

Carver County Planning Commission
Regular Meeting - **Tuesday, September 21, 2021**
Commissioners' Meeting Room
2nd Floor Social Services Wing
Government Center - Chaska

AGENDA

7:00 P.M.

- 1.) Approve minutes of August 17, 2021, regular meeting
Pages 1-1 through 1-3

- 2.) **File #PZ20210052** – Public hearing on application by Heidi Dalbec for a
Conditional Use Permit. (Contractor's Yard)
Watertown Township Pages 2-1 through 2-9

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – August 17, 2021
Minutes

Members Present: Scott Smith, John P Fahey, Mark Willems, Scott Wakefield, Roger Storms,

Members Late: None

Members Absent: Greg Grazzini, Frank Mendez

Staff Present: Jason Mielke, Christina Neel

Pursuant to due call and published notice thereof, the August 17, 2021, regular meeting of the Carver County Planning Commission was called to order by Chairman Smith at 7:01 p.m.

Minutes – A motion was made by Willems to approve the minutes from the July 20, 2021, regular meeting. Storms seconded the motion for approval. All voted aye. Motion carried.

File #PP-PZ20210047 – Misthaven, LLC – Chairman Smith called the public hearing to order at 7:01 p.m. to consider a request by Ted Holsten, representing Misthaven, LLC. The purpose of the public hearing was to consider a request for a preliminary plat pursuant to Chapter 151 & Chapter 152, Section 152.078 of the County Code. The property is located in Section 8 of San Francisco Township.

The following were present: Ted Holsten, Linda Holsten, Larry Schmidt

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

Exhibit F - Letter to the Planning Commission and San Francisco Township dated August 9, 2021, and attachments

Mielke stated the subject parcel was recently granted a Conditional Use Permit (CUP #PZ20210028) allowing for the development of three (3) high amenity lots. With that approval, the applicant is now seeking approval of the preliminary plat for the Misthaven Estates subdivision. This subdivision consists of three (3) residential lots and a new Township road, Misthaven Lane, which would provide appropriate road frontage for each lot. The proposed property consists of wooded and wooded area with native grasses not in agricultural production. Mielke further explained the qualifications and definition for high amenity lots according to the Zoning Code. Copies of the preliminary plat were sent to the appropriate government agencies, utility companies, and other local service companies. Comments were received from Carver County Public Works Department and Northern Natural Gas which were included in the packet. The proposed plat configuration conforms with the density regulations of the Zoning Code as the lots are laid out in

a manner not to exceed more than four (4) houses per quarter-quarter. The lot sizes range from 2.7 acres to 3.5 acres and each lot has a defined building site of 1-acre or more which would meet all setback requirements. Prior to issuing a building permit, the permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater and allow for positive drainage on the property. The newly constructed Township Road (Misthaven Lane) would be built to Township standards and a Developer's Contract would be required. The road would be privately maintained until such time as the Township agrees to take over the maintenance responsibilities. Each lot has appropriate road frontage to meet access separation standards on the proposed Misthaven Ln. Drainage and utility easements and SSTS sites have been identified for each lot. The covenants submitted with the application would need to be reviewed and approved by the County Attorney's Office prior to the approval of the final plat. On April 4, 2021, the property was analyzed by a professional wetlands delineator who determined there are no wetlands on this portion of the property. The parcel is located within the jurisdiction of the CCWMO, who would issue a combined erosion and sediment control and stormwater permit, if necessary. The SWCD would also be involved in reviewing erosion/sediment control measures during the building permit process and plans as they relate to water rules, WCA, and stormwater pollution prevention plan. The preliminary plat as presented appears to meet all of the requirements of the applicable County Zoning Code and Subdivision Ordinance. The San Francisco Town Board reviewed and recommended approval of the preliminary plat at their July 19, 2021, meeting. Mielke read the proposed conditions for consideration if the request is approved. He stated Condition #5 is duplicated and would be removed from consideration.

Ted Holsten, 4785 Hodgson Rd, confirmed he has read and reviewed the information and had no additional comments.

Larry Schmidt, San Francisco Township supervisor, confirmed the Board's unanimous vote to recommend approval of the preliminary plat. He noted this is a very good use for this property as it is not productive ag land.

Willems stated that the new road could potentially be privately maintained forever if the Township does not take on the maintenance responsibility.

Mr. Holsten stated he was not aware of that but did not have a quarrel with that seeing that the road would be used continually and maintained by the owners of the three (3) lots.

Mr. Schmidt confirmed the fact that the township is not currently taking responsibility for any new roads and further stated that the maintenance would fall onto the developer and the lot owners to create their own association.

Smith asked about the membership makeup of the LLC and if they are all in agreement with this proposal.

Mr. Holsten stated there are approximately nine (9) members making up the LLC who are all family members, with only two (2) as voting members.

A motion was made by Willems to close the public hearing. Fahey seconded the motion. All voted aye. Motion carried. The public hearing was closed at 7:27 p.m.

Fahey asked for more information concerning the developer's contract and approval.

Mielke explained that the developer's contract is drafted by staff who then forwards the document to each department for their review and approval. The document can be at least 5 to 6 pages and identifies the developer and the road contractor. The contractor needs to provide information about the construction as there is a 2-year guarantee on the road. The Township would be given the opportunity to review the document and the road construction plans and formally be included in the development contract with Town Board Chair and Clerk signatures as proof of their approval. The document also addresses stormwater and other erosion control measures required by the Planning & Water Department. Construction could begin this fall if everything falls into place and all the information and reviews and signatures are obtained. Or, it may be delayed until next spring, depending upon the developer's preference and the developers selected contractor's schedule. The developer's contract is managed by the Land Management Department and the final approval is through a County Board Resolution.

Wakefield asked if a performance bond is required as a part of the developer's agreement.

Mielke confirmed that a bond is required as a part of the developer's agreement, if the developer is going to pursue the final plat approval prior to the road improvements being completed. The amount of the bond is equal to 125% of the cost of the project. Mielke explained that in most cases, the road is constructed prior to the final plat. If the developer/property owner wants to move forward to file the final plat, then he would be responsible for securing the funds for the project.

A motion was made by Fahey to **approve and adopt Resolution #21-11** incorporating the findings of fact and staff recommendations in approving the Preliminary Plat – Mithaven Estates. Willems seconded the motion for approval. All voted aye. Motion carried.

Mr. Holsten asked about the next steps toward the final plat.

Mielke explained the process for the developer's agreement and the funds secured for the cost of the road improvements.

Adjournment

A motion was made by Willems to adjourn the meeting. Wakefield seconded the motion for adjournment. All voted aye. Motion carried. The meeting was adjourned at 7:35 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

September 13, 2021

TO: Carver County Planning Commission & Watertown Town Board
FROM: The Land Management Department
SUBJECT: Application for a Conditional Use Permit (Contractor's Yard)

FILE #: PZ20210052
APPLICANT: Heidi Dalbec
OWNER: Heidi Dalbec
SITE ADDRESS: 2680 County Rd 127, 55328
PERMIT TYPE: Conditional Use Permit - Contractor's Yard
PURSUANT TO: County Code, Chapter 152, Section 152.079 C (10)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 10-012-0100

BACKGROUND:

1. Heidi Dalbec owns an approximate 20.14-acre parcel in the North Half (N½) of the Southwest Quarter (SW¼) of Section 12, Watertown Township. The parcel is improved with a single-family dwelling with an attached garage, and a 64'x33' pole building. This property is located in the Agricultural Zoning District and the CCWMO (Crow River watershed).
2. The applicant is requesting a Conditional Use Permit (CUP) to operate a Contractor's Yard pursuant to Section 152.079 C (10) of the Carver County Zoning Code, which reads as follows:

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

(A) Minimum criteria for issuance of permit:

- (1) Minimum five-acre lot size; unless another size is specified under a particular provision;
- (2) Sewage can be managed in accordance with Chapter 52 of this code of ordinances;
- (3) Land is not subject to the land use restrictions of an AG preserve covenant;
- (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless written approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect;
- (5) There is a single-family home on the parcel occupied as a homestead by a principal of the activity; or a single-family home will be constructed or homesteaded before the CUP for the activity is issued;
- (6) The scale and operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs—traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal—that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions:

- (1) Permit shall be subject to administrative review or compliance review as set by the permit. A change in ownership, operations or operator shall be cause for the permit to be reviewed to determine whether an application for an amendment or similar consideration is necessary.
- (2) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The operational plan and site plan shall become part of the permit.

- (3) Outside storage is prohibited unless the storage area is adequately screened from nearby roads and residences.
 - (4) The operational plan and site plan shall become part of the permit.
 - (5) The applicant must submit a copy of workers' compensation insurance or sign an affidavit stating that he or she will not have any employees.
 - (6) All buildings utilized by the operation must meet the State Building Code.
- (C) Activities.
- (10) Contractor's yards.
 - (a) This subsection is intended to provide for contractor's yards established after January 1, 1989. A contractor's yard is a site used for storage of equipment and supplies by a contractor in the operation of his or her business. For purposes of this subsection a contractor is a person whose business is contracting work in any of the building trades, landscaping, road building, sewer installation, or has at least two trucks, but fewer than ten used to supply a service to local communities.
 - (b) The business shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.
 - (c) Site shall not be located within the Shoreland Overlay District or the Floodplain Overlay District.
 - (d) Employees, except office personnel, report to the site only for the purpose of picking up equipment and supplies, necessary fabrication and general maintenance.

STAFF ANALYSIS:

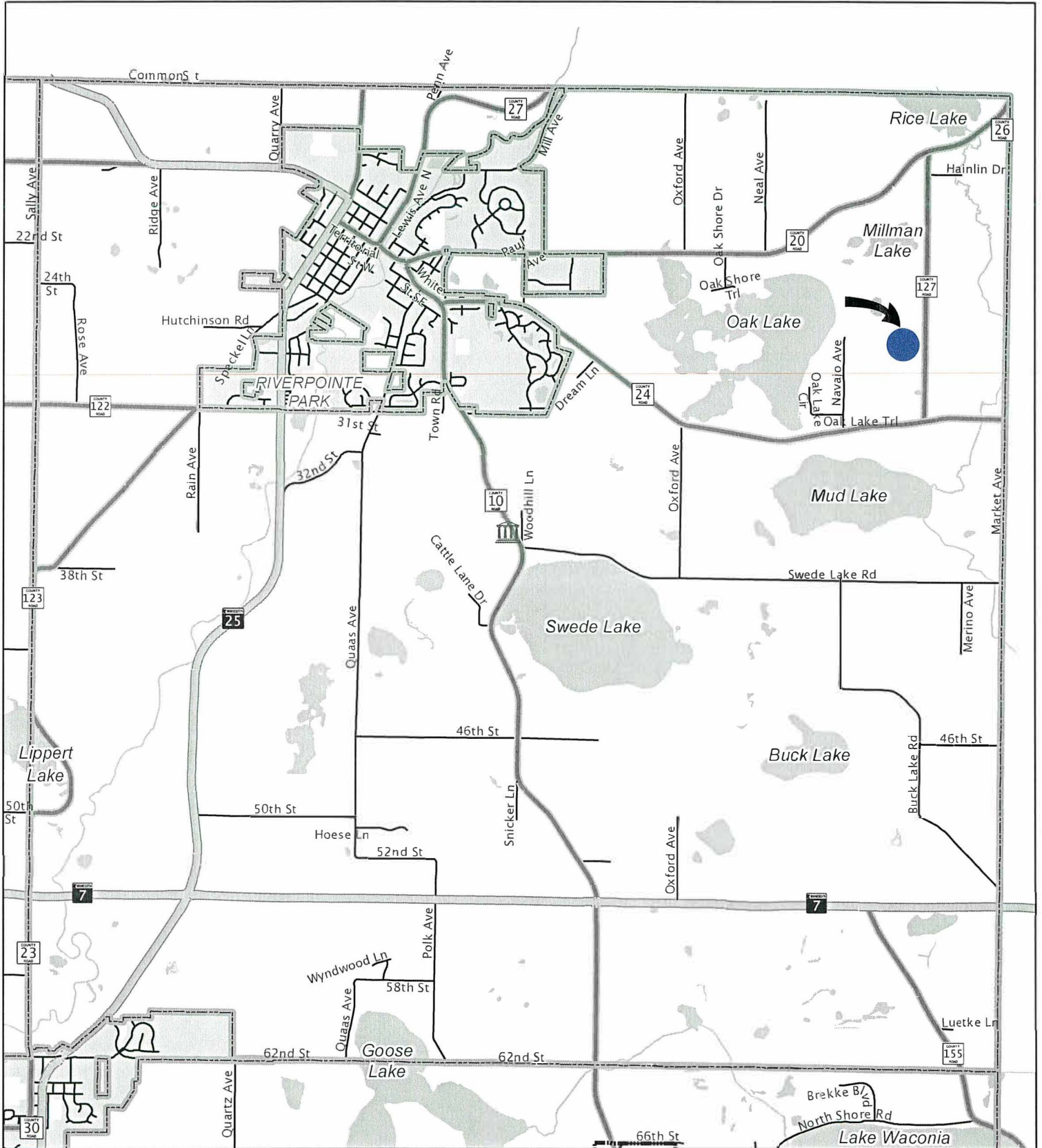
1. Ms. Dalbec purchased the subject property in 2014 and is now requesting to use a portion of the subject property for a Contractor's Yard (HD Landscape, Inc) with the potential for outside storage on the existing graveled pad area.
2. Ms. Dalbec stated in her letter, dated August 24, 2021, that she would use the existing 64' x 33' pole barn (approximately 2,112 square feet) for the new Contractor's Yard business. She also stated that in addition to herself, there are 1-2 other seasonal employees of the business who would be on-site Monday-Friday, 7am-5pm, April-November. There would no employees on-site December-March. Employees reporting to the property would park their personal vehicles in a designated area within the operational area, gather equipment and take work vehicles to the job sites. The operation would consist of four (4) business-related vehicles and three (3) trailers. The number of trips generated to the site would total approximately 2-4 per day, with access from County Road 127. The applicant has indicated a portable toilet on-site would be utilized and serviced once per week from April-November for employee use.
3. The submitted site plan identifies an area east of the proposed building for temporary outside storage of materials. In addition to this storage area, one vehicle associated with this business would also be kept outside. Because there are only four vehicles related to the business and no customers would visit the subject location, no additional parking areas have been included in this proposal. The applicant has indicated she does not have plans to place screening vegetation at this time but would be willing to do so if required along the outdoor storage area. The applicant appears to meet the minimum standards for a Contractor's Yard CUP.
4. The applicant is not proposing any signage at this time, although if signage is proposed in the future, it would be required to meet the standards of Chapter 154 of the County Code; not to exceed 32 square feet of surface area. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush.
5. On September 7, 2021, this request was reviewed by Senior Environmentalist, Joe Enfield. Mr. Enfield stated that the applicant would be required to provide a copy of the current signed contract for the portable toilet use.
6. On September 10, 2021, this request was reviewed by Angie Stenson, Senior Transportation Planner for Carver County Public Works. Ms. Stenson stated that the access location for the proposed use and traffic is consistent with County policy, and the applicant should coordinate with Public Works for required driveway specifications.
7. The Watertown Board reviewed the request at their September 7, 2021, Town Board meeting and recommended approval with no additional conditions being requested.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Conditional Use Permit application for a Contractor's Yard, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The Permittee shall maintain homestead status on the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
2. The operation shall be substantially in accordance with the submitted operational plan and site plan (dated: 8/24/2021). These plans shall be requirements of this permit. Any proposed expansion of the submitted site plan shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary.
3. Any future remodeling or improvements of the proposed accessory structure shall require staff review and possible CUP review by the Carver County Planning Commission and Board of Commissioner's. Future construction of any new structure(s) to be utilized as part of the business, shall require a review of the CUP by the Carver County Planning Commission and Board of Commissioner's.
4. The Contractor's Yard must comply with the Subsurface Sewage Treatment System requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances. The applicant shall provide the Carver County Environmental Services Department a copy of current signed contract for portable toilet use and submit annually thereafter a copy.
5. Permittee shall comply with all road authority (Carver County Public Works) requirements and coordinate a field visit to determine if existing driveway is adequate for described contractor's yard activities.
6. A maximum of four (4) business vehicles (including, but not limited to: commercial trucks utilized to supply the service) and 3 trailers may be stored and/or permitted on the site. All outside storage shall be screened from neighboring properties and the public road and all business-related trucks, equipment and supplies shall be stored within existing structures and/or the approved operational area. The permittee that maintain at least 15' setback from north property line to adjoining neighbor for all storage and related activities.
7. The permittee shall obtain and maintain a Non-generator's Certificate or contact the Environmental Services Department to obtain a Hazardous Waste Generator's License, if required.
8. The permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit to the Land Management Department.
9. The entire operation shall comply with all local, state and federal regulations.

WATERTOWN TOWNSHIP



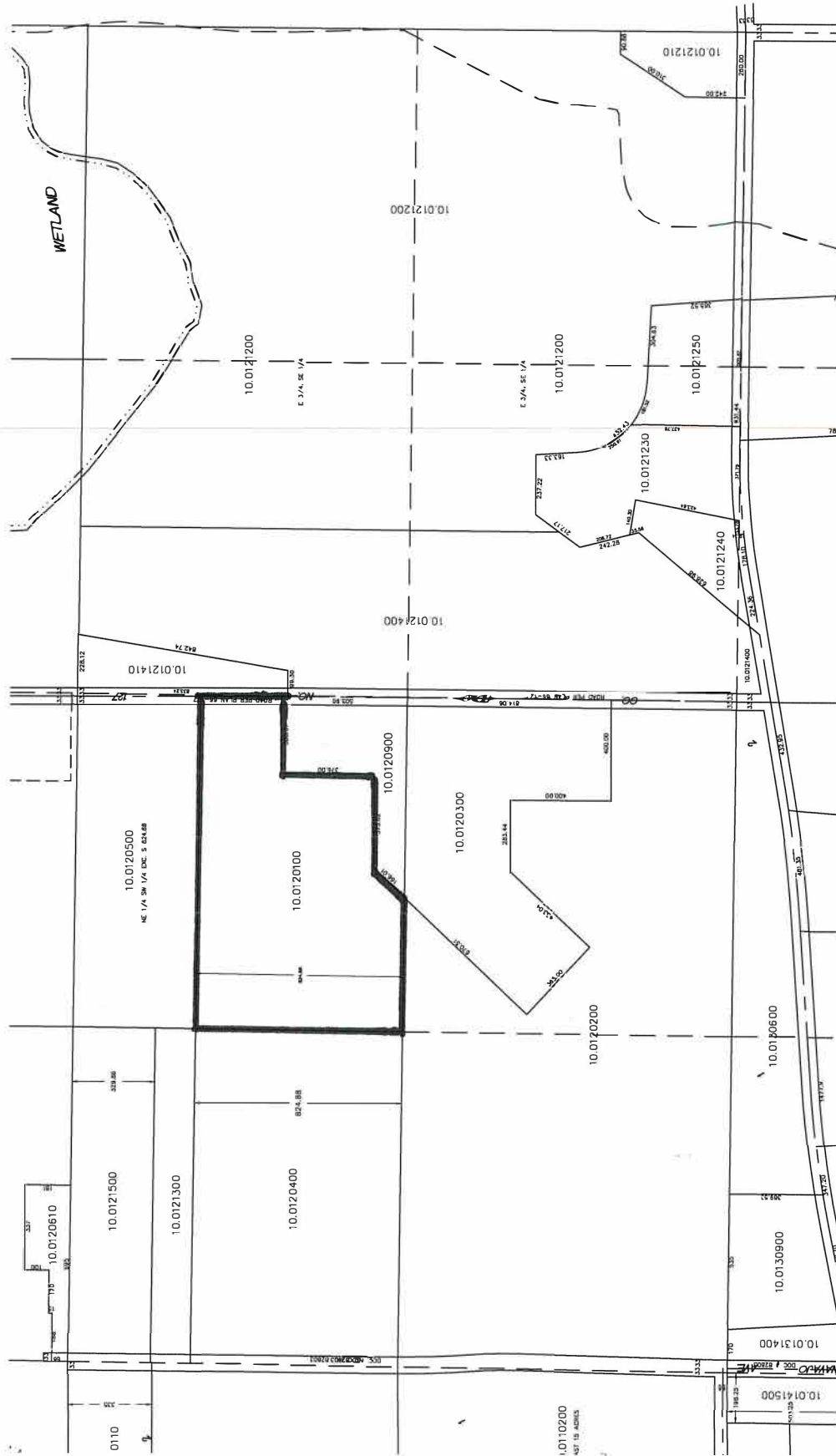
This map was created using Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

S 1/2 SEC. 12, T.117, R.25

THIS IS NOT A LEGALLY RECORDED PLAT.
 IT IS A PRELIMINARY SURVEY MAP.
 AS SUCH, IT IS NOT TO BE USED FOR
 ANY PURPOSES OTHER THAN FOR
 INFORMATIONAL PURPOSES ONLY.
 IT IS NOT TO BE USED FOR ANY
 PURPOSES OTHER THAN FOR
 INFORMATIONAL PURPOSES ONLY.
 IT IS NOT TO BE USED FOR ANY
 PURPOSES OTHER THAN FOR
 INFORMATIONAL PURPOSES ONLY.



HD LANDSCAPE, INC.- CONDITONAL USE PERMIT APPLICATION
2680 COUNTY ROAD 127
DELANO, MN 55328
(WATERTOWN TOWNSHIP)

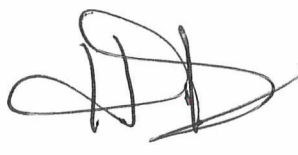
OPERATIONAL PLAN 2021

I, Heidi Dalbec, am the owner/operator of a small landscape/gardening business, HD Landscape, Inc. I am applying for a conditional use permit to run my business out of my property in which I reside. I would like the existing pole building(64'x33') and gravel driveway area surrounding it to be designated as business use(see aerial photo for area highlighted in orange). My business consists of myself & 1-2 employees (depending on time of year) that report to my property for work. Employees then park their personal vehicles, gather equipment, and head off to jobsite(s) in a work vehicle, reporting back to my property at the end of work day to park work vehicles. Bulk materials needed for jobs are delivered directly to our jobsites from my various vendors. I currently have 4 work related vehicles & 3 work related trailers. 2 work vehicles leaving/returning to my property per day, that equals 4 trips on average. We work M-F 7am-5pm April-Nov. Dec- March no employees to my property. I have a portable toilet on my property for employees to use(mini Biff, Hutchinson), they do not use the bathrooms within the dwelling. We have no screening proposed as of now, would be willing if required. However, we are very tidy with our small number of things, very far away from road frontage (800'), very far away from neighboring residences(1000'+ in every direction), and not encroaching on the views of others. No signage is used. No customers entering my property, as well as no retail sales conducted, no public access. Mini biff enters 1x per week April-Nov to pump the portable toilet.

I would like to add that outside of business related activities, we have 45 acres (2 adjacent properties), which require maintenance. We have planted numerous native trees/shrubs/pollinator plants, we have been removing invasive plant species continuously, we converted the tillable acreage from row crop to organic hay, all of these personal property tasks require equipment (3 personal trailers, tractors, implements, and materials) to be onsite for completing. Our personal vehicles rotate quite frequently, at any given time we may have up to (6) personally owned vehicles at my property.

Thank you for your consideration.

Heidi Dalbec



8/24/2021



DALBEC CONTRACTOR'S YARD





Township Presentation & Recommendation Form

PARCEL # <u>100120100</u>	Permit # <u>PZ20210052</u>
Owner's Name: <u>Dalbec</u>	Owner's Mailing Address: <u>2680 City Rd 127</u>
City: <u>Delano</u>	Owner State: <u>MN</u> Owner Zip: <u>55328</u>
Applicant (if other than owner):	Site Address: <u>2680 City Rd 127</u>

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal

Description of Request:

CUP for contractor yard

Date of County Public Hearing: 9/21/21 Date of Township Meeting: 9/7/21

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:

Township recommends approval
of this request for a
contractors yard CUP
for this property

****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.

Signature of Applicant

Date

Signature of Township Official

Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-012-0100

File# PZ20120052

APPLICANT/OWNER: Heidi Dalbec

* * * * *

The South 824.88 feet of the NE1/4 of the SW1/4 of Section 12, Township 117, Range 25, Carver County, Minnesota.

EXCEPT a tract of land described as follows: Beginning at the southeast corner of said North Half of the Southwest Quarter; thence northerly along the east line of said North Half of the Southwest Quarter, on an assumed bearing of North 00° 23' 30" East, 505.96 feet; thence West, 308.37 feet; thence South 376.00 feet; thence West 373.02 feet; thence South 43° 01' West, 165.93 feet, more or less, to the south line of said North Half of the Southwest Quarter; thence easterly along said south line, on an assumed bearing of South 89° 22' 30" East, 791.16 feet, more or less, to the point of beginning, containing 4.86 acres, more or less.

DRAFTED BY: Carver County Land Management Department