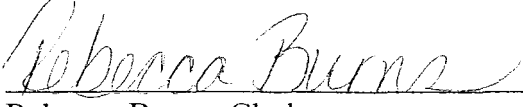
23. **Legal Description and Mapping.**

The Township and City agree that in the event there are errors, omissions or any other problems with the legal description provided on **Exhibit 1** or mapping provided on **Exhibit 2**, in the judgment of the MBA, the City and Township agree to make such corrections and file any additional documentation, including a new **Exhibit 1 or 2** making the corrections requested or required by the MBA as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.

PASSED, ADOPTED AND APPROVED by the Hollywood Town Board of Supervisors, Carver County, Minnesota, this 17 day of May, 2007.

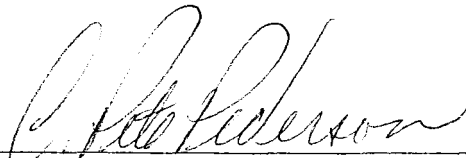
HOLLYWOOD TOWNSHIP

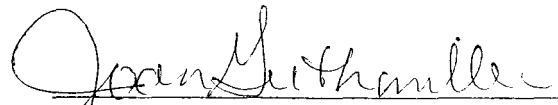

Curtis Thaemert, Chair


Rebecca Burns, Clerk

PASSED, ADOPTED AND APPROVED by the New Germany City Council, Carver County, Minnesota, this 17 day of May, 2007.


CITY OF NEW GERMANY


C. Pete Pederson, Mayor


Joan Guthmiller, City Clerk

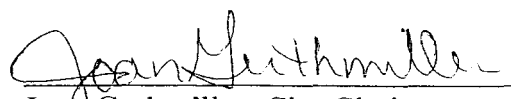
I, the undersigned, Rebecca Burns, being duly qualified and Clerk for the Town of Hollywood, Carver County, Minnesota, hereby certify that I have carefully compared the attached and foregoing excerpt Resolution No. 2007-11 Authorizing Execution of a Joint Annexation Agreement Between the City of New Germany and Hollywood Township, with the original Resolution on file in my office and the excerpt is a full, true and exact copy of the Resolution.

WITNESS my hand as Clerk of the Town of Hollywood, Carver County, Minnesota, and the seal of the Town of Hollywood this 17 day of May, 2007.


Rebecca Burns, Town Clerk
Town of Hollywood, Minnesota

I, the undersigned, Joan Guthmiller, being duly qualified and Clerk of the City of New Germany, Carver County, Minnesota, hereby certify that I have carefully compared the attached and foregoing excerpt Resolution No. 2007-11 Authorizing Execution of a Joint Annexation Agreement Between the City of New Germany and Hollywood Township, with the original Resolution on file in my office and the excerpt is a full, true and exact copy of the Resolution.

WITNESS my hand as City Clerk of the City of New Germany this 17 day of May, 2007.


Joan Guthmiller, City Clerk
City of New Germany, Minnesota

**EXHIBIT 1 TO JOINT RESOLUTION FOR ORDERLY ANNEXATION
BETWEEN THE TOWN OF HOLLYWOOD AND THE CITY OF NEW GERMANY,
CARVER COUNTY, MINNESOTA**

The Southeast Quarter of Section 32, Township 117, Range 26.

AND

That part of the Southwest Quarter of the Southwest Quarter of Section 33,
Township 117, Range 26, lying westerly of the center line of County State Aid
Highway No. 33.

SEC. 32, T.117, R.26

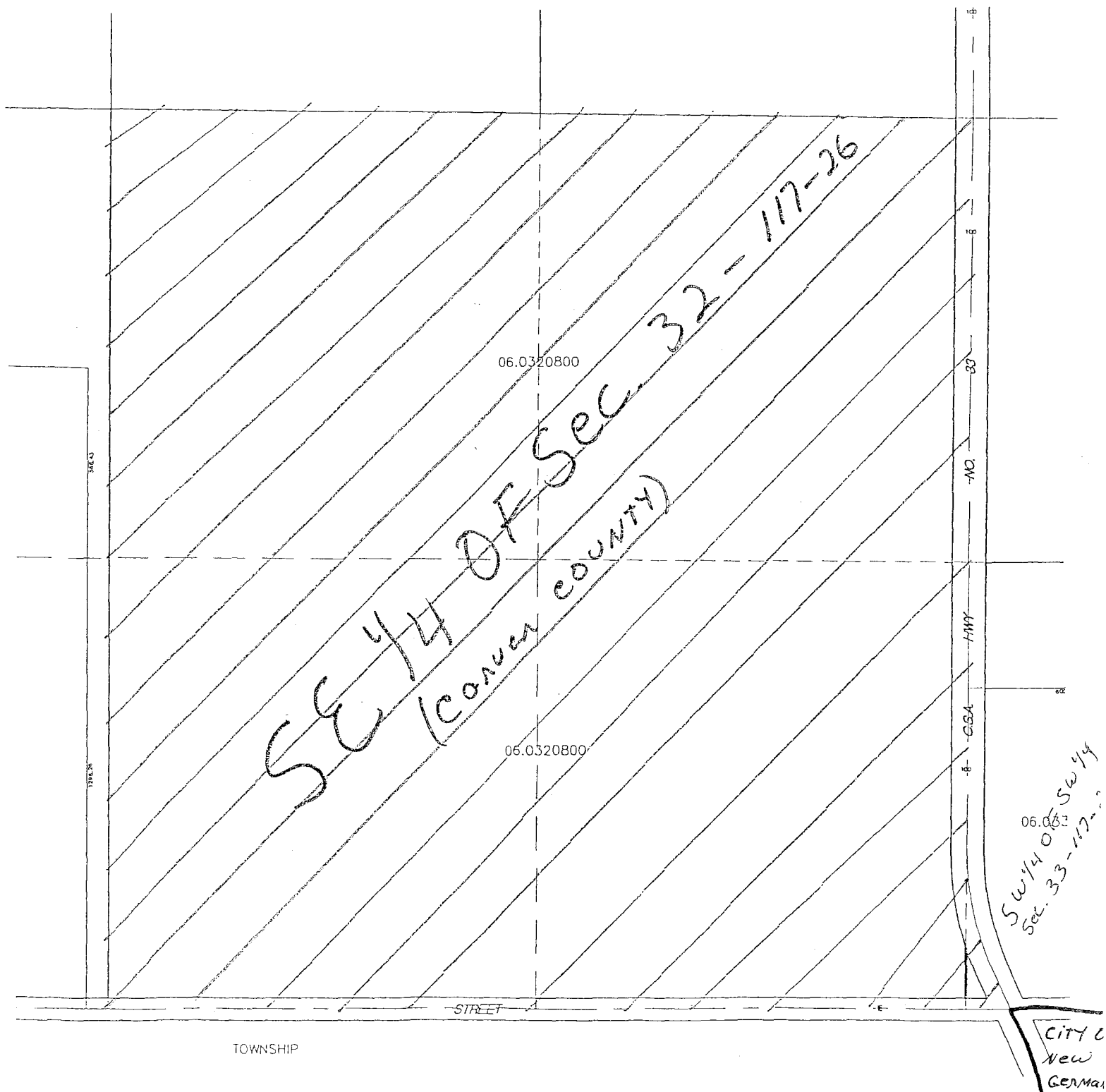


Exhibit 2



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 361-7936

October 16, 2007

The Honorable C. Pete Pederson
Mayor of the City of New Germany
New Germany City Hall
300 Broadway Street, East
P. O. Box 177
New Germany, MN 55367-0177

Curtis Thaemert
Hollywood Town Board Chair
14540 - 58th Street
Mayer, MN 55360

Re: OA-1354 New Germany/Hollywood Township
(Joint Resolution 10-2-07-01/2007-24; 1,125 acres)

Dear Mayor Pederson and Mr. Thaemert:

On October 16, 2007, the Chief Administrative Law Judge accepted the above-referenced joint resolution for orderly annexation between the City of New Germany and Hollywood Township. The Chief Administrative Law Judge congratulates you and your respective governing bodies for your efforts. The citizens of your area will benefit from your cooperation and foresight and the citizens of other communities can benefit by your example.

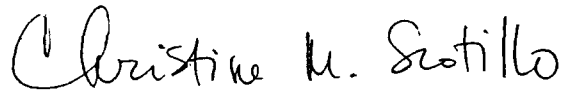
The actual annexation of any part of the designated areas may be initiated as provided for in Minnesota Statutes 414.0325, subdivision 1. Unless otherwise stated in the joint resolution, only a resolution signed by all parties to the agreement avoids the hearing requirement for any subsequent annexations.

As you may be aware, recent legislative amendments to Chapter 414 became effective August 1, 2006. Minn. Stat. 414.036 now **requires** every order that annexes property from a township issued by MBA, to provide a reimbursement from the city to the town. Accordingly, any subsequent resolutions filed for annexation of any part of the designated area must include a reimbursement to the town for lost property taxes from the annexed property. Also, with any subsequent resolutions filed, submit a copy of the Township's Annexation Taxation Reimbursement Policy referred to in 6.A. of the joint orderly annexation agreement.

OA-1354 New Germany/Hollywood Township
October 16, 2007
Page Two

If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

CMS:sjh

c: David Hubert, Attorney at Law
Joan Guthmiller, New Germany City Clerk
Rebecca Burns, Hollywood Township Clerk

HOLLYWOOD TOWNSHIP RESOLUTION NO. _____

CITY OF NEW GERMANY RESOLUTION NO. _____

MUNICIPAL BOUNDARY ADJUSTMENTS DOCKET NO. _____

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN
THE TOWN OF HOLLYWOOD
AND THE CITY OF NEW GERMANY,
CARVER COUNTY, MINNESOTA**

WHEREAS, the City of New Germany (hereinafter referred to as the “City”) and the Township of Hollywood (hereinafter referred to as the “Town” or “Township”), both located entirely within Carver County, in the State of Minnesota, desire to accommodate growth in the most orderly fashion; and

WHEREAS, the Town Board and City Council have expressed their desire to encourage future development of selected properties near the City so as to avail such development of municipal services as much as is practical; and

WHEREAS, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow that the City and Town enter into this Joint Resolution for Orderly Annexation (sometimes hereinafter referred to as “Agreement”) and that the property herein described is proposed to be annexed by the City of New Germany and shall be annexed subject to the following terms and conditions:

1. **Designation of Orderly Annexation Area.**

The Township and the City hereby designate the areas legally described on **Exhibit 1** attached hereto and incorporated herein by reference (referred to hereafter as the “Orderly Annexation Area”, “OAA” or “Subject Area”) for orderly annexation pursuant to Minnesota Statutes Section 414.0325.

A boundary map showing the Subject Area legally described on **Exhibit 1** is attached hereto as **Exhibit 2** and incorporated herein by reference.

The Township and City agree that the Orderly Annexation Area legally described on **Exhibit 1** and designated for orderly annexation pursuant to Minnesota Statutes Section 414.0325 is approximately _____ acres.

2. **Office of Administrative Hearings, Municipal Boundary Adjustments.**

Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the State of Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments (hereinafter referred to as “the MBA”) or its successor pursuant to Minnesota Statutes.

3. **No Alterations of Boundaries.**

The Town and City mutually agree and state that the MBA may review and comment, but that no alternations by the MBA of the stated boundaries of the area designated for orderly annexation is appropriate. Any alterations of boundaries may only be made upon the joint agreement of the Town and City.

4. **Review and Comment by Boundary Adjustments.**

The Town and City mutually agree and state that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated and that no consideration by the MBA is necessary. At such time as the conditions for annexation of the areas or a portion thereof as described in this Agreement have been met, upon receipt of a Resolution for Annexation from the City of New Germany, the Office of Administrative Hearings, Municipal Boundary Adjustments, may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the Resolution.

5. **Planning and Land Use Control Authority.**

- A. The Town and City mutually agree and state that all land use authority within the Orderly Annexation Area shall remain with Carver County and the Township (if the Township chooses to exercise planning, zoning and subdivision authority pursuant to Minnesota law) while such properties remain in the Township. However, the City shall have comprehensive planning authority over the orderly annexation area. The City shall have exclusive planning, zoning and subdivision authority over all properties annexed under the authority of this Agreement.
- B. However, Township agrees that the current zoning requirement of no more than one residential dwelling unit per 40 acres within the Orderly Annexation Area shall not change without City consent and that the Township shall oppose any new feed lots and any feed lot expansion within any existing feed lot area within the Orderly Annexation Area. Nothing in this paragraph shall obligate the Township to establish a zoning ordinance within the Orderly Annexation Area.

- C. Also, the Township agrees to notify the City of any requests for conditional use permits, land use changes, subdivision, rezoning or grading and filling within the OAA and allow the City to review and comment.

6. **Taxation Reimbursement.**

- A. Unless otherwise agreed, to allow the Township to be reimbursed for the permanent loss of taxable property from Township tax rolls for property in the OAA, the City agrees that it will not initiate annexation or forward a resolution for annexation of property described in **Exhibit 1** to the Office of Administrative Hearings, or its successor agency, until such time as the City receives written confirmation from the Township that the Township has received reimbursement for the loss of such taxable property in accordance with then existing Township's Annexation Taxation Reimbursement Policy from the person or party requesting such annexation. (Non-taxable property is not subject to tax reimbursement.)
- B. Delinquent Taxes. The City agrees that it shall remit all delinquent taxes, charges and assessments collected from any portion of the Orderly Annexation Area after annexation of such property if such taxes or charges were originally payable while the delinquent property remained in the Township. Additionally, when a property no longer qualifies for special tax treatment through Green Acres or other applicable programs such as Ag Preserves, CRP, This Old House, and taxes that were deferred under one of these programs is paid to the City, the City shall remit to Township the amount which was deferred during the time the property was in the Township.
- C. Assumption of Liability for Public Improvements. The City does not assume by this annexation any liability or responsibility for the payment of any obligations issued to finance public improvements constructed by the Township or for which special assessments were levied by the Township. In the event that the City annexes land under this Agreement upon which outstanding special assessments levied by the Township remain at the time of annexation, the City shall forward to the Township upon receipt all special assessment payments which the City receives as a result of special assessments levied by the Township.
- D. Other than the reimbursement outlined above in paragraphs B and C, no other reimbursement or taxes shall be owed to the Township from the City.

7. **Conditions for Orderly Annexation.**

The City and the Town mutually state and agree that properties in the areas described on **Exhibit 1** and as shown on **Exhibit 2**, or a portion thereof shall be annexed to the City by the MBA upon receipt of a resolution from the City requesting such annexation. The City may

adopt such resolution not sooner than 31 days after submitting a copy of an annexation petition to the Township and only when all of the following conditions are met:

- A. The property must be within the Orderly Annexation Area.
- B. 100% of the property owner(s) must petition the City for annexation.
- C. The Township has received all tax reimbursement as provided by paragraph 6A above.

8. **Subsequent Development of Annexed Properties.**

Any property owner seeking to develop land annexed pursuant to this Agreement shall comply with the following requirements:

- A. Submit a development plan to the City of New Germany and to the Town of Hollywood showing the need for municipal water, and sanitary sewer or other City services for the property annexed. Further, upon receipt by the City, the City shall forward to the Town Clerk all preliminary and final plat submissions for any property annexed to the City under this Agreement, and shall send the Town Clerk notice of all public meetings for concept plan approval, preliminary plat approval and final plat approval for any property annexed to the City under this Agreement.
- B. The development plan must be of sufficient detail to show that it will meet the standards and requirements of the City's zoning and subdivision ordinances.
- C. Within no later than 15 days after receipt of the submission set forth in paragraph A above, the Clerk of the Town Board may submit written documentation stating the opinion of the Town Board for the proposed development. These comments will be forwarded to the City Planning Commission and City Council. The costs incurred by the Township, if any, to review the proposed development shall be paid by the developer and/or property owner.
- D. The City shall require in its developer's agreement regarding development of all lands annexed pursuant to this Agreement that the Developer meet the requirements of the City's Storm Water Management Plan. Further, unless otherwise agreed to by the Parties, the City, through its developer's agreement, shall require that any functioning draintile lines located during development of any parcel in the Orderly Annexation Area be connected to the City's storm sewer system, to the extent practical and reasonable.
- E. The City agrees, as part of the mailing process for public hearing notice of the preliminary and final plat, to mail notice to property owners in the Township within a quarter mile of the proposed plat.

9. **Roads Within Area Designated for Orderly Annexation.**

The parties agree as follows with regard to the roads located within the Orderly Annexation Area:

- A. Roads Serving New Plats. The City shall require that all roadways abutting or serving new developments which have been annexed to the City shall be improved by the developer and/or property owner with bituminous surfacing from the access of the development to the nearest County, City or State road. All said road improvements shall be constructed to City of New Germany standard street requirements.
- B. Maintenance of Roads. Except as specifically set out herein or unless otherwise agreed by the parties, the Township shall maintain all roads in the Orderly Annexation Area not annexed to the City and the City shall maintain all roads annexed to the City.
- C. Undue Burden on Town Roads. The Township and City recognize that there may be instances where it is appropriate for the City to assume responsibility to maintain additional portions of Town roads because City development imposes an undue burden on Town roads that serve the annexed property. The City shall, at the Township's request, maintain the entire road (i.e. both sides of the road) where the City has annexed property abutting one side of the road. The length of road required to be maintained shall be limited to the length of road directly abutting the property annexed under this Agreement to the nearest County, City or State road.
- D. Use of Township Roads. For all properties annexed under this Agreement, the City shall require in its developer's agreements that during plat development (including construction of residences) all construction traffic use State Trunk Highways, Carver County Highways or New Germany city streets, and that Township roads be used only when no State Trunk Highway, Carver County Highway or New Germany city street is available. The City's developer's agreements shall also require that the Developer pay the Township for the cost to repair any road damage that may occur as a result of construction traffic using Township roads.

10. **Provision of Municipal Utility Service.**

- A. Extension of Services. Extension of sanitary sewer service to annexed properties requesting sewer service will be a high priority by the City.
- B. Assessment Rates. Assessment or connection charges to annexed properties will be at the City's customary rates for improvements of a similar type at the time of benefit and/or connection to said service.

C. Time-line for Connection. Annexed properties for which municipal services are available must connect to municipal services on the earlier of one of the following:

1. The property owner petitions for service;
2. The property is sold or otherwise transferred for purposes other than agricultural including, but not limited to, being platted other than for an administrative lot split;
3. The property's septic system is failing; or
4. State or Federal law requires connection.

D. Provision of Other Municipal Services. The City shall be responsible for the provision of all normal and customary municipal services to annexed properties.

11. **Deferred Assessment Policy.**

With respect to road, sewer and water improvements to be constructed within the OAA, New Germany's policy for deferred, delayed, or future assessments for such improvements shall be as follows:

A. Sanitary Sewer and Water Utilities. The City of New Germany shall not specially assess any properties in Hollywood Township related to the cost of construction of sanitary sewer and water utilities located within the OAA. However, the City of New Germany may impose connection charges as permitted by law on properties within the OAA that are to become due and payable at such time as the properties are: 1) annexed to the City of New Germany; and 2) connect to municipal water or sewer service.

B. Street Curb and Gutter and Storm Sewer Utilities. The City of New Germany shall not specially assess any properties in Hollywood Township related to the cost of construction of streets, curb, gutter or storm sewer within the OAA. However, the City of New Germany may, if it chooses, and to the extent permitted by law, impose charges upon such properties for such properties' proportionate share of such improvements as a condition of annexation to the City of New Germany.

C. Reservation of Rights. The City of New Germany reserves the right to enter into development agreements with the developers of any specific parcels of property within the OAA, or other Hollywood Township properties, that vary from the terms of this paragraph 12 with respect to such parcel.

12. **Periodic Review.**

The City and Town mutually agree and state that a joint periodic review of this agreement is to be conducted beginning five (5) years after the effective date of this agreement and every five (5) years thereafter upon the request of either party.

13. **Authorization.**

The appropriate officers of the City and Town are hereby authorized to carry the terms of this Joint Resolution into effect.

14. **Severability and Repealer.**

A determination that a provision of this Joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein. However, should any element of paragraph 6 relating to "Taxation Reimbursement" be deemed unlawful or unenforceable, the Township at its discretion may terminate this Agreement. Any prior agreement or joint resolution existing between the parties and affecting the property described in the attached Exhibits shall be considered repealed upon the effective date of this Joint Resolution.

15. **Effective Date and Termination.**

This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Town and approved by the MBA. Unless the parties have agreed to an extension, this agreement shall terminate on December 31, 2030. Notwithstanding the termination of this Agreement, the provisions of paragraphs 5, 6, 7, 9, 10 and 12 of this Agreement shall remain binding after the termination of the Agreement for all properties annexed under the terms of this Agreement prior to its termination.

16. **Disputes and Remedies.**

The City and Township agree as follows:

A. **Negotiation.** When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and the Township will direct staff members, as they deem appropriate, to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

B. **Mediation/Arbitration.** When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to mediation and/or binding arbitration.

C. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to mediation or binding arbitration, or such action has not otherwise resolved the matter in dispute, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default, or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

17. **Amendment.**

Both parties reserve the right to initiate an amendment or revision to the Agreement at any time. Upon initiation, the parties agree to meet and discuss the proposed amendment or revision, but neither party shall be required to approve such amendment or revision.

18. **Costs Associated with OA Agreement.**

Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement, but the City shall pay any filing fees required by the State of Minnesota.

19. **Venue.**

The venue for all actions concerning this Agreement shall be Carver County, Minnesota.

20. **No Further Annexation.**

During the term of this Agreement, unless otherwise agreed, the City shall not annex any property from the Township except as set out in this Agreement. The parties recognize that Property owners continue to maintain those options available by law at the time of their action to pursue municipal boundary adjustments. However, during the term of this Agreement, the City will not support any property owner initiated annexation petition for areas proposed for development that are located outside of the Orderly Annexation Area. It is the intent of the parties that this Agreement set the exclusive geographical boundaries of land which may be annexed and set the exclusive procedures under which annexation from the Township to the City may occur during the term of this Agreement.

21. **Entire Agreement.**

With respect to the Subject Area and Orderly Annexation Area legally described on **Exhibit 1** and shown on **Exhibit 2**, respectively, which are attached hereto and incorporated herein by reference, the terms, covenants, conditions, and provisions of this Joint Resolution shall

constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.

22. **Notice.**

Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. Mail, postage prepaid, to the Hollywood Township Clerk and the New Germany City Administrator at their official addresses.

23. **Legal Description and Mapping.**

The Township and City agree that in the event there are errors, omissions or any other problems with the legal description provided on **Exhibit 1** or mapping provided on **Exhibit 2**, in the judgment of the MBA, the City and Township agree to make such corrections and file any additional documentation, including a new **Exhibit 1 or 2** making the corrections requested or required by the MBA as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.

24. **Waiver.**

The Board of Supervisors of Hollywood Township may waive any provision of this Resolution that it deems appropriate for a particular situation.

PASSED, ADOPTED AND APPROVED by the Hollywood Town Board of Supervisors, Carver County, Minnesota, this _____ day of _____, 2007.

HOLLYWOOD TOWNSHIP

Curtis Thaemert, Chair

Rebecca Burns, Clerk

PASSED, ADOPTED AND APPROVED by the New Germany City Council, Carver County, Minnesota, this _____ day of _____, 2007.

CITY OF NEW GERMANY

C. Pete Peterson, Mayor

Joan Guthmiller, City Clerk

I, the undersigned, Roger Sauerbrey, being duly qualified and Clerk for the Town of Hollywood, Carver County, Minnesota, hereby certify that I have carefully compared the attached and foregoing excerpt Resolution No. _____ Authorizing Execution of a Joint Annexation Agreement Between the City of New Germany and Hollywood Township, with the original Resolution on file in my office and the excerpt is a full, true and exact copy of the Resolution.

WITNESS my hand as Clerk of the Town of Hollywood, Carver County, Minnesota, and the seal of the Town of Hollywood this _____ day of _____, 2007.

Rebecca Burns, Town Clerk
Town of Hollywood, Minnesota

I, the undersigned, Joan Guthmiller, being duly qualified and Clerk of the City of New Germany, Carver County, Minnesota, hereby certify that I have carefully compared the attached and foregoing excerpt Resolution No. _____ Authorizing Execution of a Joint Annexation Agreement Between the City of New Germany and Hollywood Township, with the original Resolution on file in my office and the excerpt is a full, true and exact copy of the Resolution.

WITNESS my hand as City Clerk of the City of New Germany this _____ day of _____, 2007.

Joan Guthmiller, City Clerk
City of New Germany, Minnesota

EXHIBIT 1

SUBJECT AREA LEGAL DESCRIPTION

Sections 32 and 33, Township 117, Range 26, Carver County, Minnesota, EXCEPTING THEREFROM the following two described tracts of land:

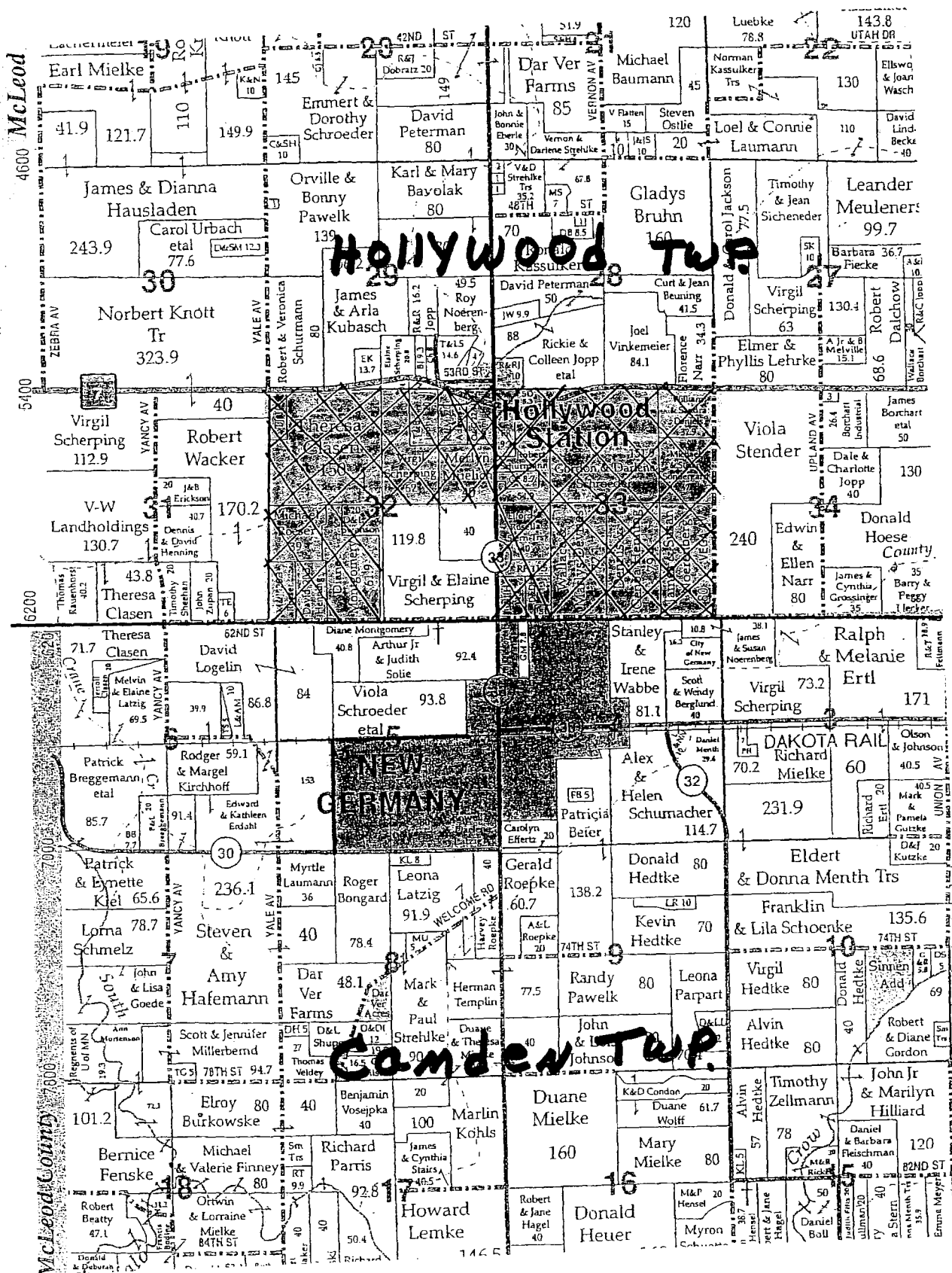
The Southeast Quarter of Section 32, Township 117, Range 26.

AND

That part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 117, Range 26, lying westerly of the center line of County State Aid Highway No. 33.

EXHIBIT 2

SUBJECT AREA BOUNDARY MAP





MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 361-7936

October 16, 2007

The Honorable C. Pete Pederson
Mayor of the City of New Germany
New Germany City Hall
300 Broadway Street, East
P. O. Box 177
New Germany, MN 55367-0177

Virgil Stender
Camden Town Board Chair
9990 Vega Avenue
Young America, MN 55397

Re: OA-1353 New Germany/Camden Township
(Joint Resolution 2007-4/2007-23; 872 acres)

Dear Mayor Pederson and Mr. Stender:

On October 16, 2007, the Chief Administrative Law Judge accepted the above-referenced joint resolution for orderly annexation between the City of New Germany and Camden Township. The Chief Administrative Law Judge congratulates you and your respective governing bodies for your efforts. The citizens of your area will benefit from your cooperation and foresight and the citizens of other communities can benefit by your example.

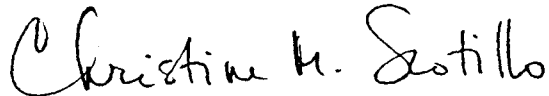
The actual annexation of any part of the designated areas may be initiated as provided for in Minnesota Statutes 414.0325, subdivision 1. Unless otherwise stated in the joint resolution, only a resolution signed by all parties to the agreement avoids the hearing requirement for any subsequent annexations.

As you may be aware, recent legislative amendments to Chapter 414 became effective August 1, 2006. Minn. Stat. 414.036 now **requires** every order that annexes property from a township issued by MBA, to provide a reimbursement from the city to the town. Accordingly, any subsequent resolutions filed for annexation of any part of the designated area must include a reimbursement to the town for lost property taxes from the annexed property. Also, with any subsequent resolutions filed, submit a copy of the Township's Annexation Taxation Reimbursement Policy referred to in 6.A. of the joint orderly annexation agreement.

OA-1353 New Germany/Camden Township
October 16, 2007
Page Two

If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

CMS:sjh

~~cc~~ David Hubert, Attorney at Law
Joan Guthmiller, New Germany City Clerk
Roger Sauerbrey, Camden Township Clerk

CAMDEN TOWNSHIP RESOLUTION NO. _____

CITY OF NEW GERMANY RESOLUTION NO. _____

MUNICIPAL BOUNDARY ADJUSTMENTS DOCKET NO. _____

**JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN
THE TOWN OF CAMDEN
AND THE CITY OF NEW GERMANY,
CARVER COUNTY, MINNESOTA**

WHEREAS, the City of New Germany (hereinafter referred to as the “City”) and the Township of Camden (hereinafter referred to as the “Town” or “Township”), both located entirely within Carver County, in the State of Minnesota, desire to accommodate growth in the most orderly fashion; and

WHEREAS, the Town Board and City Council have expressed their desire to encourage future development of selected properties near the City so as to avail such development of municipal services as much as is practical; and

WHEREAS, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow that the City and Town enter into this Joint Resolution for Orderly Annexation (sometimes hereinafter referred to as “Agreement”) and that the property herein described is proposed to be annexed by the City of New Germany and shall be annexed subject to the following terms and conditions:

1. **Designation of Orderly Annexation Area.**

The Township and the City hereby designate the areas legally described on **Exhibit 1** attached hereto and incorporated herein by reference (referred to hereafter as the “Orderly Annexation Area”, “OAA” or “Subject Area) for orderly annexation pursuant to Minnesota Statutes Section 414.0325.

A boundary map showing the Subject Area legally described on **Exhibit 1** is attached hereto as **Exhibit 2** and incorporated herein by reference.

The Township and City agree that the Orderly Annexation Area legally described on **Exhibit 1** and designated for orderly annexation pursuant to Minnesota Statutes Section 414.0325 is approximately _____ acres.

2. **Office of Administrative Hearings, Municipal Boundary Adjustments.**

Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the State of Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments (hereinafter referred to as “the MBA”) or its successor pursuant to Minnesota Statutes.

3. **No Alterations of Boundaries.**

The Town and City mutually agree and state that the MBA may review and comment, but that no alternations by the MBA of the stated boundaries of the area designated for orderly annexation is appropriate. Any alterations of boundaries may only be made upon the joint agreement of the Town and City.

4. **Review and Comment by Boundary Adjustments.**

The Town and City mutually agree and state that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated and that no consideration by the MBA is necessary. At such time as the conditions for annexation of the areas or a portion thereof as described in this Agreement have been met, upon receipt of a Resolution for Annexation from the City of New Germany, the Office of Administrative Hearings, Municipal Boundary Adjustments, may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the Resolution.

5. **Planning and Land Use Control Authority.**

- A. The Town and City mutually agree and state that all land use authority within the Orderly Annexation Area shall remain with Carver County and the Township (if the Township chooses to exercise planning, zoning and subdivision authority pursuant to Minnesota law) while such properties remain in the Township. However, the City shall have comprehensive planning authority over the orderly annexation area. The City shall have exclusive planning, zoning and subdivision authority over all properties annexed under the authority of this Agreement.
- B. However, Township agrees that the current zoning requirement of no more than one residential dwelling unit per 40 acres within the Orderly Annexation Area shall not change without City consent and that the Township shall oppose any new feed lots and any feed lot expansion within any existing feed lot area within the Orderly Annexation Area. Nothing in this paragraph shall obligate the Township to establish a zoning ordinance within the Orderly Annexation Area.

- C. Also, the Township agrees to notify the City of any requests for conditional use permits, land use changes, subdivision, rezoning or grading and filling within the OAA and allow the City to review and comment.

6. **Taxation Reimbursement.**

- A. Unless otherwise agreed, to allow the Township to be reimbursed for the permanent loss of taxable property from Township tax rolls for property in the OAA, the City agrees that it will not initiate annexation or forward a resolution for annexation of property described in **Exhibit 1** to the Office of Administrative Hearings, or its successor agency, until such time as the City receives written confirmation from the Township that the Township has received reimbursement for the loss of such taxable property in accordance with then existing Township's Annexation Taxation Reimbursement Policy from the person or party requesting such annexation. (Non-taxable property is not subject to tax reimbursement.)
- B. Delinquent Taxes. The City agrees that it shall remit all delinquent taxes, charges and assessments collected from any portion of the Orderly Annexation Area after annexation of such property if such taxes or charges were originally payable while the delinquent property remained in the Township. Additionally, when a property no longer qualifies for special tax treatment through Green Acres or other applicable programs such as Ag Preserves, CRP, This Old House, and taxes that were deferred under one of these programs is paid to the City, the City shall remit to Township the amount which was deferred during the time the property was in the Township.
- C. Assumption of Liability for Public Improvements. The City does not assume by this annexation any liability or responsibility for the payment of any obligations issued to finance public improvements constructed by the Township or for which special assessments were levied by the Township. In the event that the City annexes land under this Agreement upon which outstanding special assessments levied by the Township remain at the time of annexation, the City shall forward to the Township upon receipt all special assessment payments which the City receives as a result of special assessments levied by the Township.
- D. Other than the reimbursement outlined above in paragraphs B and C, no other reimbursement or taxes shall be owed to the Township from the City.

7. **Conditions for Orderly Annexation.**

The City and the Town mutually state and agree that properties in the areas described on **Exhibit 1** and as shown on **Exhibit 2**, or a portion thereof shall be annexed to the City by the MBA upon receipt of a resolution from the City requesting such annexation. The City may

adopt such resolution not sooner than 31 days after submitting a copy of an annexation petition to the Township and only when all of the following conditions are met:

- A. The property must be within the Orderly Annexation Area.
- B. 100% of the property owner(s) must petition the City for annexation.
- C. The Township has received all tax reimbursement as provided by paragraph 6A above.

8. **Subsequent Development of Annexed Properties.**

Any property owner seeking to develop land annexed pursuant to this Agreement shall comply with the following requirements:

- A. Submit a development plan to the City of New Germany and to the Town of Camden showing the need for municipal water, and sanitary sewer or other City services for the property annexed. Further, upon receipt by the City, the City shall forward to the Town Clerk all preliminary and final plat submissions for any property annexed to the City under this Agreement, and shall send the Town Clerk notice of all public meetings for concept plan approval, preliminary plat approval and final plat approval for any property annexed to the City under this Agreement.
- B. The development plan must be of sufficient detail to show that it will meet the standards and requirements of the City's zoning and subdivision ordinances.
- C. Within no later than 15 days after receipt of the submission set forth in paragraph A above, the Clerk of the Town Board may submit written documentation stating the opinion of the Town Board for the proposed development. These comments will be forwarded to the City Planning Commission and City Council. The costs incurred by the Township, if any, to review the proposed development shall be paid by the developer and/or property owner.
- D. The City shall require in its developer's agreement regarding development of all lands annexed pursuant to this Agreement that the Developer meet the requirements of the City's Storm Water Management Plan. Further, unless otherwise agreed to by the Parties, the City, through its developer's agreement, shall require that any functioning daintile lines located during development of any parcel in the Orderly Annexation Area be connected to the City's storm sewer system, to the extent practical and reasonable.
- E. The City agrees, as part of the mailing process for public hearing notice of the preliminary and final plat, to mail notice to property owners in the Township within a quarter mile of the proposed plat.

9. **Roads Within Area Designated for Orderly Annexation.**

The parties agree as follows with regard to the roads located within the Orderly Annexation Area:

- A. Roads Serving New Plats. The City shall require that all roadways abutting or serving new developments which have been annexed to the City shall be improved by the developer and/or property owner with bituminous surfacing from the access of the development to the nearest County, City or State road. All said road improvements shall be constructed to City of New Germany standard street requirements.
- B. Maintenance of Roads. Except as specifically set out herein or unless otherwise agreed by the parties, the Township shall maintain all roads in the Orderly Annexation Area not annexed to the City and the City shall maintain all roads annexed to the City.
- C. Undue Burden on Town Roads. The Township and City recognize that there may be instances where it is appropriate for the City to assume responsibility to maintain additional portions of Town roads because City development imposes an undue burden on Town roads that serve the annexed property. The City shall, at the Township's request, maintain the entire road (i.e. both sides of the road) where the City has annexed property abutting one side of the road. The length of road required to be maintained shall be limited to the length of road directly abutting the property annexed under this Agreement to the nearest County, City or State road.
- D. Use of Township Roads. For all properties annexed under this Agreement, the City shall require in its developer's agreements that during plat development (including construction of residences) all construction traffic use State Trunk Highways, Carver County Highways or New Germany city streets, and that Township roads be used only when no State Trunk Highway, Carver County Highway or New Germany city street is available. The City's developer's agreements shall also require that the Developer pay the Township for the cost to repair any road damage that may occur as a result of construction traffic using Township roads.

10. **Provision of Municipal Utility Service.**

- A. Extension of Services. Extension of sanitary sewer service to annexed properties requesting sewer service will be a high priority by the City.
- B. Assessment Rates. Assessment or connection charges to annexed properties will be at the City's customary rates for improvements of a similar type at the time of benefit and/or connection to said service.

C. Time-line for Connection. Annexed properties for which municipal services are available must connect to municipal services on the earlier of one of the following:

1. The property owner petitions for service;
2. The property is sold or otherwise transferred for purposes other than agricultural including, but not limited to, being platted other than for an administrative lot split;
3. The property's septic system is failing; or
4. State or Federal law requires connection.

D. Provision of Other Municipal Services. The City shall be responsible for the provision of all normal and customary municipal services to annexed properties.

11. **Deferred Assessment Policy.**

With respect to road, sewer and water improvements to be constructed within the OAA, New Germany's policy for deferred, delayed, or future assessments for such improvements shall be as follows:

A. Sanitary Sewer and Water Utilities. The City of New Germany shall not specially assess any properties in Camden Township related to the cost of construction of sanitary sewer and water utilities located within the OAA. However, the City of New Germany may impose connection charges as permitted by law on properties within the OAA that are to become due and payable at such time as the properties are: 1) annexed to the City of New Germany; and 2) connect to municipal water or sewer service.

B. Street Curb and Gutter and Storm Sewer Utilities. The City of New Germany shall not specially assess any properties in Camden Township related to the cost of construction of streets, curb, gutter or storm sewer within the OAA. However, the City of New Germany may, if it chooses, and to the extent permitted by law, impose charges upon such properties for such properties' proportionate share of such improvements as a condition of annexation to the City of New Germany.

C. Reservation of Rights. The City of New Germany reserves the right to enter into development agreements with the developers of any specific parcels of property within the OAA, or other Camden Township properties, that vary from the terms of this paragraph 12 with respect to such parcel.

12. **Periodic Review.**

The City and Town mutually agree and state that a joint periodic review of this agreement is to be conducted beginning five (5) years after the effective date of this agreement and every five (5) years thereafter upon the request of either party.

13. **Authorization.**

The appropriate officers of the City and Town are hereby authorized to carry the terms of this Joint Resolution into effect.

14. **Severability and Repealer.**

A determination that a provision of this Joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein. However, should any element of paragraph 6 relating to "Taxation Reimbursement" be deemed unlawful or unenforceable, the Township at its discretion may terminate this Agreement. Any prior agreement or joint resolution existing between the parties and affecting the property described in the attached Exhibits shall be considered repealed upon the effective date of this Joint Resolution.

15. **Effective Date and Termination.**

This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Town and approved by the MBA. Unless the parties have agreed to an extension, this agreement shall terminate on December 31, 2030. Notwithstanding the termination of this Agreement, the provisions of paragraphs 5, 6, 7, 9, 10 and 12 of this Agreement shall remain binding after the termination of the Agreement for all properties annexed under the terms of this Agreement prior to its termination.

16. **Disputes and Remedies.**

The City and Township agree as follows:

A. **Negotiation.** When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and the Township will direct staff members, as they deem appropriate, to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

B. **Mediation/Arbitration.** When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to mediation and/or binding arbitration.

C. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to mediation or binding arbitration, or such action has not otherwise resolved the matter in dispute, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default, or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

17. **Amendment.**

Both parties reserve the right to initiate an amendment or revision to the Agreement at any time. Upon initiation, the parties agree to meet and discuss the proposed amendment or revision, but neither party shall be required to approve such amendment or revision.

18. **Costs Associated with OA Agreement.**

Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement, but the City shall pay any filing fees required by the State of Minnesota.

19. **Venue.**

The venue for all actions concerning this Agreement shall be Carver County, Minnesota.

20. **No Further Annexation.**

During the term of this Agreement, unless otherwise agreed, the City shall not annex any property from the Township except as set out in this Agreement. The parties recognize that Property owners continue to maintain those options available by law at the time of their action to pursue municipal boundary adjustments. However, during the term of this Agreement, the City will not support any property owner initiated annexation petition for areas proposed for development that are located outside of the Orderly Annexation Area. It is the intent of the parties that this Agreement set the exclusive geographical boundaries of land which may be annexed and set the exclusive procedures under which annexation from the Township to the City may occur during the term of this Agreement.

21. **Entire Agreement.**

With respect to the Subject Area and Orderly Annexation Area legally described on **Exhibit 1** and shown on **Exhibit 2**, respectively, which are attached hereto and incorporated herein by reference, the terms, covenants, conditions, and provisions of this Joint Resolution shall

constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.

22. **Notice.**

Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. Mail, postage prepaid, to the Camden Township Clerk and the New Germany City Administrator at their official addresses.

23. **Legal Description and Mapping.**

The Township and City agree that in the event there are errors, omissions or any other problems with the legal description provided on **Exhibit 1** or mapping provided on **Exhibit 2**, in the judgment of the MBA, the City and Township agree to make such corrections and file any additional documentation, including a new **Exhibit 1 or 2** making the corrections requested or required by the MBA as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.

24. **Waiver.**

The Board of Supervisors of Camden Township may waive any provision of this Resolution that it deems appropriate for a particular situation but only by written resolution duly adopted by the Town Board.

PASSED, ADOPTED AND APPROVED by the Camden Town Board of Supervisors, Carver County, Minnesota, this 2nd day of OCTOBER, 2007.


CAMDEN TOWNSHIP

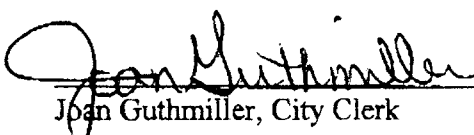
Virgil Stender
Virgil Stender, Chair

Roger Sauerbrey
Roger Sauerbrey, Clerk

PASSED, ADOPTED AND APPROVED by the New Germany City Council, Carver County, Minnesota, this 2nd day of October, 2007.

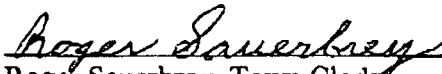
CITY OF NEW GERMAN


C. Pete Peterson, Mayor


Joan Guthmiller, City Clerk

I, the undersigned, Roger Sauerbrey, being duly qualified and Clerk for the Town of Camden, Carver County, Minnesota, hereby certify that I have carefully compared the attached and foregoing excerpt Resolution No. 2007-4 Authorizing Execution of a Joint Annexation Agreement Between the City of New Germany and Camden Township, with the original Resolution on file in my office and the excerpt is a full, true and exact copy of the Resolution.

WITNESS my hand as Clerk of the Town of Camden, Carver County, Minnesota, and the seal of the Town of Camden this 2nd day of OCTOBER, 2007.


Roger Sauerbrey, Town Clerk
Town of Camden, Minnesota

I, the undersigned, Joan Guthmiller, being duly qualified and Clerk of the City of New Germany, Carver County, Minnesota, hereby certify that I have carefully compared the attached and foregoing excerpt Resolution No. 2007-23 Authorizing Execution of a Joint Annexation Agreement Between the City of New Germany and Camden Township, with the original Resolution on file in my office and the excerpt is a full, true and exact copy of the Resolution.

WITNESS my hand as City Clerk of the City of New Germany this 2nd day of October, 2007.

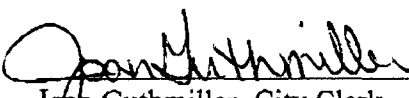

Joan Guthmiller, City Clerk
City of New Germany, Minnesota

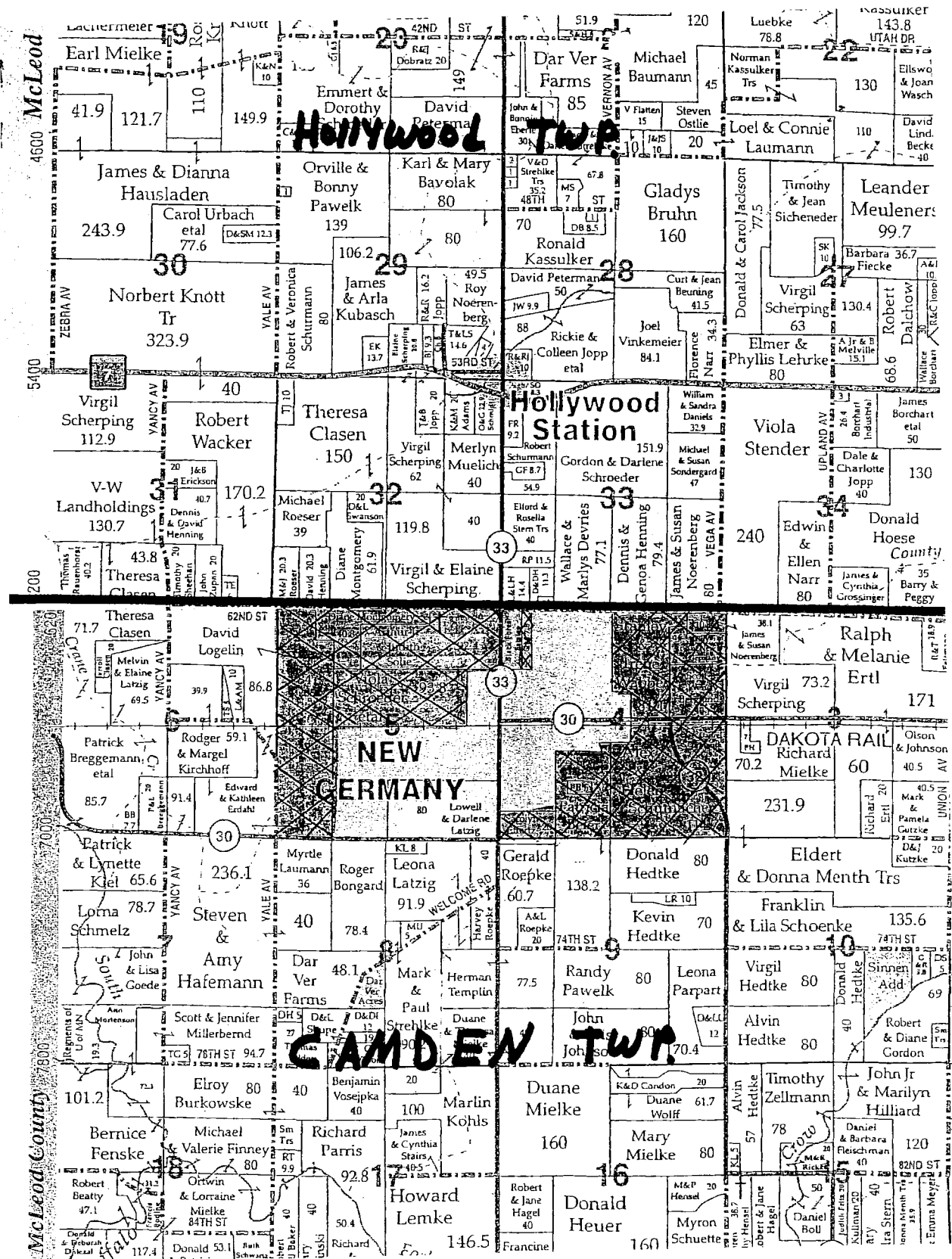
EXHIBIT 1

SUBJECT AREA LEGAL DESCRIPTION

Sections 4 and 5, Township 116, Range 26, Carver County, Minnesota, EXCEPTING THEREFROM, all that part of said sections presently situated within the municipal boundaries of the City of New Germany.

EXHIBIT 2

SUBJECT AREA BOUNDARY MAP



1998 Growth Management Plan and Land Use Table

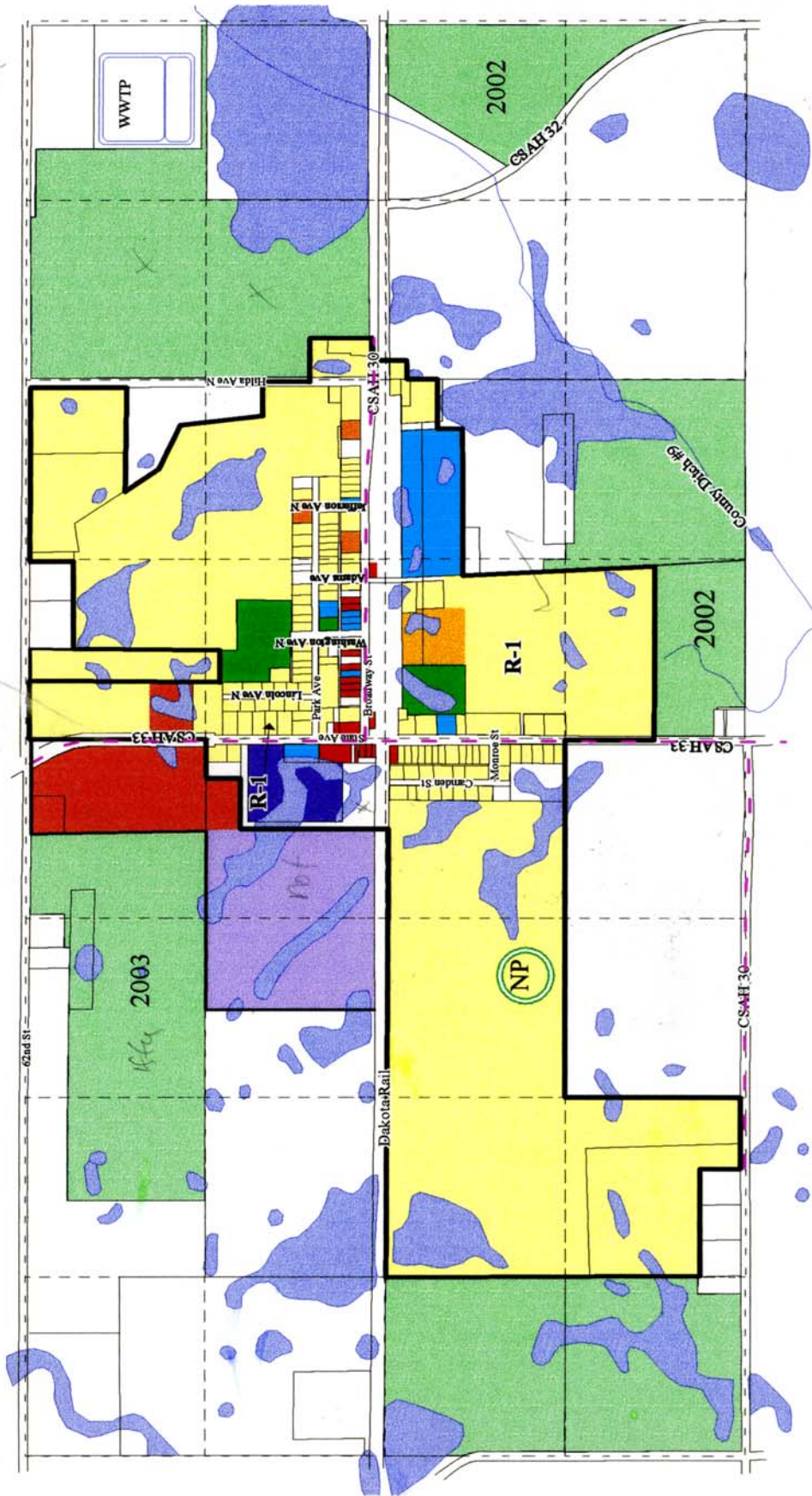
1998 Growth Management Plan

<p>TABLE #8</p> <p><u>Growth Management Plan Land Requirements (Year 2020)</u></p> <p>City of New Germany</p>				
	Projected Acres			
Land Use Category	2020 Total Land Area	Developable Land		
		Total	Within Existing City	Outside Existing City
Residential				
Single Family	274.7	236.2	229.6	6.6
Multiple Family	10.8	9.2	9.2	
Commercial	23.1	20.0		20.0
Industrial	36.1	30.9		30.9
Parks	10.6	2.0	2.0	
Public/Institutional	12.3			
Right-of-Way	30.9			
Wetlands/Floodplain	40.6			*
Vacant	5.5	5.5	5.5	
TOTAL	444.6	303.8	246.3	57.5
<p>* 14.7 acres of undevelopable wetlands are included in the "2020 Total Land Area" figure.</p>				

Growth Management Plan

City of New Germany

Figure 10



- Single Family Residential
- Multi Family Residential
- Commercial
- Industrial
- Public/Institutional
- Parks
- Agricultural Preserve
- National Wetlands Inventory
- 2002 Expiration Date
- Neighborhood Park
- Transition Area Boundary
- Trail Corridors
- 2002 Expiration Date

