

Carver County Planning Commission
Regular Meeting - **Tuesday, August 17, 2021**
Commissioners' Meeting Room
2nd Floor Social Services Wing
Government Center - Chaska

AGENDA

7:00 P.M.

- 1.) Approve minutes of July 20, 2021, regular meeting
Pages 1-1 through 1-5
- 2.) **File #PP-PZ20210047** – Public hearing on application by Ted Holsten,
representing Mithaven, LLC, for a preliminary plat.
(Preliminary Plat – Mithaven Estates)
San Francisco Township Pages 2-1 through 2-21

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – July 20, 2021
Minutes

Members Present: Scott Smith, Greg Grazzini, Mark Willems, Scott Wakefield, Roger Storms, Frank Mendez

Members Late: None

Members Absent: John P Fahey

Staff Present: Jason Mielke, Christina Neel, Nancy Buckentine

Pursuant to due call and published notice thereof, the July 20, 2021, regular meeting of the Carver County Planning Commission was called to order by Chairman Smith at 7:00 p.m.

Since this was the first in-person meeting held after the Covid-19 restrictions were removed, each board member introduced himself and was recognized.

Minutes – A motion was made by Mendez to approve the minutes from the June 15, 2021 regular meeting. Willems seconded the motion for approval. All voted aye. Motion carried.

File #20210042 – Adam Glander – Chairman Smith called the public hearing to order at 7:01 p.m. to consider a request by Adam Glander. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 8 of Benton Township.

The following were present: Adam Glander, Andy Steinhagen, Marlaine Gnan

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 dated July 7, 2021

Exhibit F - Letter to the Planning Commission and Benton Township dated June 7, 2021, and attachments

Neel stated the applicant owns an approximate 25.80-acre parcel which is currently unimproved. He plans to construct a new house with an approximate 1,500 square foot attached garage in the future. He is also requesting a CUP to construct an approximate 60' x 114' foot detached accessory structure to be used for personal storage. The Zoning Code allows a parcel of this size a total of 4,000 square feet of personal storage space. The proposed structure, along with the attached garage, would result in a total of 8,100 square feet of personal storage space, or approximately 4,100 square feet more than allowed without a CUP. The applicant's letter describes the intended use of the detached structure would be for personal storage of vehicles, woodworking supplies,

tractor, boat and other miscellaneous belongings. On July 9, 2021, the request was reviewed by Joe Enfield, Senior Environmentalist, who stated there are no SSTs concerns for the accessory structure at this time. The Benton Town Board reviewed the request and recommended approval at their April 8, 2021 Town Board meeting. They did not request any conditions along with their recommendation. Neel read the proposed conditions for consideration if the request is approved.

Andy Steinhagen, Benton Township supervisor, confirmed the applicant had attended their meeting and the board was in full support and recommends approval of the request.

Marlaine Gnan, 13190 122nd St, expressed concern with the size of the accessory structure. She noted that the structure will be over 4,000 square feet larger than allowed on a parcel of that size. She asked specifically what items would be stored in the building.

Mr. Glander replied that he has items such as trucks and bobcats, a tractor, snowmobiles and trailers and other personal items that he wants to keep stored indoors. He is also planning to have a woodworking area as a hobby shop in a portion of the building.

Ms. Gnan again questioned the size of the structure.

Mr. Glander stated he currently has a CUP for the structure at his existing residence and has had no complaints or issues with it.

Ms. Gnan stated this building would be larger than the existing structure on her property. She also mentioned there are field tile lines in the area where Mr. Glander's driveway was constructed and asked if there was any disturbance to the tile with the construction.

Mr. Glander stated to his knowledge, no field tile has been disturbed or damaged with the driveway construction.

Ms. Gnan asked why a new access was used for the driveway and not the existing field approach. She also wanted to confirm that there would be no business activity conducted from the accessory structure.

Mr. Glander stated the accessory structure would be for his personal storage only and he does not intend to move his business to this property.

Mr. Steinhagen commented about the driveway access, stating the Township encouraged and preferred that the driveway and the field approach would be separate accesses.

A motion was made by Wakefield to close the public hearing. Mendez seconded the motion. All voted aye. Motion carried. The public hearing was concluded at 7:10 p.m.

Willems asked about the timeframe for construction of the house and the accessory structure.

Mr. Glander replied he will be issued the building permits for the house and accessory structure at the same time but plans to begin work on the accessory structure first.

A motion was made by Mendez to **approve and issue Order PZ20210033** incorporating the findings of fact and staff recommendations in approving a Conditional Use Permit for an accessory structure. Storms seconded the motion for approval. All voted aye. Motion carried.

File #20210044 – Cally & Stacy Trimbo – Chairman Smith called the public hearing to order at 7:12 p.m. to consider a request by Cally & Stacy Trimbo. The purpose of the public hearing was to consider a request for an adaptive reuse of an existing building in a Rural Service District pursuant to Chapter 152 of the County Code. The property is located in Section 35 of Dahlgren Township.

The following were present: Cally Trimbo, Stacy Trimbo, 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

Exhibit F - Letter to the Planning Commission and Dahlgren Township dated July 12, 2021, and attachments

Neel stated the applicants own and operate Load ‘Em Up Trailer Rental & Sales, LLC, a trailer sales and service business. They have recently purchased a 1.52-acre parcel in the East Union Rural Service District from which they would like to operate their business. The parcel is improved with three commercial structures with a combined total of 13,850 square feet of commercial space. This parcel has had numerous CUP approvals for various business ventures including boat storage and, most recently, a cabinet manufacturing and woodworking shop. The applicants believe their proposed use would utilize the buildings in a way that would benefit the community and surrounding area. The proposed business activity would be rental of trailers, including snowmobile, enclosed, dump trailers and car trailers. The applicants would also complete repairs and maintenance of their own equipment as well as servicing trailers for private parties. A secondary use of the property would be repair of skid steers, air compressors and other small engine equipment from time to time. Two of the buildings are currently used as tenant personal storage and that use will continue at this time. Neel used an aerial map to identify the areas and use of the existing buildings. The operational plan outlines the details of the business operation, and a proposed outdoor storage area to accommodate up to 35 trailers. This area must be specified and meet all required setbacks and would be required to be secured with fencing and screened from the road. The proposed screening is a privacy fence along the back portion of the site. The preferred area would be to the west of buildings #2 & 3, as identified on the aerial map. The applicants have indicated they would need to remove bushes and approximately 5 trees to make room for the fence. The outdoor storage area would not conflict with the employee and customer parking area on the north side of the building and the four additional customer parking spaces south of the main office building. The proposed hours of operation are from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 7:00 a.m. to 4:00 p.m. on Saturday. There will be 2 part-time mechanics in addition to the 2 owners. The estimated average number of daily trips is 24, (12 in and 12 out). On July 2, 2021, this request was reviewed by Mike Mrotz, Carver County

Environmentalist II, who stated the applicants may have used oil, parts washer waste, and other automotive-related fluids which would require them to obtain a hazardous waste generator license. Kristen Larson, Carver County Water Resources Program Specialist, reviewed this request on July 9m 2021 and stated if the total disturbed area is greater than one (1) acre, an erosion and sediment control permit would be needed. And if the new impervious area added to the site is greater than one (1) acre, a stormwater permit would be needed. These permits and conditions, if required, will need to be met prior to issuance of any future building permits or future excavation activity. On July 9, 2021, Senior Environmentalist, Joe Enfield, reviewed the request and stated a pumping agreement with a licensed maintainer would be needed for pumping of the septic tank, as well as upgrading the tank with the installation of a high-level alarm. Angie Stenson, Senior Transportation Planner, reviewed the request on July 12, 2021, and stated the road right of way extends 33 feet from the centerline of County Rd 50. If any work is conducted affecting the County Road or rights of way, the applicant shall coordinate plans with the County Engineer and obtain a Utility of Excavating/Filling/Grading Permit from Carver County Public Works. The parcel will be limited to one access to/from County Rd 50. The applicant is proposing one 4-foot by 6-foot sign to be installed on the front of the main building and facing County Rd 50. All signage is required to meet the Sign Regulations of Chapter 154 of the County Code. The Dahlgren Town Board reviewed and recommended approval of the request at their June 14, 2021, meeting and did not request any additional conditions. Neel read the proposed conditions for consideration if this request is approved.

Cally Trimbo, 5030 Afton Rd, stated he grew up in this area and loves the community. He feels this location is a perfect fit for his business and he would like to provide a useful service.

Brian Gennrich, Dahlgren Town Board Supervisor, confirmed the Town Board is fully supportive of the applicants proposed business operation and they voted unanimously to recommend approval of the request. On a personal comment, Mr. Gennrich, who resides at 15775 County Rd 43, stated he feels this will be a very useful business provided for the surrounding community.

No one from the public made any comments about this request.

A motion was made by Smith to close the public hearing. Wakefield seconded the motion. All voted aye. Motion carried. The public hearing concluded at 7:21 p.m.

Grazzini asked if the applicant owns all the buildings on the property and what is stored in the two buildings that were identified as ‘tenant personal storage’.

Mr. Trimbo stated he owns the entire property and he referred to the items stored in the two buildings as ‘junk’. He stated when they purchased the property, they agreed to allow the current tenant to lease the buildings until the end of the year. He stated they are considering possibly using that space for their business needs or continuing to lease it as revenue generating.

Grazzini asked for clarification of Condition #13, relating to Workers’ Compensation Insurance and the number of employees.

Mielke explained that the staff report referenced four (4) employees, of which two will be the owners/operators. The total number of employees is not regulated. The statement concerning the Worker's Compensation Insurance requires the applicant to provide a statement 'stating that they do not have any employees' meaning other than themselves, which would not require the Worker's Compensation Insurance. The Worker's Compensation Insurance will be required because they have two part-time employees.

Grazzini asked if it is the duty of the Land Management Department to require the insurance information for business owners.

Mielke replied that as the land use authority allowing commercial-type activities to take place as a land use, the County Risk Management and Attorney's Office want to have some type of statement or insurance in place for this activity.

Grazzini agreed that liability or premises insurance should be in place but was curious about the Worker's Compensation Insurance requirement.

A motion was made by Willems to **approve and adopt Resolution #21-10** incorporating the findings of fact and staff recommendations in approving the Conditional Use Permit for an adaptive reuse of an existing building in a Rural Service District. Mendez seconded the motion for approval. All voted aye. Motion carried.

Other Business

Mielke announced that the County Board of Commissioners held their public hearing for the Zoning Code Amendments at their 9:00 a.m. meeting today and there was no one present for comments. Mielke gave the Board a presentation of the proposed changes. He stated the Board had only good things to say about the work that was put into the project. Mielke acknowledged the work of the Planning Commission and reviewed the timeline of activities that took place to get this accomplished. He stated the new changes will be in effect after the approval and publication of the County Board minutes, which will be in August. Notification of the changes will be sent to all Townships and the information will be published on the County website.

Adjournment

A motion was made by Mendez to adjourn the meeting. Willems seconded the motion for adjournment. All voted aye. Motion carried. The meeting was adjourned at 7:42 p.m.



COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

PRELIMINARY PLAT – MISTHAVEN ESTATES

August 9, 2021

TO: Carver County Planning Commission & San Francisco Town Board

FROM: The County Land Management Department

SUBJECT: Application for approval of the Preliminary Plat – Misthaven Estates

FILE: PP-PZ20210047

OWNER: Misthaven LLC

APPLICANT: Ted Holsten

SITE ADDRESS: 15XXX Halsey Avenue, 55315

PURSUANT TO: County Code, Chapter 151 & 152, Section(s) 152.078

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 08-036-0640

STAFF FINDINGS:

1. Misthaven, LLC was issued Conditional Use Permit (CUP) #PZ20210028 to create three (3) residential parcels pursuant to the additional density provision (Section 152.078 C – High Amenity) of the Carver County Zoning Code. With the approval of the CUP, the applicant is now requesting approval of the Preliminary Plat “Misthaven Estates” Subdivision. The request would consist of three residential lots (Lots 1-3, Block 1). In addition to the proposed single-family house building sites, a township road (Misthaven Lane) would need to be constructed.
2. The proposed platted area consists of approximately 11 acres located in the Southwest Quarter (SW¼) of Section 36, San Francisco Township. The property consists of wooded and wooded area with native grasses not in agricultural production. It is located in the Agricultural Zoning District and the CCWMO (Carver Creek and Bevens Creek watersheds). CUP #PZ20210028 was issued June 1, 2021, to create three (3) high amenity lots pursuant to Section 152.078 of the Carver County Zoning Code.
3. Copies of the plat have been sent to the San Francisco Township Clerk (Heidi Schmidt), Carver County Planning & Water Management (Kristen Larson, Kalley Guerdet, and Paul Moline), Carver County Soil & Water Conservation District (SWCD) (Chip Hentges), Carver County Attorney (Jennifer Tichey), Carver County Environmental Services (Lori Brinkman and Joe Enfield), Carver County Public Works (Angie Stenson and Dan McCormick), Eastern Carver County Schools District 112, Northern Natural Gas, MN DNR Area Hydrologist (Taylor Huinker), Minnesota Valley Electric Cooperative, and CenterPoint Energy. As of this report, Carver County Public Works and Northern Natural Gas have submitted comments. Other comments may also be available at the time of the public hearing.
4. The high amenity lots are laid out in such a manner that there are no more than four (4) homes per quarter-quarter as permitted by the density regulations of the Carver County Zoning Code. The residential lot sizes range from 2.77 acres to 3.50 acres. Each lot has a defined building site (i.e. minimum of a 1-acre building site) that conforms to code requirements, and any home constructed within the site would meet the zoning setback requirements. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property.

5. This plat would require the construction of a Township Road (i.e. Mithaven Lane); therefore, a Development Contract is needed. All proposed lots conform to the Carver County Zoning Code with regard to road frontage. Each lot can allow for a separate driveway access in which a 100-foot separation would be required. The proposed road would be constructed to meet Township standards; however, it would be privately maintained until such time as the Township decides to accept maintenance responsibilities. The San Francisco Town Board would also need to approve the road plans before the development contract is completed.
6. The preliminary plat shows 10-foot utility & drainage easements around each of the three (3) lots. An appropriate drainage easement would be provided for wetlands as part of the final plat. No obstructions shall be permitted in any of the drainage and/or utility easements. The covenants should address the preservation of the drainage easements and that no obstructions shall be permitted within those areas.
7. The draft covenants, as required by Conditional Use Permit #PZ20210028, have been submitted with the application and would need to be reviewed and approved by the County Attorney's office prior to final plat approval. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The required covenants shall address that each lot would be reviewed in the field prior to issuance of any building permits. The covenants shall be filed with the final plat and include minimum requirements as identified in the CUP.
8. The Carver County Environmental Services Department has received a report from a licensed SSTS professional identifying the primary and alternate Subsurface Sewage Treatment System (SSTS) locations on the three (3) amenity lots. This report (dated: June 15, 2021) is considered a preliminary report to identify two possible SSTS locations per lot. Soil boring logs and locations were identified on a survey for each individual lot. On July 28, 2021, Lori Brinkman, Environmentalist II, has indicated primary and alternate SSTS locations have been identified by an SSTS designer for each parcel and approved by County staff. At the time of application for a new home on each lot, an SSTS design would need to be submitted, reviewed, and approved by the Carver County Environmental Services Department. All the SSTS system locations would need to be fenced off prior to any land alteration for road construction, etc.
9. The Carver County Public Works Division has completed their initial review of the preliminary plat with regard to the development/access review. An email (dated: 8/6/2021) was received from Angie Stenson, Senior Transportation Planner, stating; "Since the property adjacent to the County Road 50 right of way is not being platted and there is no proposed access to a County roadway, we don't have any formal comments." Note: due to the development being located off a township road, the San Francisco Town Board would need to approve the road plans before the development contact is completed. They also would issue individual access (i.e. driveway) permits prior to building permit approvals.
10. The property has been analyzed by a professional wetland delineator on April 4, 2021, to determine if wetlands exist. Wetlands are not present on the site; however, there was a pocket wetland identified adjacent to the platted area but has no impact on the project. The Notice of Decision and TEP Findings concur with the findings of the professional delineator hired by the applicant. Appropriate easements for drainage/utilities have been included on the plat.
11. The approximate 11-acre plat is located within the CCWMO jurisdiction. Stormwater management, wetland buffers, and erosion control measures would need to be addressed pursuant to Chapter 153 of the County Code (Water Management Rules). A combined erosion and sediment control and stormwater permit from the CCWMO would be required if the total impervious surface constructed on each lot (drive, house pad, garage, other outbuildings, etc.) is greater than 1-acre. This permit requires the use of best management practices that prevent erosion and sediment from leaving the site during construction as well as management practices that treat stormwater runoff from impervious surfaces once construction is complete.
12. The Carver SWCD would review the project with regard to the CCWMO standards. All lots shall be reviewed for erosion/sediment control measures during the building permit process. The Carver SWCD would also be involved in the review and approval of the plans as they relate to the Water Rules, WCA, and the stormwater pollution prevention plan (SWPPP).

13. It appears that the plat would substantially meet the requirements of the applicable County Zoning and Subdivision Codes, except where noted. The areas of deficiency would need to be addressed through conditions placed on the preliminary plat approval that must be complied with prior to acceptance of the final plat.
14. The San Francisco Town Board reviewed and recommended approval of the Misthaven Estates Preliminary Plat (including the construction of a Township Road) during their July 19, 2021, meeting. The Town Board did not have any additional comments or conditions.

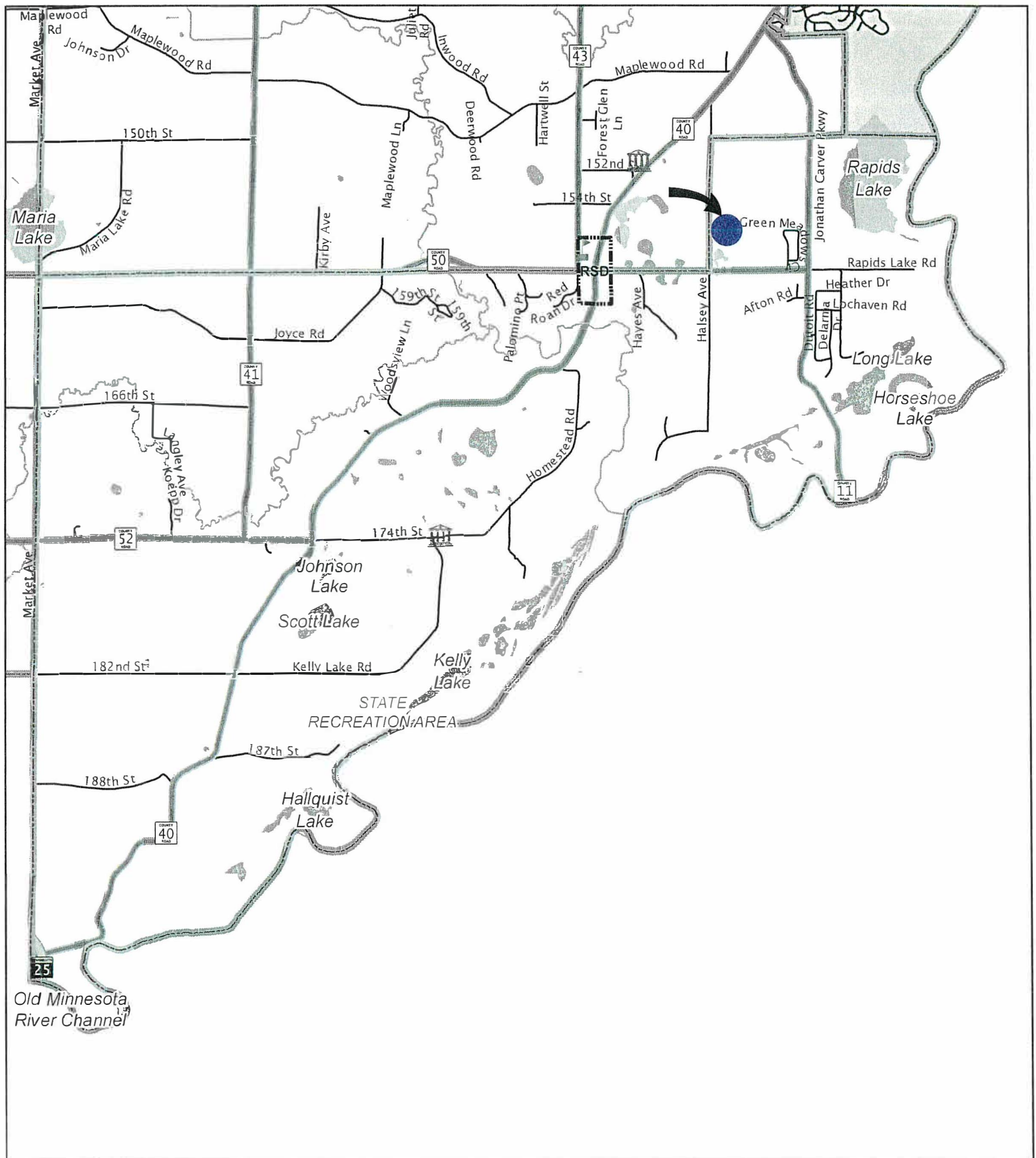
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission finds that the submitted application meets the preliminary plat criteria, the Preliminary Plat if Misthaven Estates should be recommended to the Carver County Board of Commissioners for approval with the following conditions attached:

1. Three (3) high amenity lots and one, 1 per 40, agricultural lot are permitted. The property shall be platted in accordance with M.S. Chapter 505, Carver County Zoning Subdivision Code 151, and the Carver County Zoning Code 152.
2. The layout of the final plat must substantially conform to the preliminary plat. Any significant departure from the preliminary plat must be approved by the Planning Commission before final plat consideration. As part of the preliminary plat approval, each lot shall document a suitable one (1) acre building site including a house location and primary & alternate septic site locations. All conditions of CUP #PZ20210028 shall be satisfied prior to the recording of the final plat.
3. The developer must enter into a Development Contract with the County and the Township as per Chapter 151 of the County Subdivision Code prior to the initiation of construction of any improvements. The County Engineer, Carver SWCD, CCWMO, and County Consultant Engineer must approve the road plan(s) and stormwater drainage plan(s) before approval of the development contract. All road and improvements must be completed before final plat approval or the applicant must post a financial guarantee per Subdivision Code, Chapter 151. Any additional information that is needed by the County and/or Township for review shall be submitted in an acceptable form prior to receiving approval of the Development Contract.
4. The developer shall comply with the Emergency Services Department requirements with regard to the street name and the site address for each lot. It shall be the obligation of the developer to furnish the street name signs. The signage shall conform to County standards.
5. The County Engineer, Carver SWCD, CCWMO and San Francisco Town Board must approve the road plan(s) and storm water drainage plan(s) before approval of the development contract. An access permit must be obtained, as determined by the County Engineer. All roads and improvements must be completed before final plat approval or the applicant must post a financial guarantee.
6. The covenants, as required by Conditional Use Permit #PZ20210028, must be approved prior to final plat consideration. Prior to final plat consideration by the County Board, the Assistant County Attorney shall approve the covenants and title work. The covenants shall 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, and that commercial agriculture and other rural land use activities shall 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 shall have to submit percolation tests and soil borings for another site before any building permit shall be issued.
 - E. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The plat indicates the outside boundary of the delineated wetlands, which impacts all proposed lots. The required covenants shall address that each lot will be reviewed in the field prior to issuance of any building permits. The required covenants shall address the concerns of possible drainage of an existing delineated wetland located in the woods and open field area; therefore, no vegetative removal within the drainage easement area shall be allowed.
 - F. A covenant must clearly state that lot owners shall maintain the road until such time as the Township agrees to accept the road and assume maintenance responsibility.
 - G. A covenant stating that if any lot exceeds the impervious coverage area, pursuant to the Carver County Water Management Rules - Chapter 153, Section 153.11 A2, additional review by Carver County Planning & Water Management may be needed.
7. The above-required Covenants shall become part of the plat approval.
 8. Each lot must be reviewed in the field prior to the issuance of any building permit and/or SSTS permit. All septic system locations (i.e. primary & alternate) shall be marked and protected (rope, fencing, etc.) to prohibit any disturbance to those areas. Furthermore, prior to the commencement of any construction related activity, the primary and alternate septic locations for each lot shall be protected.
 9. Pursuant to CUP #PZ20210028, access permits for the proposed driveways must be obtained from San Francisco Township prior to the issuance of any building permits for the individual lots.
 10. Each lot shall be reviewed and approved by CCWMO pursuant to Chapter 153 of the Zoning Code. Specific details for each lot must be submitted to the Planning and Water Department for approval prior to issuance of building permit(s) on individual lots.
 11. The driveways for the lots shall conform to the Wetland Conservation Act (WCA), Carver County Land Management Department, CCWMO, and San Francisco Township requirements. The applicant shall comply with any and/or all requirements established by the appropriate road authorities (San Francisco Township). An access permit for each driveway from Mithaven Lane must be obtained prior to issuance of new home building permit(s).
 12. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property.
 13. As per Section 151.163 of the Carver County Code, all utility facilities are to be located underground. The access and drainage ways will be designed so that public utilities can be installed at a later date.

SAN FRANCISCO TOWNSHIP



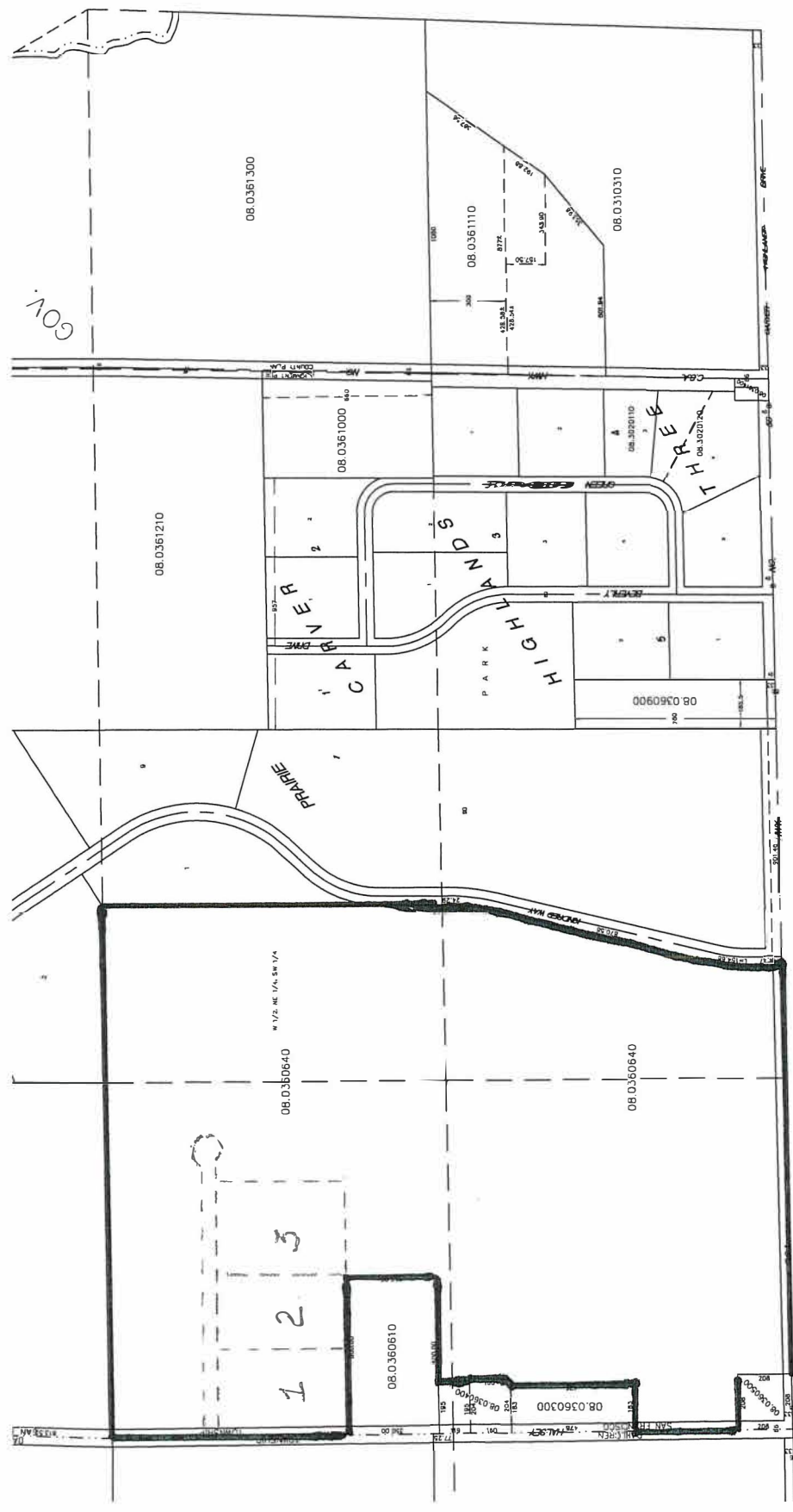
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

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 MISPLACED TRUSTS OR OTHER DAMAGES.

S 1/2 SEC. 36, T.115, R.24



LEGAL DESCRIPTION

That part of the Southwest Quarter of Section 36, Township 115, Range 24, Carver County, Minnesota, described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 44 minutes 59 minutes West, assumed bearing, along the west line of said Southwest Quarter, a distance of 1716.00 feet to the point of beginning; thence North 88 degrees 57 minutes 54 seconds East a distance of 600.00 feet; thence South 00 degrees 44 minutes 59 seconds East a distance of 15.00 feet; thence North 88 degrees 57 minutes 54 seconds East a distance of 343.01 feet; thence North 00 degrees 44 minutes 59 minutes West a distance of 467.09 feet; thence South 89 degrees 15 minutes 01 seconds West a distance of 200.00 feet; thence northwesterly along a curve concave to the southwest and not tangent with the last described line, said curve has a radius of 66.00 feet, a central angle of 270 degrees 00 minute 00 seconds, and the chord of said curve bears North 45 degrees 44 minutes 59 seconds West with a distance of 93.34 feet; thence South 89 degrees 15 minutes 01 seconds West a distance of 677.00 feet to the west line of said Southwest Quarter; thence South 00 degrees 44 minutes 59 minutes East along the west line of said Southwest Quarter a distance of 522.78 feet to the point of beginning.

OWNER/DEVELOPER

TED HOLSTEN
MISTHAVEN LLC
4785 HODGSON RD., #311
SHOREVIEW, MN 55126

SEPTIC DESIGNER

RON OLSON
6970 INWOOD RD.
COLOGNE, MN 55322
612-369-4240

ENGINEER/SURVEYOR

SISU LAND SURVEYING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO
612-418-6828

WETLAND DELINEATOR

JACOBSON ENVIRONMENTAL
CONTACT: WAYNE JACOBSON
612-802-6619

TOWNSHIP/DISTRICT INFORMATION

SAN FRANCISCO TWP.
SCHOOL DISTRICT NO. 112
CARVER COUNTY WATERSHED MANAGEMENT ORGANIZATION

LOT/SITE INFORMATION

EXISTING ZONING: AGRICULTURAL
PROPOSED ZONING: AGRICULTURAL W/HIGH AMENITY OVERLAY
PLAT AREA = 11.32 acres

SETBACKS

FRONT = 68' FROM C/L
SIDE = 15 FEET
REAR = 30 FEET

PROPOSED R/W AREA = 1.71 acres

PROPOSED LOT AREAS

LOT 1 = 2.77 ACRES
LOT 2 = 3.34 ACRES
LOT 3 = 3.50 ACRES

BUILDABLE AREAS (NON-SETBACK, EASEMENT, SEPTIC, OR >18% SLOPE)

LOT 1 = 1.7 ACRES
LOT 2 = 1.9 ACRES
LOT 3 = 2.4 ACRES

SOILS

THE MAJORITY OF THE SOILS ON SITE ARE SANDY. SEE THE SOIL BORINGS FOR DETAILED INFORMATION.

STORMWATER MANAGEMENT

THE PROPOSED NEW IMPERVIOUS SURFACE IS LESS THAN 1 ACRES SO NO STORMWATER TREATMENT IS REQUIRED. THE PROPOSED ROAD IMPERVIOUS IS 0.54 ACRES. EACH LOT WILL HAVE A MAXIMUM OF 6670 SQ. FT. OF IMPERVIOUS SURFACE.

EXISTING DRAIN TILE

NO VISIBLE DRAIN TILE LINES WERE OBSERVED AT THE TIME OF SURVEY. IF DRAIN TILE LINES ARE DISCOVERED, THEY WILL BE ADDED TO THE PLANS.

SEPTIC SITES

SEPTIC SITES ARE SHOWN. SEPTIC INFORMATION WILL BE SUBMITTED BY OTHERS

EXISTING WOODED AREAS

EXISTING WOODED AREAS ARE SHOWN. A TREE INVENTORY HAS NOT BEEN PERFORMED.

BLUFF AREAS

THERE ARE NO BLUFF AREAS WITHIN THE PROJECT LIMITS.

POTENTIAL BUILDING AREAS

POTENTIAL BUILDING AREAS ARE SHOWN. THERE ARE NO SLOPES > 18% WITHIN THE PROPOSED LOTS. NO BUILDING PADS WILL BE CONSTRUCTED AS PART OF THIS PROJECT. MINIMUM LOW OPENING ELEVATIONS ARE SHOWN BASED ON EMERGENCY OVERFLOW ELEVATIONS.

WETLANDS

THE SITE WAS INVESTIGATED FOR WETLANDS BY JACOBSON ENVIRONMENTAL AND NO WETLANDS HAVE BEEN DELINEATED WITHIN THE PROJECT BOUNDARY. ONE WETLAND HAS BEEN DELINEATED SOUTH OF LOT 3 AS SHOWN.

EXISTING COVENANTS, LIENS, OR ENCUMBRANCES

THERE ARE NO KNOWN EXISTING COVENANTS, LIENS, OR ENCUMBRANCES.

100-YR FLOOD ELEVATIONS

THERE ARE NO WATERWAYS, WATERCOURSES, OR LAKES WITH 100-YEAR FLOOD ELEVATIONS ON THIS PROPERTY.

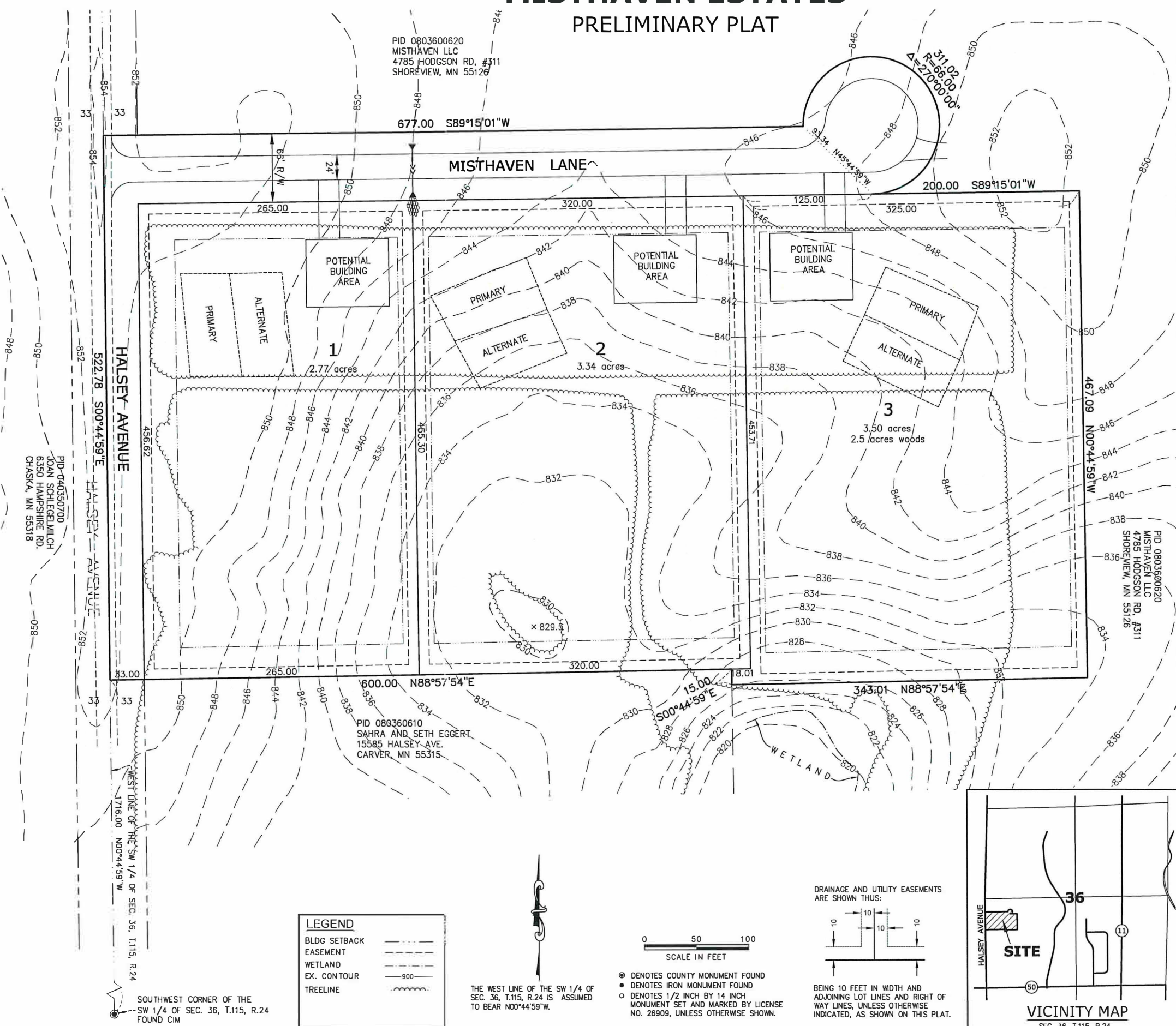
STREETS TO SERVE ADJACENT AREAS

IF ADJACENT AREAS NEED ACCESS, MISTHAVEN LANE COULD BE EXTENDED.

BENCHMARK

VERTICAL CONTROL BASED ON GEODETIC CONTROL POINT "HALSEY" LOCATED 125 FEET S. OF CO. RD. 50 AND 22 FEET W. OF HALSEY AVE. ELEVATION 829.48 (NAVD88)

MISTHAVEN ESTATES
PRELIMINARY PLAT



2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I hereby certify that this plan, report, or specification was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Curt Kallio
CURTIS J. KALLIO
DATE: 7/20/2021 REC. NO. 26909

PREPARED FOR:
Ted Holsten
4785 HODGSON RD., #311
SHOREVIEW, MN 55126

Preliminary Plat
Misthaven Estates
San Francisco Twp.,
Carver County, MN

BY	REVISION	DATE

PROJECT NO:
202102
SHEET
1 OF 2-7 SHEETS

CONSTRUCTION PLANS FOR ROAD, GRADING, AND DRAINAGE



SISU
Land Surveying
& Engineering

2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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 CURTISS J. KALLIO

 PRELIMINARY – NOT FOR CONSTRUCTION

DATE: 7/20/2021 REG. NO. 26909

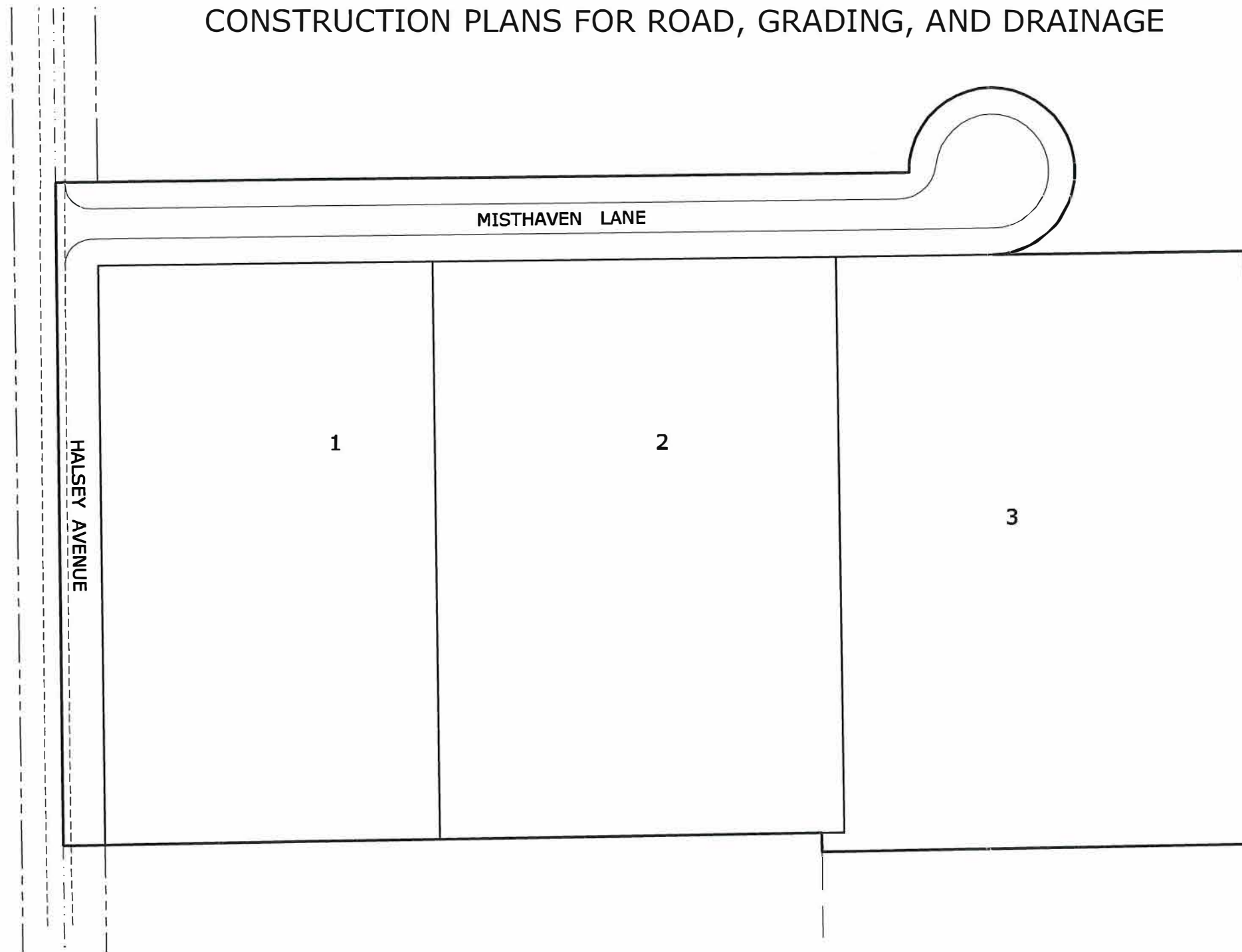
Ted Holsten
4785 Hodgson Rd., #311
Shoreview, MN 55126
612-781-1429

PROJECT TITLE & PROJECT:
Title & Layout
Misthaven Estates
San Francisco Twp., Carver County, MN

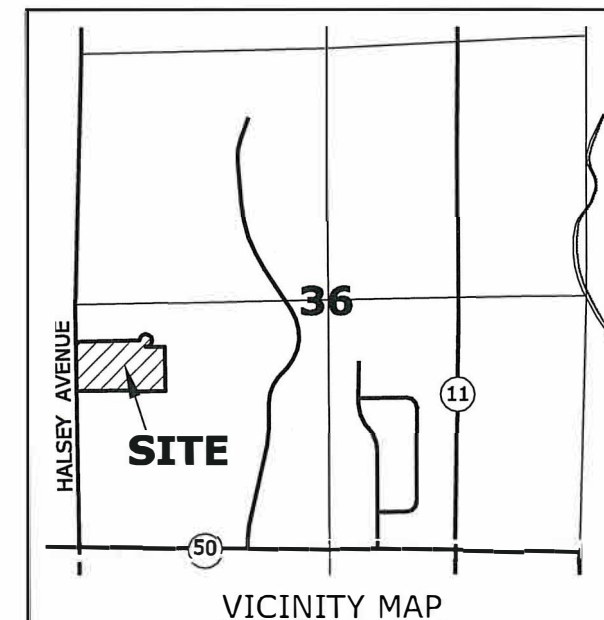
SHEET	DATE	REVISION	BY
1			

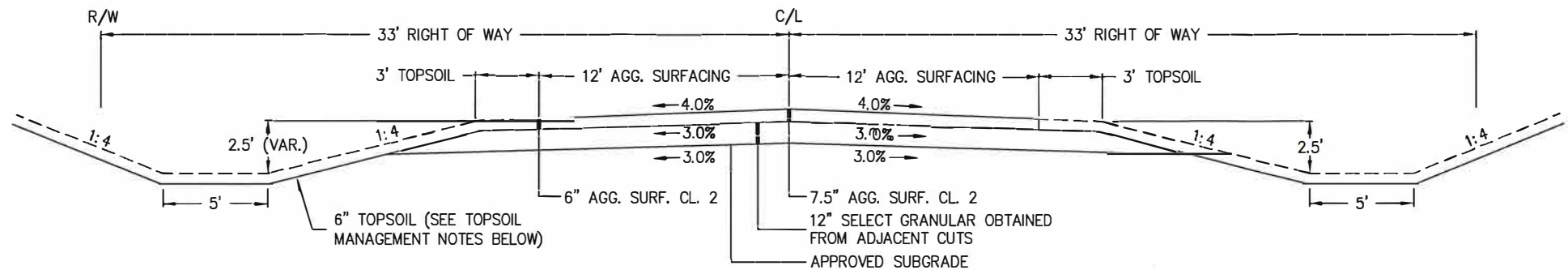
PROJECT NO:
202102

SHEET
1 OF 6
2-8
SHEETS



100 FT.





7-TON TYPICAL ROAD SECTION

MISTHAVEN LANE

TOPSOIL MANAGEMENT

- 6" OF TOPSOIL MUST BE RESTORED TO ALL PVIOUS AREAS.
- TOPSOIL MUST MEET THE CARVER COUNTY WMO STANDARDS AS SHOWN IN TABLE 1 BELOW. STOCKPILED MATERIAL MAY NEED TO BE AMENDED OR IMPORTED TO MEET THE STANDARD. THE TOPSOIL WILL BE TESTED PRIOR TO CONSTRUCTION TO DETERMINE IF IT MEETS STANDARDS. IF TOPSOIL AMENDMENTS ARE NECESSARY, THE CONTRACTOR WILL PERFORM THE WORK AS EXTRA WORK ON A TIME AND MATERIALS BASIS.
- SUBSOIL MUST BE DE-COMPACTED TO A DEPTH OF 6 INCHES PRIOR TO PLACEMENT OF TOPSOIL. THE CONTRACTOR MUST IDENTIFY THE DECOMPACTION METHOD USED.
- TOPSOIL WILL BE RE-APPLIED TO ALL AREAS EXCEPT ROADWAYS. THE ESTIMATED AREA IS 2.5 ACRES.
- TOPSOIL WILL BE STOCKPILED ON SITE. THE CONTRACTOR WILL PROVIDE LOCATIONS PRIOR TO CONSTRUCTION.
- TOPSOIL TESTING WILL BE PERFORMED BY A TESTING AGENCY WITH THE QUALIFICATIONS NECESSARY TO DO THE TESTS.
- HAULING: TOPSOIL WILL EITHER BE STRIPPED WITH A DOZER AND WINDROWED OR HAULED AND STOCKPILED WITH A SCRAPER. THE TOTAL ESTIMATED TOPSOIL STRIPPING QUANTITY IS 15,128 CY. NO TOPSOIL WILL LEAVE THE SITE.
- VEGETATION: ALL AREAS TO RECEIVED VEGETATION WILL BE SEEDED WITH MNDOT 25-141 OR 33-261 AND MULCHED WITH TYPE 2 MULCH OR AN EROSION CONTROL BLANKET AS SHOWN IN THE TURF ESTABLISHMENT PLANS.

Carver County Topsoil Standard

Table 1. Carver County Topsoil Standard

Requirement	Range	Test Method
Material Passing the 3/4 in [19 mm]	100 %	ASTM D 422
Material passing No 4 in [4.75 mm]	≥ 85%	-
Clay	5% – 30%	ASTM D 422
Silt	5% - 35%	ASTM D 422
Sand	38% - 75%	ASTM D 422
Organic matter	3% – 15%	ASTM D 2974
pH	6.1 – 7.5	ASTM G 51
Compaction	- 1,400 kilopascals (kPa) / 200 pounds per square inch (psi) in the upper 12 inches of soil, or - bulk density of less than 1.4 grams per cubic centimeter (g/cm3) in the upper 12 inches of soil	Field test

STANDARD PLATES

THE FOLLOWING STANDARD PLATES AS APPROVED BY THE MINNESOTA DEPARTMENT OF TRANSPORTATION SHALL APPLY ON THIS PROJECT.

PLATE NO.	DESCRIPTION
0005A	SPECIFICATION REFERENCE TO STANDARD PLATES
3000M	REINFORCED CONCRETE PIPE
3006H	GASKET JOINT FOR CONCRETE PIPE
3100G	CONCRETE APRON FOR REINFORCED CONCRETE PIPE
3133	RIPRAP AT RCP OUTLETS
9000E	APPROACHES AND ENTRANCES



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612-418-6828

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PRELIMINARY – NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 7/20/2021 REG. NO. 26909

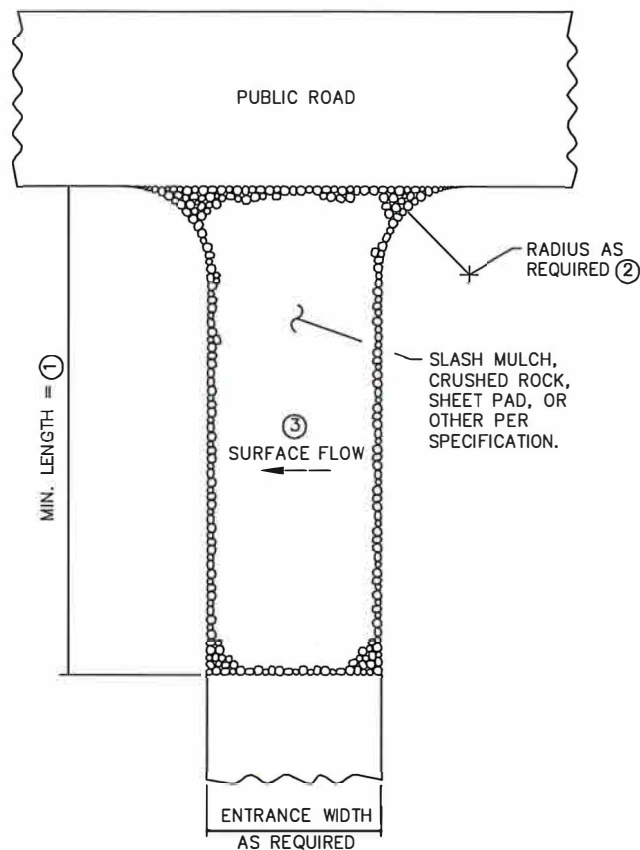
PREPARED FOR:
Ted Holsten
4785 Hodgson Rd., #311
Shoreview, MN 55126
612-781-1429

SHEET TITLE & PROJECT:
Typical Section &
Construction Notes
Misthaven Estates
San Francisco Twp., Carver County, MN

BY	REVISION	DATE

PROJECT NO:
202102

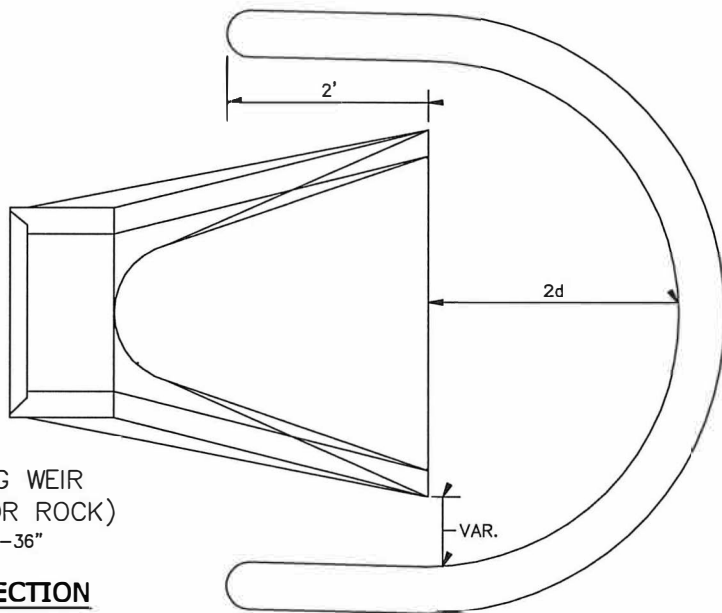
SHEET
2
OF
2-9
SHEETS



SLASH MULCH, CRUSHED ROCK, OR SHEET PAD CONSTRUCTION EXIT 4

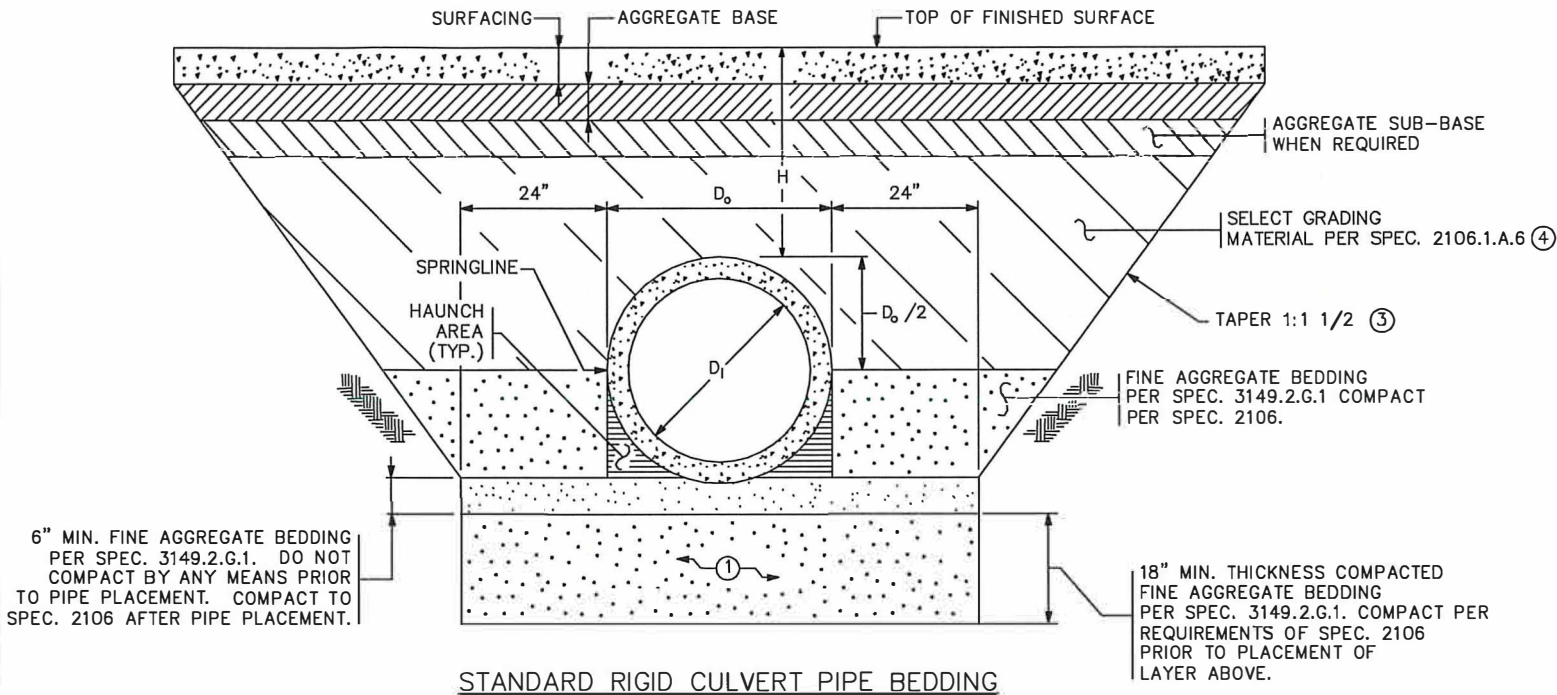
NOTES:
SEE SPECS. 2573 & 3882.

- 1 MINIMUM LENGTH SHALL BE THE GREATER OF 50 FEET OR A LENGTH SUFFICIENT TO ALLOW A MINIMUM OF 5 TIRE ROTATIONS ON THE PROVIDED PAD. MINIMUM LENGTH SHALL BE CALCULATED USING THE LARGEST TIRE WHICH WILL BE USED IN TYPICAL OPERATIONS.
- 2 PROVIDE RADIUS OR WIDEN PAD SUFFICIENTLY TO PREVENT VEHICLE TIRES FROM TRACKING OFF OF PAD WHEN LEAVING SITE.
- 3 IF RUNOFF FROM DISTURBED AREAS FLOWS TOWARD CONSTRUCTION EXITS, PREVENT RUNOFF FROM DRAINING DIRECTLY TO PUBLIC ROAD OVER CONSTRUCTION EXIT BY CROWNING THE EXIT OR SLOPING TO ONE SIDE. IF SURFACE GRADING IS INSUFFICIENT, PROVIDE OTHER MEANS OF INTERCEPTING RUNOFF.
- 4 MAINTENANCE OF CONSTRUCTION EXITS SHALL OCCUR WHEN THE EFFECTIVENESS OF SEDIMENT REMOVAL HAS BEEN REDUCED. MAINTENANCE SHALL CONSIST OF REMOVING SEDIMENT AND CLEANING THE MATERIALS OR PLACING ADDITIONAL MATERIAL (SLASH MULCH OR CRUSHED ROCK) OVER SEDIMENT FILLED MATERIAL TO RESTORE EFFECTIVENESS.



SEDIMENT CONTROL LOG WEIR
(COMPOST, WOOD CHIP, OR ROCK)
d = CULVERT SIZE: 12"-36"

CULVERT INLET PROTECTION



STANDARD RIGID CULVERT PIPE BEDDING

CONSTRUCTION SEQUENCE

1. PLACE AND COMPACT 18" OF FINE AGGREGATE BEDDING TO THE REQUIREMENTS OF SPEC. 2106.
2. LOOSELY PLACE 6" OF FINE AGGREGATE BEDDING MATERIAL (SPEC. 3149.2.G.1) TO GRADE. DO NOT COMPACT PRIOR TO PIPE PLACEMENT.
3. FOR PIPES WITH BELL, REMOVE MATERIAL IN BELL AREA PRIOR TO PLACEMENT.
4. FURNISH AND INSTALL PIPE TO GRADE.
5. AFTER PLACEMENT OF THE PIPE, PLACE ADDITIONAL BEDDING AND COMPACT THE FULL LENGTH ON BOTH SIDES OF THE PIPE UNDERNEATH THE HAUNCH AREA BY FIRST SHOVEL SLICING (MANUALLY SHOVE THE BLADE END OF A SHOVEL AT AN ANGLE DOWN THE ENTIRE LENGTH OF THE PIPE IN THE HAUNCH AREA) THEN COMPACT THE HAUNCH AT AN ANGLE USING A POWERED MECHANICAL OR PNEUMATIC DEVICE (I.E. POLE TAMPER, JUMPING JACK, OR SIMILAR).
6. COMPACT THE REMAINING MATERIAL OUTSIDE THE HAUNCH AREA TO THE REQUIREMENTS OF SPEC. 2106 ENSURING THAT THE ENTIRE LENGTH OF PIPE IS SUPPORTED UNIFORMLY BY BEDDING.
7. PLACE AND COMPACT BACKFILL EVENLY AND SIMULTANEOUSLY IN 6" LIFTS ON EACH SIDE OF THE PIPE UP TO THE SPRINGLINE WHEN COMPACTED.
8. COMPLETE REMAINING BACKFILL.

NOTES

STANDARD BEDDING FOR RIGID PIPE CULVERTS WITHOUT TREATMENTS.

RIGID PIPE INCLUDES CONCRETE.

WHEN RIPRAP IS REQUIRED AT THE APRON END, SEE STANDARD PLATE OR PLAN FOR RIPRAP INSTALLATION AND QUANTITIES. FOR APRONS WITHOUT RIPRAP PLACE 6" MIN. FINE AGGREGATE BEDDING UNDER APRONS. USE A TRENCH WIDTH EQUAL TO THE PIPE TRENCH WIDTH.

BEDDING IS INCIDENTAL TO PIPE. EXCAVATION AND BACKFILL ARE INCIDENTAL TO PIPE.

EXCAVATE & CONSTRUCT ALL TRENCHES AND SLOPES PER OSHA REQUIREMENTS.

ALL SLOPES SHOWN AS (V) : (H).

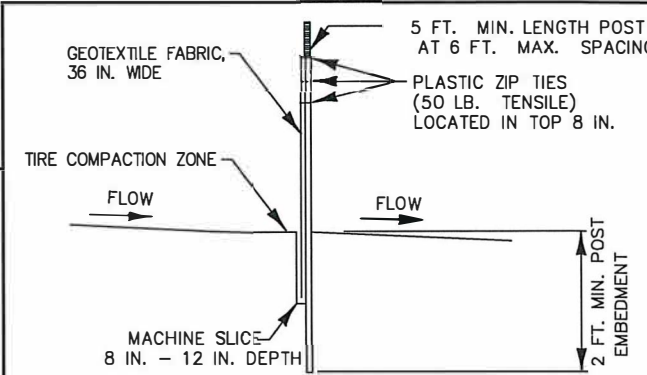
PIPE SIZE IS BASED ON THE NOMINAL INSIDE DIAMETER OR SPAN.

PROTECT ALL PIPE DURING CONSTRUCTION PER SPEC. 2501.

- 1 IF APPROVED BY THE ENGINEER, IN WET CONDITIONS THE CONTRACTOR MAY SUBSTITUTE 18" OF COARSE FILTER AGGREGATE PER SPEC. 3149.2.H COMPACTED TO THE QUALITY COMPACTION REQUIREMENTS OF SPEC. 2106. WRAP WITH GEOTEXTILE FABRIC TYPE IV PER SPEC. 3733. SEAM ALL FABRIC SIDES AND ENDS PER SPEC. TABLE 3733-1 INCLUDING FOOTNOTE (e) OR OVERLAP A MINIMUM OF 3 FT., ALL AT NO ADDITIONAL COST.
- 3 OVER-EXCAVATION BENEATH TAPERS IS NOT PERMITTED UNLESS REQUIRED BY OSHA. (TYP.)
- 4 MAXIMUM EMBANKMENT PARTICLE SIZE WITHIN 2 FT. OF RIGID PIPE IS 3".

-LEGEND-

- D₁ = INSIDE DIAMETER OF ROUND PIPE (INCHES).
- D₀ = OUTSIDE DIAMETER OF ROUND PIPE (INCHES).
- S₁ = INSIDE SPAN OF PIPE-ARCH (INCHES).
- S₀ = OUTSIDE SPAN OF PIPE-ARCH (INCHES).
- H = FILL COVER HEIGHT OVER PIPE (FEET).
- = UNDISTURBED SOIL
- = COMPACTED BEDDING
- = LOOSE BEDDING, COMPACTED AFTER PIPE PLACEMENT



SILT FENCE TYPE MS
(MACHINE SLICED)



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PRELIMINARY - NOT FOR CONSTRUCTION
CURTISS J. KALLIO

DATE: 7/20/2021 REG. NO. 26909

PREPARED FOR:

Ted Holsten
4785 Hodgson Rd., #311
Shoreview, MN 55126
612-781-1429

SHEET TITLE & PROJECT:

Details

Misthaven Estates
San Francisco Twp., Carver County, MN

BY

REVISION

DATE

PROJECT NO:
202102

SHEET
3

OF
26
SHEETS

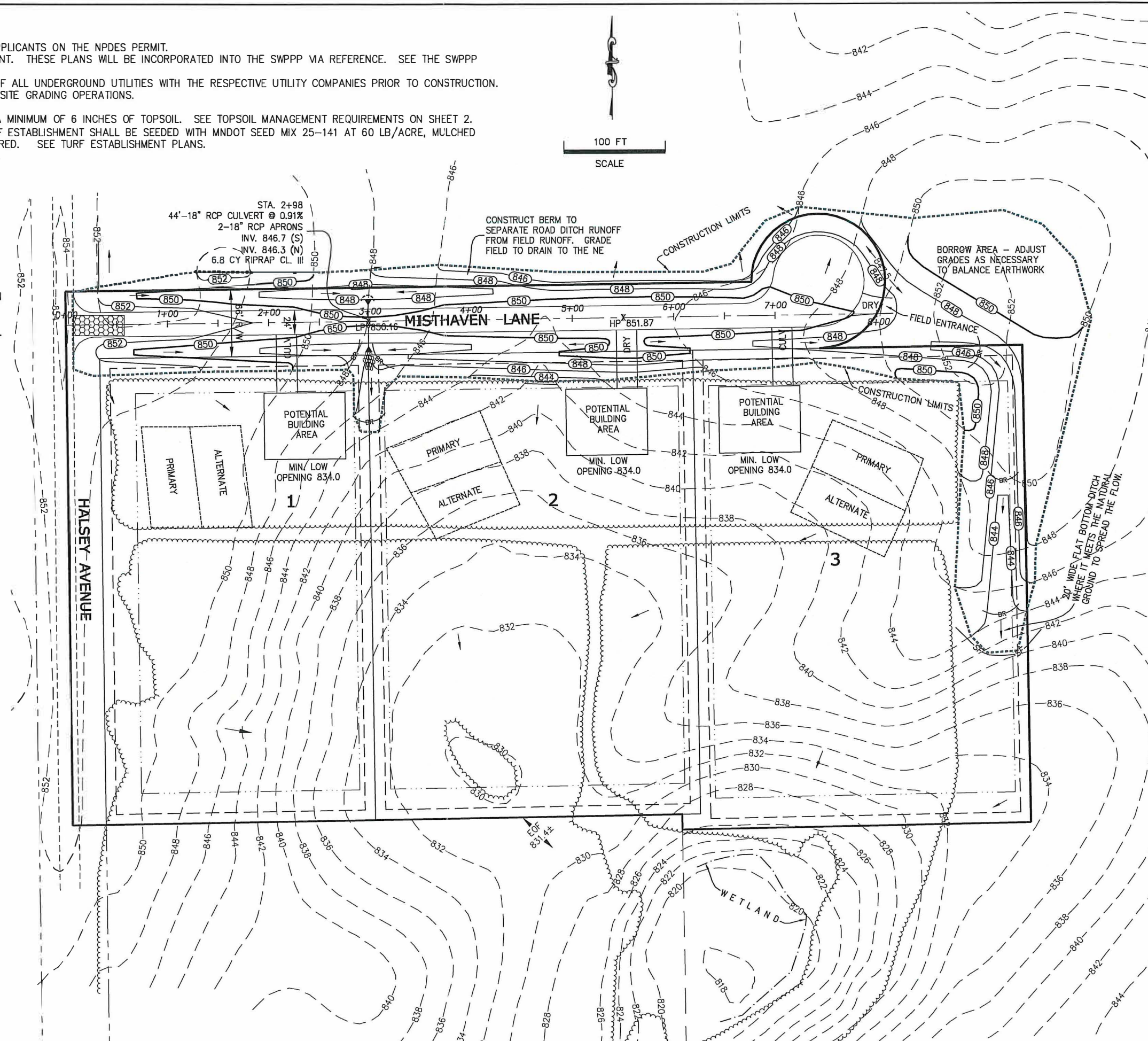
1. THE OWNER AND CONTRACTOR SHALL OBTAIN AND BE JOINT APPLICANTS ON THE NPDES PERMIT.
2. THE SWPPP HAS BEEN PREPARED AS A STAND ALONE DOCUMENT. THESE PLANS WILL BE INCORPORATED INTO THE SWPPP VIA REFERENCE. SEE THE SWPPP FOR A DETAILED NARRATIVE AND STABILIZATION TIMELINES.
3. THE CONTRACTOR SHALL VERIFY LOCATIONS AND ELEVATIONS OF ALL UNDERGROUND UTILITIES WITH THE RESPECTIVE UTILITY COMPANIES PRIOR TO CONSTRUCTION.
4. THE PERIMETER CONTROLS MUST BE INSTALLED PRIOR TO ANY SITE GRADING OPERATIONS.
5. NO WORK IS ALLOWED OUTSIDE OF THE CONSTRUCTION LIMITS.
6. ALL DISTURBED AREAS TO BE RE-VEGETATED SHALL RECEIVE A MINIMUM OF 6 INCHES OF TOPSOIL. SEE TOPSOIL MANAGEMENT REQUIREMENTS ON SHEET 2.
7. UNLESS SPECIFIED OTHERWISE, ALL AREAS TO BE RECEIVE TURF ESTABLISHMENT SHALL BE SEEDING WITH MNDOT SEED MIX 25-141 AT 60 LB/ACRE, MULCHED WITH A TYPE I MULCH AT 2-TON PER ACRE, AND DISK ANCHORED. SEE TURF ESTABLISHMENT PLANS.
8. MNDOT 2574 SOILBED PREPARATION IS INCIDENTAL TO SEEDING.
9. THE ESTIMATED DISTURBED AREA IS 3.3 ACRES.
10. THE ESTIMATED EXCAVATION IS 8000 CY.

1. TOPSOIL STRIPPING IS 8"
2. SELECT GRANULAR EMBANKMENT WILL BE OBTAINED FROM ADJACENT CUTS. SEE THE SOIL BORINGS FOR ANTICIPATED LOCATIONS THAT MEET THE SELECT GRANULAR GRADATION.
3. BORROW AREA TO BALANCE EARTHWORK IS SHOWN.
4. PLACING EMBANKMENT IS INCLUDED IN THE PRICE FOR COMMON EXCAVATION AND IS NOT A SEPARATE PAY ITEM.
5. NO WORK OR STOCKPILING IS ALLOWED OUTSIDE OF THE CONSTRUCTION LIMITS WITHOUT APPROVAL FROM THE ENGINEER.
6. TOPSOIL COVERING IS INCIDENTAL WITH NO PAY ITEM.
7. SELECT GRANULAR EMBANKMENT IS A SEPARATE PAY ITEM.

RESIDENTIAL ENTRANCES LABELED AS "DRY" WILL BE CONSTRUCTED AS PART OF THESE ROAD PLANS PER MNDOT STD. PLATE NO. 9000E EXCEPT ENTRANCES WILL RECEIVE AGG. SURFACING IN LIEU OF BITUMINOUS. ENTRANCES WILL BE GRADED WITH 1:6 SIDE SLOPES. ENTRANCES LABELED AS "CULV" WILL NOT BE CONSTRUCTED. THOSE ENTRANCES WILL BE CONSTRUCTED WITH A CULVERT AT THE TIME OF HOME CONSTRUCTION.

POTENTIAL BUILDING AREAS ARE SHOWN. NO BUILDING PADS WILL BE CONSTRUCTED AS PART OF THIS PROJECT. MINIMUM LOW OPENING ELEVATIONS ARE SHOWN BASED ON EMERGENCY OVERFLOW ELEVATIONS. THE MIN. LOW OPENING ELEVATIONS ARE BASED ON THE BUILDING AREA LOCATION SHOWN. IF THE BUILDING AREA IS MOVED SIGNIFICANTLY, THE MIN. LOW OPENING ELEVATIONS SHOULD BE RE-EVALUATED.

- Existing Contour
- Proposed Contour
- Proposed Drainage & Direction
- Construction Limits
- Silt Fence, Type Machine Sliced
- Bioroll, Type Compost Log
- Culvert Inlet Protection (See Detail Sheet 3)
- Stabilized Construction Entrance (See Detail Sheet 3)



**Land Surveying
& Engineering**

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Chaska, MN 55318
612-418-6828

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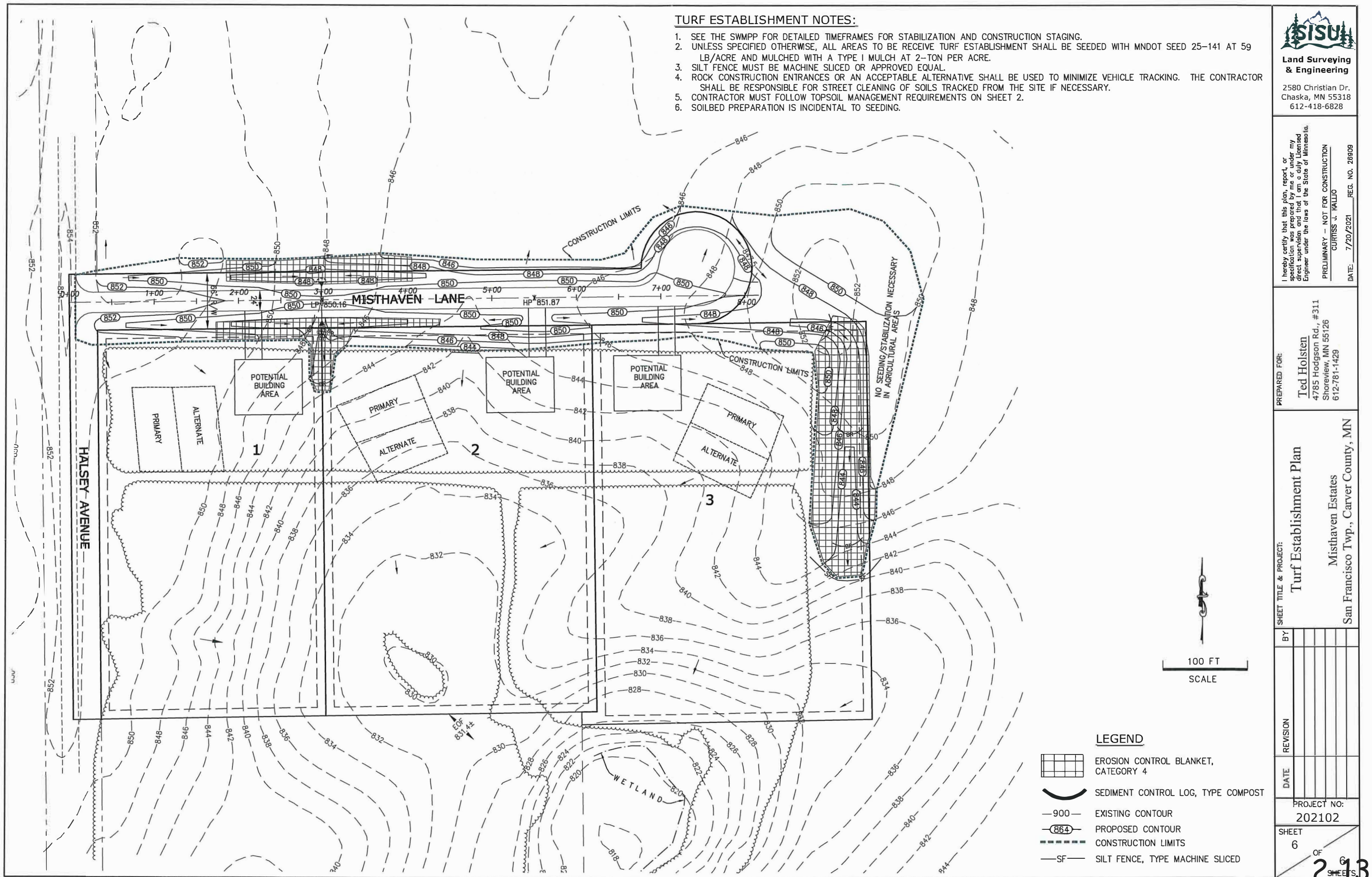
SHEET TITLE & PROJECT:

Grading, Drainage, and Erosion Control Plan

Misthaven Estates

Misthaven Estates
San Francisco Twp., Carver County, MN

BY						
REVISION						
DATE						
PROJECT NO: 202102						
SHEET 4 OF 21 SHEETS						



Jason Mielke

From: Angie Stenson
Sent: Friday, August 6, 2021 2:56 PM
To: Jason Mielke; Christina Neel
Cc: Darin Mielke
Subject: RE: Mithaven Estates Preliminary Plat (request for review)

Hi Jason and Christina,

Thank you for the clarification. Since the property adjacent to the County right of way is not being platted and there is no proposed access to a County roadway, we don't have any formal comments.

One supplemental comment is to ensure that Mithaven Lane is able to connect to any future lots proposed to the east or north of the site. The way the new roadway and plat are oriented appear to meet the ordinance requirement of extending the roadway right of way to the edge of the plat, which should accommodate potential future lots in the area.

Do you know if Mithaven is planning to subdivide any more lots? With Kindred Prairie, minor subdivisions south of CSAH 50 in the area, and this preliminary plat, it would be good to have a long range plan of where/how the local roads are being planned to connect.

Angie Stenson AICP | Sr. Transportation Planner
Carver County Public Works
Mobile 612.360.7422 | Email astenson@co.carver.mn.us

Jason Mielke

From: Kleist, Mitchell (Northern Natural Gas) {Contractor} <Mitchell.Kleist@nngco.com>
Sent: Monday, July 26, 2021 11:23 AM
To: Christina Neel
Cc: Jason Mielke
Subject: RE: Mithaven Estates Preliminary Plat (request for review)
Attachments: Easement Mod - Holsten.pdf; NNG Aerial - Holsten.pdf

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Christina-

Good morning. Thank you for this and allowing opportunity to comment. Northern does operate two high pressure transmission lines through the NW, SW, and SE Quarters of S36, T115N, R24W – however, I do not anticipate any conflicts w/ the proposed Plat, as it appears to be located outside of Northern’s existing easement limits.

I’ve attached an aerial from our pipeline safety map depicting the approx. alignment of our pipelines through Section 36 – and I’ve also attached a copy of Northern’s existing easement through the property in question.

Please feel free to forward this along to whom you see fit and don’t hesitate to reach out to me through any of my contact information below w/ questions or concerns.

Thank you,

Mitch Kleist

Northern Natural Gas Company | Right of Way Department

1120 Centre Pointe Dr. STE 400, Mendota Heights, MN 55120

Office: 651-456-1766 | Mobile: 507-340-0081 | email: mitchell.kleist@nngco.com

**COUNTY OF CARVER
BOARD OF COMMISSIONERS**

**AN ORDER FINDING CERTAIN FACTS AND ORDERING
THE ISSUANCE OF A CONDITIONAL USE PERMIT**

DATE: June 1, 2021

ORDER #: PZ20210028

FILE #: PZ20210028

OWNERS: Mithaven, LLC

APPLICANT: Ted Holsten

SITE ADDRESS: 15XXX Halsey Avenue, 55315

PERMIT TYPE: Additional Density – High Amenity Lots

PURSUANT TO: Carver County Code: Section 152.078 (A) & (C)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-036-0640

A public hearing was held on this matter on May 18th, 2021, by the Carver County Planning Commission, and the recommendation of the Planning Commission was duly considered in the issuance of this order.

FINDINGS OF FACT

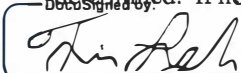
1. Mithaven, LLC. owns an approximate 107.00-acre parcel located in part of the Southwest Quarter (SW¼) of Section 36, San Francisco Township. The property is primarily tillable farmland but does have an undeveloped wooded area, and a pond. The property is located in the Agricultural Zoning District and the CCWMO (Bevens Creek & Carver Creek Watersheds).
2. The applicant is proposing to develop three residential parcels (approx. 2.77 – 3.51 acres) in the northwestern portion of the subject property. The proposed development would result in a total of three building sites (for single-family dwellings) and would require the construction of a Township Road. The applicant is requesting a Conditional Use Permit (CUP) pursuant to the "Additional Density Options" in Section 152.078 (A) and (C) of the Carver County Zoning Code.
3. San Francisco Township has provided for the High Amenity Option in its chapter of the 2040 Comprehensive Plan. The High Amenity 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, wooded pasture, and similar areas, 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 ¼ - ¼). Also, a Conditional Use Permit has not been previously issued for additional density on the subject parcel.
4. The applicant is proposing a total of three (3) buildable residential lots as part of the development (plat) which would range between 2.77 acres and 3.51 acres in size. Each newly created lot would meet the required minimum lot size as allowed by the Zoning Code.
5. During the preliminary platting process, the applicant must document a suitable one (1) acre building site for each lot. The concept plan would also illustrate the potential locations for Subsurface Sewage Treatment Systems (SSTS) on each lot. A licensed SSTS professional has provided partial soils reports for the County's review.
6. Each lot would meet the requirements for public road frontage, which would be from a newly proposed Township Road (Mithaven Lane). Access would be to each lot individually (three accesses from the proposed Township Road). The San Francisco Town Board (i.e. road authority) would be reviewing the proposed access locations during the preliminary platting process.

7. The individual lot owner(s) will be required to comply with the Carver County Water Management Organization (CCWMO) Water Rules Standards. Each lot will 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. A road would need to be constructed as part of the platting process and according to a developer's contract. The road must be constructed to Township standards. The concept plan illustrates the road configuration over a portion of the Mithaven parcel (Halsey Avenue access) and extending into the subject property with a 66' right-of-way (approx. 1,000' total length). County policy discourages permanent dead-end roads; therefore, future road extension(s) or easement(s) should be evaluated during the preliminary platting process.
9. A wetland delineation would be needed as part of the platting process. The development of a new road along with the creation of new driveways creates a potential for impacts to any low-lying areas "wetlands" within the tree canopy that may need to be avoided.
10. The entire layout as proposed will be properly addressed during the preliminary platting process.
11. The proposed lots appear to meet all the criteria for High Amenity Lots. Matt Steele, the Carver County Feedlot Officer, confirmed that the feedlot setback buffer is accurate for the feedlots south of the subject property. Given the feedlot buffer, the new lots would more than exceed the required 1,000-foot feedlot setback.
12. On May 6, 2021, this request was reviewed by Lori Brinkman, the County's Environmentalist II. Ms. Brinkman stated that Primary and Alternate SSTS locations have been identified by an SSTS designer for each parcel and have reviewed by Carver County Environmental Services.
13. The San Francisco Town Board reviewed and recommended approval the request during their March 15, 2021, Town Board Meeting. The request for the additional density lots is allowed pursuant to their chapter of the Carver County Comprehensive Plan.
14. The Board of Commissioners has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20210028. THIS PERMIT IS ISSUED PURSUANT TO SECTION 152.078 (A) AND (C) OF THE CARVER COUNTY CODE, FOR THE CREATION OF HIGH AMENITY LOTS ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A." THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

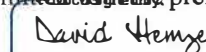
1. Three (3) residential lots are permitted, provided the building site requirements and minimum lot standards are satisfied. The entire subject property shall be platted in accordance with M.S. Chapter 505 and the Carver County Code. A total of three (3) buildable lots (building eligibilities) shall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

3. The proposed lots must have a one-acre building site, which shall be reviewed as a part of the Subdivision Plat. Primary and alternate drainfield 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.
4. Access locations and permits shall be approved by San Francisco Township (road authority) prior to any work occurring within the road right-of-way.
5. As a part of the platting process the applicant shall develop covenants to be filed with the plat. The covenants shall 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, and that commercial agriculture and other rural land use activities shall 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 shall have to submit percolation tests and soil borings for another site before any building permit shall be issued.
 - E. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The plat indicates the outside boundary of the delineated wetlands, which impacts all proposed lots. The required covenants shall address that each lot will be reviewed in the field prior to issuance of any building permits. The required covenants shall address the concerns of possible drainage of an existing delineated wetland located in the woods and open field area; therefore, no vegetative removal within the drainage easement area shall be allowed.
 - G. A covenant must clearly state that lot owners shall maintain the road until such time as the Township agrees to accept the road and assume maintenance responsibility.
 - H. A covenant stating that if any lot exceeds the impervious coverage area, pursuant to the Carver County Water Management Rules - Chapter 153, Section 153.11 A2, additional review by Carver County Planning & Water Management may be needed.
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. The boundaries of any possible wetlands must be included on the preliminary plat so appropriate drainage easements may be determined. If necessary, a wetland mitigation plan and application shall be submitted with the preliminary plat application.



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Tim Lynch, Chair
Carver County Board of Commissioners

6/3/2021 | 10:54:59 AM CDT



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Dave Henze
County Administrator

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EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-036-0640

File# PP-PZ20210047

APPLICANT/OWNER: Msthaven, LLC

* * * * *

The South Half of the Southwest Quarter; Northwest Quarter of Southwest Quarter; West Half of the Northeast Quarter of Southwest Quarter, all in Section 36, Township 11, Range 24.

EXCEPT four parcels of land legally described as:

- 1) Commencing at a point 1,247 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 36, Township 115 North, Range 24 West, thence running East, parallel to the South Section line of said Section 36, a distance of 195 feet to a point; thence turning and running North, parallel to the West Section line of said Section 36, a distance of 119 feet to a point, thence turning and running West, parallel to the South Section line of said Section 36, a distance of 195 feet to a point; thence turning and running South along the West line of said Section, a distance of 119 feet to the point of beginning. Lying and being in the Southwest Quarter of the Southwest Quarter of Section 36, Township 115 North of Range 24 West.
- 2) Commencing at a point 1,087 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 36, Township 115 North of Range 24 West, thence running East, parallel to the South Section line of said Section 36, a distance of 204 feet to a point; thence turning and running North, parallel to the West Section line of said Section 36, a distance of 160 feet to a point; thence turning and running West, parallel to the South Section line of said Section 36, a distance of 204 feet to a point; thence turning and running South along the West line of said Section, a distance of 160 feet to the point of beginning. Lying and being in the Southwest Quarter of the Southwest Quarter of Section 36, Township 115, of Range 24 West.
- 3) Commencing at the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 36, Township 115 North of Range 24 West, thence running North along the West Section line of said Section 36, a distance of 208 feet to a point; thence turning and running East, parallel to the South Section line of said Section 36, a distance of 208 feet to a point; thence turning and running south, parallel to the West Section line of said Section 36, a distance of 208 feet to a point on the South line of said Section; thence turning and running West along the South line of said Section, a distance of 208 feet to the point of beginning. Lying and being in the Southwest Quarter of the Southwest Quarter of Section 36, Township 115 North of Range 24 West.
- 4) Commencing at a point on the west line of Section 36, Township 115 North, Range 24 West, which is 1,087 feet North of the Southwest corner of the Southwest Quarter of said Section; thence easterly, parallel to the South Section line of said Section, a distance of 183 feet; thence deflecting right and running Southerly, parallel to the West Section line of said Section, a distance of 476 feet; thence deflecting right and running westerly, parallel to said South Section line to a point of the West Section line of said Section; thence northerly along said Section line to the place of beginning.

AND ALSO EXCEPTING PART OF THE Northwest Quarter of the Southwest Quarter of Section 36, Township 115, Range 24, described as follows: Commencing at the southwest corner of said Section 36; thence on an assumed bearing of North 00 degrees 44 minutes 59 seconds West along the West line of said Southwest Quarter, 1,366.00 feet to the beginning of the tract

to be described; thence continuing North 00 degrees 44 minutes 59 seconds West along the West line, 350.00 feet; thence North 88 degrees 57 minutes 54 seconds East, 600.00 feet; thence South 00 degrees 44 minutes 59 seconds East, 350.00 feet; thence South 88 degrees 57 minutes 54 seconds West, 600.00 feet to the point of beginning.

AND ALSO EXCEPTING that part of the Southeast Quarter of the Southwest Quarter of Section 36, Township 115, Range 24, Carver County, Minnesota, lying easterly of the following described line: Commencing at the southeast corner of said Southeast Quarter; thence South 88 degrees 57 minutes 54 seconds West, assumed bearing along the south line of said Southeast Quarter, a distance of 901.48 feet to the point of beginning of the line to be described; thence North 01 degree 01 minutes 58 seconds West, a distance of 114.47 feet; thence northeasterly, a distance of 154.68 feet along a tangential curve concave to the east having a radius of 633.00 feet and a central angle of 14 degrees 00 minutes 04 seconds; thence North 12 degrees 58 minutes 06 seconds East, tangent to said curve, a distance of 870.58 feet; thence northerly, a distance of 177.82 feet along a tangential curve concave to the west having a radius of 767.00 feet and a central angle of 13 degrees 17 minutes 00 seconds; thence North 00 degrees 18 minutes 54 seconds West, tangent to said curve, a distance of 24.29 feet to the northwest corner of the East Half of said Southeast Quarter of the Southwest Quarter and said line there terminating.