

Carver County Planning Commission
Regular Meeting - **Tuesday, December 20, 2022**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of October 18, 2022, regular meeting
Pages 1-1 through 1-7
- 2.) **File #PZ20220046** – Public hearing on application by Mark Eklo for a
Conditional Use Permit amendment. (Additional Density-Wooded Lots)
Watertown Township Pages 2-1 through 2-11

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – October 18, 2022
Minutes

Members Present: Scott Wakefield, Scott Hoese, Frank Mendez, John P Fahey, Roger Storms, Matt Kerber, Greg Grazzini

Members Late: None

Members Absent: None

Staff Present: Jason Mielke, Donovan Hart, Christina Neel

Pursuant to due call and published notice thereof, the October 18, 2022, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Chairman Wakefield conducted roll call which indicated all seven board members present.

Agenda – Chairman Wakefield asked the Board if they had any changes to the agenda. Hearing none, a motion was made by Hoese to approve the agenda as printed. Grazzini seconded the motion for approval. All voted aye. Motion carried. The agenda was approved as printed.

Minutes – A motion was made by Storms and seconded by Hoese to approve the minutes from the September 20, 2022, regular meeting. All voted aye. Motion carried.

File #PZ20220041 – Erick Lenzen – Chairman Wakefield called the public hearing to order at 7:01 p.m. to consider a request by Erick Lenzen. The purpose of the public hearing was to consider a request for a CUP for adaptive re-use of an existing building in an RSD pursuant to Chapter 152 of the County Code. The property is in Section 16 of Benton Township.

The following were present: Erick Lenzen, Natalie Lenzen, Andy Steinhagen, Linda E Werp, Richard Mallett, Dayle Radde

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant received September 27, 2022

Exhibit F – Staff Report addressed to the Planning Commission and Benton Township dated October 10, 2022, and all attachments

Hart explained the applicants own an approximate .91-acre parcel in the Rural Service District (RSD) of Bongards. The parcel is improved with a house and a 66' x 58' accessory structure. A CUP was issued to the property in 2002 for a landscape business. This request is for an adaptive re-use of an existing building in the RSD to allow Mr. Lenzen to use the structure in conjunction

with his excavating business. He would also like to store up to three dump trucks, two trailers and other small pieces of equipment outside of the structure as shown on the site plan. Currently, the structure is also being used by a cabinet maker, which is a direct violation of the County Code as multi-tenant commercial buildings are not permitted. The applicant has indicated the cabinet maker will be moving out of the structure at the end of October or early November. A retaining wall, which reaches 8 feet in height at its tallest point, was also constructed without the required County permit(s). The applicable permit(s) will need to be obtained. Hart also noted that property owners along the east side of County Rd 51 have encroached on land owned by Bongards Creameries. Bongards Creameries is working with the property owners to dedicate the land that has been used by the property owners to their existing lots to rectify the issue. The location of the County Road had caused some misinterpretation of the property legal descriptions. The hours of operation for Mr. Lenzen's business are primarily unchanged. A screening plan proposes a 6-foot high fence on the northwest and north property boundaries to screen the vehicles and equipment. Environmental Services has reviewed the request and stated an operating permit is also required for annual monitoring and maintenance with a licensed SSTS service provider. The Carver County Public Works Department also reviewed the request and returned comments relating to the access width requirements and size. The applicant will need to be in contact with Environmental Services concerning requirements of obtaining a Hazardous Waste Generator's License, if applicable. The request would not cause a substantial change in the character of the neighborhood, nor would it result in a detriment to neighboring properties. The Benton Town Board reviewed the request at their October 13, 2022, meeting and recommended approval. Hart read the proposed conditions for consideration if the request is approved. If the request is denied or withdrawn, then the existing CUP, #12633, will remain in full force and effect.

Erick Lenzen had no additional comments.

Chairman Wakefield asked if the applicant had read and agrees to the 10 proposed conditions if the permit is approved.

Mr. Lenzen stated he agreed with the proposed conditions for the permit.

Andy Steinhagen, Benton Township supervisor, confirmed the Town Board's recommendation for approval with the comments as stated on the recommendation form.

Richard Mallett, 13075 County Rd 51, expressed concern with the screening requirement of a 6-foot fence. He stated it would cause snow build-up in the winter which would cause damage to the houses to the north. The drainage flows northward from the Lenzen property and additional water would not be welcomed. He stated the Lenzen property is neatly maintained and there have been no complaints. He recognized the trailers across the road on the Bongards land are not screened. He felt the proposed screening is an unnecessary requirement which would cause greater problems for the neighbors.

A motion was made by Storms to close the public hearing. The motion was seconded by Mendez.

Kerber asked for clarification on the connection between Bongards and the property where the trailers and equipment will be stored.

Mr. Lenzen explained that for years, the property owners on the east side of County Rd 51 measured the depth of their properties beginning at the center of the road. It was recently discovered that the road center is not the section line, which resulted in the encroachment of the properties onto the Bongards land. He stated that the encroachment distances range from 13 to 18 feet and Bongards has decided to dedicate 18 feet to each of the parcels to resolve the issue. This process is in the works but has not been finalized yet. He stated that the trees to the south of his property would be worked out through a lease, but Bongards will allow him to keep them and use the property. He stated everyone was shocked with the survey results because the road center had always been assumed to be the section line.

Kerber asked staff for explanation of the property lines and their origin.

Mielke explained it is often assumed that roads and road easements were measured along section lines. There are also different types of road right-of-ways. In this case, the road is not constructed in the center of the road right-of-way. He stated the aerial illustrates that the 4 lots on the east side have maintained what they thought was their easterly property line, but the survey indicated differently.

Kerber asked if there would be a conflict with the CUP and outside storage prior to the land ownership being cleared up.

Mielke stated Bongards is working with their attorneys to get the legal descriptions corrected and parcels combined. This takes time to make sure everything is correct and adding the land to these parcels will also become a part of their project, so it will be completed eventually. He felt it would not be necessary to hold up this project until that is completed, knowing it is in the works and moving forward.

Chairman Wakefield asked for a vote on the motion to close the public hearing. All voted aye. The public hearing was closed at 7:16 p.m.

Hoese stated he is a member of the Bongards Creamery Board and they fully intend to deed the additional land to the landowners. They have discussed the situation and it will get done.

Hoese asked about reason for the fence requirement, considering the neighbor's concern for snow and water damage.

Hart stated this request is similar to a contractor's yard or home-based business but is considered an adaptive re-use of a building because of its location in the RSD. The standards that are applicable or can be met are applied, and screening of outside storage is one of those standards.

Hoese asked if that standard is mandatory or if it can be varied.

Mielke explained the screening standards were recently added as part of the Zoning Code update, with language that allows for flexibility.

Hoese justified his reasoning stating Mr. Lenzen has been using the property in this manner for some time without complaints from the neighbor. The property is well-kept and if the neighbor is happy with the current situation, he would suggest that the screening requirement be removed from the conditions.

Kerber agreed with that proposal and asked if screening could be required in the future at the request of a new neighbor.

Mielke stated the conditions of a permit are established for a permit as a result of the public hearing. The CUP runs with the land so a new neighboring property owner would not have the right to impose changes in the future as long as the issued conditions are being met.

Mr. Lenzen stated he would not be opposed to establishing screening in the future if a neighbor was adamantly opposed to his operation. He would like to maintain good relations with all of the neighbors.

Mielke noted that the screening requirement in the Bongards CUP for the trailers across the road has not been established yet. This is a larger commercial operation than Mr. Lenzen's and screening was included as a part of the CUP approval.

Wakefield mentioned a chain link fence would allow snow to pass through and it can be made to be opaque by adding fabric which is seen around some businesses or solar sites.

Mielke stated those fences were established for security purposes. This would be to offer privacy for the neighbors and if they agree that they are satisfied without a fence, the Board can remove the requirement.

Wakefield stated that if a motion is made on this request, it should be clearly stated if the conditions are altered so everyone knows what is being proposed in the motion.

A motion was made by Fahey to **approve and adopt Resolution #22-15** incorporating the findings of fact and staff recommendations and removing proposed condition #6 for screening, approving the CUP for a for an adaptive re-use of an RSD building. The motion for approval was seconded by Kerber. Chairman Wakefield called for a vote on the motion. All voted aye. Motion carried.

File #PZ20220042 – Verizon Wireless – Chairman Wakefield called the public hearing to order at 7:25 p.m. to consider a request by Micah Hatley, representing Verizon Wireless. The purpose of the public hearing was to consider a request for a CUP amendment for Public Utility Buildings and Structures pursuant to Chapter 152 of the County Code. The property is in Section 4 of Dahlgren Township.

The following were present: Micah Hatley, Brian Gennrich

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant received September 23, 2022

Exhibit F – Staff Report addressed to the Planning Commission and Dahlgren Township dated October 10, 2022, and all attachments

Hart explained Verizon Wireless has owned and operated their telecommunications from this property since the 1980's. They are proposing to expand the existing building with an approximately 21,800 square foot building for additional servers and cabinets. The building addition will be accompanied by supportive infrastructure (generators, transformers, and condensers) and other site improvements such as, loop access road and parking spaces. Hart used an aerial photo to illustrate the proposal. He noted previous CUPs and amendments which were issued. The additional cabinets and servers are needed to accommodate immediate and forecasted needs of local network and telecommunications traffic and to support 5G deployment. An 8-foot high security fence surrounds the project. The exterior generators will be surrounded by an approximately 12-foot high acoustic enclosure to mitigate noise transmission. The proposed addition would require one additional employee at the site, in addition to the two employees already working there typically from 9:00 a.m. – 5:00 p.m. Additional employees, maintenance workers, delivery drivers, contractors, and network engineers visit the site occasionally. The site operates 24 hours per day, 365 days a year, with no public access. Carver County Public Works reviewed the request and commented about future construction at the railroad crossing in 2025. The main concern was that the site plan doesn't impact the area adjacent to the road and road/rail crossing. Carver County Environmental Services reviewed the proposed expansion and commended that the SSTS system must be reviewed to ensure that it is properly sized to accommodate the needs of the number of employees who currently work at the site. The site is located within the Carver County Water Management Organization (CCWMO) and will require review for stormwater management, wetland buffers, site stabilization requirements, and Best Management Practices. All CCWMO-related permits and conditions must be met prior to issuance of any building permits or beginning excavation activity. The Dahlgren Town Board reviewed the request at their October 10, 2022, meeting and unanimously recommended approval. Hart read the conditions for consideration if the request is approved. If the request is denied, the reasons for denial must be clearly stated and the existing CUP, #11720, would remain in effect.

Micah Hatley, Verizon Wireless representative, had no additional comments.

Chairman Wakefield asked if the applicant agrees with the seven proposed conditions for the permit.

Mr. Hatley stated he agrees with the proposed conditions.

Brian Gennrich, Dahlgren Township supervisor, confirmed the Town Board had no objections to the request and unanimously voted to recommend approval.

A motion was made by Fahey to close the public hearing. The motion was seconded by Hoesel. Chairman Wakefield call for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:33 p.m.

A motion was made by Hoesel to **approve and adopt Resolution #22-16** incorporating the findings of fact and staff recommendations approving the CUP amendment for an expansion of a Public Utility Building and Structure. The motion for approval was seconded by Grazzini. Chairman Wakefield called for a vote on the motion. All voted aye. Motion carried.

File #OA-PZ20220043 – Carver County – Chairman Wakefield called the public hearing to order at 7:34 p.m. to consider a request by Carver County. The purpose of the public hearing was to consider a request for amendments to the Building Code pursuant to Chapter 150 of the County Code. This request pertains to all townships in Carver County.

The following were present: Brian Gennrich, Andy Steinhagen

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Staff Report addressed to the Planning Commission and all Townships dated October 10, 2022, and all attachments

Neel explained the purpose of the draft language is to amend Chapter 150, the Building Regulations, of the County Code of Ordinances. Carver County is required by Minnesota State Statute to administrate and enforce the Minnesota State Building Code in the unincorporated areas of the County. The proposed language amendments are necessary to be consistent with the current Minnesota State Building Code. Neel explained the proposed changes by addition and deletions as shown on the screen. She noted the County Board will also hold a public hearing on November 15, 2022, with the intent to enact the ordinance. She read the suggested recommendations if the Planning Commission recommends approval of the amendments.

No one was present from the public and no township officials in attendance provided additional comments.

Mielke stated a few phone calls were made by some Township supervisors asking for clarification on the amendments, but no one expressed any conflicts or opposition. He confirmed that all Townships were notified, but staff did not attend each Township's meeting as was done for the recent Zoning Code amendments. He explained that the language amendment will allow for Uniform Building Code date changes to be updated without having to amend language in the chapter each time. Mielke stated this should have been done earlier, however, staff time and other priorities did not allow for it until now.

A motion was made by Fahey to close the public hearing. The motion was seconded by Grazzini. Chairman Wakefield call for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:39 p.m.

Mielke informed the Planning Commission that the proposed changes were reviewed by the County Attorney's Office and also the County Building Official prior to this public hearing.

A motion was made by Storms to **approve and adopt Resolution #22-17** incorporating the findings of fact and staff recommendations approving the amendments to Chapter 150, Building Regulations, of the County Code. The motion for approval was seconded by Kerber. Chairman Wakefield called for a vote on the motion. All voted aye. Motion carried.

Adjournment

A motion was made by Hoese and seconded by Mendez to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:40 p.m.

COUNTY OF CARVER
LAND & WATER SERVICES DIVISION
Department of Land Management

December 12, 2022

TO: Carver County Planning Commission & Waconia Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Additional Density - Wooded Lots)

FILE #: PZ20220046
APPLICANT: Mark Eklo
OWNER: Golf Lake Condos, LLC (Mark Eklo)
SITE ADDRESS: 11XXX 66th Street, Waconia, MN 55387
PERMIT TYPE: Additional Density (Wooded Lots)
PURSUANT TO: County Code, Chapter 152, Section 152.078 (B)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 09-003-1130

STAFF ANALYSIS:

1. Golf Lake Condos, LLC owns an approximately 8.16-acre parcel located in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) Section 3, Waconia Township. The property is undeveloped, currently wooded with no wetlands. The site is adjacent to the Dakota Rail Trail (Carver County Regional Rail Authority) and is also located in the Agricultural Zoning District, Rural Service Overlay District (Maple), and the Carver County Water Management Organization - CCWMO (Carver Creek watershed).
2. The applicant, Mark Eklo, Manager of Golf Lake Condos, LLC., is proposing to develop three (3) residential parcels on the subject property. The proposed development would result in a total of three (3) building sites (single family dwellings) along an existing township road (66th Street). The applicant is requesting a Conditional Use Permit (CUP) pursuant to the "Additional Density Options" in Section 152.078 (A) and (B) of the Carver County Zoning Code, which reads as follows:

§ 152.078 CONDITIONAL USES – ADDITIONAL DENSITY OPTIONS.

(A) General provisions.

- (1) *Effect on 1/40 or lot of record building eligibility.* Residential building eligibilities pursuant to this provision are in addition to and shall have no impact on residential building eligibilities available as a permitted use. This provision shall not prohibit the transfer of 1/40 building eligibilities pursuant to the provisions of this chapter.
- (2) *Limitation on density.* No more than four homes shall be located on a quarter-quarter section (40 acre parcel) based on the configuration of the parcel on July 1, 1974; homes subdivided from a parcel prior to July 1, 1974 shall not be considered in this calculation. In cases where the land does not follow the quarter-quarter section configuration, the shape most nearly approximating a quarter- quarter section containing 40 acres shall be used.
- (3) *Limitation on use of density options.* The issuance of a conditional use permit pursuant to "wooded and lakeshore lots" or "high amenity" provisions is prohibited on any parcel that was of record as of July 1, 1974 or any parcels derived therefrom, if at any time since December 7, 1982 a conditional use permit was issued or a rezoning occurred which provided residential density greater than that provided by the basic one per 40 or one per quarter-quarter section provisions of this chapter.

- (4) *Compliance with township chapter of the comprehensive plan.* The additional density options provided in this section shall be available only in townships which specifically provide for the option in their township chapter of the comprehensive plan. Residential development pursuant to these options shall be subject to and limited by any additional criteria or standards contained in the township plan chapter. Applications for conditional use permits pursuant to this section shall not be considered complete unless a written statement is received from the affected township stating that the application complies with the township comprehensive plan chapter.
- (5) *Road access requirement.* All lots created under the additional density options shall have frontage on: a public road existing at the time of application; or the applicant must submit evidence that the township will accept the road as a township road at some point after it is constructed in accordance with township standards; or a road will be constructed that is privately maintained but with the right-of-way dedicated to the township. All roads shall be constructed to meet the standards in the comprehensive plan, the subdivision regulations, the standards manual, and the water plan.
- (6) *Notice pertaining to agricultural uses.* A notice or acknowledgment will be required regarding the “odors, dirt dust, insects, noises, long hours of operation and other factors associated with agriculture and feedlot activities.”

(B) Wooded and lakeshore lots.

- (1) A maximum of three residential building lots may be subdivided from eligible wooded and/or lakeshore land. This provision may be exercised only once for each parcel that was of record as of July 1, 1974. The parcel from which the lots are to be subdivided was a parcel of record of 40 acres or more, a complete quarter-quarter section or a complete government lot on July 1, 1974.
- (2) Eligible land:
 - (a) Wooded land. A contiguous area of land which has trees that are confirmed to be of a desirable species, healthy and mature, 20 years or older, shade or evergreen trees with a minimum height of 10 feet. The distribution of the trees is such that there are no areas greater than ¼-acre in size not covered by canopy in the summer months; or
 - (b) The land contains lakeshore of a lake specifically listed in the township’s chapter of the comprehensive plan as eligible for lots under this provision;
 - (c) All building lots created must meet the following general criteria and the criteria specific to lot eligibility type (wooded or lakeshore). Inability to meet one or more of these criteria shall negate the eligibility for additional lots under this provision.
- (3) General criteria:
 - (a) The comprehensive plan County Policy LU-18C, no more than four homes per 40 (4 homes per ¼¼) shall not be violated.
 - (b) The lots must be a minimum of 2½ acres and must meet all of the applicable standards pursuant to this chapter.
 - (c) Each lot subdivided must contain a building site as defined by this chapter. In cases where this standard cannot be met due to soil conditions, the County Board may consider remedial actions designed by a licensed professional engineer or architect. Any actions approved by the County Board shall be binding on any and all future owners.
 - (d) Residential areas shall be located to provide the most effective buffering from through roads, agricultural areas and feedlots within the context of the other requirements and general criteria.
- (4) Additional criteria for wooded lots:
 - (a) Each lot shall contain at least 2½ acres of land that meets the criteria for eligible land. Wetlands or non-wooded steep slope (12% and over) land may be added to the lot. These lands shall not be considered wooded and shall not be counted as part of the 2½ acres of wooded land needed to qualify as a wooded lot. There may be one area of up to one acre on each lot that does not contain evenly distributed trees and is suitable for the placement of the home, primary and alternate SSTS in accordance with Chapter 52 of this code of ordinances, and a detached accessory structure.
 - (b) Except for a strip of land 30 feet or less in width used to straighten boundaries or road alignment, the lots to be subdivided must not contain land used for agricultural production. A road to serve the lots may be constructed over agricultural production land. Agricultural production is row crops and hay land that has been specifically planted and managed for the production of hay. Agricultural production land includes land temporarily out of production in accordance with a government program. Pasture land is not crop production land.

3. Waconia Township has provided for the Wooded Lot additional density option in its chapter of the 2040 Comprehensive Plan. The Wooded Lot provision may only be exercised once for each parcel that was of record as of July 1, 1974. The subject property consists of wooded area not in agricultural production and is considered eligible land. The proposed development would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼¼) based on the configuration of the parcel on July 1, 1974. Also, a Conditional Use Permit (CUP) has not been previously issued for additional density on the subject parcel. At the time the subject parcel was subdivided (File #A20160092) in 2016 by the previous owner (Hilk Family), it was documented the development rights would be retained by the subject 8.15-acre parcel. The determination was based on the area being the largest remnant amenity area of the parcel as it existed on July 1st, 1974.
4. The applicant is proposing three (3) residential lots, each meeting the 2.5-acre minimum lot size required by the Zoning Code. A total of three (3) buildable lots would be proposed as part of the development (plat) consuming the entire 8.16-acre property. Each lot would meet the requirements for public road frontage along 66th Street; therefore, no additional township roadway design or construction is being proposed. All future driveway access point locations serving each building site would need to be reviewed and approved by the Waconia Town Board, as the road authority.
5. During the preliminary platting process, the applicant must document a suitable one (1) acre building site for each lot. The concept plan illustrates the potential locations for Subsurface Sewage Treatment Systems (SSTS) on each lot. A licensed SSTS professional has provided appropriate soils reports for the County's review. Environmental Services has reviewed the material and conducted a site visit. In an email dated November 30, 2022, Senior Environmentalist Jacob McLain reported "All lots include suitable areas for primary and alternative sites. Soils have been reviewed and approved."
6. Mike Wanous, District Manager of the Carver Soil & Water Conservation District, reviewed the proposed parcel subdivision and in an email dated December 5, 2022, had the following comments:
 - *If approved, the permits should acknowledge that any concentrated water flows (swales, culverts under the road) should be protected and not disturbed. It appears a natural swale is present on the east and west lots.*
 - *Given the significant slope to the south, perimeter controls should be used and all disturbed areas should be stabilized and seeded as soon as possible after disturbance.*
7. The development falls under the CCWMO Water Rules provisions. The individual lot owner(s) would be required to comply with the CCWMO Water Rules Standards. Each lot would be subject to review and approval by Carver County Planning and Water Management Department pursuant to Chapter 153. More specific details for each lot would need to be submitted to Carver County Planning & Water Management at the time of design for review and approval prior to the issuance of building permit(s) on individual lots.
8. Since the proposed subdivision is adjacent to the Dakota Rail Trail, a review was conducted by Marty Walsh, Parks & Recreation Director. In an email dated November 29, 2022, Mr. Walsh noted that due to the height of the railroad grade on which the trail is built, the proposed residential development would not impact the recreational amenity. However, future homeowners "should be advised that we do not provide fencing of railroad property. Access to the corridor/trail is via roadways or other trail connections officially."
9. The entire layout as proposed will properly be addressed during the preliminary plat process.
10. The Waconia Town Board reviewed and recommended approval of the request during their November 14, 2022, meeting with the comment: "Preliminary approval of concept plan as drawn."

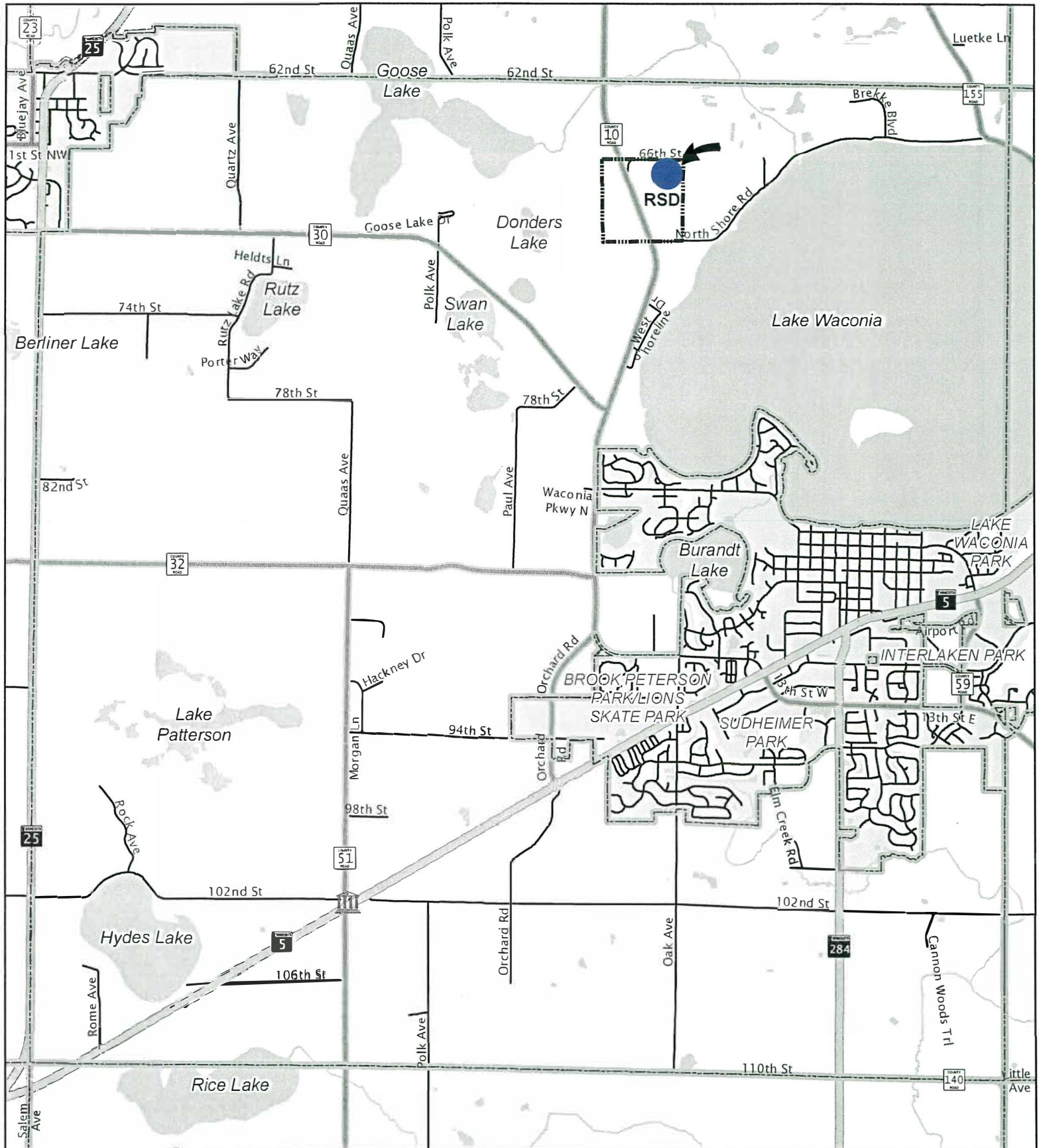
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Additional Density Option "Wooded Lots" permit application, the following conditions should be considered part of the permit:

1. Three (3) residential lots are permitted, provided the building site requirements and minimum lot standards are satisfied. The entire subject property shall be platted in accordance with M.S. Chapter 505 and the Carver County Code. A total of three (3) buildable lots (building eligibilities) shall be properly addressed as part of the platting process.

2. The proposed lots must have a one-acre building site, which shall be reviewed as a part of the Platting Process. Primary and alternate SSTS locations for each building site must be submitted with the application for preliminary plat. SSTS locations must be identified by a licensed SSTS contractor, for review/approval by the Environmental Services Department. It shall be the responsibility of the property owner to preserve and protect the soil treatment and dispersal areas from compaction, building, or other activities which could conceivably limit the use of the sites for sewage treatment and dispersal. The building sites must be located so that all buildings and SSTS systems shall meet County Code setback requirements.
3. The lots shall be laid out on the preliminary plat substantially as agreed upon by the Township, the County, and the developer during the Conditional Use Permit (CUP) process. The preliminary plat shall stipulate, at a minimum, the building eligibility status for each parcel, a statement regarding agricultural uses in the area, and the protection of environmentally sensitive land(s). The potential for future easement(s) shall be evaluated during the preliminary platting process.
4. Access permits must be approved by Waconia Township (road authority) prior to any work occurring within the proposed interior road right-of-way.
5. As a part of the platting process the applicant will develop covenants to be filed with the plat. The covenants will address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
 - B. A covenant stating that the area is rural in nature and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notification must be provided regarding “odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities”. Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the “A” district.
 - C. If the home sites include any environmentally sensitive land then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he will have to submit percolation tests and soil borings for another site before any building permit will be issued.
6. The above-required covenants shall become part of the permit.
7. A completed CCWMO Water Rules application, with required attachments, shall be submitted with the Preliminary Plat application, if applicable.
8. Driveways and drainage ways will be designed so that public utilities can be installed at a later date.

WACONIA TOWNSHIP

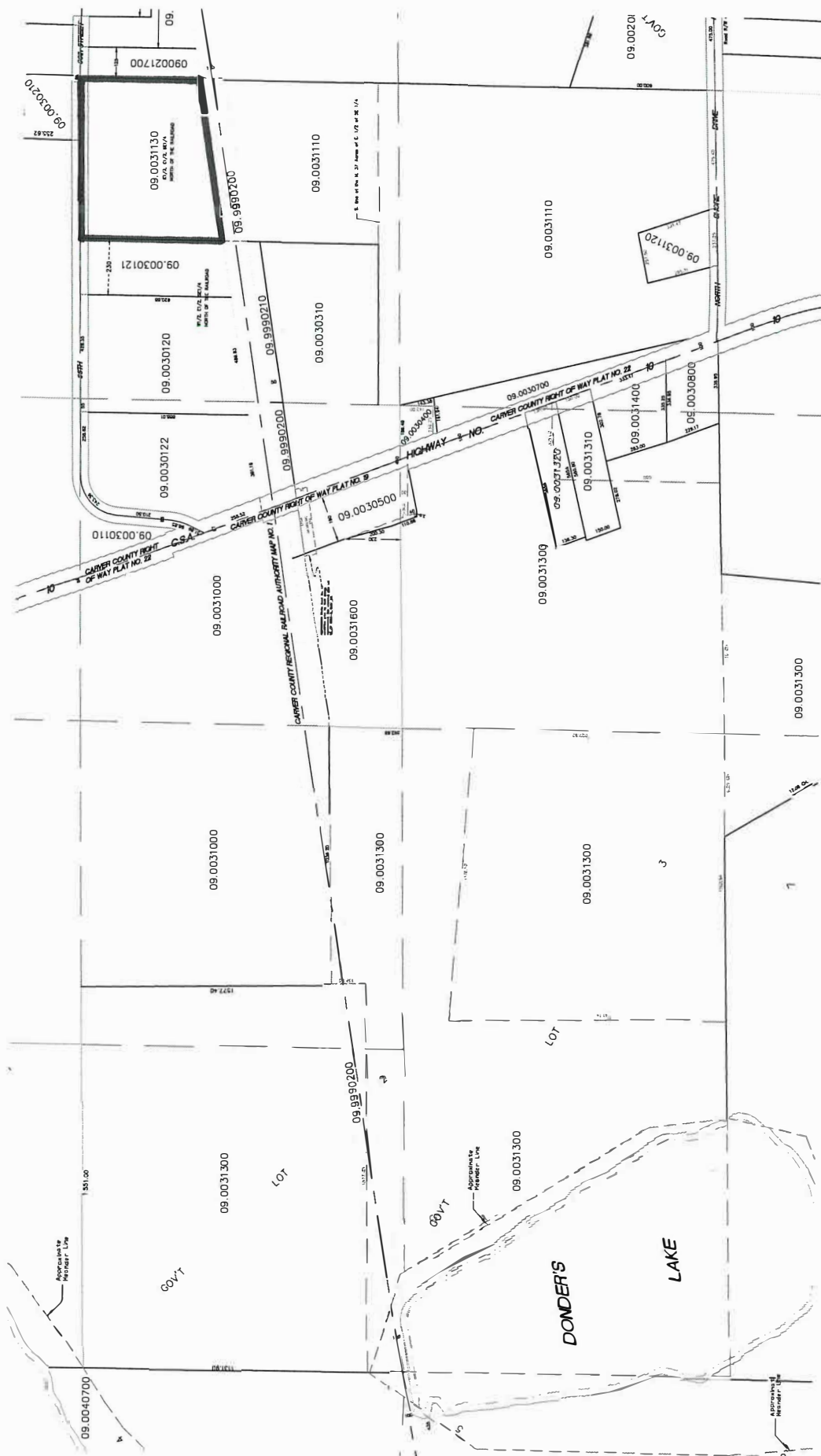


This map was created using Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
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IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
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**Mark Eklo, Manager
Golf Lake Condos, LLC
3360 Bavaria Road
Chaska, MN 55318
(813) 777-0015**

November 18, 2022

Carver County Land Management Department
600 E. 4th Street
Chaska, MN 55318

RE: PID #09.0031130
Conditional Use Permit Applications
Three (3) Wooded Lots - Additional Density

Dear Planning Commission,

I've recently purchased an 8.16-acre property in Section 3 of Waconia Township. I'm requesting approval of three (3) additional building lots pursuant to the additional density provision in the Carver County 2040 Comprehensive Plan and Carver County Zoning Code.

The 8.16 acres is thickly wooded with many mature oak and maple trees covering the entire property. I would like to do three (3) 2.5+ acre lots encompassing the entire property. All lots would meet the Zoning Code and subdivision requirements. I have submitted to the Land Management Department included a concept plan of my intentions, an application, and the approval of the Waconia Town Board.

Thanks for your consideration. Please contact me if you have any questions.

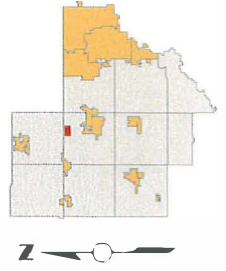
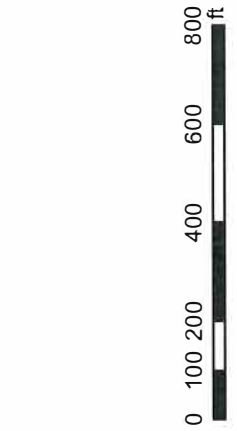
Sincerely,
Mark Eklo

GOLF COURSE CONDOS, LLC PROPERTY

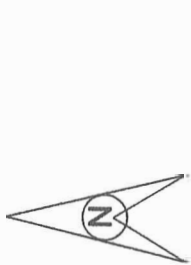
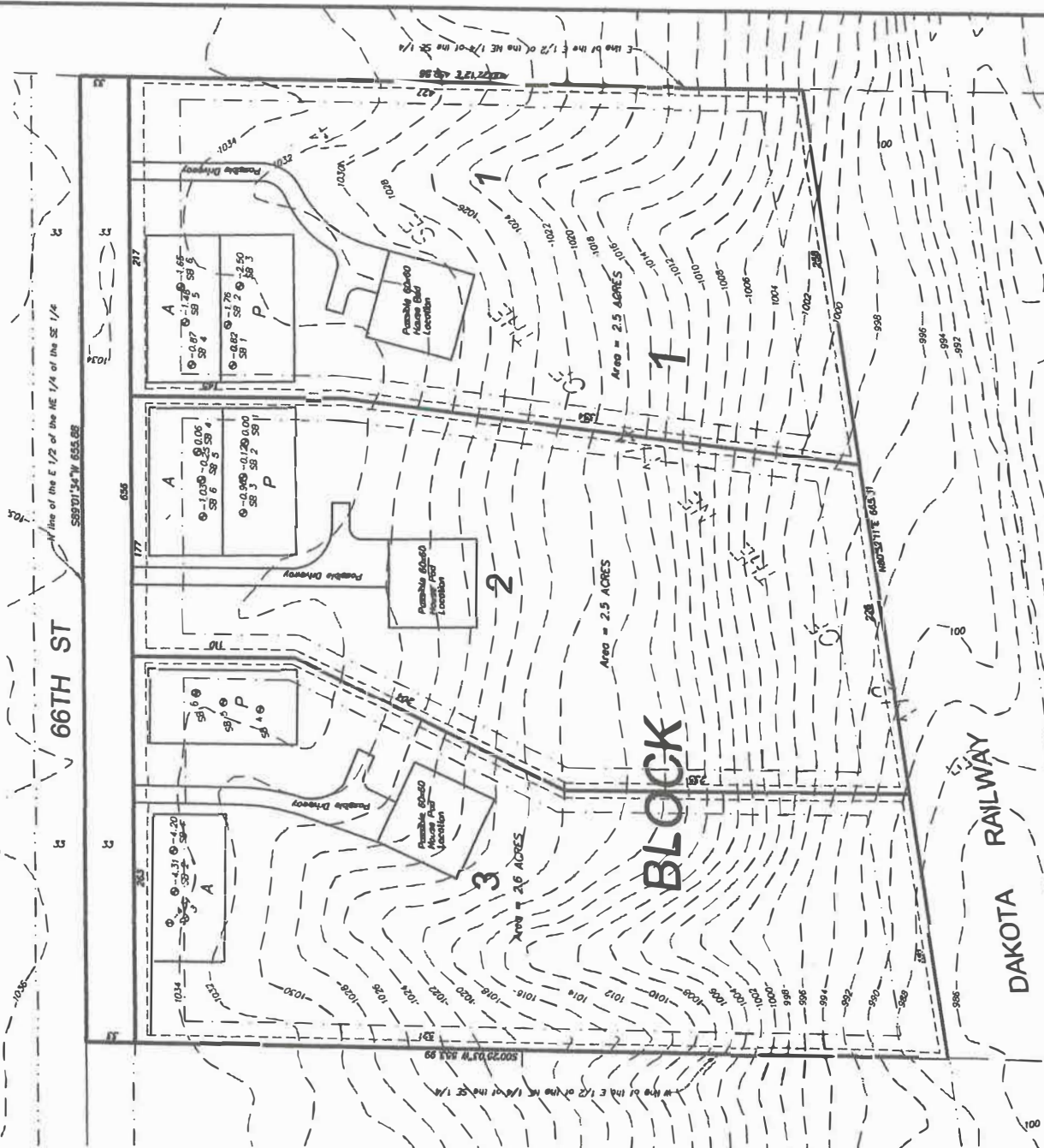


Date: 12/12/2022

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



Concept Plan



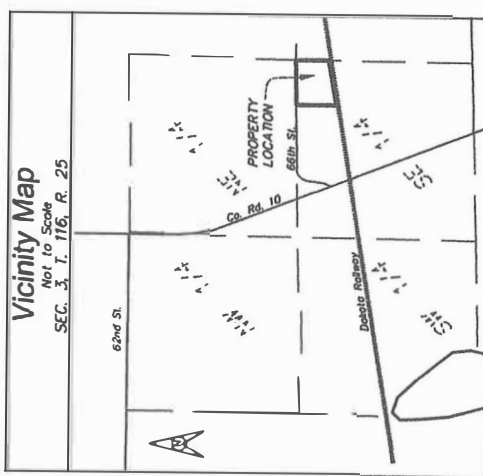
Total Property Area = 8.13 Acres

- LEGEND**
- 988 denotes Existing Contour
 - denotes Building Setback Line
 - Front = 65' from Centerline
 - Side = 15'
 - Rear = 30'
 - denotes Drainage & Utility Easement
 - Front = 10'
 - Side = 5'
 - Rear = 5'

Property Description:

That part of the East half of the Northeast Quarter of the Southeast Quarter of Section 3, Township 116, Range 25, Carver County, Minnesota that lies northerly of the northerly right-of-way of the Dakota Railway.

Note: Septic basins and design by Muehlebach Inc.
 1. Topography is from County files.
 2. A boundary survey has not yet been completed.



Concept Plan on part of the E 1/2 of the NE 1/4 of the SE 1/4 of Sec. 3, T. 116, R. 25 Carver County, Minnesota

Prepared: 11-16-22 B.M.H. SEPTIC SIRS & SIRS
 11-18-22 B.M.H. SEPTIC SIRS & LOT MARKING

Paul E. Eklo
 License #40062 Date: 11-18-22

Date: 11-10-22
 Drawn By: T.R.K.
 Scale: 1"=50'
 Checked By: P.E.O.



www.tpoassociates.com
 9 West Division Street
 Buffalo, MN 55313
 (763) 682-4727
 Fax: (763) 682-3522

• denotes iron monument found
 o denotes 1/2 inch by 1/4 inch iron pipe set and marked by License #40062

Project No. 22-0410



Township Presentation & Recommendation Form

PARCEL #	09.0031130	Permit #	PZ20220046
Owner's Name:	Golf Lake Condos, LLC MARK EKLÖ mgr	Owner's Mailing Address:	3360 BAVARIAN RD
City:	Chaska	Owner State:	Mn
		Owner Zip:	55318
Applicant (if other than owner):		Site Address:	

Type of Request:	☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal
Description of Request:	
Additional Density option 3 lots	
Date of County Public Hearing:	12/20/2022
Date of Township Meeting:	11/14/22

Actions:

Township Action Taken:
☒ Recommends approval and use of the Township Road (if applicable) with the following comments: ☐ Recommends denial for the following reasons: ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:
Preliminary Approval of Concept plan as drawn

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Mark Eklö mgr Golf Lake Condos, LLC Signature of Applicant	Date 11/17/22
[Signature] Signature of Township Official	Date 11-17-22

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-003-1130

File# PZ20220046

APPLICANT: Mark Eklo

OWNER: Golf Lake Condos, LLC

* * * * *

That part of the East Half of the Northeast Quarter of the Southeast Quarter of Section 3,
Township 116, Range 25, Carver County, Minnesota, that lies northerly of the northerly right-of-
way of the Dakota Railway.