

Carver County Planning Commission

Regular Meeting - **Tuesday, July 18, 2023**

Commissioners' Meeting Room

2nd Floor Human Services Bldg

Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of June 20, 2023, regular meeting
Pages 1-1 through 1-5
- 2.) **File #PZ20230026** – Public hearing on application by Larry & June
Flewelling for a Conditional Use Permit.
(Temporary Manufactured Home/Special Needs Parent)
Young America Township Pages 2-1 through 2-10

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – June 20, 2023
Minutes

Members Present: Scott Wakefield, Scott Hoese, Greg Grazzini, Frank Mendez, Matthew Kerber, Andy Steinhagen, John P Fahey

Members Late: None

Members Absent: None

Staff Present: Jason Mielke, Donovan Hart

Pursuant to due call and published notice thereof, the June 20, 2023, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Chairman Wakefield announced the roll call indicated all members are present.

Agenda – A motion was made by Steinhagen to approve the agenda as printed. Hoese seconded the motion for approval. All voted aye. Motion carried.

Minutes – A motion was made by Hoese and seconded by Mendez to approve the minutes from the May 16, 2023, regular meeting. All voted aye. Motion carried.

File #PZ20230025 – Loren & Susan Kohls – Chairman Wakefield called the public hearing to order at 7:01 p.m. to consider a request by Loren & Susan Kohls. The purpose of the public hearing was to consider a request for additional density pursuant to Chapter 152 of the County Code. The property is located in Section 11 of Watertown Township.

The following were present: Loren Kohls, Susan Kohls, Jenifer Enos

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 May 24, 2023

Exhibit F – Staff Report addressed to the Planning Commission and Watertown Township dated June 12, 2023, and all attachments

Hart stated the applicants own an approximate 64.8-acre parcel from which they would like to subdivide approximately 28 acres consisting primarily of crop production land, wetlands and treed areas, and Oak Lake shoreline as an additional density ‘High Amenity’ Lakeshore Lot. Watertown Township provides for the additional density high amenity option in their chapter of the Comprehensive Plan. The applicants were granted a variance to pursue creating the lot due to reduced road frontage, excessive width-to-depth ratio, and reduced parcel width for a

shoreland lot. Hart used an aerial photo showing a survey of the lot to indicate the proposed configuration. The applicants' letter states the septic report indicates there could be two proposed building sites available on the parcel; however, they are proposing to use the one lot incentive option for this property. The proposed lot does meet the intent of the 2040 Comprehensive Plan. The newly created lot would be required to comply with the Carver County Water Management Organization (CCWMO) water rules standards. Lori Brinkman, Carver County Senior Environmentalist, confirmed that both sites meet minimum SSTS requirements for the creation of a new residential lot. Watertown Town Board reviewed the request and recommended approval at their June 5, 2023, meeting, with the comment, 'approved as requested.' Hart read the conditions for consideration if the request is approved. If the Planning Commission recommends denial of the request, the reasons supporting the denial must be stated.

Chairman Wakefield asked the applicants if they had any additional comments and if they agree with the proposed conditions.

Loren Kohls, 10675 County Rd 20, stated they had no additional comments and agree with the proposed conditions.

Scott Hoese, speaking as a Watertown Township Supervisor, stated the Board was familiar with the request from the earlier variance application and was in support of the proposal.

No one from the public was present to comment about the request.

A motion was made by Hoese to close the public hearing. The motion was seconded by Grazzini. Chairman Wakefield called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:08 p.m.

Hoese made a motion to **approve and issue Resolution #23-11** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit to utilize the one building eligibility incentive (high amenity lakeshore lot) to create one building eligibility. Mendez seconded the motion for approval.

Steinhagen asked if future owners of this property would need to re-apply for the CUP, since the issuance of this option is considered a one-time option.

Hart explained that the CUP is for the additional density building eligibility and when the house is built, it is a permanent structure and the CUP 'use' would be completed. Future owners do not need a CUP, as the use is already established.

Mr. Kohls clarified that they are asking for the eligibility on this land. Their intent is to sell the lot for someone else to be able to build a house on it.

Mielke explained that the request for the eligibility on the land will remain with the newly created parcel. The applicants would not be allowed to request additional density options on their parcel in the future.

Chairman Wakefield called for a vote on the motion. All voted aye. Motion carried.

File #PZ20230021 – Joe White/B H Aggregate Services, Inc. – Chairman Wakefield called the public hearing to order at 7:11 p.m. to consider a request by Joe White of B H Aggregate Services, Inc., representing Robert & Jenifer Weerts and the Jean F Beuning Revocable Trust. The purpose of the public hearing was to expansion of an existing gravel mining operation pursuant to Chapter 152 of the County Code. The property is located in Section 28 of Hollywood Township.

The following were present: Joe White, Bruce Fillbrandt, Jean Beuning

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 November 1, 2022 (latest revised date-June 1, 2023)

Exhibit F – Staff Report addressed to the Planning Commission and Hollywood Township dated June 12, 2023, and all attachments

Hart used an aerial photo to illustrate the areas of two parcels involved in this request. The application is to continue the mining operation on the southerly parcel and increase and expand onto a portion of the northerly parcel. The southerly parcel has an existing CUP for mining which was issued in 2008. The applicant has recently been granted a variance to eliminate the required setback from a property line for mining to allow for mining across the property line onto the northerly parcel, which allows for this Interim Use Permit application. The northerly parcel has a single-family dwelling, accessory structures, a commercial dog kennel and dog run areas. The southerly parcel consists of the existing active gravel pit, agricultural production land, wooded and wetlands areas and the pond created from the ongoing mining project. The submitted operational plan describes the site activities of topsoil stripping, sand and gravel excavation, material screening and crushing, and stockpiling. Recycling of concrete and asphalt is also proposed. Excavators, bulldozers, haul trucks, conveyors, crusher, and other equipment typically used for mining will operate at the site. Excavation will be done with a backhoe to an approximate depth of 939 feet above sea level, which is about 25 feet below the water table. The mining site plan, dated June 1, 2023, shows the planned 5.5-acres excavation area, estimating approximately 188,250 cubic yards of material would be removed. The applicant anticipates the mine would export an average of 25,000 cubic yards per, which may increase up to 75,000 cubic yards in a high-demand year. The estimated operational life of the mine would 3 to 6 years. The reclamation plan indicates a single lake with shoreline and conforming slopes will be formed when mining is completed. All mining activities meet the required setbacks from wetlands as indicated on the approved wetland delineation on the northerly parcel. The proposed mining operation proposes to use the existing truck access on County Rd 33 shown on the site map. An estimated 20 trips per day would export an average of 35,000 tons (or 25,000 cubic yards) from the mine annually. This could increase to 58 trips per day, exporting 105,000 tons (or 75,000 cubic yards) on a high-demand year. The average daily trips was based on the average of 20 tons

per load and hauling occurring 180 days a year. The proposed hours of operation would be from 6:30 a.m. to 8:00 p.m. The a.m. peak hourly traffic (6:30-8:00) is estimated to be 7 trips per hour and the p.m. peak (3:00-4:00) hourly traffic would be about 6 trips per hour. The estimated 'worst case' hourly traffic would be 30 trips (15 loads) per hour. Processing of the recycled concrete and asphalt will occur within the mining pit area, with the equipment moved around as needed. The applicant has stated the only gravel remaining on the southerly property not within the 50-foot setback from the property line lies under the lakebed, where there isn't a financial benefit to remove it. The mining operational area will be substantially screened through a mixture of trees on the northern and eastern perimeter of the mining area and the remoteness of the site from neighboring residences. A berm on the eastern side of the existing lake largely screens the view of the proposed pit from the house. The reclamation plan states approximately 12,000 cubic yards of topsoil and non-granular overburden material would be re-applied to connect with the current pond and create the final slopes for the future pond. The slopes will be shaped, seeded and mulched to establish vegetation. Jack Johansen, Carver County Transportation Planner, reviewed the submitted materials and offered comments (printed in the staff report) concerning traffic, access, dust and debris from the site, obtaining a utility or excavating/filling/grading permit from Public Works, and damages, modifications or changes to County highways. A requirement of the variance approval was to have an alternate septic site for the northerly parcel identified on the mining plan, which has been completed. The mining operation complies with all required SSTS setbacks. A CCWMO permit is required and stormwater management standards would need to be met for the reclamation of all aggregate mining areas. Taylor Huinker, DNR Area Hydrologist, commented that if the project would exceed what is currently permitted within DNR water appropriations permit, then the current permit would need to be amended. The Hollywood Town Board reviewed the request and recommended approval at their May 8, 2023, meeting. Hart read the conditions for consideration if the request is approved. Upon final approval, all previous CUP's issued for mining would be terminated and IUP PZ20230021 would supersede them. If the Planning Commission recommends denial of the request, the reasons supporting the denial must be stated.

Chairman Wakefield asked if the applicant had any additional comments or if he agrees with the proposed conditions of the permit.

Mr. White stated he agrees with the proposed conditions and stated that dust control treatment is scheduled to be applied to the road tomorrow. He also noted that this gravel pit has been in existence for a number of years and that the owner was extracting the aggregate material by himself which was a slower paced operation. Mr. White's company will be mining for much larger projects which is anticipated to deplete the aggregate supply within 3 to 6 years. After the restoration is completed, the result will be a pond for both properties to enjoy.

Bruce Fillbrandt, Hollywood Township supervisor, confirmed the Township's recommendation for approval of the request.

Mr. White added this is a perfect site for a gravel pit because there are so few residences in the area. Ms. Beuning is the closest residence and has been involved in the process, so he expected this project should go smoothly.

No one was present from the public for comments on this request.

Hoese stated he has occasionally obtained sand from this pit and it is very convenient to have it in the area. He congratulated Mr. White as the new owner of the mining project and wished him well with the operation.

A motion was made by Fahey to close the public hearing. The motion to close was seconded by Mendez. Chairman Wakefield called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:26 p.m.

Steinhagen noted the anticipated life of the pit will be 3 – 6 years. He asked if after 6 years, will an amendment be necessary to extend the permit if there is still aggregate material available.

Mielke noted that the permit language states the permit shall terminate upon the exhaustion of the aggregate mining, upon a change in ownership, or June 1, 2033, whichever occurs first. This allows a little longer time than requested for the mining and completed restoration in case the aggregate is not mined as quickly as planned.

Fahey stated he has not received any calls or comments concerning this request.

Mr. White stated he visited with all the neighbors along County Rd 33 about the increased traffic with hauling and said he received no negative comments from anyone.

Steinhagen said he visited the site and had difficulty finding the access road. He stated that the stockpiles are somewhat visible from Highway 7, but this location is very secluded and naturally screened because of location.

Hoese made a motion to **approve and issue Resolution #23-12** incorporating the findings of fact and staff recommendations approving the Interim Use Permit for the operation of aggregate mining and processing activities. Steinhagen seconded the motion for approval. Chairman Wakefield called for a vote on the motion for recommending approval of the request to the County Board. All voted aye. Motion carried.

Adjournment

A motion was made by Grazzini and seconded by Kerber to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:30 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 7, 2023

TO: Carver County Planning Commission & Young America Town Board

FROM: The Land Management Department

SUBJECT: Application for an Interim Use Permit (Temporary Manufactured Home for Special Needs Parent)

FILE #: PZ20230026

APPLICANTS: Larry & June Flewelling

OWNERS: Kris & Kayla Flewelling

SITE ADDRESS: 18980 County Road 50 Hamburg, MN 55339

PERMIT TYPE: IUP – Temporary Manufactured Home for Special Needs Parent

PURSUANT TO: County Code: Chapter 152, Section 152.082 (C)(2)(c)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 11-030-0300

STAFF ANALYSIS:

1. Kris and Kayla Flewelling own an approximate 11.88-acre parcel located in the South Half (S½) of the Southwest Quarter (SW¼) of Section 30, Young America Township. The property is improved with a single-family dwelling with attached garage, and several accessory buildings. The parcel is located in the Agricultural Zoning District and Buffalo Creek Watershed District (Buffalo Creek watershed).
2. The applicants, Larry and June Flewelling are requesting an Interim Use Permit for a Temporary Manufactured Home for a Special Needs Parent to be able live on their son and daughter-in-law's property due to Larry's special needs health condition pursuant to Section 152.082 of the Carver County Zoning Code, which reads as follows:

§ 152.082 INTERIM USE PERMIT-AG DISTRICT.

(A) *Minimum criteria for issuance.*

- (1) If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
- (2) The activity conforms to all other county ordinances, state, and federal regulations.
- (3) Minimum five-acre lot size; unless another size is specified under a particular provision.
- (4) Waste generated shall be treated in accordance with Chapter 52 of this code of ordinances. The county may require design by a registered engineer.
- (5) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific 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.
- (6) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads or streets, can be accommodated within the context of the service levels available in the commercial agricultural area. Adequate water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
- (7) The 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 treatment and dispersal-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.
- (2) The operational plan and site plan shall become part of the permit.
- (3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.
- (4) The applicant must submit a copy of workers compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (5) All buildings used in the operation must meet the State Building Code.
- (6) The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.
- (7) The date or event that will terminate the use shall be identified.

(C) Activities (For the purpose of this section, conditional use permit activities may also be considered and processed as interim uses).

(2) Temporary manufactured homes (allowed in AG Preserve).

(a) *General provisions.*

1. *Location.* Temporary manufactured homes shall be located on the same site as the principal residence. The manufactured home shall be located so that land that was in crop production is utilized only to the extent that it is necessary to meet other requirements and provide a feasible location.
2. *Removal.* At such time as a temporary home ceases to be occupied as required, the home shall be removed within 120 days of the cessation of the required occupancy and no other occupancy shall occur.
3. Temporary manufactured homes shall not be made a permanent structure. The manufactured home shall not be greater than 20 feet in width nor shall an existing manufactured home be replaced with a structure greater than 20 feet in width. Additions other than decks or steps shall not be made to a manufactured home.
4. The applicant shall demonstrate a need to provide the housing.
5. Temporary manufactured homes shall use the existing well.

(c) Elderly/special needs parent/grandparent. A manufactured home 20 feet or less in width may be temporarily located on a parcel in order to accommodate parents or grandparents with special needs. The parcel must be at least five acres with one permanent dwelling. The elderly or special needs parent or grandparent may occupy either the temporary or permanent home. The principal occupant of each home shall be specified by name in the permit.

3. The applicant's letter (dated June 13, 2023) describes their desire to accommodate the medical need for Mr. Flewelling to be relocated to a manufactured home on his son and daughter-in-law's property. Due to Mr. Flewelling suffering from COPD and being on oxygen on a continual basis, he is not able to do maintenance on their current home and Mrs. Flewelling states that she is not able to perform the maintenance work herself. Due to proximity of mobile home on the son's property to his own dwelling, family would be available to assist the applicants with any house issues. The applicants understand that this is a temporary situation and do not identify the length of time they would need the mobile home on the property. They would hook up to the existing well for domestic water service.
4. The applicants have submitted a floor plan (dated June 6, 2023) for the temporary manufactured home. The approximate size of the single-story structure is 15' x 76' with two bedrooms identified. The maximum width of a temporary mobile home is 20-feet, so this size complies with that standard.
5. An Interim Use Permit requires a sunset date or event to be identified which would terminate the use. A condition of this request shall require termination of the permit at such time that Larry and June Flewelling no longer occupy the temporary dwelling or Kris or Kayla Flewelling act as caretakers.

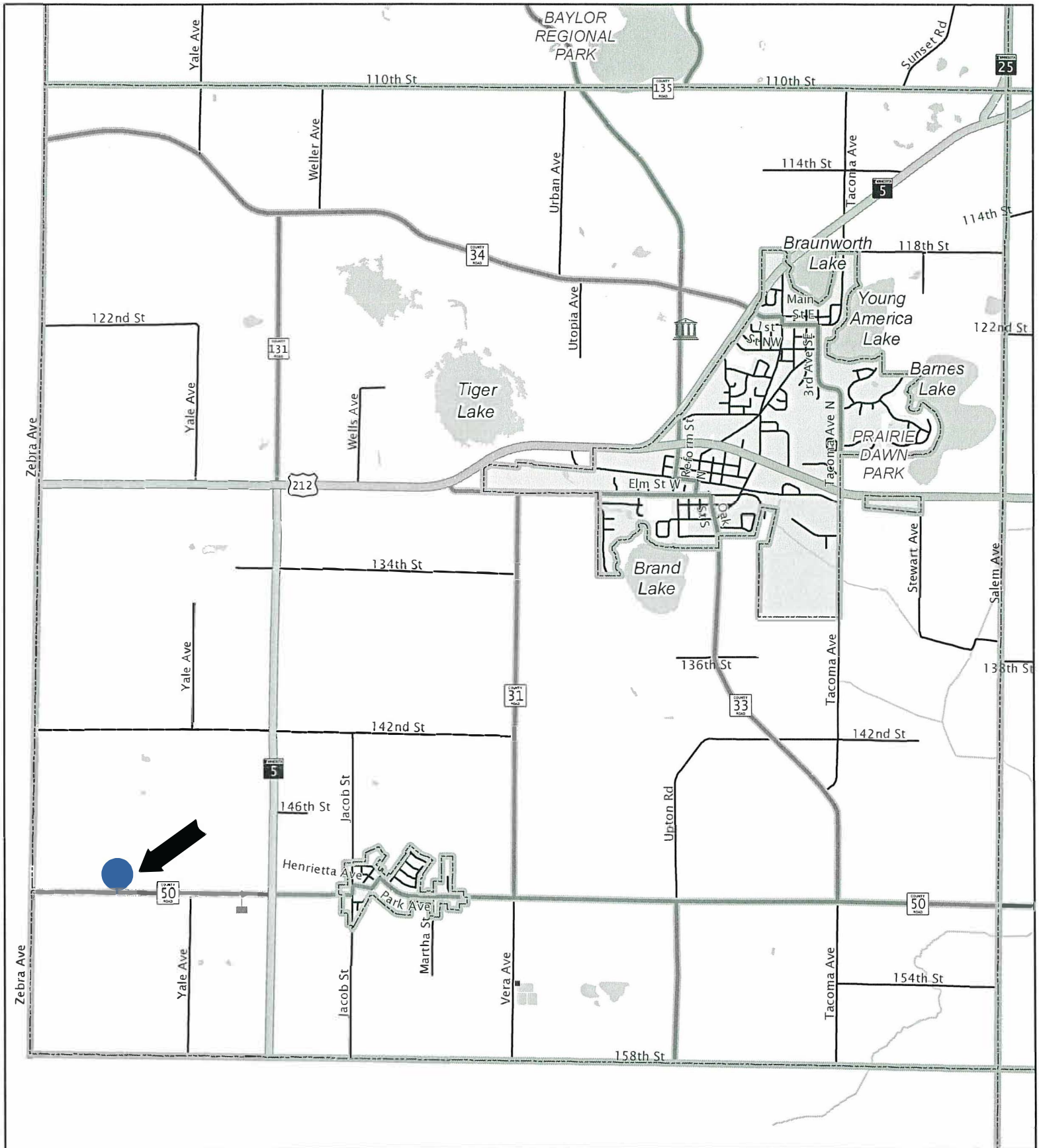
6. The existing SSTS was installed in 1999 and is not sized to accommodate the additional bedroom(s) within the temporary manufactured home. The applicants have submitted a septic report with a design for a Type 1 SSTS system sized for a two-bedroom use, which was reviewed by Environmental Services. In an email dated June 16th, Lori Brinkman, Advanced SSTS Inspector, wrote: "I completed field review of the soil report submitted for this design. The boring completed meets requirements of the design submitted. The existing house SSTS passed a compliance inspection in 2022. I will need to review the mobile home plan to verify that it matches the SSTS design submitted."
7. The request was heard by the Young America Town Board during their June 13, 2023, Town Board Meeting. The Town Board recommended approval of the IUP request and commented: "Township has no issues with the permit."

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Interim Use Permit (IUP) application to install a Temporary Manufactured Home for a Special Needs Parent on the property addressed as 18980 County Road 50, the following conditions should be considered for the permit:

1. The permit is subject to compliance review. The Interim Use Permit (IUP) is issued to Larry and June Flewelling to accommodate the occupancy of Larry and June Flewelling or Kris & Kayla Flewelling. This permit is not transferable to another person/owner/occupant. A change in ownership or occupant(s) of the manufactured home shall be cause for the permit to expire. The Land Management Department must be notified if the occupancy changes.
2. The IUP shall expire at such time that Kris & Kayla Flewelling no longer own the property. The temporary manufactured home shall be removed from the property within 90 days of when the occupants named on this permit cease to be occupy the mobile home in accordance with this permit.
3. Prior to any construction activities, the appropriate building permits shall be obtained (submitted, reviewed and issued) for the manufactured home.
4. The Permittee shall maintain a conforming Subsurface Sewage Treatment System pursuant to Chapter 52 of the Carver County Code to accommodate wastewater produced from the manufactured home.
5. The temporary manufactured home shall comply with all local, state and federal regulations.

YOUNG AMERICA TOWNSHIP

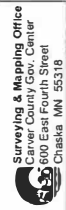


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

S 1/2 SEC. 30, T.115, R.26



Date: June 13, 2023

To: Planning Commission

Subject: Request for Interim Use Permit (IUP) on 18980 County Rd 50, Hamburg, MN

Current property owners: Kris and Kayla Flewelling

IUP Applicants: Larry and June Flewelling

Description:

Larry has COPD and is on oxygen 24x7. He recently had his oxygen increased from 2 to 4. He cannot do any maintenance on our current home and all maintenance issues either need to be done by me or we need to hire someone to do the work. Basically, our current living situation is not favorable for him and I am unable to manage all the house maintenance issues on my own.

We are requesting an Interim Use Permit to place a 16' x76' manufactured home on my son's property. Both Larry and I will be living in this manufactured home.

My son will be able to assist us with any house issues. The length of stay on the property is to be determined.

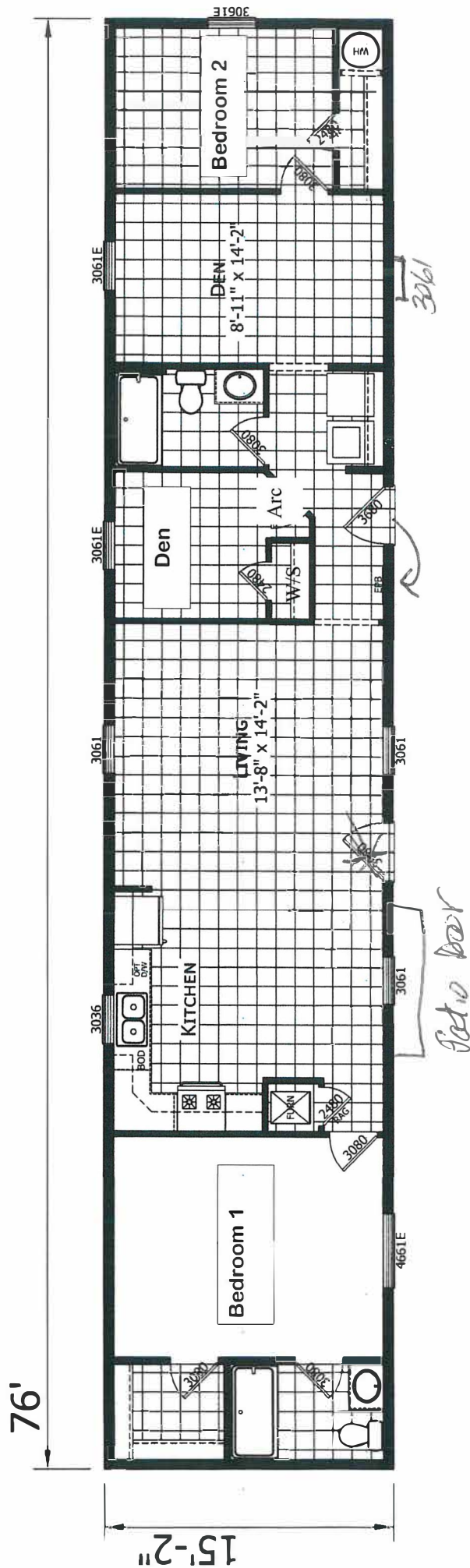
A new septic system will be created for this temporary home. (septic design attachment)

We will hook into the current well system.

The proposed home and location is shown on the attached site plan and home plan.

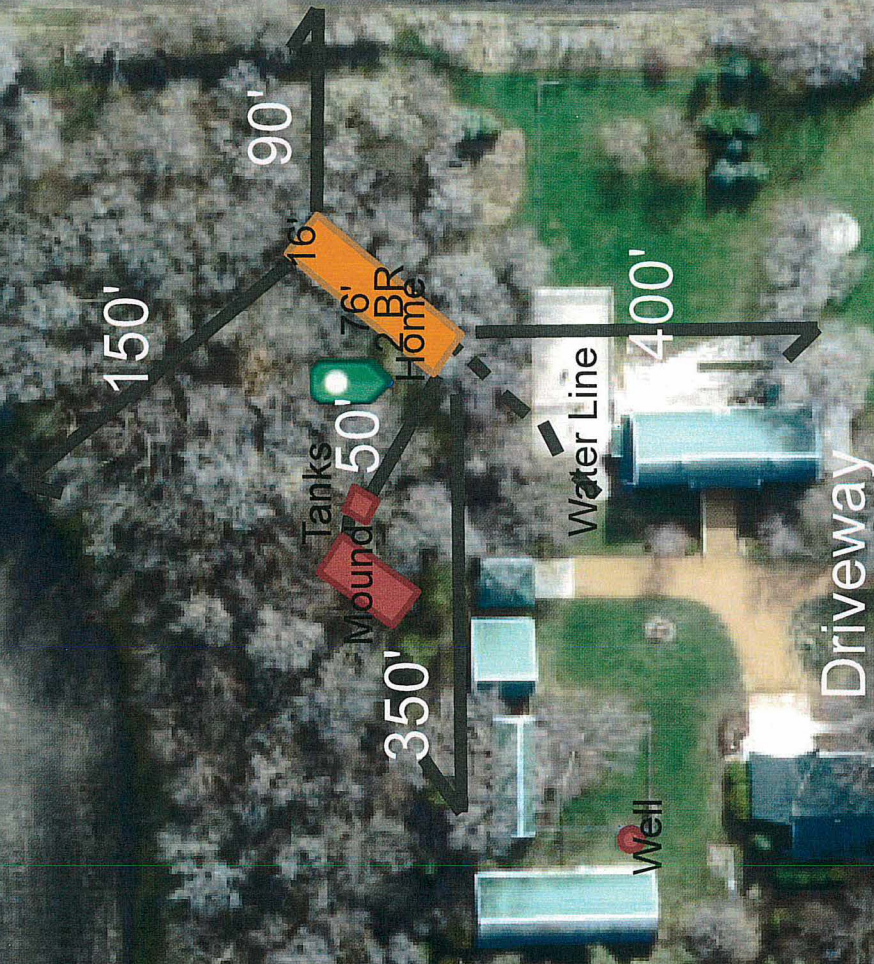
Thank you for your consideration of this request.

June and Larry Flewelling



6/6/2023

Dated:
6/6/2023





Township Presentation & Recommendation Form

PARCEL # <u>110300300</u>	Permit # <u>PZ20230026</u>
Owner's Name: <u>Kris Flewelling (Kyla)</u>	Owner's Mailing Address: <u>18980 County Rd 50</u>
City: <u>Hamburg</u>	Owner State: <u>MN</u> Owner Zip: <u>55339</u>
Applicant (if other than owner): <u>Larry Flewelling (June)</u>	Site Address: <u>18980 County Rd 50</u>

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

Description of Request:

Temporarily place a 16x76 manufactured home on said parcel to accommodate parents with special needs.

Date of County Public Hearing: 7/18/23

Date of Township Meeting: 6/13/2023

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 has no issues with this permit.

****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.

June Flewelling July 14, 2023

Signature of Applicant

Date 6/13/2023

Bradley Shoup

Signature of Township Official

Date 6/13/2023

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 11-030-0300

File# PZ20230026

APPLICANT/OWNER: Kayla Flewelling & Kris Flewelling

* * * * *

Part of the West One Third of the South One Half of Section 30, Township 115, Range 26, Carver County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 30; thence on an assumed bearing of South 89 degrees 52 minutes 14 seconds East along the South line of said Southwest Quarter, 1192.10 feet to the point of beginning of the tract to be described; thence North 00 degrees 26 minutes 48 seconds East, 828.58 feet; thence South 89 degrees 52 minutes 14 seconds East, 254.23 feet; thence North 58 degrees 17 minutes 43 seconds East, 189.45 feet; thence North 00 degrees 26 minutes 48 seconds East, 399.28 feet; thence South 89 degrees 52 minutes 14 seconds East, 125.00 feet to the East line of said West One Third of the South One Half of Section 30; thence South 00 degrees 26 minutes 48 seconds West along said East line, 1327.79 feet to the South line of said Southwest Quarter; thence North 89 degrees 52 minutes 14 seconds West along said South line, 539.63 feet to the point of beginning.