

Carver County Planning Commission

Regular Meeting - **Tuesday, May 18, 2021**

Via WebEx Conference Call

AGENDA

7:00 P.M.

- 1.) Approve minutes of March 16, 2021, regular meeting
Pages 1-1 through 1-13
- 2.) **File #20210023** – Public hearing on application by Mark Eklo for a Preliminary Plat.
(Neumann Acres)
Watertown Township Pages 2-1 through 2-26
- 3.) **File #20210031**– Public hearing on application by Jerry Roelofs, representing Dan & Emily Becker, for a Conditional Use Permit.
(Personal Accessory Structure)
Watertown Township Pages 3-1 through 3-9
- 4.) **File #20210026** – Public hearing on application by Tyler Safratowich for a Conditional Use Permit.
(Personal Accessory Structure)
Laketown Township Pages 4-1 through 4-8
- 5.) **File #20210029** – Public hearing on application by Joel Hiivala for a Conditional Use Permit.
(Personal Accessory Structure)
Hollywood Township Pages 5-1 through 5-8
- 6.) **File #20210013** – Public hearing on application by Cary & Barb Fritsvold for a Conditional Use Permit.
(Personal Accessory Structure)
San Francisco Township Pages 6-1 through 6-8
- 7.) **File #20210028** – Public hearing on application by Ted Holsten, representing Mithaven, LLC for a Conditional Use Permit.
(High Amenity Lots)
San Francisco Township Pates 7-1 through 7-14

Other Business

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

Members Present: Scott Smith, Frank Mendez, Mark Willems, Gabrielle Theis, Scott Wakefield, Roger Storms, John P Fahey

Members Late: Frank Mendez (joined the meeting at 7:37 p.m.)

Members Absent: Gabrielle Theis

Staff Present: Jason Mielke, Aaron Stubbs, Jennifer Tichey, Nancy Buckentine

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

Minutes – A motion was made by Wakefield and seconded by Storms to approve the minutes from the March 16, 2021, regular meeting. Smith conducted a roll call vote. All voted aye. Motion carried.

File #20210021 – Brandon Panning – Vice Chairman Smith called the public hearing to order at 7:02 p.m. to consider a request by Brandon Panning. 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 26 of Young America Township.

The following were present: Brandon Panning

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 March 29, 2021

Exhibit F - Letter to the Planning Commission and Young America Township dated April 12, 2021, and attachments

Stubbs explained the applicant owns an approximate 13.79-acre parcel improved with a single-family dwelling and attached garage. The applicant is requesting a Conditional Use Permit, which would allow him to apply for a building permit, to construct a detached accessory structure, approximately 50-feet x 96-feet in size. The proposed structure would increase the total allowable square footage of personal storage space on the property to approximately 5,520 square feet. The County Code allows a total of 4,000 square feet of personal storage space on a parcel of this size. The applicant's letter describes the intended use of the accessory structure would be only for personal use and storage of personal items (e.g. truck, lawnmowers, trailers, and other miscellaneous

property). There will be no business activity conducted from the site. The proposed structure would meet all required setbacks. On April 2, 2021, the request was reviewed by Joe Enfield, the County's Senior Environmentalist, who determined the current SSTS system was compliant and the proposed structure did not appear likely to impact that system. The applicant met with the Young America Town Board during their April 13, 2021, meeting and the recommendation was not available at the time the staff report was prepared. Stubbs read the conditions for consideration if the request is approved.

Brandon Panning, 14320 Tacoma Av, confirmed the information was presented and described accurately. He stated there is no other storage space on the property, so approval of this request would be greatly appreciated.

Mielke stated it appears that no one from the Young America Township Board was present for comments. He asked the applicant if he had attended the Town Board meeting and if a recommendation was made.

Panning confirmed he attended the meeting and the Board members said everything looked good.

Mielke stated the Town Board went on record in support of the request. The Township Recommendation form was not submitted to Land Management, but hearing and acknowledging their support at the Township meeting is quite common for this type of request.

Vice-Chairman Smith called for any comments from the public. No one responded to speak on this request.

A motion was made by Willems and seconded by Wakefield to close the public hearing. Vice Chairman Smith conducted a roll call vote. All moved aye. Motion carried. The public hearing was closed at 7:09 p.m.

A motion was made by Fahey and seconded by Wakefield to **approve and issue Order PZ20210021** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for an accessory structure. Vice Chairman Smith conducted a roll call vote on the motion. All voted aye. Motion carried.

File #20210020 – Scott Loomis – Vice Chairman Smith called the public hearing to order at 7:10 p.m. to consider a request by Scott Loomis. The purpose of the public hearing was to consider a request for two accessory structures pursuant to Chapter 152 of the County Code. The property is located in Section 9 of San Francisco Township.

The following were present: Scott Loomis, Larry Schmidt

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated March 29, 2021

Exhibit F - Letter to the Planning Commission and San Francisco Township dated April 12, 2021, and attachments

Stubbs explained the applicant owns an approximate 20.0-acre parcel improved with a single-family dwelling with attached garage. The applicant is requesting a Conditional Use Permit, which would allow him to apply for building permits, to construct two detached structures, one approximately 60-feet x 120-feet and a second approximately 30 feet x 44 feet in size with a loft area. The current personal storage space on the property is limited to an attached garage which is approximately 1,540 square feet. Construction of the two proposed accessory structures would result in a total of approximately 10,708 square feet of personal storage space on this property. The Zoning Code allows a parcel of this size a total of 4,000 square feet of personal storage space. The applicant's letter describes the use of the structure to be for personal use and storage of items, e.g. motor home, sports cars, fishing boats, lawnmower, trailers and other miscellaneous property. There would be no business activity conducted from either of the structures and the locations of the proposed structures would meet all required setbacks. On April 2, 2021, the request was reviewed by Joe Enfield, the County's Senior Environmentalist, who stated the current SSTS system has a valid certificate of compliance and the proposed structure did not appear likely to impact that system. The San Francisco Town Board reviewed and recommended approval of the request during their March 15, 2021, Town Board meeting. They did not request any conditions along with their recommendation. Stubbs read the conditions for consideration if the request is approved.

Scott Loomis, 16635 County Rd 40, stated he had no further comments to make.

Larry Schmidt, San Francisco Township supervisor, confirmed the Township board's recommendation for approval of the request, stating his parcel of land has the room to support the use of the buildings.

Vice-Chairman Smith called for any comments from the public. No one responded to speak on this request.

A motion was made by Storms and seconded by Smith to close the public hearing. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing closed at 7:15 p.m.

A motion was made by Storms and seconded by Wakefield to **approve and issue Order PZ20210020** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for two accessory structures. Vice Chairman Smith conducted a roll call vote on the motion. All voted aye. Motion carried.

File #20210022 – Jacob Schmotter – Vice Chairman Smith called the public hearing to order at 7:18 p.m. to consider a request by Jacob Schmotter. 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 12 of Watertown Township.

The following were present: Jacob Schmotter, Gerald Bruner

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 March 23, 2021

Exhibit F - Letter to the Planning Commission and Watertown Township dated April 12, 2021, and attachments

Stubbs explained the applicant owns an approximate 6.4-acre parcel improved with a single-family dwelling and attached garage. The applicant is requesting a Conditional Use Permit, which would allow him to apply for a building permit, to construct a detached accessory structure, approximately 84-feet x 50-feet, and would increase the personal storage space to exceed the total allowable 4,000 square feet of personal storage space on the property by approximately 3,165 square feet. The applicant would convert a portion of the attached garage into living space with additional bedrooms. The proposed accessory structure would include approximately 3,720 square feet of storage area in the lower level, 1,548 square feet of storage area on the main level, approximately 760 square feet of storage area in the upper level, and approximately 800 square feet of attached covered breezeway. The applicant's letter describes the intended use of the accessory structure to be only for personal use and storage of personal items (e.g. motorcycles, trailers, RV, personal workspace and other miscellaneous property). There will be no business activity conducted from the site. The proposed structure would be located west of the house and meet all required setbacks. On April 2, 2021, the request was reviewed by Joe Enfield, the County's Senior Environmentalist, who determined the current SSTS system was compliant and the proposed structure did not appear likely to impact that system. He stated the SSTS may need to be upgraded to accommodate the additional bedrooms and an alternate drainfield location will need to be identified. The Watertown Town Board reviewed and recommended approval of the request during their April 5, 2021, Town Board meeting. They did not request any conditions along with their recommendation. Stubbs read the conditions for consideration if the request is approved.

Jacob Schmotter, 9880 County Rd 24, stated he contacted another designer for his structure and changes were made to optimize the space and reduce the total height of the structure. He confirmed that the proposed change in the structure design would result in a structure of the same or smaller square footage as proposed. He acknowledged the septic system had been sized for the future expansion of bedrooms when it was installed three years ago and offered to share the design information, if necessary.

Gerald Bruner, Watertown Township supervisor, confirmed the Township board's recommendation for approval of the request.

Vice-Chairman Smith called for any comments from the public. No one responded to speak on this request.

A motion was made by Fahey and seconded by Smith to close the public hearing. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing closed at 7:23 p.m.

A motion was made by Wakefield and seconded by Willems to **approve and issue Order PZ20210022** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for an accessory structure. Vice Chairman Smith conducted a roll call vote on the motion. All voted aye. Motion carried.

File #20210009 – Michael Formanek – Vice Chairman Smith called the public hearing to order at 7:25 p.m. to consider a request by Michael Formanek. The purpose of the public hearing was to consider a request for a Home Extended Business Accessory Use pursuant to Chapter 152 of the County Code. The property is located in Section 16 of Waconia Township.

The following were present: Michael Formanek

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 February 10, 2021

Exhibit F - Letter to the Planning Commission and Waconia Township dated April 9, 2021, and attachments

Stubbs explained the applicants own an approximate 5.04-acre parcel which is improved with a single-family dwelling with an attached garage and a detached accessory structure. The applicant is pursuing a Conditional Use Permit to operate an irrigation and snow removal business as a Home Extended Business Accessory Use from the structure. The normal hours of operation are from 6:00 a.m. to 6:00 p.m. The proposed business would operate from the detached accessory structure which would also be used for the storage of irrigation supplies. A 20-foot x 40-foot concrete pad on the north side of the structure would be used for temporary outside storage when supplies are delivered and for seasonal snow removal equipment. Currently, the applicant has 4 full-time employees and the business generates an average of 2 trips per day. Two company vehicles would be stored at the site in addition to their personal vehicles, as well as two large pieces of equipment used for the business – a CAT skid steer and John Deere tractor. There is no proposed signage for the business. The applicant received a variance which allowed a reduced separation distance, from 500 feet to 330 feet, between the proposed business use and a

neighboring residential structure. Because of the date of application, the applicant was sent a 60-day law letter, in accordance with M.S. 15.99. The applicant is proposing to use approximately 50% of the accessory structure for business purposes, and therefore, the building must meet Mn State Building Code standards. The applicant must have the County's Building Official inspect the building for code compliance. If any deficiencies are found, the applicant would be required to apply for the necessary permits to bring the structure into compliance. The outside storage area would be screened from view of the public road by the accessory structure. The adjacent parcel to the west is also a commercial use and has established a berm with vegetative plantings. The applicant has not provided any screening information due to the limited outside storage needs. On March 31, 2021, this request was reviewed by Angie Stenson, Senior Transportation Planner and Darin Mielke, Deputy County Engineer, who stated there were no comments of concerns about the access from Public Works. They also stated a change in use permit would not be required if the CUP is approved. On April 2, 2021, Joe Enfield, Senior Environmentalist, reviewed the request and confirmed there are no septic related concerns on the subject parcel at this time. An email was received on April 5, 2021, from Dustin Benz, a neighbor to the southeast, stating he fully supports the applicant's request. The Waconia Town Board reviewed this request and recommended approval at their January 19, 2021, Town Board meeting. There were no additional conditions requested along with their recommendation. Stubbs read the proposed conditions for consideration if the request is approved.

Mike Formanek, 12260 County Rd 32, stated he had no additional comments.

Scott Wakefield, speaking for the Waconia Town Board, stated he was in attendance at the Town Board meeting and confirmed their recommendation for approval of the request. There were no concerns or objections.

Vice Chairman Smith called for any comments from the public. No one responded to speak on this request.

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

A motion was made by Storms and seconded by Wakefield to **approve and issue Resolution #21-04** incorporating the findings of fact and staff recommendations in recommending the Home Extended Business Accessory Use be approved. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried.

File #20210013 – Steve Erhard – Vice Chairman Smith called the public hearing to order at 7:35 p.m. to consider a request by Steve Erhard. The purpose of the public hearing was to consider a request for an adaptive re-use of an existing structure in a Rural Service District pursuant to Chapter 152 of the County Code. The property is located in Section 16 of Benton Township.

The following were present: Steve Erhard, Jan Stordahl, Greg Graham, Andy Steinhagen

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated March 5, 2021

Exhibit F - Letter to the Planning Commission and Benton Township dated April 13, 2021, and attachments

Exhibit G – Email from applicant, Steve Erhard, received April 14, 2021, with information on the hours of operation and average number of daily trips at the site

Mielke explained the subject property is an approximate 1.15-acre parcel improved with an 85-foot x 43-foot commercial structure and an approximate 40-foot x 36-foot loading area. The building was used for the operation of West Metro Recycle, Inc. The applicant is requesting to have a tenant operate a K-Bid on-line auction facility from the existing building with an outdoor storage area on the property. Mielke used an aerial photo of the property for better illustration. The original structure on the parcel was used as a retail agricultural feed store. Mr. Erhard purchased the property in 2004 and he obtained a CUP for his current use of cardboard, newspaper, and pallet recycling. He would like to depart from this business and utilize the building in a way that could benefit the local community and surrounding area as a K-Bid auction site. Jan Stordahl would be the acting agent for this business and lease the facility from Mr. Erhard. Mielke stated the Rural Service District offers a rather unique use of parcels, with some flexibility in commercial-type activities and no requirement to reside on or homestead the parcel. The parcel is located on a County Road with a fair amount of traffic. The operational plan outlines how the site will be used. The applicant would like to conduct approximately two auctions per month. Most of the existing building would be used to store smaller items that are available during auctions, with outside storage areas on the north and south sides of the parcel for larger items. The proposed hours of operation are 8:00 a.m. – 5:00 p.m., Monday through Friday, and 8:00 a.m. to noon on Saturdays. K-Bid policies require mostly pre-pay online methods and online reservations/scheduling for the pick-up of purchased items, which would help control the traffic and flow to and from the property. Traffic activity at the site was identified as a concern of staff and also Public Works. Outside storage would not exceed 50% of the outdoor space, and the entire parking area would not be used for storage. The applicant must identify a specified area to be dedicated to outdoor storage. This area would have to meet all required setbacks, be secured with fencing, and screened from the road. Staff would recommend the outdoor storage be confined to an area on the north side of the property. He suggested that the Board further discuss the outdoor storage and security fencing and screening concerns. The operational area would consist of the existing structure, the 40' x 36' loading/unloading area, an outside storage area north of the structure and the existing parking area to accommodate commuter vehicles for the onsite staff. Parking on the west and south sides of the building would be used for staff vehicles and customer needs, allowing the additional gravel surface to be utilized for more efficient

maneuverability for the vehicles and occasional vendors traffic to deliver inventory. Mielke mentioned parking concerns, which cannot be on the County Road, or obstructing the view of the intersection with the railroad crossing. If the parking area were to be increased by adding gravel surface area, it would need to be done in a fashion that would continue to allow for appropriate directional flow of traffic. Any addition of impervious surface would need to be compliant with the Water Resource Management standards and may require permitting from the CCWMO. The average daily trips have not been calculated, however; based on the application request, the proposed business does not appear to be a more intensive use. On April 12, 2021, Joe Enfield, Senior Environmentalist, confirmed the existing building is connected to a holding tank which serves a restroom for employee use only. The applicant must maintain a conforming SSTS, pursuant to Chapter 52 of the County Code, to accommodate any restroom(s) and/or wastewater produced within the building. Mr. Enfield stated the pumping records have not been provided for the onsite holding tank, which should be a requirement prior to commencement of any new business operations. On April 7, 2021, Angie Stenson, Senior Transportation Planner, stated the Public Works Department did not have any concerns with the proposed adaptive re-use request. She stated the proposed use appears to be consistent with the existing access to the property. She recommended that the outdoor storage area be located no less than 50 feet from the centerline of the road, due to the utilities on the east side of County Road 51. On April 12, 2021, staff received a letter from Mark Wegner, President & CEO of TC&W Railroad, citing concerns of possible safety issues. He stated a concern of having adequate parking space on the subject property to accommodate the K-Bid customers so there would be no parking along County Road 51 which could impede visibility at the railroad crossing intersection. There is no signage proposed for the business. Any signage would need to meet the sign regulations as required in Chapter 154 of the County Code. The applicant will be required to contact Environmental Services for a determination if the business activity would require a Hazardous Waste Generator's license. The proposed use of the property appears to meet the general requirements for a Conditional Use Permit in a Rural Service District. The Benton Town Board reviewed the request at their March 11, 2021, meeting and recommended approval of the request. They did not request any additional conditions with their recommendation. Mielke read the proposed conditions for consideration if this request is approved.

Steven Erhard, 9380 Hwy 284, addressed the signage issue, stating that it was included with the application and will remain the same, as they are planning to use the existing sign. He gave a brief statement about wanting to depart from his current business when he was approached about the possibility of using the building as a site for the K-Bid auction business. He has worked with the potential tenant in the past and feels this would be a benefit to the community and surrounding area. He will also be working on-site to keep the property neat and orderly. He used the aerial photo to illustrate an area on the north side of the building which will be designated for outside storage items. He stated the area designated is in the grass and further north than they plan to use. He noted the area on the photo where the semi-trailers are located and approximately another trailer-width to the north would be graded and a rock base established to accommodate outside storage of items. He stated the tenant is proposing this business use for only 5 years and he could not justify the cost for security fencing or screening for that period of time. He cited other

business operations within the County that were operating within view of County Roads that did not have fencing or screening and questioned if it would be necessary for this use. He stated that he would have a camera security system on the outside storage area and there would be locks on all portable items. Smaller items would always be stored inside the building. He addressed the safety concerns of the railroad and stated that there are signal arms at that crossing which should be in working condition. Trains block the intersection while switching tracks, and Mr. Erhard has observed vehicles turning around or even backing up onto the road, which is not associated with the use of this property. This and other events in the area create safety concerns on the road. He stated the tenant can expand more on the traffic patterns associated with K-Bid and most of the customers will be arriving by scheduled appointment. Safety is a priority for them to conduct a successful business.

Jan Storahl, 22396 435th Ln, Arlington, noted the reference made by TC&W of large quantities of people and vehicles arriving at the site, which simply does not happen. This business is not run like a traditional live auction. K-Bid is an on-line bidding auction. When a sale ends, the bidders also make payment on-line and get a scheduled time and date to pick up their items in 15-minute increments, which reduces traffic congestion. Most of the sale items are small, household or antique items, of manageable quantity, which will not generate large amounts of vehicle traffic. She had not considered the sale of any large items that would require outside storage but decided to add that option into the operational plan in the event an opportunity would occur. She stated the auctions are generally open for a two-week period and anticipated any large item would be claimed within a reasonable amount of time. K-Bid recommends that only 4 large items are offered for sale at any one time, which best fits their website display for best exposure. She stated that she would adhere to their guidelines and felt that outdoor storage would be minimal. She has been primarily selling industrial printing equipment, i.e. conveyors, heat-shrink equipment, and various printing press type items. She stated these items are stored indoors on a pallet and cannot be kept outside. Jan is the sole owner/operator of the business and occasionally her husband will help out when a semi needs to unload product for sale. She stated the typical hours of operation will be 9:00 a.m. – 6:00 p.m., Monday through Friday and 10:00 a.m. – 4:00 p.m. on Saturdays, with an occasionally scheduled Sunday pick up to accommodate the customers. Ms. Stordahl also confirmed that no hazardous waste materials would be stored in bulk at the site.

Andy Steinhagen, Benton Town Board supervisor, confirmed the applicants met with the Town Board and they were supportive of the proposal and recommended approval. The site has always been operated well and kept neat and tidy. There were no other conditions requested along with their recommendation.

A motion was made by Wakefield and seconded by Storms to close the public hearing. Vice Chairman Smith conducted a roll call vote. *All voted aye. Motion carried. The public hearing closed at 8:14 p.m.

*It was noted that Mendez was now present on the meeting call.

Wakefield asked if there were any septic or restroom requirements for the business operation or if they were planning to use mini biffs.

Mr. Erhard replied the restroom in the building is handicapped accessible and could be used by customers, if necessary. He didn't feel there was a need for public facilities with the customers only picking up items but would entertain the idea of portable facilities if it is necessary.

Mielke stated any questions concerning the septic usage would be addressed by the Environmental Services Department.

Mr. Erhard confirmed that he does have the holding tank pumped annually and could increase that to semi-annually if required.

Wakefield stated he visited the site and didn't notice any security cameras on the building or around the area.

Mr. Erhard stated the security camera system is not yet installed as there is currently no outside storage. He has the building securely locked and all items stored inside. He does have locks for larger items with wheels or hitches that would need to be outside.

Willems asked if the replies from the applicants had satisfied the staff concerns previously mentioned.

Mielke provided an amended aerial site plan and asked the applicants if this represented more accurately their vision for the outdoor storage area.

Mr. Erhard confirmed the gravel pad where the semi-trailers are currently parked and also expanding it another trailer width to the north would be used for outside storage.

Mielke reiterated the items would be available for approximately a two-week period during the auction and after they are picked up. He asked what happens to items that are not picked up.

Mr. Erhard stated they would be removed from the property.

Mielke stated he noted the concern so that the site doesn't become cluttered with items which could cause complaints. The site has always been neat and orderly and he wanted to assure it would continue that way.

Mr. Erhard stated he would be very diligent to keep the property in order.

Mielke asked about the traffic and average daily trips.

Mr. Stordahl explained that each auction encompasses a group of about 200 items for sale. All of the auctions for a group of items end at the same time. She stated that the auction

items are typically purchased by a group of 40 unique bidders who are scheduled a specific date and time for pick up. She also noted that approximately 25% of the buyers prefer to have their items shipped to them, which reduces the individual customer arriving to pick items up in a 10-hour day. A number of items can be sent out at a time with a delivery service. She anticipated about 3 or 4 days a month would be customer pick-up days, with maybe 2 to 6 vehicles at a time on site, so parking should not become an issue.

Mielke recommended it would be important that the parking spaces be mapped out and in place, especially identifying handicapped spaces, with respect to the building code requirements, in recognizing the business change from a warehouse-type business to a business accommodating the general public.

Mr. Erhard stated there is currently a handicapped parking area toward the southwest corner of the building with a ramp for access. And additional spaces could be added on the south side of the building.

Smith asked if someone could randomly stop at the building to view auction items.

Ms. Stordahl stated she would allow someone to come inside to view items, but this would not be the normal practice.

Fahey asked for clarification on the proposed hours of operation.

Ms. Stordahl stated her plan is to operate from 9:00 a.m. to 6:00 p.m. on the customer load-out days or set inspection days and 10:00 a.m. to 4:00 p.m. on Saturdays. She stated on the days where she is getting items ready for sale, she wouldn't work that long.

Mielke stated the hours listed in the permit will reflect the hours that the business will be open to the public.

Fahey asked if security cameras would be required for the permit.

Mielke stated if the Board decides installation of security cameras should be included as a condition, language would be drafted to reflect that requirement.

Fahey asked how the outside storage area would be addressed in the permit.

Mielke stated he would confirm the storage area with the applicant on his amended site plan to get better dimensions for the area. He was estimating an approximate 60-foot by 75-foot area toward the north end of the building.

Mr. Erhard offered the current dock area is approximately 32 feet wide and approximately 53 feet long.

Mielke showed the amended site plan and stated this should be a manageable area for outside storage. He offered to create a more detailed site plan showing approximate dimensions of the area which would be dated April 20, 2021.

A motion was made by Wakefield to **approve and issue Resolution #21-05** incorporating the findings of fact and staff recommendations, including the amended site plan dated April 20, 2021, the hours of operation being 9:00 a.m. to 6:00 p.m. Monday through Friday, and 10:00 a.m. to 4:00 p.m. on Saturdays, and the installation of security cameras on the building, in recommending the adaptive re-use of an existing building in an RSD be approved. Vice Chairman Smith seconded the motion.

Willems stated his concern about the requirement for a security camera system. He stated the Board should not mandate how secure the building should be. He supports the overall plan but did not want to make the security system a requirement.

Mendez agreed with the operational plan for the business and also asked that the security camera recommendation be removed.

Wakefield made a friendly amendment to his motion to remove the requirement of installation of security cameras and including the amended site plan dated April 20, 2021, and the stated hours of operation as his motion to recommend approval of the request. Willems seconded the motion. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried.

File #20210023 – Mark Eklo – Vice Chairman Smith recognized the request by Mark Eklo for continuance of this public hearing to the May 18, 2021, meeting.

Mielke explained this item is on the agenda because the public hearing notice was published in the paper according to the Mn Statute. The applicant attended the Town Board meeting and there were some issues regarding the access location for a new road for the proposed plat. The information surrounding the plat changes were not resolved in time to be heard at this meeting and the applicant requested to have the public hearing continued to the May 18, 2021, Planning Commission meeting.

A motion was made by Storms and seconded by Willems to continue this public hearing to the May 18, 2021, Planning Commission meeting. Vice Chairman Smith conducted a roll call vote. All voted aye. The request for a preliminary plat by Mark Eklo will be heard at the May 18, 2021, meeting.

Other Business

Mielke updated the Board concerning the Zoning Code updates and stated he would be involved in a work session with the County Board to inform them of the potential changes being discussed. He outlined a possible timeline for a public hearing in June.

Adjournment

A motion was made by Willems and seconded by Mendez to adjourn the meeting. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The meeting was adjourned at 8:43 p.m.



COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

PRELIMINARY PLAT – NEUMANN ACRES

May 10, 2021

TO: Carver County Planning Commission & Watertown Town Board
FROM: The County Land Management Department
SUBJECT: Application for approval of the Preliminary Plat – Neumann Acres

FILE: PP-PZ20210023

APPLICANT: Mark Eklo

OWNERS of 10-034-0700: Paul & Linda Neumann

OWNERS of 10-034-0100: Prime Four LLP

SITE ADDRESS: 5850 County Road 10 North, 55387

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 10-034-0700 & 10-034-0100

STAFF FINDINGS:

1. Mr. Eklo was issued Conditional Use Permit (CUP) #PZ20200051 in order 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 “Neumann Acres” Subdivision. The request would consist of one, 1 per 40, agricultural lot (Lot 1, Block 1) and three residential lots (Lots 2-4, Block 1). In addition to the single-family house building sites, a township road (Harlee Court) would need to be constructed.
2. The proposed platted area consists of approximately 53.44 acres located in part of the North Half (N½) of the Southwest Quarter (SW¼) of Section 34, Watertown Township. The property is improved with an existing building site (i.e. house and sheds) and includes agricultural production land, wetlands, and woods. It is located in the Agricultural Zoning District and the CCWMO (Carver Creek and Crow River watersheds). CUP #PZ20200051 was issued January 5, 2021, in order 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 Watertown Township Clerk (Wayne Hubin), Waconia School District #110 (Finance & Operations Office), Carver County Water Management Organization (CCWMO) (Kristen Larson), Carver County Soil & Water Conservation District (SWCD) (Chip Hentges), Carver County Emergency Management (Debra Paige), Carver County Environmental Services (Lori Brinkman), Carver County Property and Financial Services Department (Crystal Campos), Carver County Public Works (Angie Stenson & Chad Braun), Carver County Surveyor (Brian Praske), MN DNR Area Hydrologist (Taylor Huinker), and Xcel Energy (electric utility company serving the area). As of this report, the Waconia School District #110, Carver County Water Management Organization (CCWMO), Carver County Environmental Services, and Carver County Public Works 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 5.04 acres to 5.71 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, as well as the wetland delineation elevation of the emergency overflow. Said homes shall be set to allow for positive drainage.
5. This plat would require the construction of a Township Road (i.e. Harlee Court); 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 Watertown 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 four (4) 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 #PZ20200051, have been submitted with the application and would need to be 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 plat indicates the outside boundary of the delineated wetlands, which impact all lots. 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. Acceptable percolation tests and soil borings for the primary and alternate septic sites on the two (2) undeveloped lots have been submitted to the Carver County Environmental Services Department. The information was reviewed, and the soils would be suitable for SSTS. The septic sites for the proposed lots will need to be fenced and protected during construction.
9. 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: July 23, 2020) 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 April 7, 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.
10. The Carver County Public Works Division has completed their initial review (see attached updated letter dated: May 7, 2021) of the preliminary plat with regard to the development/access review. An access permit would be required from the Carver County Public Works Division for the improved access onto County Road 10, and final access construction plans would need to be submitted as part of the access permit application. Prior to the final plat approval, the developer should revise the right of way along County Highway 10 to 60 feet from centerline in order to be consistent with the County's 2040 Comprehensive Plan. The Watertown Town Board would also need to approve the road plans before the development contact is completed.
11. The property has been analyzed by a professional wetland delineator to determine if wetlands exist. Wetlands are present on the site and have been identified in the Wetland Delineation Report. The wetland delineation report was approved on August 31, 2020. The Notice of Decision and TEP Findings concur with the findings of the professional delineator hired by the applicant. Appropriate easements for the wetlands and drainage/utilities have been included on the plat. Avoidance of delineated wetlands has been incorporated into the development.

12. The 53.44-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.
13. 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).
14. 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.
15. The Watertown Town Board reviewed and recommended approval of the Neumann Acres Preliminary Plat (including the construction of a Township Road) during their May 3, 2021, meeting. At the conclusion of the meeting, the Town Board made a recommendation of approval of the request stating the road shall be built to Township standards.

PLANNING COMMISSION CONSIDERATION:

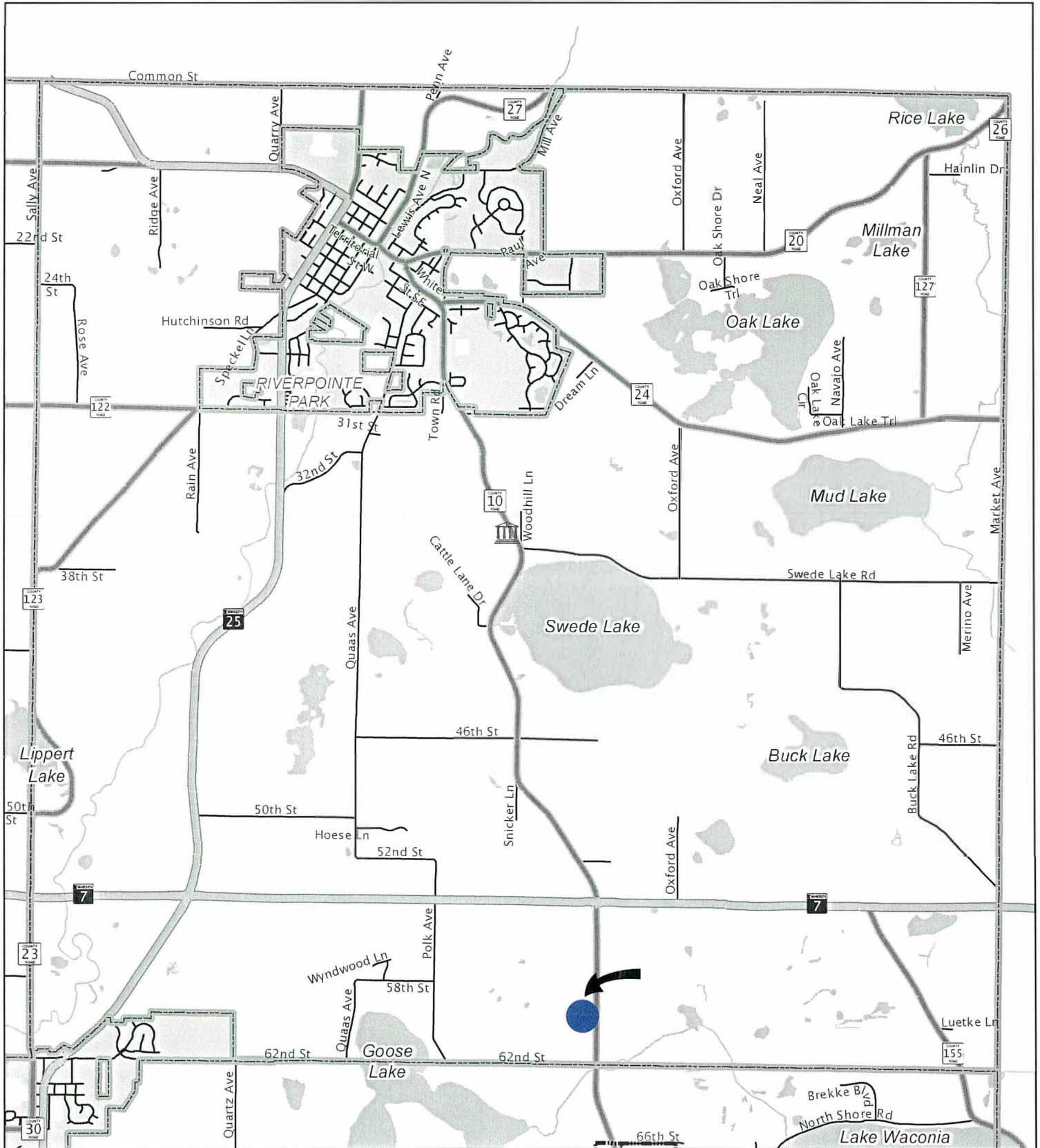
If the Planning Commission finds that the submitted application meets the preliminary plat criteria, the Preliminary Plat if Neumann Acres should be recommended to the Carver County Board of Commissioners for approval with the following conditions attached:

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 #PZ20200051 shall be satisfied prior to the recording of the final plat.
3. All Carver County Public Works concerns/issues shall be addressed prior to beginning work on the Development Contract.
4. 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.
5. 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.
6. The County Engineer, Carver SWCD, CCWMO and Watertown 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.

7. The covenants, as required by Conditional Use Permit #PZ20200051, 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.
8. The above-required Covenants shall become part of the plat approval.
9. 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.
10. Pursuant to CUP #PZ20200051, access permits for the proposed driveways must be obtained from Watertown Township prior to the issuance of any building permits for the individual lots.
11. 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.

12. The driveways for the lots shall conform to the Wetland Conservation Act (WCA), Carver County Land Management Department, CCWMO, and Watertown Township requirements. The applicant shall comply with any and/or all requirements established by the appropriate road authorities (Watertown Township). An access permit for each driveway from Harlee Court must be obtained prior to issuance of new home building permit(s).
13. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation as well as the wetland delineation elevation of the emergency overflow. The house shall be set to allow for positive drainage.
14. 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.

WATERTOWN TOWNSHIP



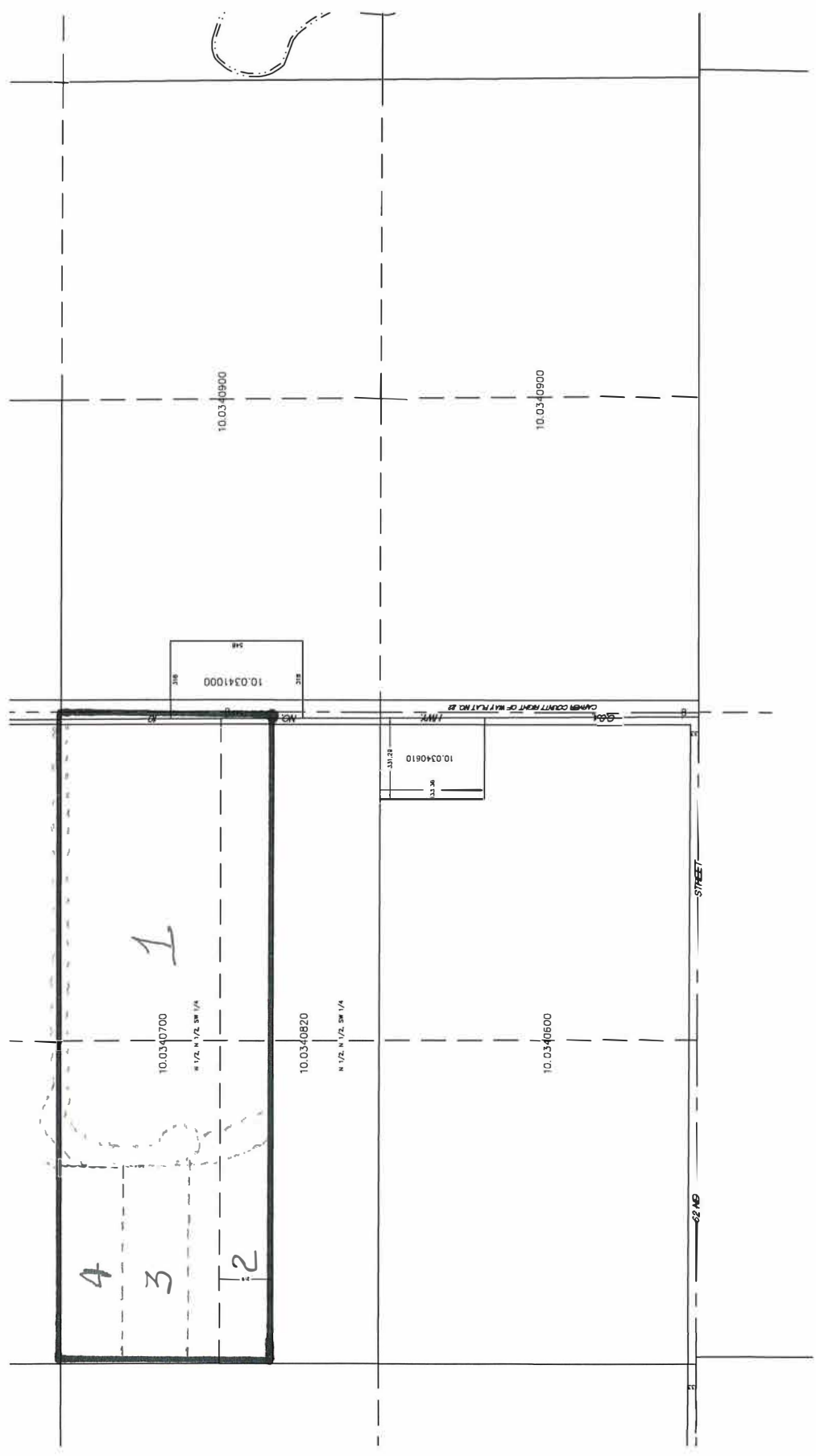
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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

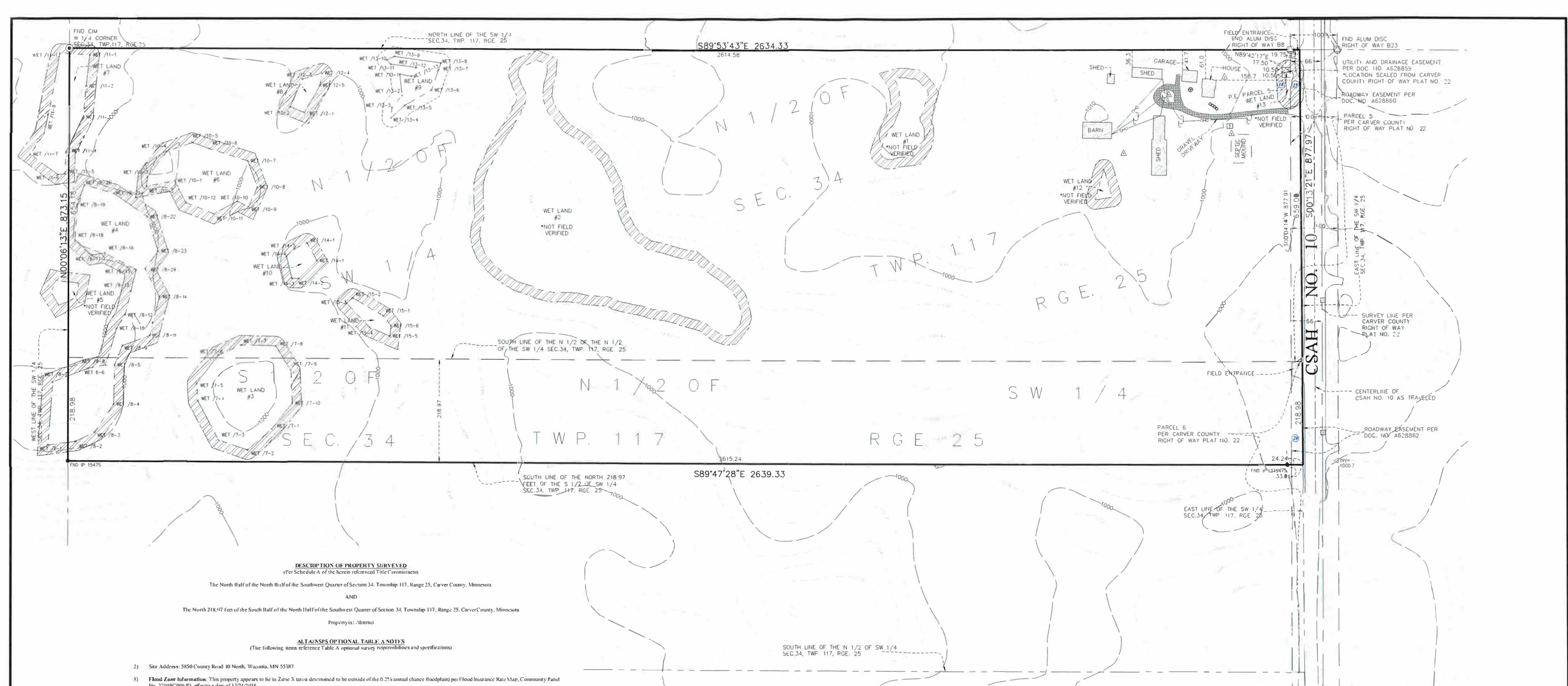


Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 IT IS A PRELIMINARY SURVEY AND SHOULD NOT BE USED FOR ANY PURPOSE.
 IT IS ONLY TO BE USED FOR REFERENCE.
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S 1/2 SEC. 34, T.117, R.25



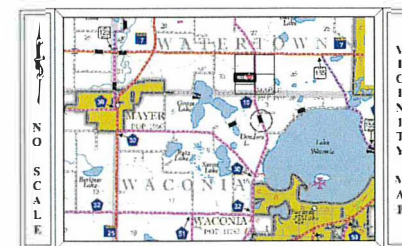


SURVEY LEGEND

- | | | | | | |
|-----|-----------------------------|-----|-------------------------|------|-------------------------|
| (G) | CAST IRON MONUMENT | (T) | PIEZOMETER | (W) | WALKOUT ELEVATION |
| (H) | CONCRETE MONUMENT SET | (U) | IRON PIPE MONUMENT SET | (X) | FINISH FLOOR ELEVATION |
| ● | IRON PIPE MONUMENT FOUND | ○ | GUY WIRE | (Y) | GARAGE FLOOR ELEVATION |
| ● | DRILL HOLE FOUND | (V) | ROOF BRACE | (Z) | TOP OF FOUNDATION ELEV. |
| X | CHISELED "X" MONUMENT SET | (S) | LIFT STATION | (LO) | LOWEST OPENING ELEV |
| X | CHISELED "X" MONUMENT FOUND | (M) | STATION MANHOLE | | |
| ■ | REBAR MONUMENT FOUND | (S) | SEPTIC CLEANOUT | | |
| ▲ | PR. NAIL MONUMENT SET | (S) | STORM MANHOLE | | |
| ▲ | PK NAIL MONUMENT FOUND | (S) | STORM DRAIN | | |
| ▲ | PK NAIL W/ ALUMINUM DISC | (S) | CATCH BASIN | | |
| △ | SURVEY CONTROL POINT | (S) | FLARED END SECTION | | |
| △ | A/C UNIT | (S) | TREE CONIFEROUS | | |
| (P) | CABLE TV PEDESTAL | (S) | TREE DECIDUOUS | | |
| (E) | ELECTRIC TRANSFORMER | (S) | TREE CONIFEROUS REMOVED | | |
| (E) | ELECTRIC MANHOLE | (S) | TREE DECIDUOUS REMOVED | | |
| (E) | ELECTRIC WATER | (S) | TELEPHONE MANHOLE | | |
| (E) | ELECTRIC OUTLET | (S) | TELEPHONE PEDESTAL | | |
| (L) | LIGHT LIGHT | (U) | UTILITY MANHOLE | | |
| (L) | LIGHT POLE | (U) | UTILITY PEDESTAL | | |
| (F) | FIBER OPTIC MANHOLE | (U) | UTILITY VAULT | | |
| (F) | FIRE DEPT. HOOK UP | (W) | WATERMAIN MANHOLE | | |
| (F) | FLAG POLE | (W) | WATER METER | | |
| (F) | FUEL PUMP | (W) | WATER SPROUT | | |
| (F) | FUEL TANK | (W) | WELL | | |
| (F) | PROPANE TANK | (M) | MONITORING WELL | | |
| (G) | GAS METER | (C) | CURB STOP | | |
| (G) | GAS VALVE | (V) | GATE VALVE | | |
| (G) | GAS MANHOLE | (H) | HYDRANT | | |
| (G) | GENERATOR | (I) | IRRIGATION VALVE | | |
| (G) | GUARD POST | (I) | POST INDICATOR VALVE | | |
| (G) | HAND HOLE | (S) | SOIL | | |
| (G) | MAIL BOX | (S) | SIGN BORING | | |
| | | | | | |

This map and report was prepared with the benefit of a Commitment for Title Insurance issued by First American Title, Title Insurance Company, File No. 1906584, dated January 24, 2014.

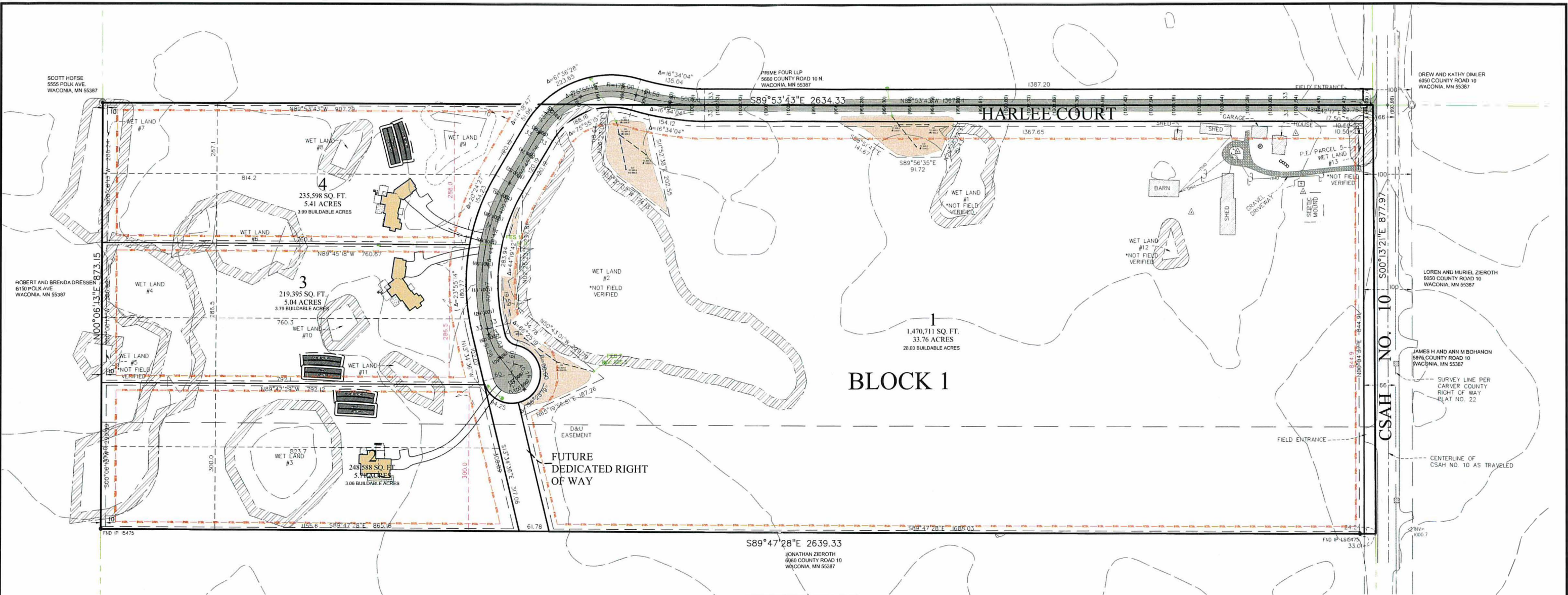
- (1) We note the following with regards to Schedule B of the herein referenced Title Commitment:
- a) Item no. 1-1s, and 2-1s are survey related
 - b) Item no. 17 Carver County Right of Way Plat No. 22 filed October 28, 2004 as Document No. A601215 *"Encumbrances further defined inflicting items as shown hereon"*
 - c) Item no. 18 Permanent Utility and Drainage Easement dated May 23, 2016; filed June 21, 2016 as Document No. A628959 *"Shown hereon"* (18)
 - Note: This easement is shown as P.U.E. Parcel 5 on Carver County Right of Way Plat No. 22.
 - d) Item no. 19 Permanent Roadway Easement dated May 23, 2016; filed June 21, 2016 as Document No. A628860 *"Shown hereon"* (19)
 - Note: The easement area is shown as Parcel 5, Carver County Right of Way Plat No. 22
 - e) Item no. 20 Permanent Roadway Easement dated May 23, 2016; filed June 21, 2016 as Document No. A628862 *"Shown hereon"* (20)
 - Note: The easement area is shown as Parcel 6, Carver County Right of Way Plat No. 22
 - f) Item no. 21 Permanent Utility and Drainage Easement dated May 23, 2016; filed June 21, 2016 as Document No. A628963
- "Does not affect the subject property, located 350 feet south of subject property."*



Bearings are based on the Carver County
Coordinate System (NAD 83- 1986 adj.)



FIELD CREW	NO.	BY	DATE	REVISION	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OF LOSSES RESULTING FROM ILLEGITIMATE USE. To: Mark Eklo, Coldwell Banker Burnett, First Ameri-can Title Insurance, and Title Mark, LLC This is to certify that this map or plan and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1 - 5, 7a, and 8 of Table A thereof. The field work was completed on 7/1/2020. Date of final map: 7/29/2020 <i>Daniel L. Schmidt</i> Daniel L. Schmidt, PLS Minnesota License No. 26147	TWP:117-RGE:25-SEC:34 Carver County SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-8000 WWW.SATHRE.COM WACONIA, MINNESOTA	ALTA/ACSM LAND TITLE SURVEY PREPARED FOR: MARK EKLO	FILE NO. 23605-013 2-8-1
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DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

The North Half of the North Half of the Southwest Quarter of Section 34, Township 117, Range 25, Carver County, Minnesota.

AND

The North 218.97 feet of the South Half of the North Half of the Southwest Quarter of Section 34, Township 117, Range 25, Carver County, Minnesota.

AND

That part of the South Half of the Northwest Quarter of Section 34, Township 117, Range 25, Carver County, Minnesota, lying south and east of the following described line:

Commencing at the Southeast corner of said South Half of Section 34; thence on an assumed bearing of North 00 degrees 13 minutes 24 seconds West, along the east line of said Northwest Quarter of Section 34, a distance of 33.00 feet; thence North 89 degrees 53 minutes 43 seconds West, parallel with the south line of said Northwest Quarter of Section 34, a distance of 1367.20 feet; thence 135.04 feet along a tangential curve concave to the north, having a radius of 1467.00 feet and central angle of 16 degrees 34 minutes 04 seconds; thence 233.65 feet along a reverse curve concave to the southeast, having a radius of 208.00 feet and a central angle of 61 degrees 36 minutes 28 seconds, to said south line of the Northwest Quarter of Section 34 and there terminating.

Property is Abstract

WETLAND AREAS:

WETLAND #	Area (SQ. FT.)	Area (ACRES)
WETLAND #1	10,804 SQ. FT.	~ 0.248 ACRES
WETLAND #2	125,738 SQ. FT.	~ 2.886 ACRES
WETLAND #3	33,088 SQ. FT.	~ 0.760 ACRES
WETLAND #4	48,425 SQ. FT.	~ 1.112 ACRES
WETLAND #5	673 SQ. FT.	~ 0.015 ACRES
WETLAND #6	21,766 SQ. FT.	~ 0.500 ACRES
WETLAND #7	5,891 SQ. FT.	~ 0.135 ACRES
WETLAND #8	2,852 SQ. FT.	~ 0.065 ACRES
WETLAND #9	6,378 SQ. FT.	~ 0.146 ACRES
WETLAND #10	2,977 SQ. FT.	~ 0.068 ACRES
WETLAND #11	2,970 SQ. FT.	~ 0.068 ACRES
WETLAND #12	1,126 SQ. FT.	~ 0.026 ACRES
WETLAND #13	715 SQ. FT.	~ 0.016 ACRES

5) Benchmark: Elevations are based on MN/DOT Geodetic Station Name: Bear which has an elevation of: 1000.55 feet (NAVD88). Contours are per field observation along with MIN INR LIDAR derived data.

6) Zoning Information: The current Zoning for the subject property is Rural Residential and Agricultural per the Watertown Township's existing land use map dated April 12, 2010. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks - Street(s): 125 feet (from center of County Road 10)
Side: 15 feet
Rear: 30 feet

Please note that the zoning information shown herein may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

We have not received the current zoning classification and building setback requirements from the insurer.

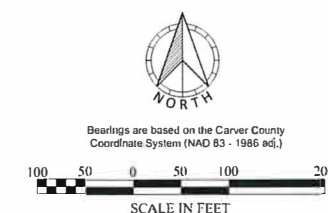
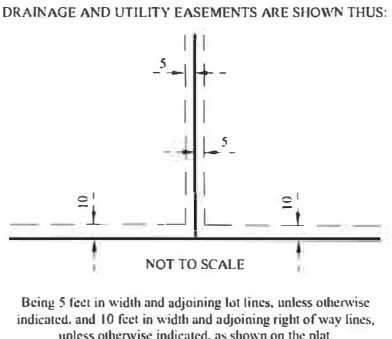
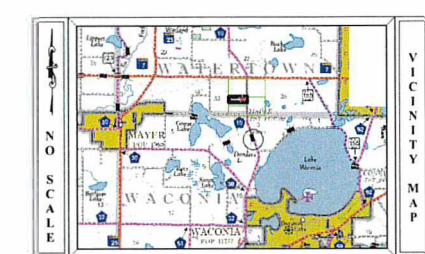
7) Utilities: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property before digging. You are required by law to notify Gopher State One Call at least 48 hours in advance at (614) 454-0002.

8) Wetland Delineation: The wetland delineation was performed by Anderson Engineering and was flagged on 6/19/2020. Sathre-Bergquist located the wetland flags on 7/1/2020. Wetlands 1, 2, 5, 12 and 13 were not marked in the field, therefore were digitized from the map included in the Anderson Engineering wetland report.

9) SCHOOL DISTRICT: Waconia School District #110

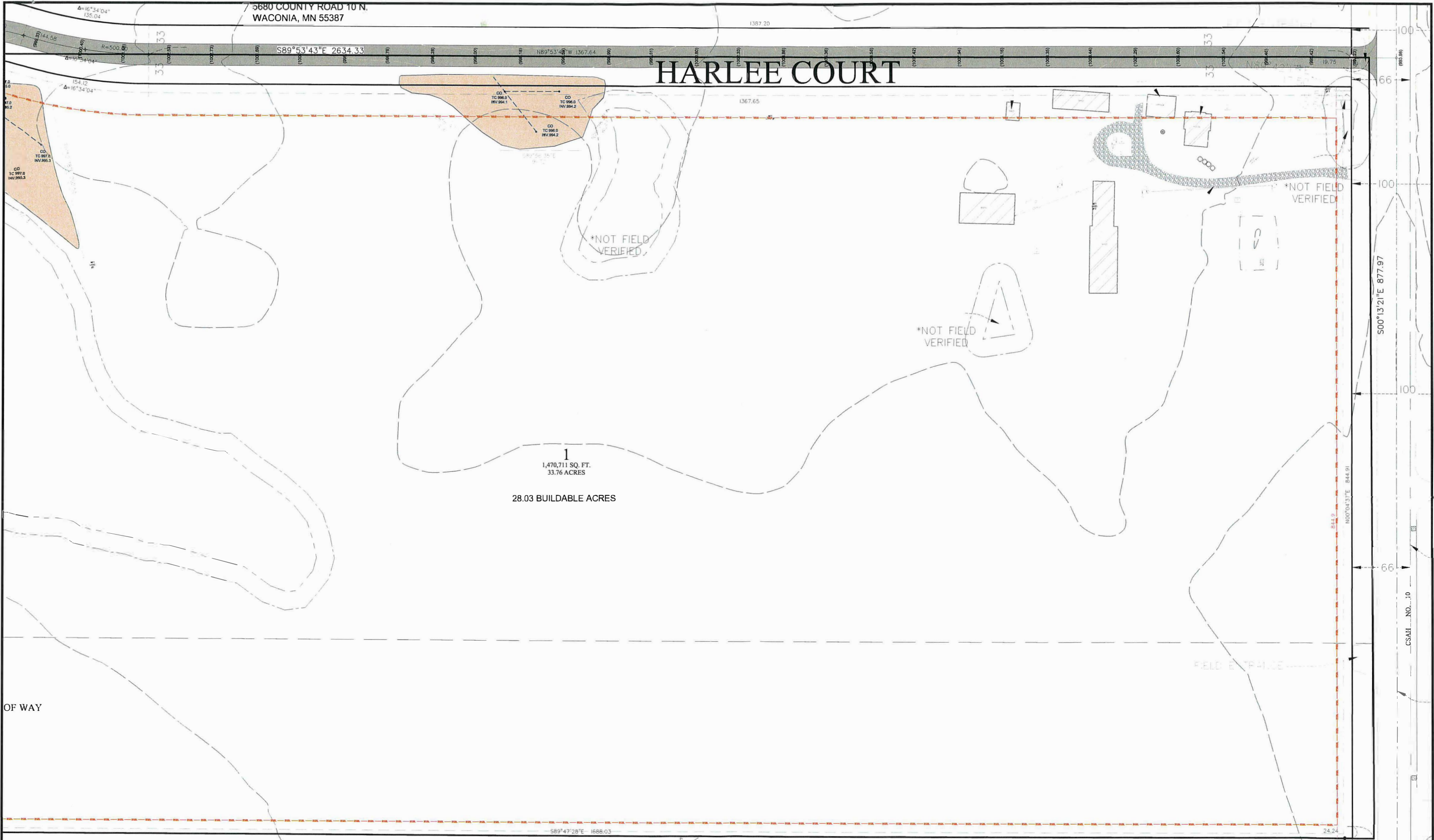
10) WATERSHED DISTRICT: Carver County Soil and Water Conservation District

PREPARED BY	PREPARED FOR
SURVEYOR SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: DAN SCHMIDT EMAIL: SCHMIDT@SATHRE.COM	DEVELOPER GOLF LAKE CONDOS, LLC 1360 Barabara Road Chaska, MN 55318 CONTACT: MARK EKLO PHONE: (612) 777-0015 EMAIL: meklo@mlt3.com



Notes:

Front Yard Setback: 68' from Centerline
Side Yard Setback: 15'
Rear Yard Setback: 30'



FIELD CREW					NO.					BY					DATE					REVISION				
DRAWN																								
CMT																								
CHECKED																								
DLS																								
DATE																								
1/14/2021																								

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I hereby certify that this survey, plan or report 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.

Dated this 19 day of February, 2021.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
Schmidt@sathre.com
Minnesota License No. 26147

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

ENGINEERS SURVEYORS
DESIGNERS PLANNERS

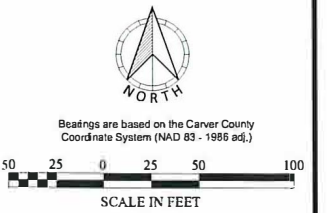
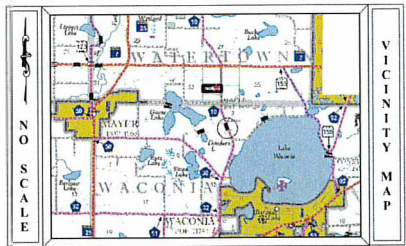
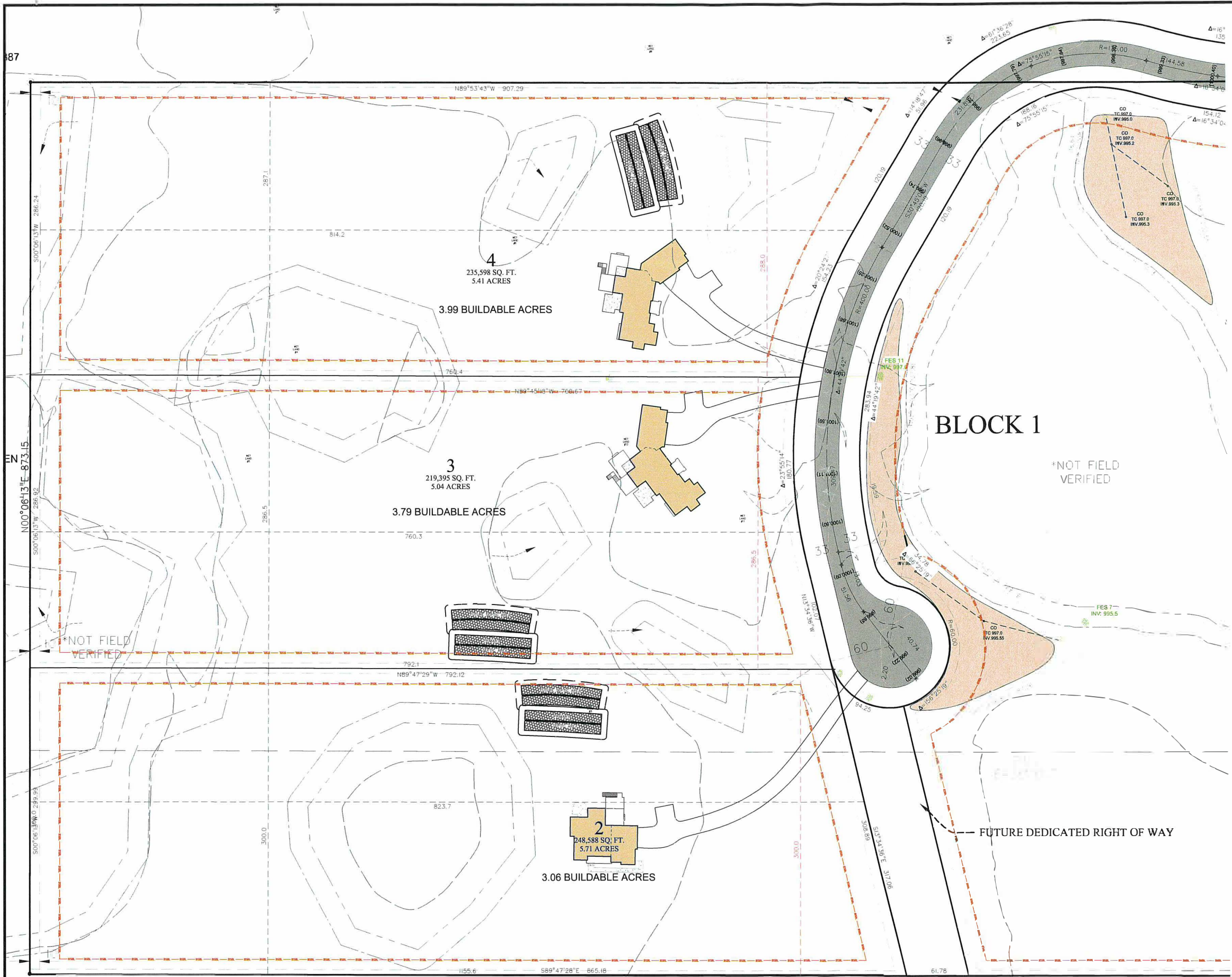
TWP: 117-RGE 25-SEC. 34
Carver County

WACONIA,
MINNESOTA

NEUMANN ACRES
PRELIMINARY PLAT
MARK EKLO

FILE NO.
23605-013

2-10₃



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I hereby certify that this survey, plan or report 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.

Dated this 19 day of February, 2021.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
Schmidt@sathre.com
Minnesota License No. 26147



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

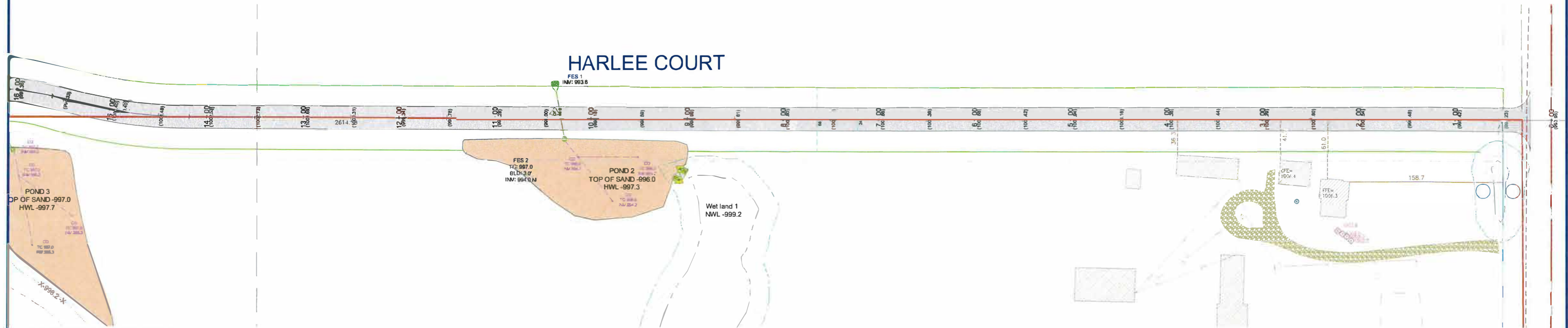
TWP:117-RGE.25-SEC.34
Carver County

**WACONIA,
MINNESOTA**

NEUMANN ACRES
PRELIMINARY PLAT
MARK EKLO

FILE NO.
23605013

2-11
3



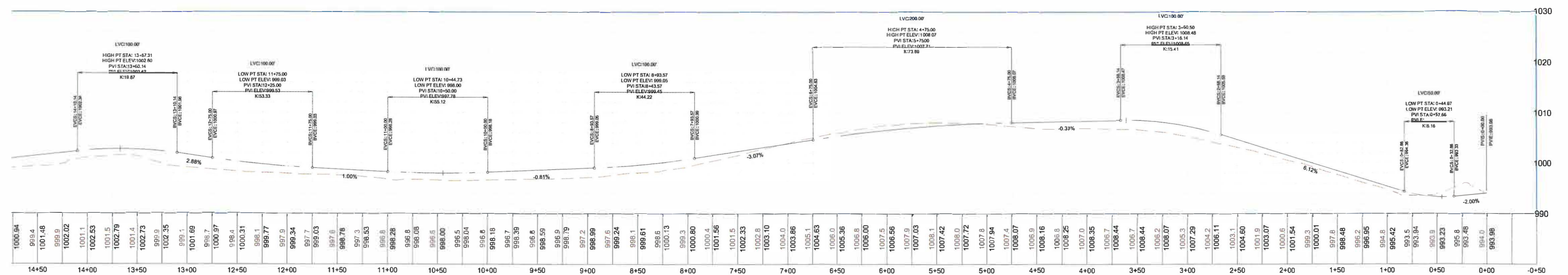
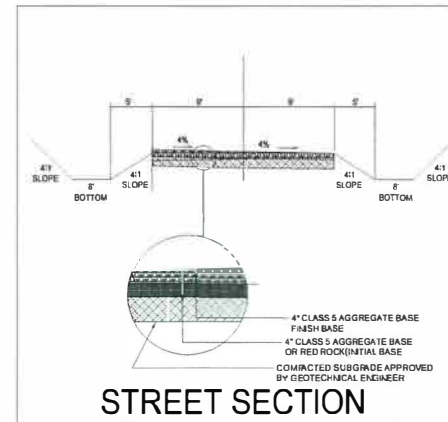
ROADWAY STANDARDS

Road specifications for the building of new roadways, or rebuilding of old roads or cartways.

1. Road travel surface of 24 feet in width.
2. Ditch slope ration of 4 to 1.
3. Right of way of 66 feet.

- a. Survey required and presented to the township prior to new road construction or rebuilding
4. Cul-de-sac
 - a. Survey required and presented to the township prior to new road construction or rebuilding
5. Culverts
 - a. 15 inch minimum, depending on size of watershed
 - b. Size to be approved by township prior to construction
6. Initial base
 - a. 4 inches in depth
 - b. Material
 - i. Class 5 gravel
 - II. Red rock (1 inch minus)

7. Finish base
 - a. 4 inches in depth
 - b. Material
 - i. Class 5 gravel
 - ii. Limestone (3/4 minus) or Granite
8. Final inspection by Road Supt, and Township Supv
9. Acceptance of complete road project
 - a. Formal approval by township board action
 - b. Warranty deed supplied to township
 - c. Minimum of 3 buildable lots to be services by road
 - d. All lots and roads are to be within Watertown Township



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AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MINNESOTA.

Daniel L. Schmidt

Daniel L. Schmidt, P.E.
Date: 04/23/2021

Lic. No. 26147



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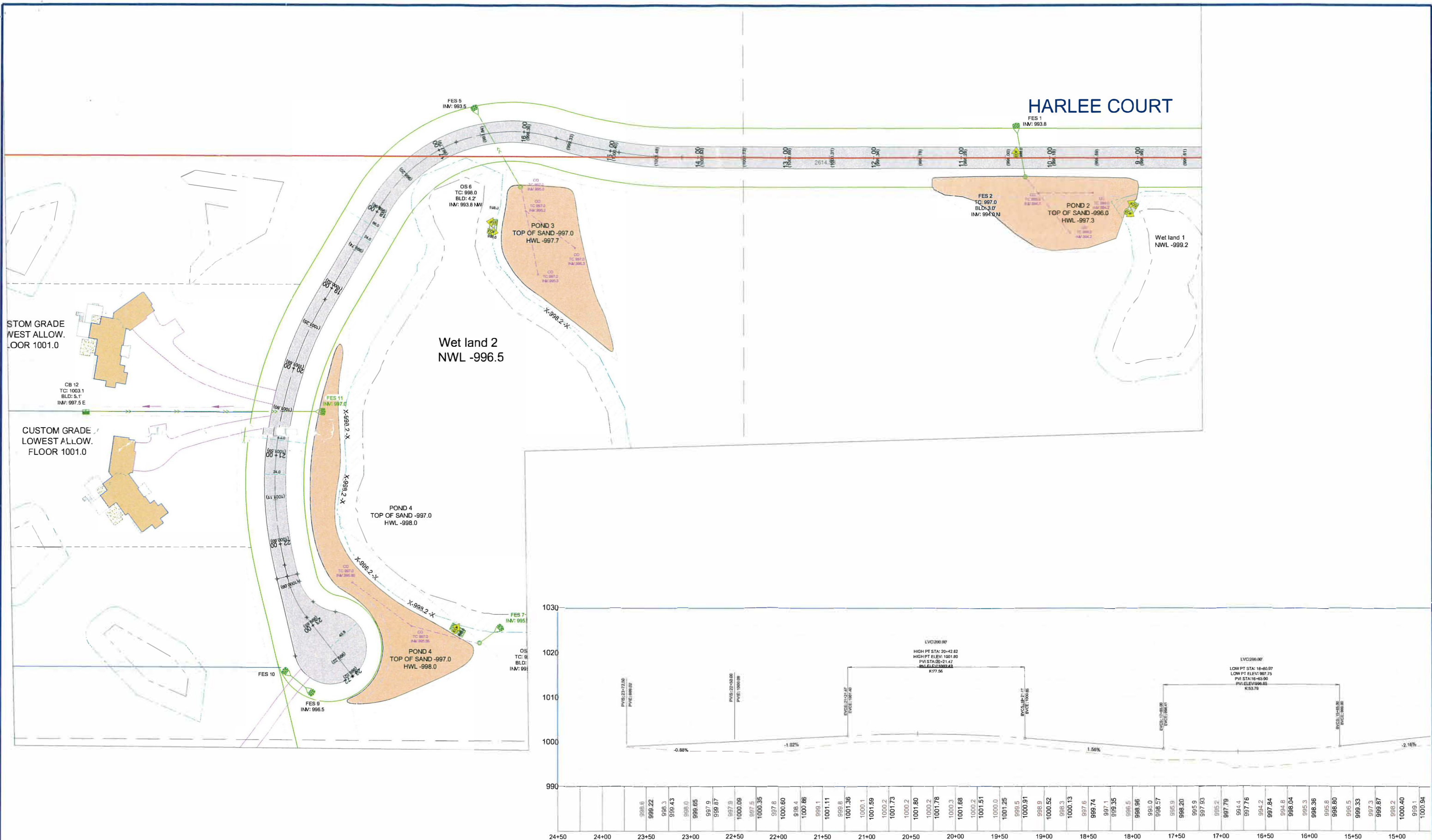
CITY PROJECT NO.

WACONIA,
MINNESOTA

STREET PLAN
NEUMANN ACRES
MARK EKLO

FILE NO.
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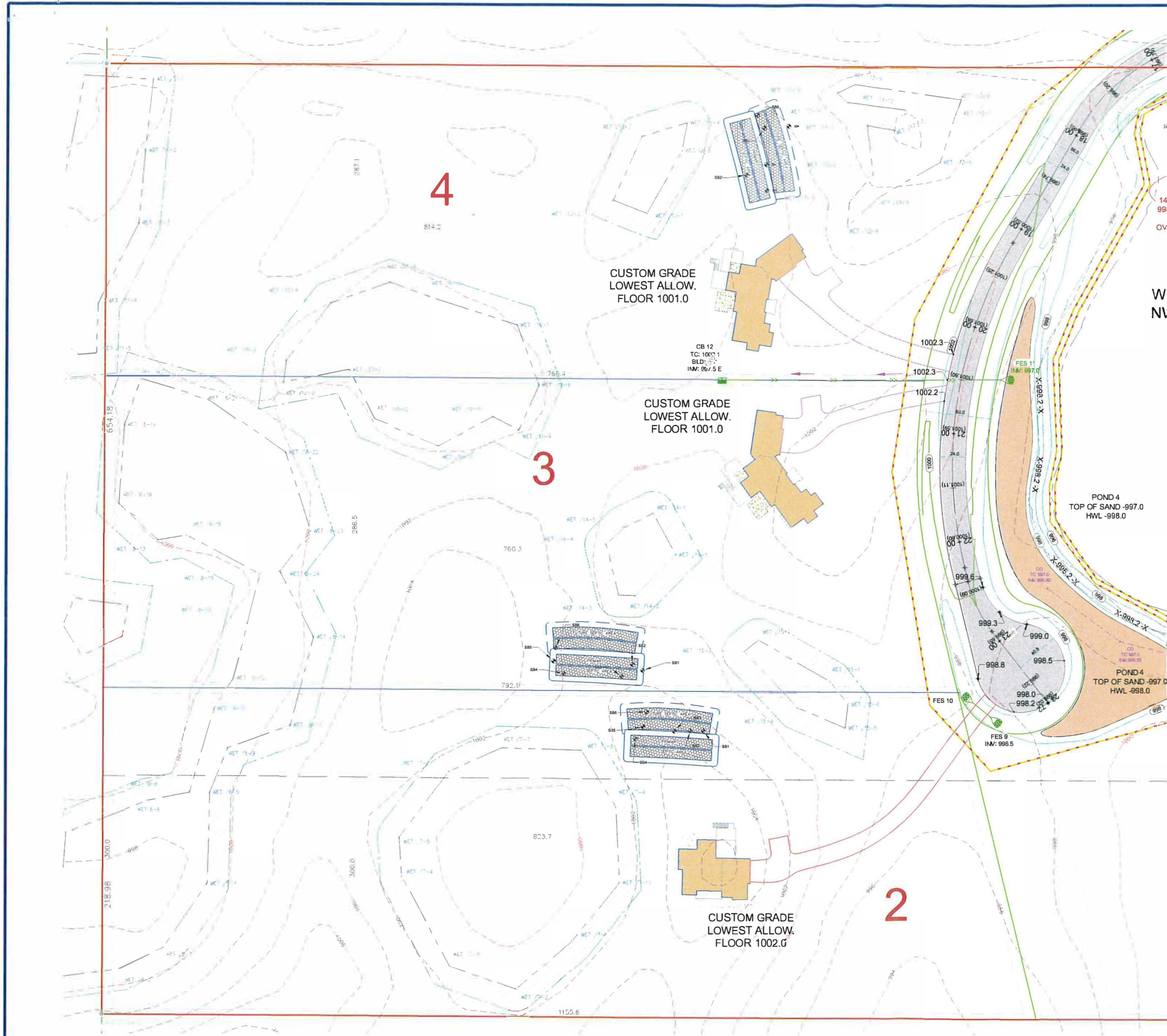
ENGINEERS
DESIGNERS
SURVEYORS
PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

CITY PROJECT NO.
**WACONIA,
MINNESOTA**

STREET PLAN
NEUMANN ACRES
MARK EKLO

FILE NO.
23605-013
2-14₇



SEPTIC SITE NOTES:

- A. ALL SEPTIC SITES SHALL BE FENCED OFF PRIOR TO CONSTRUCTION TO PREVENT THE CONSTRUCTION EQUIPMENT TO DRIVE OVER SITES.
- B. ALL SEPTIC SITES WILL REQUIRE ADDITIONAL AND SEPERATE PERMITS FROM CARVE COUNTY.
- C. REFER TO SEPTIC SITE DESIGN PREPARED BY WACHOLZ INC. DATED JULY 23, 2020 FOR INFORMATION ON THE PROPOSED SEPTIC SYSTEMS.

WACHOLZ INC. -
100 East Lake Street
Waconia, MN 55387
Phone: 952-442-9323
Email: waconialand@yahoo.com
License Number : 188
Report Number 20-1401-S

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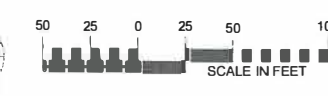
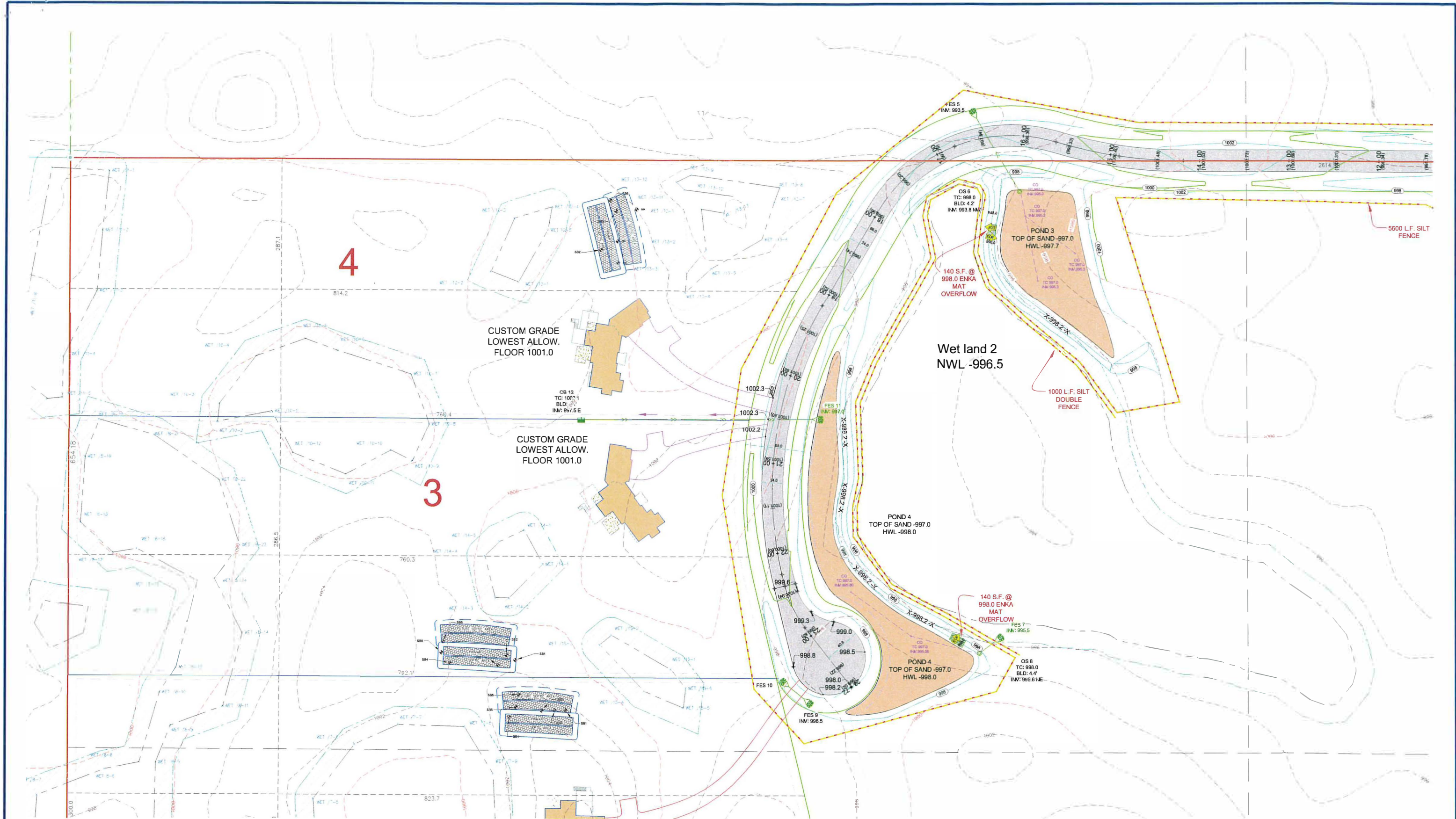
ENGINEERS
DESIGNERS
SURVEYORS
PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
WACONIA,
MINNESOTA

SEWER AND WATERMAIN PLAN
NEUMANN ACRES
MARK EKLO

FILE NO.
23605-013
2-15



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Daniel L. Schmidt
Daniel L. Schmidt, P.E.
Date: 04/23/2021
Lic. No. 26147



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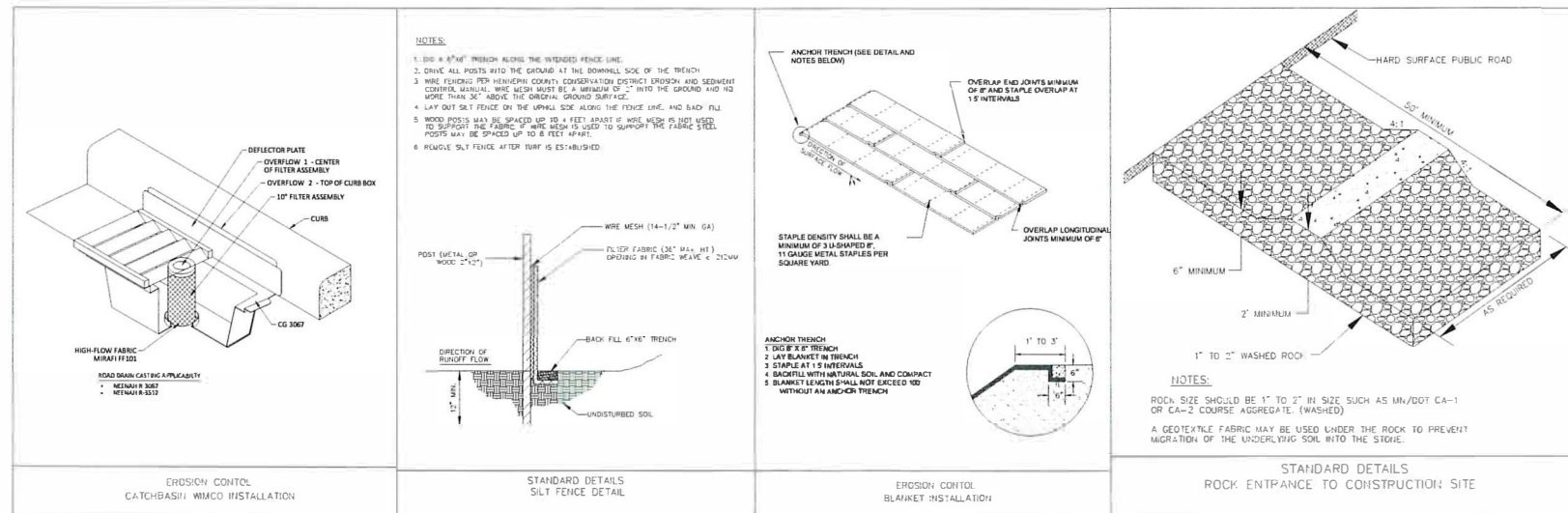
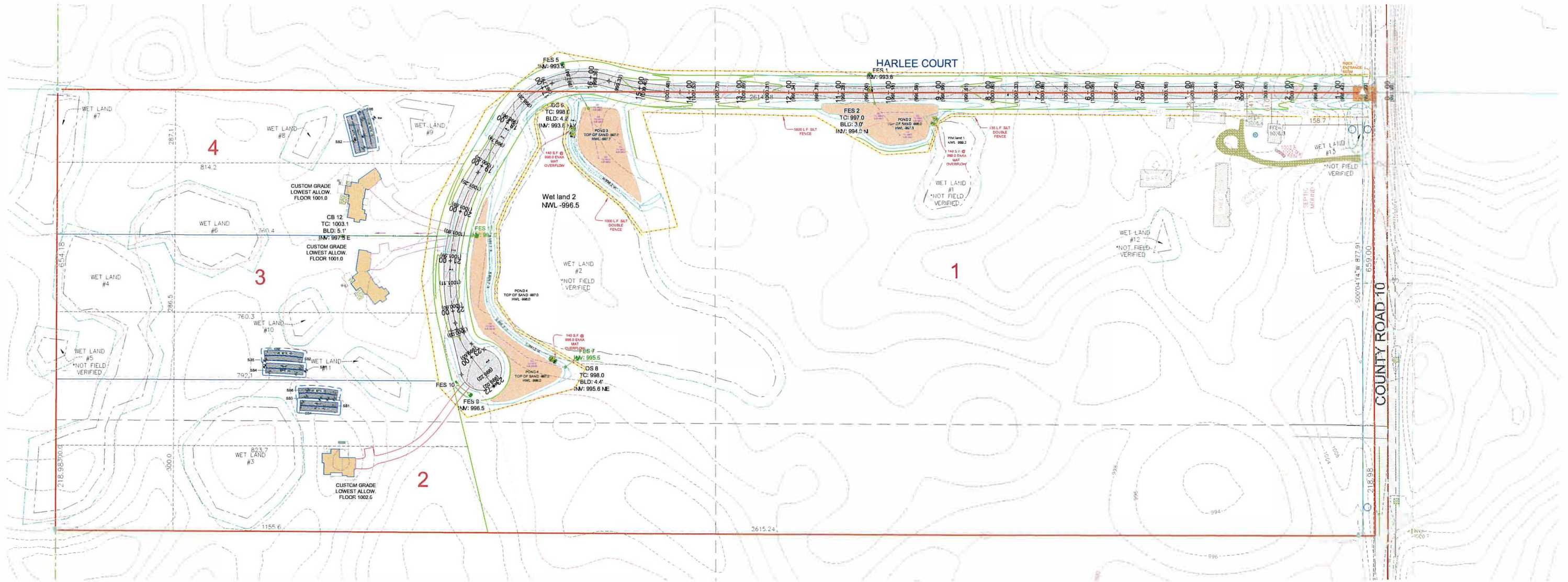
CITY PROJECT NO.

WACONIA, MINNESOTA

GRADING PLAN
NEUMANN ACRES
MARK EKLO

FILE NO.
23605-013

2-17₇



	ROCK ENTRANCE BERM
	SILT FENCE
	POST GRADING SILT FENCE
	BIO-ROLL
	ROCK DITCH CHECK
	CONCRETE WASHOUT
	INLET PROTECTION
	EROSION BLANKET

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Daniel L. Schmidt
Daniel L. Schmidt, P.E.
Date: 04/23/2021
Lic. No. 26147

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

CITY PROJECT NO.

WACONIA, MINNESOTA

EROSION CONTROL PLAN

NEUMANN ACRES

MARK EKLO

FILE NO.

23605-013

2-18₇



**Carver County
Public Works**

11360 Highway 212, Suite 1
Cologne, MN 55322

December 2, 2020

Updated May 7, 2020. Review of conditions appears in blue italics text.

Carver County Public Services Division
Land Management Department
c/o Jason Mielke
Land Use Manager
952-361-1820
jmielke@co.carver.mn.us

CC: Paul Neumann, 5850 County Road 10 N

Re: Development / Access Review Comments: 5850 County Highway 10 N (Parcel ID 100340700) Conditional Use Permit adjacent to County Highway (CSAH) 10

Re: Neumann Acres Preliminary Plat revision dated April 23, 2021

Thank you for the opportunity to review the subject development in Watertown Township. Consistent with the County Comprehensive Plan and County Codes, and other official controls of the County, the following are comments and recommended conditions of approval and as potential requirements for any necessary permits to be issued for the project.

1. Regarding access management and spacing for new roadway access onto the County Highway –
 - a. The County's Access Spacing Map identified in the 2040 Comprehensive Plan (Figure 4.14) identifies this segment of CSAH 10 as Category 5A, which guides full access intersection spacing at 1/2 mile intervals and secondary (limited) intersection spacing at 1/4 mile intervals.
 - i. The proposed new local road access onto CSAH 10 is spaced a 1/2 mile from the intersection of CSAH 10/Highway 7 to the north and a 1/2 mile from the intersection of CSAH 10/62nd St. to the south. This distance meets the full access intersection spacing guidance.
 - ii. Information.*
 - b. The existing driveway access to 5850 County Highway 10 will need to be removed and tied into the new local road connection due to the proposed change in use for the property and proximity of the existing driveway access to the proposed new local road connection.
 - i. Condition still applies. Revision needed.*
 - c. Consider shifting the proposed local road connection to CSAH 10 slightly south during the design process, between the existing field access and existing driveway access. This may help in combining the existing driveway access to the new local road connection. This shift may also better facilitate a future connection on the east side of

CSAH 10 by avoiding the existing wetland.

i. Information.

- d. Closure and removal of the field access approximately 200 ft. north of the southern property line is required.

i. Condition still applies. Revision needed.

2. Regarding highway right of way –

- a. CSAH 10 at this location is a 2-lane undivided rural highway facility. The existing right of way is approximately 100 ft. total or 50 ft. from centerline. The existing and proposed right of way is not consistent with the County's 2040 Comprehensive Plan for this type of highway typical section, which identifies 120 ft. or 60 ft. from centerline as the minimum right of way for 2-lane undivided rural highway facilities without trails (Figure B.6).

- i. Revise the concept for future plat documents to include highway right of way totaling 60 ft. from centerline, or an additional 10 ft. beyond the existing property line.

ii. Condition still applies. Revision needed.

- b. Extend the local road right of way south from the proposed cul-de-sac to the southern property line (County Code of Ordinances Ch. 151.158(F)).

i. Condition met.

- 3. The County will need to review and approve the final grading plans for properties adjacent to CSAH 10. A grading permit will be required for grading work within the highway right of way.

a. Information regarding permit requirement.

- 4. The technical details of the final plat, its boundaries and form(s) will need to be reviewed and approved by the County Surveyor, including the split of the parcel to the north (Parcel ID 100340100) for local roadway right of way.

a. Information regarding platting requirement.

- 5. Prior to any work affecting or on County highways or in County right of way, the applicant shall coordinate plans with the County Engineer and obtain a Utility or Excavating/Filling/Grading Permit(s) from Carver County Public Works: (<https://www.co.carver.mn.us/departments/public-works/quick-links/permits>). Final details of locations, grades, and profiles affecting County roads as well as any utility connections will need to be reviewed and approved prior to any permits.

a. Information regarding permit requirement.

- 6. Major Subdivisions must comply with the requirements identified in the County Code of Ordinances Chapter 151: Subdivisions including but not limited to Sections 151.161-151.164.

a. Information regarding platting requirement.

- 7. Any damages, modifications, or changes incurred on County highways from current or approved conditions will need to be remedied or updated at development expense, including costs incurred by the County.

a. Information regarding permit requirement.

These are the County's comments at this time. If you have any questions or need further assistance, please contact staff noted below:

Joan Guthmiller Administrative Technician Carver County Public Works 952.466.5201 jguthmiller@co.carver.mn.us	Angie Stenson AICP Sr. Transportation Planner Carver County Public Works 952.466.5273 astenson@co.carver.mn.us	Dan McCormick, P.E. PTOE Traffic Services Supervisor Carver County Public Works 952.466.5208 dmccormick@co.carver.mn.us
--	--	---

Jason Mielke

From: meklo wrd3.com <meklo@wrd3.com>
Sent: Wednesday, April 21, 2021 9:57 AM
To: Jason Mielke
Cc: Aaron Stubbs; Philp, David R; Matthew Eklo; meklo wrd3.com
Subject: Extension and waiver for Neumann property. 5850 County Rd 10, Waconia, Mn

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

Jason, Because of the change in the road alignment and the time necessary to do so, I would like to request an extension and waive the 60-day requirement for the review of the Neumann Acres Preliminary Plat. Thanks

Mark Eklo
Golf Lake Condos, LLC

**COUNTY OF CARVER
BOARD OF COMMISSIONERS**

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

DATE: January 5, 2021

ORDER #: PZ20200051

FILE #: PZ20200051

APPLICANT: Mark Eklo

OWNER: Paul D. & Linda M. Neumann

SITE ADDRESS: 58xx Co Rd 10 N, Waconia, MN 55387

PERMIT TYPE: Additional Density (High Amenity)

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-034-0700

A public hearing was held on this matter on December 15, 2020, the Carver County Planning Commission, and the recommendation of the Planning Commission was duly considered in the issuance of this order.

FINDINGS OF FACT

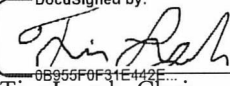
1. Paul Neumann & Family own an approximately 53.26-acre parcel located in the Section 34, Watertown Township. The property is improved with an existing building site (i.e. house and sheds). The parcel also includes agricultural production land, wetlands, and woods. The site is also located in the Agricultural Zoning District and the CCWMO (Carver Creek and Crow River watersheds).
2. The applicant, Mark Eklo, has a purchase agreement in place with the Neumann Family. Mr. Eklo is proposing to develop three (3) residential parcels and one (1) agricultural parcel. The proposed development would result in a total of four (4) building sites (single family dwellings) along with a constructed township road. The applicants are requesting a Conditional Use Permit (CUP) pursuant to Section 152.078 (C) of the Carver County Zoning Code.
3. Watertown Township has provided for the High Amenity option in its chapter of the Comprehensive Plan. The subject property consists of wooded, wooded pasture, and similar areas, not in agricultural production, is considered eligible land. The proposed development would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼¼). Also, a CUP has not been previously issued for additional density on the subject parcel.
4. The applicant is proposing three (3) residential lots that would range in size from 5 acres to 5.7 acres. Each newly created lot would exceed the 2.5-acre minimum lot size and lots exceeding 5 acres would include unusable areas as allowed by the Zoning Code. Proposed Lot 2 would need to reduce the amount of tillable field area in order to meet the "maximum lot size of five (5) acres except for unusable lands being attached to individual lots." The one (1) agricultural lot (building site) would be approximately 35.2 acres. A total of four (4) buildable lots are proposed as part of the development (plat).
5. During the preliminary platting process, the applicant must document a suitable one (1) acre building site for each lot. The concept plan illustrates the potential locations for Subsurface Sewage Treatment Systems (SSTS) on each lot. A licensed SSTS professional has provided appropriate soils reports for the County's review.

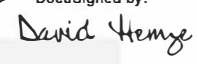
6. A road would need to be constructed as part of the platting process and according to a developer's contract. The road must be constructed to Township standards. The concept plan submitted as part of the CUP application, illustrates the road configuration utilizing a portion of the Prime Four LLP property located to the north of the subject property. A Minor Subdivision would need to be completed prior to the platting process in order to allow Mr. Eklo to fully extend a 66-foot township road right-of-way off of County Road 10 in this fashion. County policy discourages permanent dead-end roads; therefore, future road extension(s) or easement(s) should be evaluated during the preliminary platting process.
7. The Carver County Public Works Division has reviewed the concept plan and provided written comments via a letter (dated: December 2, 2020). The letter outlines their official controls with regard to the County Road 10 right-of-way, access spacing standards, as well as driveway and field access location standards. The letter also addresses the potential requirements for any necessary permits to be issued for the project in the future. The details of the development activity would need to be evaluated during the Preliminary Platting and Developers Contract Agreement processes.
8. The development falls under the CCWMO Water Rules provision, which is required to be reviewed by the County's consulting engineer (Wenck Assoc.) and approved by the Carver County Planning & Water Management Department. The applicant must be prepared to address any wetland impacts and/or degradation in accordance with the Wetland Conservation Act (WCA) and also as submit a stormwater pollution prevention plan (SWPPP).
9. The Carver County Feedlot Officer has 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.
10. The entire layout as proposed will properly be addressed during the preliminary plat process.
11. The Watertown Town Board reviewed the request and recommended approval at their November 13, 2020, Town Board meeting. The Town Board stipulated that the existing field approach along Co Rd 10 N needs to be utilized on the north side of the property.
12. 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 #PZ20200051. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY CODE, SECTION 152.078 (C) FOR ADDITIONAL DENSITY LOTS, HIGH AMENITY DEVELOPMENT, ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. Three (3) residential lots and one (1) agricultural lot 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 four (4) buildable lots (building eligibilities) and the 66' road right-of-way shall be properly addressed as part of the plat.
2. Access permits must be approved by Watertown Township (road authority) prior to any work occurring within the proposed interior road right-of-way. An access permit must be obtained from Carver County Public Works (road authority) for the proposed road, including any potential need for access upgrades. The Permittee must enter into an improvement agreement (Developer's Contract) with the County and the Township covering construction and maintenance of the proposed road and any drainage structures that may be found necessary during the 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 SSTS locations for each building site must be submitted with the application for preliminary plat. SSTS locations must be identified by a licensed SSTS contractor, for review/approval by the Environmental Services Department. The building sites must be located so that all buildings and sewer systems shall meet County Code setback requirements.

4. 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 road extension(s) or easement(s) shall be evaluated during the Preliminary Platting process.
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 in nature 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 lot owners shall maintain the road until such time as the Township agrees to accept the road and assume maintenance responsibility.
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. A road plan, drainage plan, erosion control plan, and storm water management plan shall be submitted with the preliminary plat.
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.
9. Streets and drainage ways shall be designed so that public utilities can be installed at a later date.

DocuSigned by:

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 Tim Lynch, Chair
 Carver County Board of Commissioners

DocuSigned by:

 5A1867750289420... 1/12/2021 | 2:21:48 PM PST
 Dave Hemze
 County Administrator



Township Presentation & Recommendation Form

PARCEL # <u>100340700</u> <u>100340100</u>	Permit # <u>PZ20210023</u>	
Owner's Name: <u>Neumann / Prime Four LLP</u>	Owner's Mailing Address: <u>5850</u> <u>5880 City Rd 10 N</u>	
City: <u>WACONIA</u>	Owner State: <u>MN</u>	Owner Zip: <u>55387</u>
Applicant (if other than owner): <u>Golf Lake Condos, LLC</u>	Site Address: <u>5850 / 5880 City Rd 10 N</u>	

Type of Request:	☐ CUP	☐ IUP	☒ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request: <u>Placing a road along the North property of Neumann's Land (33') and 33' along the South property line of Prime Four, LLP 1,850 ft from East to West then South 400'. Built to township std</u>						
Date of County Public Hearing:	<u>5/3/21</u>	Date of Township Meeting:	<u>5/3/21</u>			

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:

OK as requested

****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.

Wahshita, Golf Lake Condos, LLC

Signature of Applicant

A. Michael Brunner

Signature of Township Official

Date 5/3/21

Date 5/3/2021

EXHIBIT "A" – LEGAL DESCRIPTION

**PID NUMBER: 10-034-0700
10-034-0100/part of**

File# PP-PZ20210023

APPLICANT: Mark D Eklo

**OWNERS: Paul D Neumann & Linda M Neumann (10-034-0700)
Prime Four, LLP (10-034-0100/part of)**

*** * * * ***

10-034-0700

The North Half of the North Half of the Southwest Quarter of Section 34, Township 117, Range 25, Carver County, Minnesota,

AND

The North 218.97 feet of the South Half of the North Half of the Southwest Quarter of Section 34, Township 117, Range 25, Carver County, Minnesota.

10-034-0100

The South Half of the Northwest Quarter of Section 34, Township 117, Range 24, EXCEPTING THEREFROM the following described piece of land to-wit: Commencing at the Northeast corner of said South Half of the Northwest Quarter, running thence South 7 rods; thence West 38 rods; thence North 7 rods; thence East 38 rods to the place of beginning.

Also, further conveying the following described strip of land: Commencing at the Northwest corner of the South Half of the Northwest Quarter of said Section 34; running thence East along centerline of said Northwest Quarter, a distance of 122 rods; thence North 2 1/5 rods; thence West 122 rods; thence South 2 1/5 rods to the place of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 7, 2021

TO: Carver County Planning Commission & Watertown Town Board
FROM: Land Management Department
SUBJECT: Application for a Conditional Use Permit (Accessory Structure)

FILE #: PZ20210031

APPLICANT: Jerry Roelofs (Roelofs Remodeling, Inc.)

OWNERS: Daniel & Emily Becker

SITE ADDRESS: 12125 46th Street, 55388

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 (A)(2) & 152.077 (A)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-028-0900

BACKGROUND:

1. Daniel & Emily Becker owns an approximate 5-acre parcel, located in part of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 28, Watertown Township. The property is improved with a single-family dwelling, a detached garage, and an accessory structure. The property is in the Agricultural Zoning District and the CCWMO (Crow River Watershed).
2. The applicant is requesting a Conditional Use Permit (CUP), which would allow him to apply for a building permit to construct an attached garage onto the existing house on the subject property. The proposed attached garage would be approximately 31' x 35' (1,085 square feet) which would exceed the total allowable square footage on the property. The request is pursuant to Sections 152.073 (A)(2) & 152.077 (A)(1) of the Zoning Code, which read as follows:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note—Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

- (1) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit has been issued allowing for additional square footage:

- (2) Parcels greater than two acres and less than or equal to five acres – a total of 3,000 square feet of area is permitted in a combination of garage and accessory structures.

§ 152.077 CONDITIONAL USES – RESIDENTIAL RELATED.

- (A) (1) Residential accessory structures (allowed in AG preserve). Provides for accessory structures in excess of the square footage permitted as a permitted accessory use.

STAFF ANALYSIS:

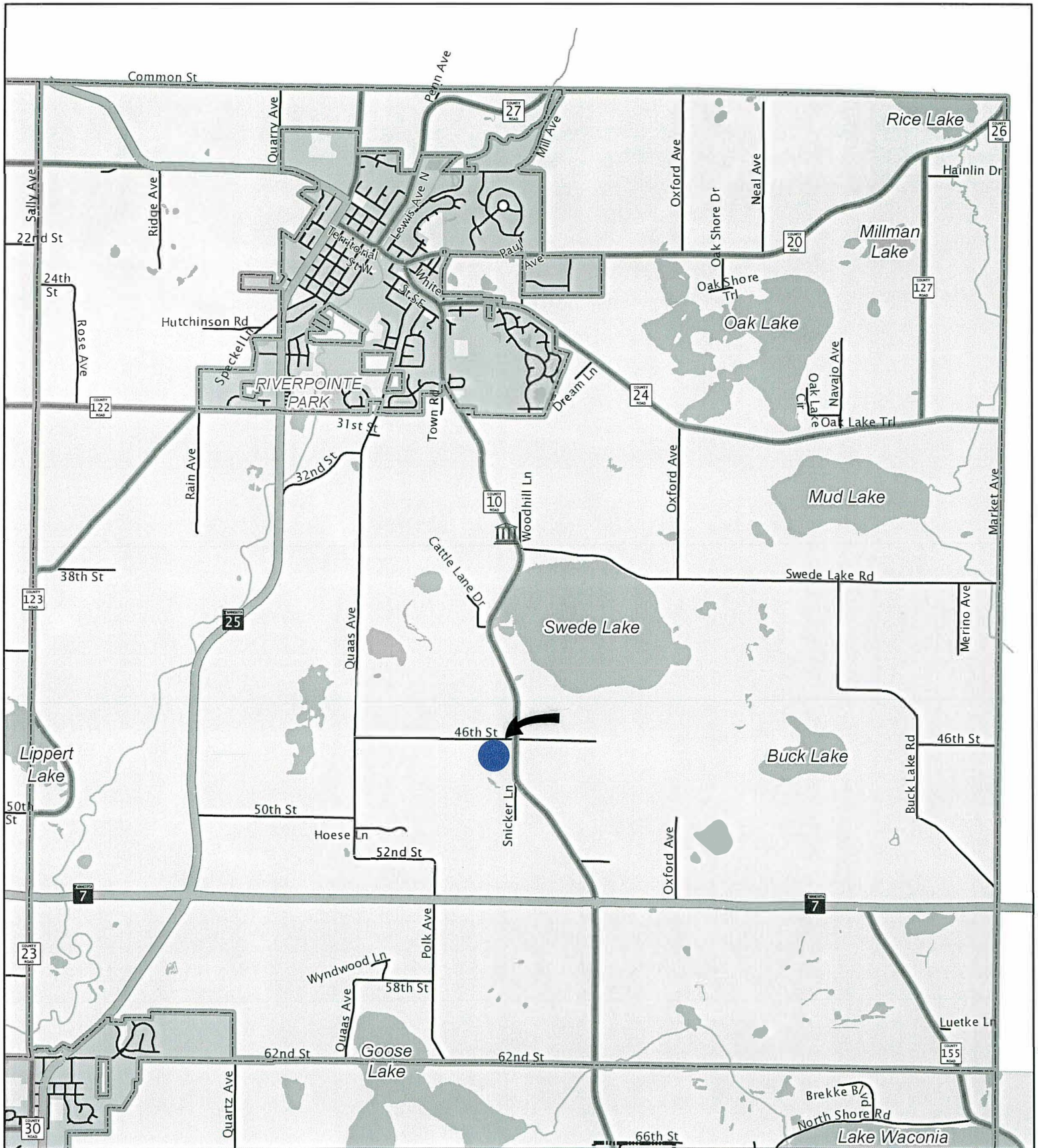
1. The current accessory square footage on the property is approximately 2,804 square feet. This includes a detached garage (approx. 692 square feet) and an accessory structure (approx. 2,112 square feet). If the CUP request were approved, the applicant would relocate the 692 square-foot detached garage to the rear of the property and apply for a building permit to construct an attached garage (approx. 1,080 square feet). The Zoning Code allows a parcel of this size a total of 3,000 square feet of personal storage area to be permitted in a combination of garage and accessory structure(s). With the proposed attached garage, the total square footage on the property would consist of approximately 3,884 square feet; or approximately 884 square feet more than the Zoning Code allows without the issuance of a Conditional Use Permit.
2. The applicants' letter (dated: April 21, 2021) describes the intended use of the attached garage, which would be only for personal use/storage (e.g. truck, lawnmower, trailers, and other miscellaneous property). There would be no business activities conducted from the structure. The existing detached garage would be re-located on-site and used by the children of the property owners for future 4-H needs.
3. The proposed structure would be located near the front of the property and would meet all required setbacks.
4. On May 6, 2021, this request was reviewed by Lori Brinkman, the County's Environmentalist II. Ms. Brinkman stated that of Compliance Inspection of the existing SSTS on the subject parcel was not required because the existing SSTS is not located within a Shoreland Overlay District.
5. The Watertown Town Board reviewed the request and recommended approval during their May 3, 2021, Town Board meeting. The Town board did not request any conditions along with their recommendation.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission orders approval of the personal accessory structure application, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.

WATERTOWN TOWNSHIP



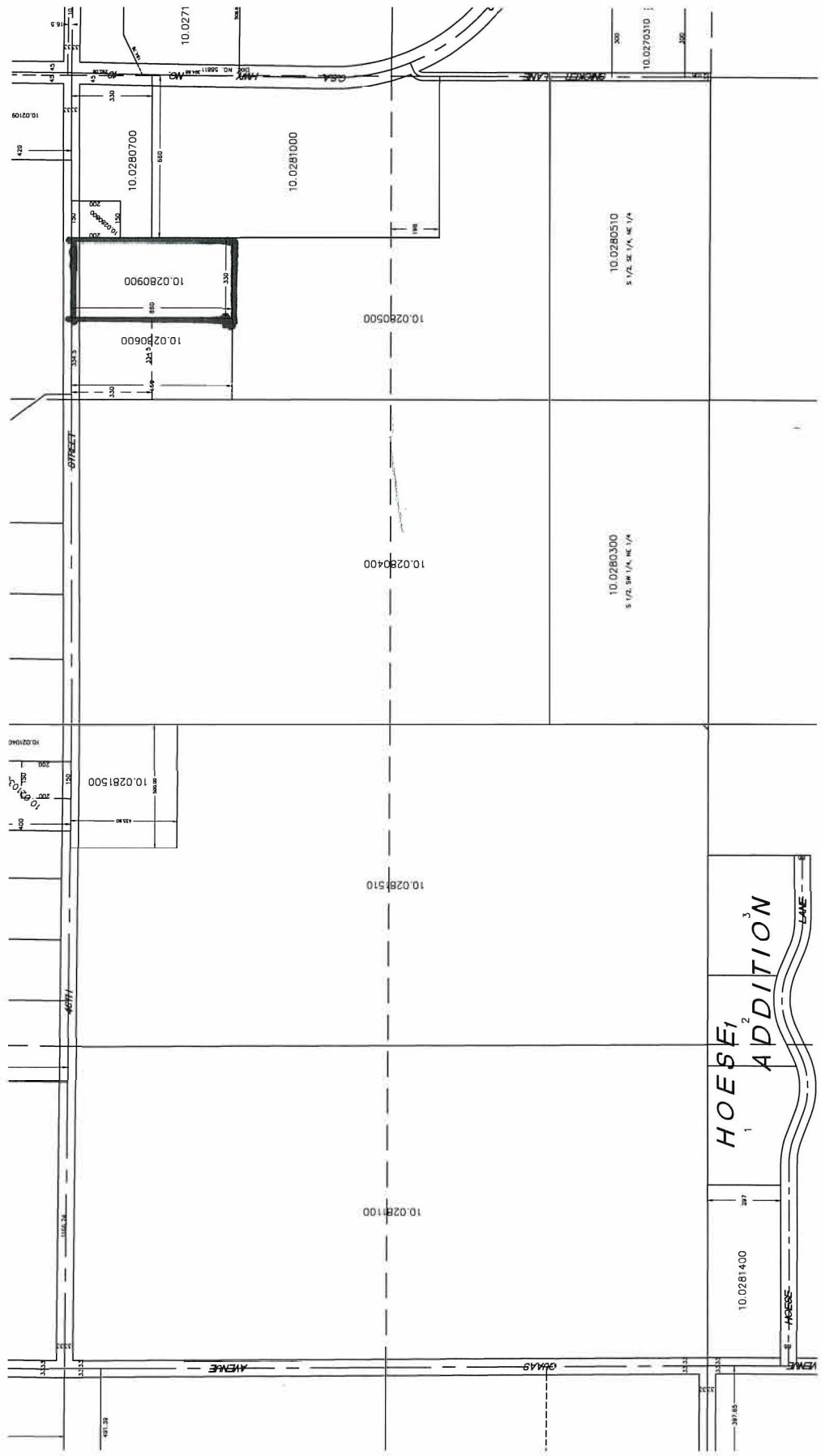
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 IT IS A PRELIMINARY SURVEY.
 AS THEY APPEAR IN THE CARVER COUNTY
 RECORDS, THEY ARE NOT TO BE USED FOR
 ANY PURPOSES OTHER THAN REFERENCE.
 THE SURVEYOR AND HIS AGENTS
 ARE NOT RESPONSIBLE FOR ANY
 INACCURACIES CONTAINED THEREIN.

N 1/2 SEC. 28, T.117, R.25





April 21, 2021

Members – Carver County Planning Commission
Planning Commission Meeting – May 18, 2021

Conditional Use Permit – 12125 46th Street, Watertown, MN 55388

To Whom:

The purpose of this letter is to request a Conditional Use Permit for personal storage to exceed 3000 square feet to construct a large two-car attached garage and relocate the existing detached garage to a new location on the property.

Current storage:

Existing storage building:	2112 square feet
Existing detached garage:	692 square feet
<u>Proposed attached garage:</u>	<u>1080 square feet</u>

Total: 3884 square feet

THE SITE:

12125 46th Street is a 5 acre parcel located south of 46th Street about a quarter mile west of County Road 10 in Watertown Township. It features a 1200 SF split entry home constructed late 70's/early 80's that has had a 292 SF addition with full basement as well as a 430 SF screen porch and deck constructed over posts and pier footings. It has a two-car detached garage about a 50 foot walk from the house proper.

A storage building of 2112 SF was constructed on the site by previous owners as were the room addition, screen porch and deck. The topography is generally flat but lower than the road surface and is half wooded.

THE OWNERS:

The homeowners, Emily and Dan Becker, have lived at this address approaching 5 years with their three children under the age of 10. They were drawn to the rustic exterior and interior finishes, the rural setting and acreage and the existing storage building. Their concerns are that the existing garage is too far from the house and is always wet inside because of elevation and surface drainage. They park their vehicles under the screen porch/deck and enter the house through the basement. The small house is limited for storage with a growing family of five, a very small foyer with no coat storage and very limited closet space.



THE REQUEST:

We request a Conditional Use Permit for personal storage to exceed 3000 square feet to construct a large two-car attached garage and relocate the existing detached garage to a new location on the property.

The proposed garage addition adds 1260 SF to the footprint of the house but 180 square feet of that space is added living space to the home for Foyer and Master Bedroom expansion. The balance of the garage is 1080 SF with the intended use of storing two large vehicles, bikes, auxiliary refrigerator and freezer, yard and hobby equipment.

The existing storage building covers 2112 square feet. 316 SF provides heated office space for the homeowners' businesses and administrative tasks. He works from home on commercial exterior/interior janitorial services at his clients' places of business – stores, offices and the like. No employees work at this address. The office is his company's primary office. He shares it with his wife who manages a property management company in St. Louis Park. She works three days a week from home on average. The other 1796 SF stores 2 boats, two snowmobiles, a tractor lawn mower, a power sweeper, an industrial pressure washer, a two-place four wheeler, miscellaneous small tools and supplies and a repair workshop.

The existing two car detached garage -- 692 SF -- is in good condition and will be moved to a secluded spot to allow the parents and their kids to pursue their 4-H dreams and hobbies wherever that leads them.

With the family's planning and willingness to invest in their home, we hope that after your thoughtful consideration, you will allow this Conditional Use Permit for the purposes as described. We look forward to providing answer to any question you may have.

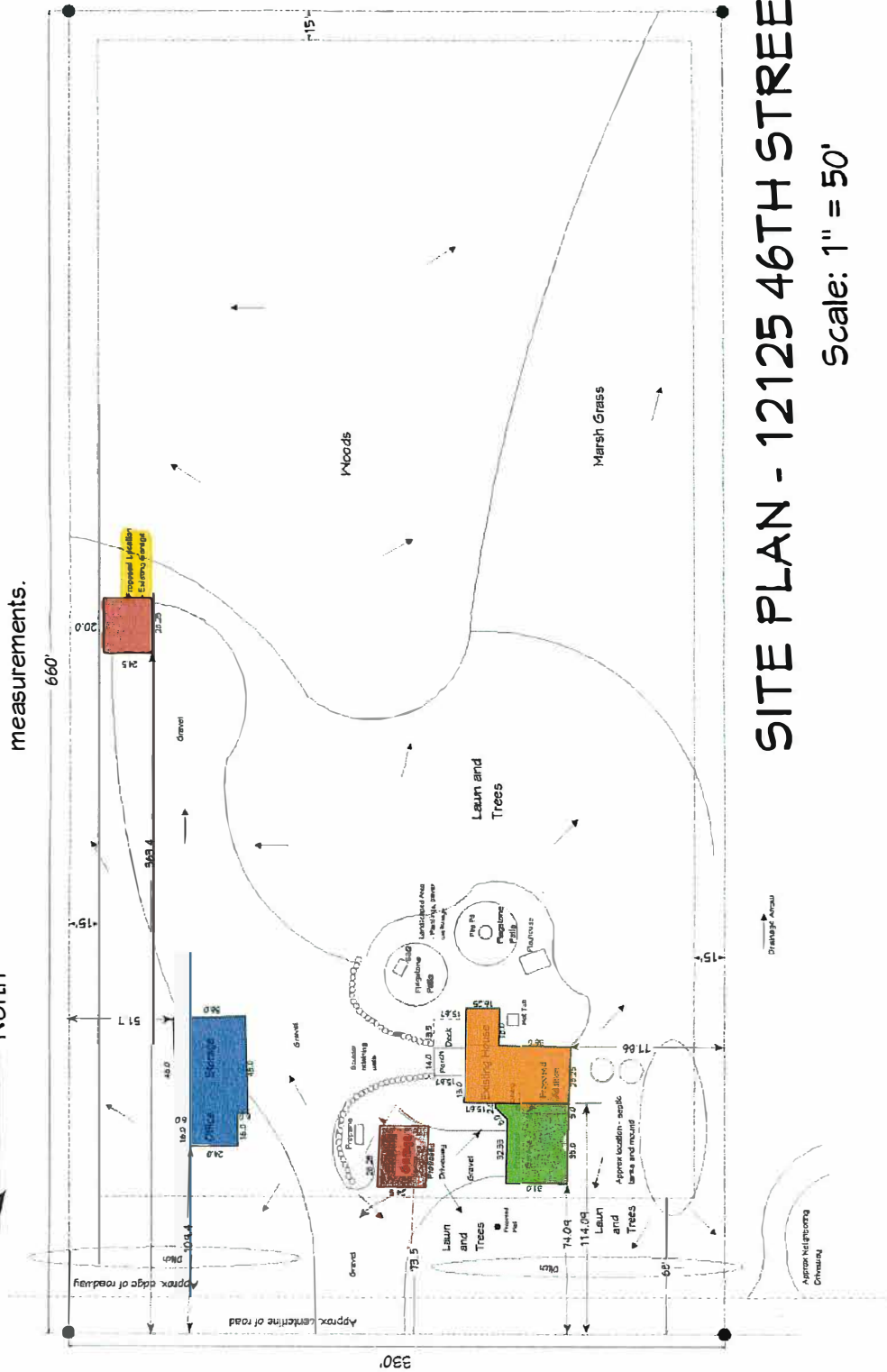
On behalf of Emily and Dan Becker

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gerald L. Roelofs', is written over a light blue horizontal line.

Gerald L. Roelofs CR, CLC
ROELOFS REMODELING & RENOVATION, INC.
License No. BC001095
952-512-0110
Jerry@RoelofsRemodeling.com

North



SITE PLAN - 12125 46TH STREET

Scale: 1" = 50'



Township Presentation & Recommendation Form

PARCEL # 10.028.0900	Permit # PZ20210031		
Owner's Name: DAD AND EMILY BILKA	Owner's Mailing Address: 12125 46 th STREET		
City: WATERTOWN	Owner State: MN	Owner Zip: 55388	
Applicant (if other than owner): JERRY KOZLOFS KOZLOFS REMOVAL & RECONSTRUCTION, INC.	Site Address: 12125 46 th STREET		

Type of Request:	☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal			
Description of Request:	REQUEST A CONDITIONAL USE PERMIT FOR PERSONAL STORAGE IN EXCESS OF 3000 SF TO ALLOW CONSTRUCTION OF AN ATTACHED GARAGE TO HOME AND RELOCATION OF THE EXISTING DETACHED GARAGE TO A NEW LOCATION ON THE PROPERTY. SEE ATTACHED.			
Date of County Public Hearing:	MAY 18, 2021	Date of Township Meeting:	MAY 3, 2021	

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:

Staff spoke with Gerry Bruner on May 4, 2021 to confirm Township's review

****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.

Emily Bilka *DOBSE*

Signature of Applicant

Date 04/20/2021

Gerry Bruner

Signature of Township Official

Date 5/3/2021

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-028-0900

File# PZ20210031

APPLICANT: Jerry Roelofs

OWNERS: Daniel Becker & Emily Becker

* * * * *

The West 330 feet of the East 990 feet of the North 660 feet of the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section 28, Township 117, Range 25, Carver County, Minnesota.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 10, 2021

TO: Carver County Planning Commission & Laketown Town Board
FROM: Land Management Department
SUBJECT: Application for a Conditional Use Permit (Accessory Structures)

FILE #: PZ20210026

APPLICANT: Tyler Safratowich

OWNER: Tyler & Nicole Safratowich

SITE ADDRESS: 10580 Knight Avenue, 55387

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 (A)(3) & 152.077 (A)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-032-1500

BACKGROUND:

1. Tyler & Nicole Safratowich own an approximate 10-acre parcel, located in part of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section 32, Laketown Township. The property is improved with a single-family dwelling, an attached garage, a barn, and a single-family dwelling that has been rendered uninhabitable and used for personal storage. The property is in the Agricultural Zoning District and the CCWMO (Carver Creek Watershed).
2. The applicant is requesting a Conditional Use Permit (CUP), which would allow him to apply for a building permit to construct a detached accessory structure on the subject property. The proposed accessory structure is approximately 50' x 64' (3,200 square feet) which would exceed the total allowable square footage on the property. The request is pursuant to Sections 152.073 (A)(3) & 152.077 (A)(1) of the Zoning Code, which read as follows:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note—Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

- (A) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit has been issued allowing for additional square footage:

- (3) Parcels greater than five acres – a total of 4,000 square feet of area is permitted in a combination of a garage and accessory structures.

§ 152.077 CONDITIONAL USES – RESIDENTIAL RELATED.

- (A) (1) Residential accessory structures (allowed in AG preserve). Provides for accessory structures in excess of the square footage permitted as a permitted accessory use.

STAFF ANALYSIS:

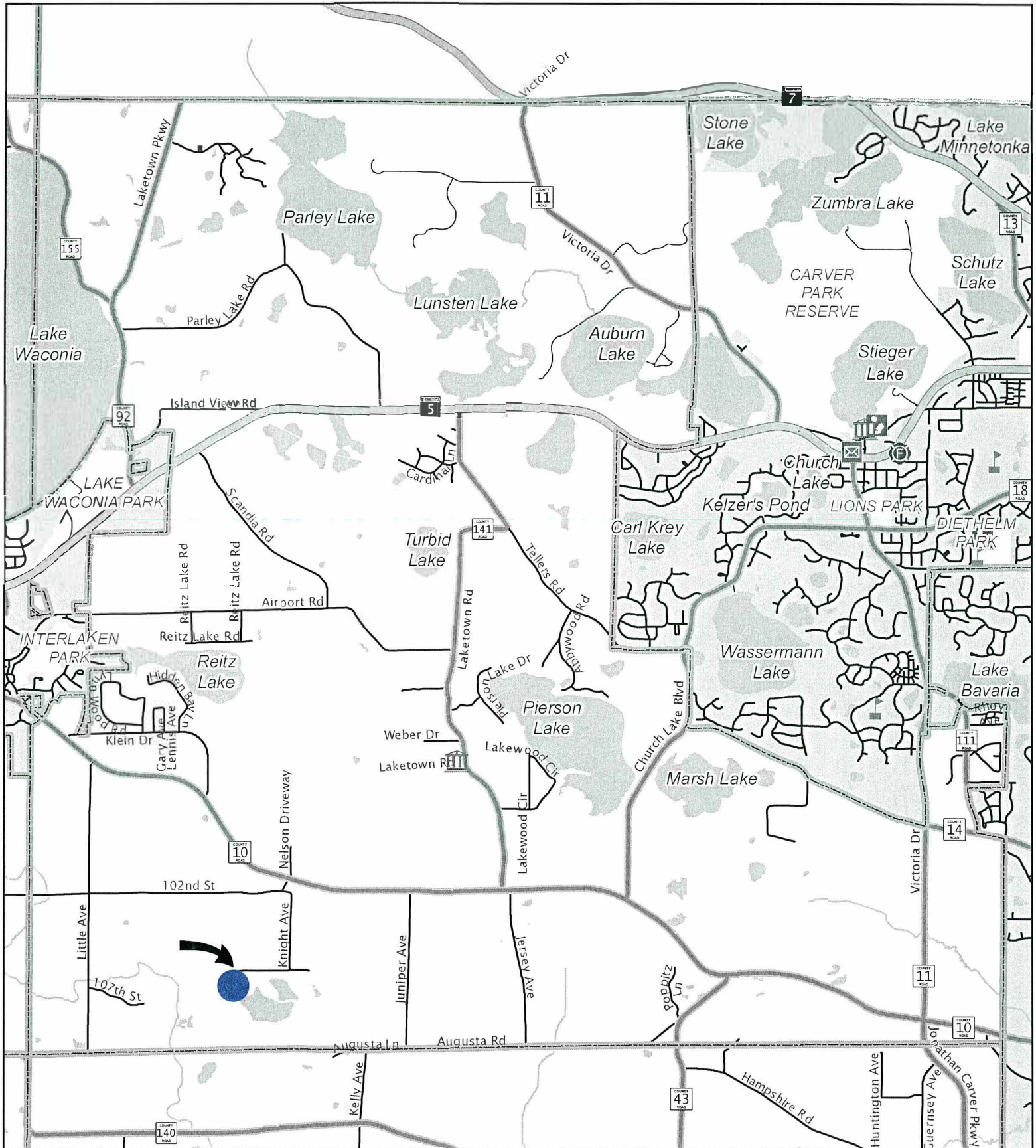
1. The current personal accessory square footage on the property is approximately 2,517 square feet. This includes an attached garage (approx. 753 square feet), and an uninhabitable single-family dwelling being used as a studio / storage (approx. 1,764 square feet). The existing agricultural barn located on the property is not suitable to be utilized for personal storage; therefore, is not being included in the square footage calculation. If the CUP request were approved, the applicant would apply for a building permit to construct a 50' x 64' accessory structure. The Zoning Code allows a parcel of this size a total of 4,000 square feet of personal storage area to be permitted in a combination of garage and accessory structure(s). With the proposed 50' x 64' (3,200 square-foot) accessory structure, the total square footage on the property would consist of approximately 5,717 square feet; or approximately 1,717 square feet more than the Zoning Code allows without a Conditional Use Permit on a property of this size.
2. The applicants' letter (dated: March 29, 2021) describes the intended use of the accessory structures, which would be only for personal use/storage (e.g. horses, hay storage, and the storage of farm equipment). There would be no business activities conducted from the structure.
3. The proposed structure would be centrally located on the property and would meet all required setbacks.
4. On May 6, 2021, this request was reviewed by Lori Brinkman, the County's Environmentalist II. Ms. Brinkman stated that of Compliance Inspection of the existing SSTS on the subject parcel was not required because the existing SSTS is not located within a Shoreland Overlay District.
5. The Laketown Town Board reviewed and recommended approval of the request during their April 12, 2021, Town Board meeting. The Town board did not request any conditions along with their recommendation. However, the Township did request that they be notified if the site preparation of this project requires more than 400 cubic yards of fill to be brought in using Knight Avenue.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission orders approval of the personal accessory structure application, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.
3. Prior to the issuance of any permits and/or the commencement of site preparation, the applicant shall notify the Township if more than 400 cubic yards of fill would be brought on site using Knight Avenue.

LAKETOWN TOWNSHIP



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Map Created by Carver County GIS

S 1/2 SEC. 32, T.116, R.24



 **Surveying & Mapping Office**
Carver County Gov. Center
600 East Fourth Street
Chaska MN 55318

Tyler Safratowich
10580 Knight Ave
Waconia MN 55387

Dear Planning Commission,

I am writing this letter in regards to our request to put up a 50'x64' outbuilding on our property at 10580 Knight Ave in Waconia MN. This building will be used for Horses and Hay storage, as well as storage of farm use equipment used on our property. We will be the only people using this structure, and will have no employees, parking area, signage, or anything which relates to this. Materials stored on site will be feed, hay, animals, along with a skid steer, implements, tractor, and other farm equipment.

If you have any further questions, please feel free to reach out anytime at the information below.

Thank you,

A handwritten signature in black ink, appearing to read 'Tyler Safratowich', with a long horizontal flourish extending to the right.

Tyler Safratowich

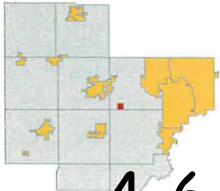
Cell Phone: (651)-402-0655

tyler@vikingmat.com

PROPOSED SITE PLAN - 07.032.1500



Date: 4/20/2021
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.





Township Presentation & Recommendation Form

PARCEL # <u>070321500</u>	Permit # <u>PZ20210026</u>	
Owner's Name: <u>Tyler S. Fredrich</u>	Owner's Mailing Address: <u>10880 Knight Ave</u>	
City: <u>Waconia</u>	Owner State: <u>MIN</u>	Owner Zip: <u>55387</u>
Applicant (If other than owner): 	Site Address: 	

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request: <u>Agricultural outbuilding for horses/hay/Equipment 30'x64', for personal use</u>						
Date of County Public Hearing: <u>05/18/2021</u>			Date of Township Meeting: <u>04/12/2021</u>			

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:

The applicant stated that "not much" fill will be required. The township should be notified if more than 400 cubic yards will be brought in on the township gravel road.

****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.

Tyler S. Fredrich
Signature of Applicant

Date 4/12/21

Mike Klingelitz
Signature of Township Official

Date 4/13/21

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-032-1500

File# PZ20210026

APPLICANT/OWNER: Tyler Safratowich & Nicole Safratowich

* * * * *

All that part of the Southwest Quarter of Section 32, Township 116 North, Range 24 West, described as: Commencing at an iron monument in place at the Northeast corner of said Southwest Quarter; thence on a bearing of North 90 degrees 00 minutes West along the North line of said Southwest Quarter, for a distance of 2,032.98 feet; thence on a bearing of South 0 degrees 00 minutes East, for a distance of 66.00 feet to the actual point of beginning of the following described tract; thence continuing on a bearing of South 0 degrees 00 minutes East, for a distance of 530.00 feet; thence on a bearing of South 90 degrees 00 minutes East, parallel with the said North line of Southwest Quarter, for a distance of 821.88 feet; thence on a bearing of North 0 degrees 00 minutes West, for a distance of 530.00 feet to a point 66.00 feet South of said North line of Southwest Quarter; thence on a bearing of North 90 degrees 00 minutes West, parallel with the said North line of Southwest Quarter, for a distance of 832.88 feet to the point of beginning.

Together with a roadway easement described as follows:

Beginning at an iron monument in place at the Northeast corner of the Southwest Quarter of Section 32, Township 116, Range 24 West; thence on a bearing of North 90 degrees 00 minutes West along the North line of said Southwest Quarter, for a distance of 2,032.98 feet; thence on a bearing of South, a distance of 66.00 feet; thence South 90 degrees 00 minutes East, parallel with the said North line of Southwest Quarter, for a distance of 2,032.98 feet to the East line of said Southwest Quarter; thence on a bearing of North 0 degrees 00 minutes West along said East line, for a distance of 66.00 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 7, 2021

TO: Carver County Planning Commission & Hollywood Town Board
FROM: Land Management Department
SUBJECT: Application for a Conditional Use Permit (Accessory Structures)

FILE #: PZ20210029

APPLICANT: Joel Hiivala

OWNER: Joel Hiivala

SITE ADDRESS: 2675 Vega Avenue, 55360

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 (A)(3) & 152.077 (A)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-010-0130

BACKGROUND:

1. Joel Hiivala owns an approximate 9.58-acre parcel, located in part of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section 10, Hollywood Township. The property is improved with a house, a small garage, a machine shed, and a barn. The property is in the Agricultural Zoning District and the CCWMO (Crow River Watershed).
2. The applicant is requesting a Conditional Use Permit (CUP), which would allow him to apply for a building permit to construct an attached garage on the subject property. The proposed attached garage would be approximately 28' x 30' (840 square feet) which would exceed the total allowable square footage on the property. The request is pursuant to Sections 152.073 (A)(3) & 152.077 (A)(1) of the Zoning Code, which read as follows:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note–Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

- (A) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit has been issued allowing for additional square footage:

- (3) Parcels greater than five acres – a total of 4,000 square feet of area is permitted in a combination of a garage and accessory structures.

§ 152.077 CONDITIONAL USES – RESIDENTIAL RELATED.

- (A) (1) Residential accessory structures (allowed in AG preserve). Provides for accessory structures in excess of the square footage permitted as a permitted accessory use.

STAFF ANALYSIS:

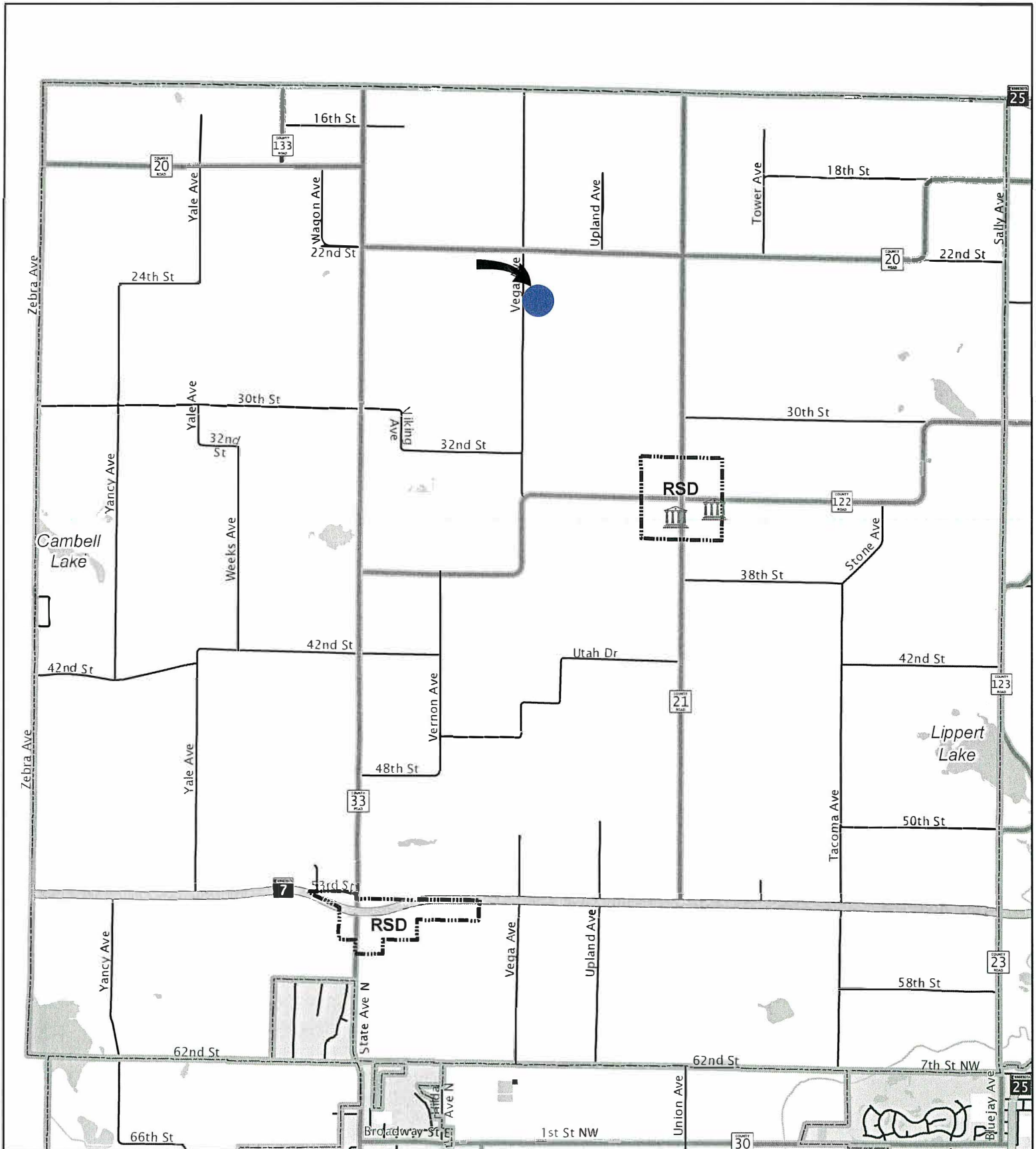
1. A 2017 Minor Subdivision created the subject 9.58-acre parcel with approximately 3,450 square feet of personal storage accessory structure space. This includes a small utility shed (approx. 450 square feet), a machine shed (approx. 3,000 square feet). The existing agricultural barn located on the property is not suitable to be utilized for personal storage; therefore, is not being included in the square footage calculation. If the CUP request were approved, the applicant would apply for a permit to construct an attached garage onto the house. The Zoning Code allows a parcel of this size a total of 4,000 square feet of personal storage area to be permitted in a combination of garage and accessory structure(s). With the proposed 28' x 30' (840 square-foot) accessory structure, the total square footage on the property would consist of approximately 4,290 square feet; or approximately 290 square feet more than the Zoning Code allows without a Conditional Use Permit on a property of this size.
2. The applicants' letter (dated: April 22, 2021) describes the intended use of the attached garage, which would be only for personal use/storage (e.g. automobiles and other miscellaneous property). There would be no business activities conducted from the structure.
3. The proposed structure would connect to the east side of the existing house and would meet all required setbacks.
4. On May 6, 2021, this request was reviewed by Lori Brinkman, the County's Environmentalist II. Ms. Brinkman stated that a Compliance Inspection of the existing SSTS was not required because the existing SSTS is not located within a Shoreland Overlay District.
5. The Hollywood Town Board will be reviewing the request during their May 11, 2021, Town Board meeting. Township comments will be available at the Planning Commission Meeting.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission orders approval of the personal accessory structure application, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.

HOLLYWOOD TOWNSHIP

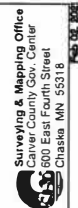


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Map Created by Carver County GIS

S 1/2 SEC. 10, T.117, R.26



Joel Huwala
2675 Vega Ave

4-22-21

My plan is too build a 2 car attached garage. Building a 28x30 garage puts me over the 4,000 square foot personal storage threshold, thus the need for a conditional use permit. My Driveway and parking will not change other than widening at the front of garage apron.

Note:

- Detached Garage 18'x25' = 450 sq.ft.
- Pole Shed 40'x75' = 3,000 sq.ft.
- New Attached Garage 28'x30' = 840 sq.ft.

Personal Storage = 4,290 sq.ft.

- Existing barn is not suitable for personal storage purposes.

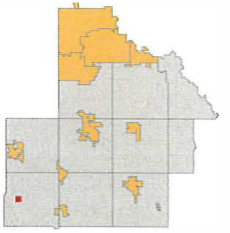
PROPOSED SITE MAP - 06.010.0130



Carver County GIS

Date: 4/30/2021

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Township Presentation & Recommendation Form

PARCEL # <u>060100120</u>	Permit # <u>PZ 2021 0029</u>	
Owner's Name: <u>Joel Hivala</u>	Owner's Mailing Address: <u>2675 Vega Ave</u>	
City: <u>Mayer</u>	Owner State: <u>MN</u>	Owner Zip: <u>55360</u>
Applicant (if other than owner): 	Site Address: 	

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: <u>To build attached garage</u>	
Date of County Public Hearing: <u>5-18-21</u>	Date of Township Meeting: <u>5-18-21</u>

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:

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

Signature of Applicant	

Date <u>4/20/21</u>	
Date	

Signature of Township Official

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-010-0130

File# PZ20210029

APPLICANT/OWNER: Joel Hiivala

* * * * *

That part of the North Half of the Southwest Quarter of Section 10, Township 117, Range 26, Carver County, Minnesota, described as follows: Commencing at the Northwest corner of said North Half of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 19 minutes 59 seconds East, along the West line of said North Half of the Southwest Quarter, a distance of 596.99 feet to the point of beginning; thence South 87 degrees 54 minutes 50 seconds East, a distance of 1,108.27 feet; thence North 00 degrees 19 minutes 59 seconds West, a distance of 382.53 feet; thence North 88 degrees 51 minutes 32 seconds West, a distance of 924.81 feet; thence North 00 degrees 19 minutes 59 seconds West, a distance of 20.01 feet; thence North 88 degrees 51 minutes 32 seconds West, a distance of 182.84 feet to the West line of said North Half of the Southwest Quarter; thence South 00 degrees 19 minutes 59 seconds East, along said West line, a distance of 384.25 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 4, 2021

TO: Carver County Planning Commission & San Francisco Town Board
FROM: Land Management Department
SUBJECT: Application for a Conditional Use Permit (Accessory Structures)

FILE #: PZ20210027

APPLICANT: Barb Fritsvold

OWNER: Cary & Barbara Fritsvold

SITE ADDRESS: 15115 Kindred Way, 55315

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 (A)(3) & 152.077 (A)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-751-0040

BACKGROUND:

1. Cary & Barbara Fritsvold own Lot 4, Block 1 of the Kindred Prairie Subdivision. The subject parcel is an approximate 41.69-acre parcel, located in part of the Northern Half (N ½) of Section 36, San Francisco Township. In March of 2021, permits were issued to this property for the construction of a single-family dwelling and an attached garage. The property is in the Agricultural Zoning District and the CCWMO (Carver Creek Watershed).
2. The applicant is requesting a Conditional Use Permit (CUP), which would allow her to apply for a building permit to construct a detached accessory structure on the subject property. The proposed accessory structure is approximately 60' x 96' (5,760 square feet) which would exceed the total allowable square footage on the property. The request is pursuant to Sections 152.073 (A)(3) & 152.077 (A)(1) of the Zoning Code, which read as follows:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note—Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

- (A) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit has been issued allowing for additional square footage:

- (3) Parcels greater than five acres – a total of 4,000 square feet of area is permitted in a combination of a garage and accessory structures.

§ 152.077 CONDITIONAL USES – RESIDENTIAL RELATED.

- (A) (1) Residential accessory structures (allowed in AG preserve). Provides for accessory structures in excess of the square footage permitted as a permitted accessory use.

STAFF ANALYSIS:

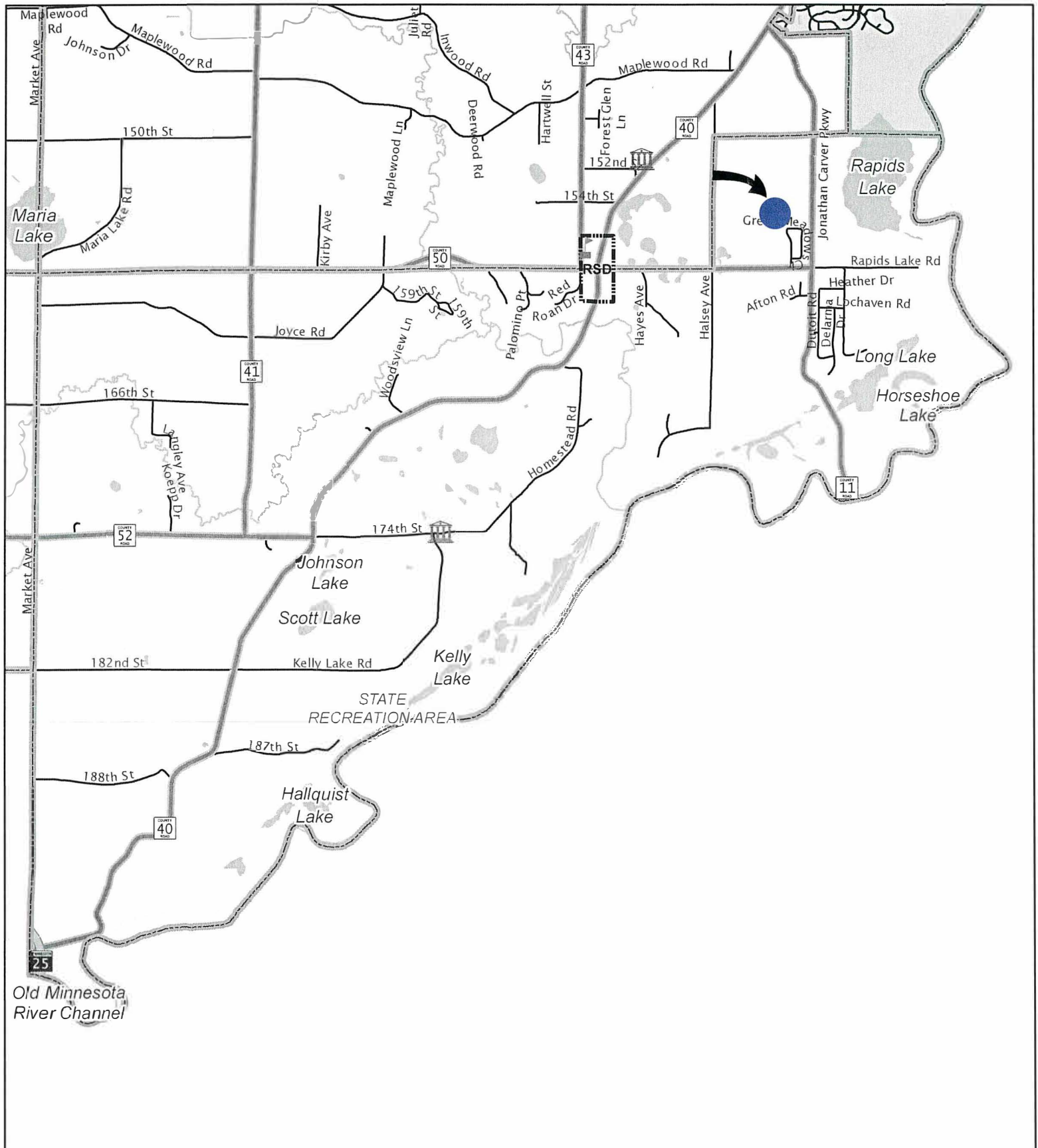
1. The approved accessory square footage on the property is approximately 1,312 square feet. This includes the approved attached garage. If the CUP request were approved, the applicant would apply for a building permit to construct the proposed 60' x 96' accessory structure. The Zoning Code allows a parcel of this size a total of 4,000 square feet of personal storage area to be permitted in a combination of garage and accessory structure(s). With the proposed 60' x 96' (5,760 square-foot) accessory structure, the total square footage on the property would consist of approximately 7,072 square feet; or approximately 3,072 square feet more than the Zoning Code allows without a Conditional Use Permit on a property of this size.
2. The applicants' letter (dated: April 21, 2021) describes the intended use of the accessory structures, which would be only for personal use/storage (e.g. motor home, trailers, tractor and attachments, mowers, and other miscellaneous property). There would be no business activities conducted from the structure.
3. The proposed structure would be centrally located on the property and would meet all required setbacks.
4. On May 6, 2021, this request was reviewed by Lori Brinkman, the County's Environmentalist II. Ms. Brinkman stated that the subject parcel does not have a current SSTS because it is an undeveloped parcel. However, permits for the future home were recently issued. Ms. Brinkman had no further comments.
5. The applicant is scheduled to meet with the San Francisco Township Town Board during their May 17, 2021, Town Board meeting. Additional information may be available during the Planning Commission meeting.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission orders approval of the personal accessory structure application, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.

SAN FRANCISCO TOWNSHIP



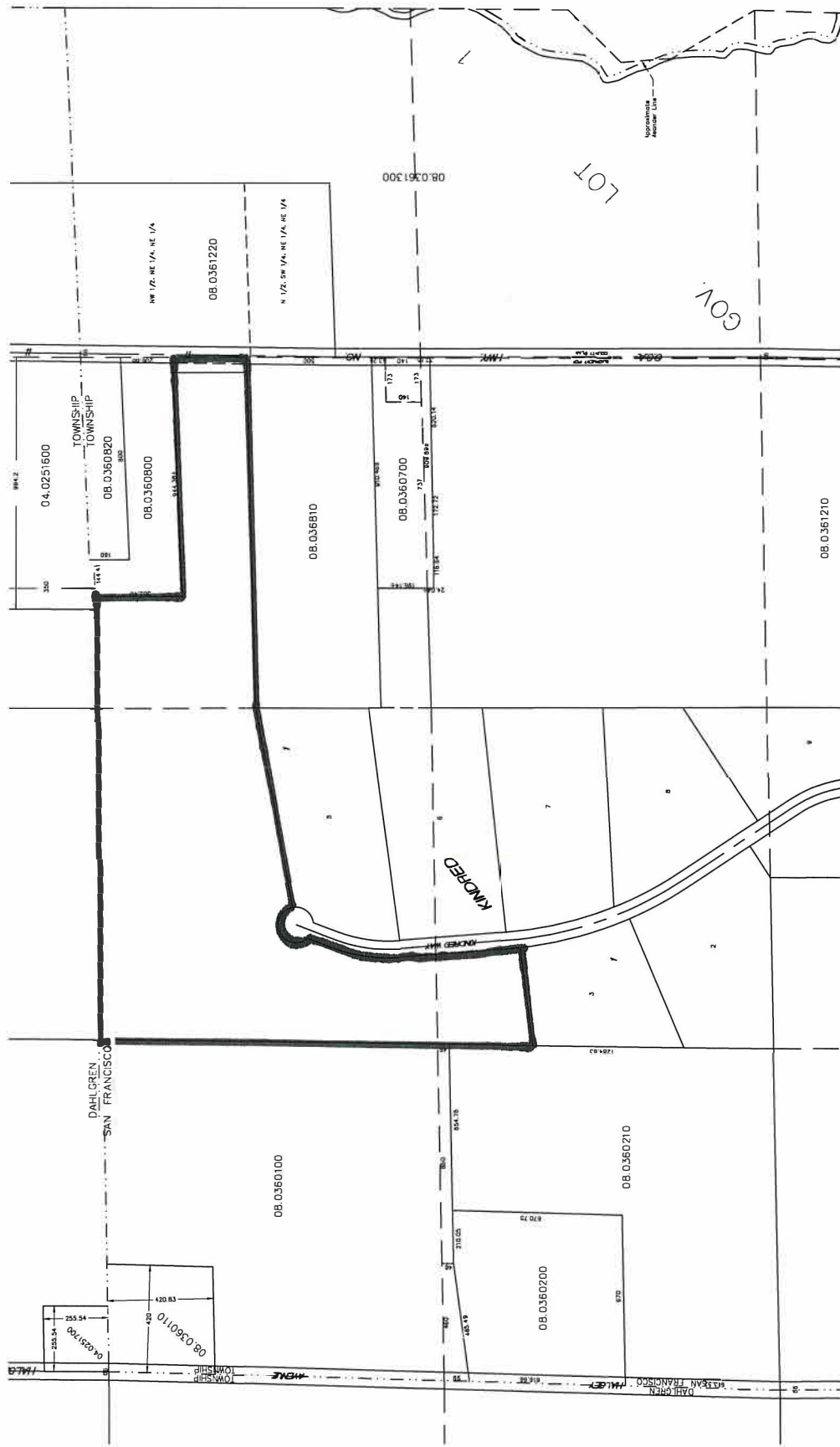
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THIS IS NOT A LOCALLY RECORDED PLAT
 AS THEY APPEAR IN THE DAVENPORT COUNTY
 RECORDS. THIS MAP IS ONLY TO BE USED FOR
 INFORMATIONAL PURPOSES. ANY ADJUSTS
 ARE NOT RESPONSIBLE FOR ANY
 INACCURACIES CONTAINED THEREIN.

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



April 21, 2021

Carver County Planning Commission.

We are currently requesting a Conditional Use Permit to build a 60' x 96' Morton Pole Shed on our 40 acre parcel in San Francisco Township. The address of said parcel is 15115 Kindred Way, Carver MN 55315. The storage would be for our personal items; motor home, trailers, tractor, tractor attachments, mowers, 4 wheeler, side by side, additional vehicles, snowmobiles, bikes, etc. There will be no business storage here whatsoever.

We have attached a survey showing the pole shed in regards to the house placement. We spent much time exacting the location of the pole shed. There is a line of dense trees to the West of the pole shed and the tree line should hide the pole shed from any neighbors.

We appreciate your consideration for this request.

Best Regards,

Cary and Barb Fritsvold
335 Bluff Road
Carver MN 55315

Barb Fritsvold 
15115 Kindred Way
Carver, MN 55315

DESCRIBED AS: Lot 4, Block 1, KINDRED PRAIRIE Carver County, Minnesota.

ADDRESS: XXXX Kindred Way, Carver, MN 55315
PID 087510040

CARPORTED ELEVATIONS
 Carport floor at drive =
 Top of foundation =
 Lowest floor =

[illegible]

(06-29)

	Continues Processing Classification
XXXXXX	Continues Existing Classification
-- --	Continues Surface Damage
☐	Continues Other Sub or Splice
	Continues Drain, and INLET E
☒	Continues from Pipe Found
☐	Continues from Pipe Set
-- --	Continues Existing Contour
762	Continues Proposed Contour

DATE (LAST UNIT OF LOT) AND
4-5591/MTD 10 EFC 48 112941 48CT

SCALE IN FEET

CERTIFICATION

GENERAL INFORMATION

I hereby certify that this plan, specification, or other information submitted by me is my best estimate and will be a daily document used under the order as the standard with which I will compare the work of others.

Title of document

1/1/2011

SISU LAND SURVEYING
2560 Christian Dr.
Chaska, MN 55318
612-418-6828

JOB NO.: 202068

JOB NO.: 202068

House & Attached Garage

Proposed
60' x 96'
Accessory Structure

SEE SHEET 2 FOR
FULL BOUNDARY

SHEET 1 OF 2

6-7

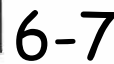


EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-751-0040

File# PZ20210027

APPLICANT/OWNER: Cary D Fritsvold & Barbara J Fritsvold

*** * * * ***

Lot 4, Block 1, Kindred Prairie, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 7, 2021

TO: Carver County Planning Commission & San Francisco Town Board

FROM: The Land Management Department

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

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

STAFF ANALYSIS:

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, which reads as follows:

152.078 CONDITIONAL USES—ADDITIONAL DENSITY OPTIONS.

(A) General provisions.

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

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

(C) High amenity areas.

- (1) The maximum density in any area shall not exceed one single-family dwelling unit per ten acres; four per 40 acres. This provision may be exercised only once for each parcel, from which the lots are to be subdivided, that was of record (30 acres or more) as of July 1, 1974. Only land within the amenity area shall be used to calculate additional density. In no case shall agricultural preserve land be included in a density calculation that exceeds 1 per 40 (1 per $\frac{1}{4}$). Any residential lots that have been subdivided after July 1, 1974, and/or existing homes on the parcel shall be considered 1 per 40-acre (or lot of record) eligibilities and shall be included in the density calculations. Remnant pieces not included in the additional density calculations shall have building eligibilities based on the applicable regulations of the “A” District.
- (2) Eligible land:
 - a) Land considered wooded, wooded pasture and similar areas not in agricultural production with soils suitable for an SSTS (land that is not in production because of a state or federal program is considered production land); or
 - b) Areas immediately adjacent to lakes as designated in the Comprehensive Plan or as further specified in a township’s chapter. $\frac{1}{4}$ - $\frac{1}{4}$ sections adjacent to a lake shall be considered amenity areas with potential for additional residential development; or
 - c) Bluff areas (buildable areas on top of bluffs) closely associated with the Minnesota River, Bevens/Silver Creek, Chaska Creek, Carver Creek. Townships that have land that may be eligible under this provision should further define bluff areas in their chapter of this plan.
- (3) General criteria:
 - a) The Comprehensive Plan policy allowing for no more than four homes per 40 (4 homes per $\frac{1}{4}$) shall not be violated.
 - b) All building lots created must meet the general criteria and the criteria specific to the lot eligibility type (wooded and/or lakeshore). Inability to meet one or more of those criteria shall negate the eligibility for additional lots under this provision.
 - c) Each lot shall contain at least two and one-half acres of land that meets the criteria for eligible land. Wetlands and/or non-wooded steep slope (12% and over) land may be added to the lot. These lands shall not be counted as part of the two and one-half acres needed to qualify as a high amenity lot.
 - d) Building sites shall be clustered in the amenity area as much as possible.
 - e) There may be no more than two acres of long-term agricultural crop production land included in any residential lot. The road right-of-way setback as required by this chapter shall not be included in the calculation nor shall any required setbacks be included in this calculation.
 - f) The maximum amount of long-term agricultural land shall be preserved for continued agricultural use. The long-term agricultural land shall be retained in a large parcel(s) suitable for agricultural purposes. The long-term agricultural land shall not be split up and attached to each residential sized parcel unless the amount of agricultural land is so small that it is not reasonably farmable. One of the residential sites and the agricultural land may be combined to form a 20+ acre farm.

- g) The high amenity building sites are to be considered residential lots, not agricultural parcels. The minimum lot size shall be 2½ acres and able to accommodate a minimum one-acre building site having at least two SSTS (primary and alternate), a house, garage and detached storage structure, while maintaining all required setbacks. The maximum lot size shall be five acres except for unusable lands being attached to individual lots, as determined to be necessary during the permitting process.
 - h) All lots that contain a building eligibility shall include a building site as defined by this chapter. No remnant parcels of less than 20 acres shall be created as a stand-alone parcel.
 - i) High amenity areas shall be located to provide the most effective buffering from through roads, agricultural areas and feedlots within the context of the other requirements and general criteria.
 - j) A road to serve the lots may be constructed over production land as defined by this chapter.
- (4) Minimum conditions of high amenity lots:
- a) The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any residential lot.
 - b) All conditional use permit activities shall be prohibited on any residential lot. Agricultural parcels and/or lots shall be subject to the “A” District regulations.
 - c) A statement that the area is rural, and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notice should be provided regarding the odors, dirt, dust, insects, 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 the activities are being conducted in accordance with existing standards.
 - d) The protection of environmentally sensitive land shall be addressed in the conditions. Protections can include, but are not limited to, restrictions on clear cutting or vegetation removal; erosion control plan to control erosion during and after building construction; designation of specific building sites or areas with buildings prohibited; requiring certain management practices.
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 off of a newly proposed Township Road (Misthaven Lane). Access would be to each lot individually (three accesses off of 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 Misthaven

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.

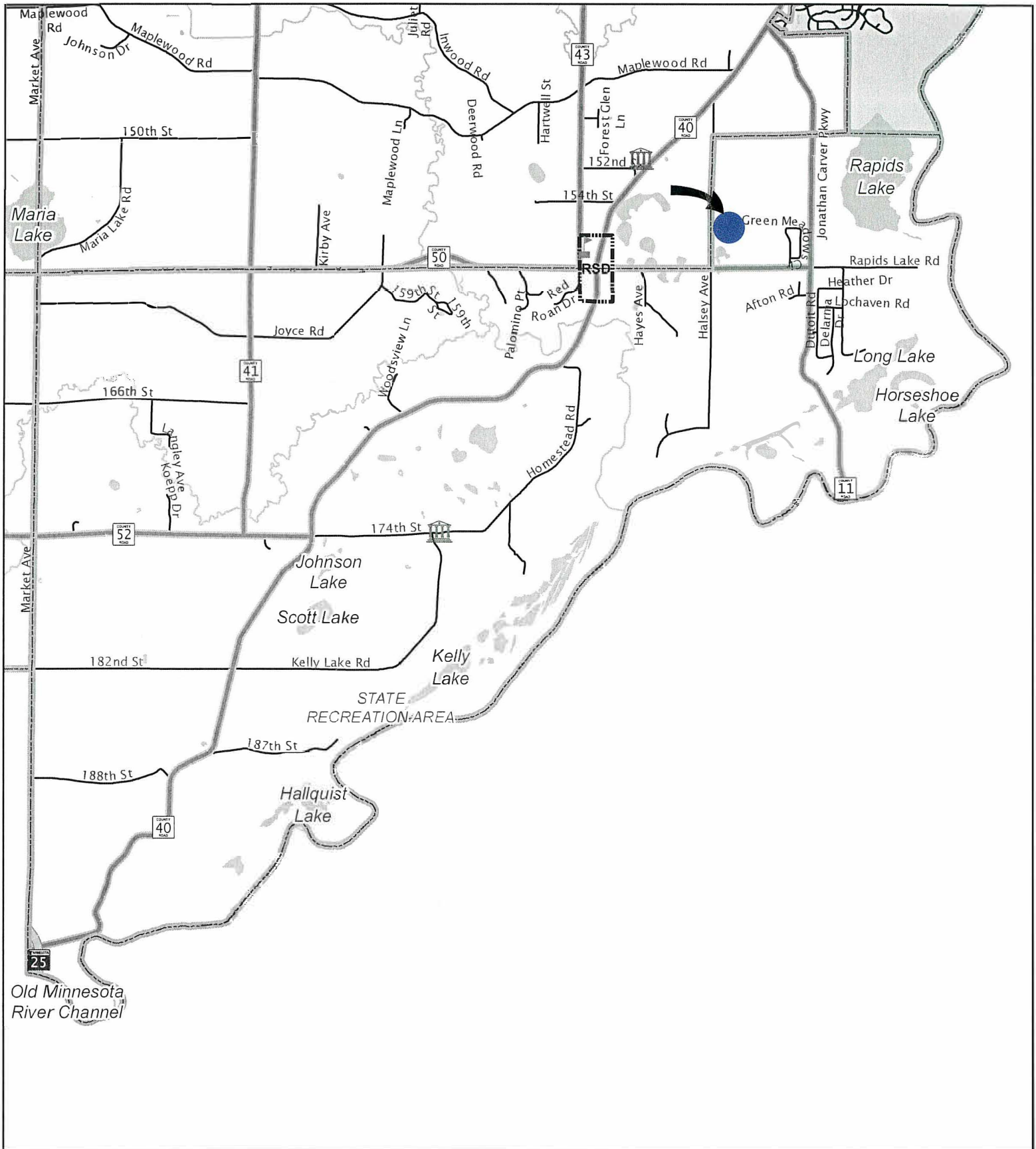
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the permit application, the following conditions should be considered part of the permit:

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

SAN FRANCISCO TOWNSHIP



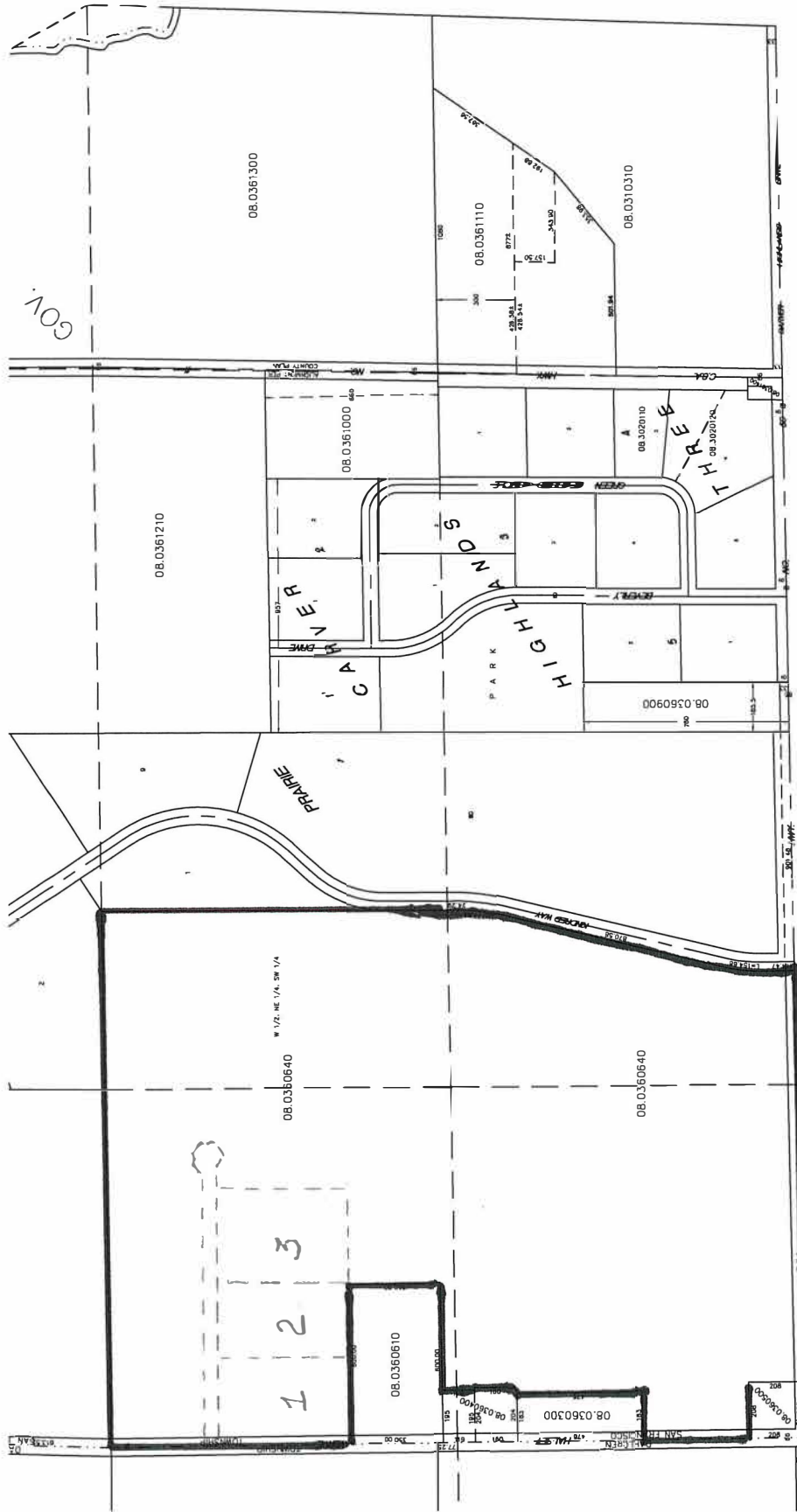
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Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 IT IS A PRELIMINARY MAP OF THE PROPERTY
 AND SHOULD NOT BE USED FOR ANY PURPOSE
 OTHER THAN TO SHOW THE GENERAL LOCATION
 OF THE PROPERTY AND ITS AGENTS
 UNLESS OTHERWISE NOTED.

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



Theodore W. Holsten, Pres.
MISTHAVEN LLC
4785 Hodgson Road - #311
Shoreview, MN 55126
(612) 781-1429

April 9, 2021

Carver County Planning Commission
600 E. 4th Street
Chaska, MN 55318

RE: Misthaven LLC Conditional Use Permit Applications
for Three Additional Density Lots

Dear Planning Commission,

Misthaven LLC seeks approval of 3 additional building lots tentatively titled "Misthaven Estates." The subdivision was previously named Fairhaven, but the name has been changed to reduce confusion and reflect the name of the owner. The street name has been changed to Misthaven Lane.

The development will have a total density of 4 lots per 40 acres in accordance with the ordinance. The attached CUP Application is based on the current provisions of Section 152.078 Conditional Uses – Additional Density Options, Carver County Code of Ordinances. We have reviewed our request with Carver County Planning staff and are submitting this letter to show how our plans comply fully with Carver County ordinances.

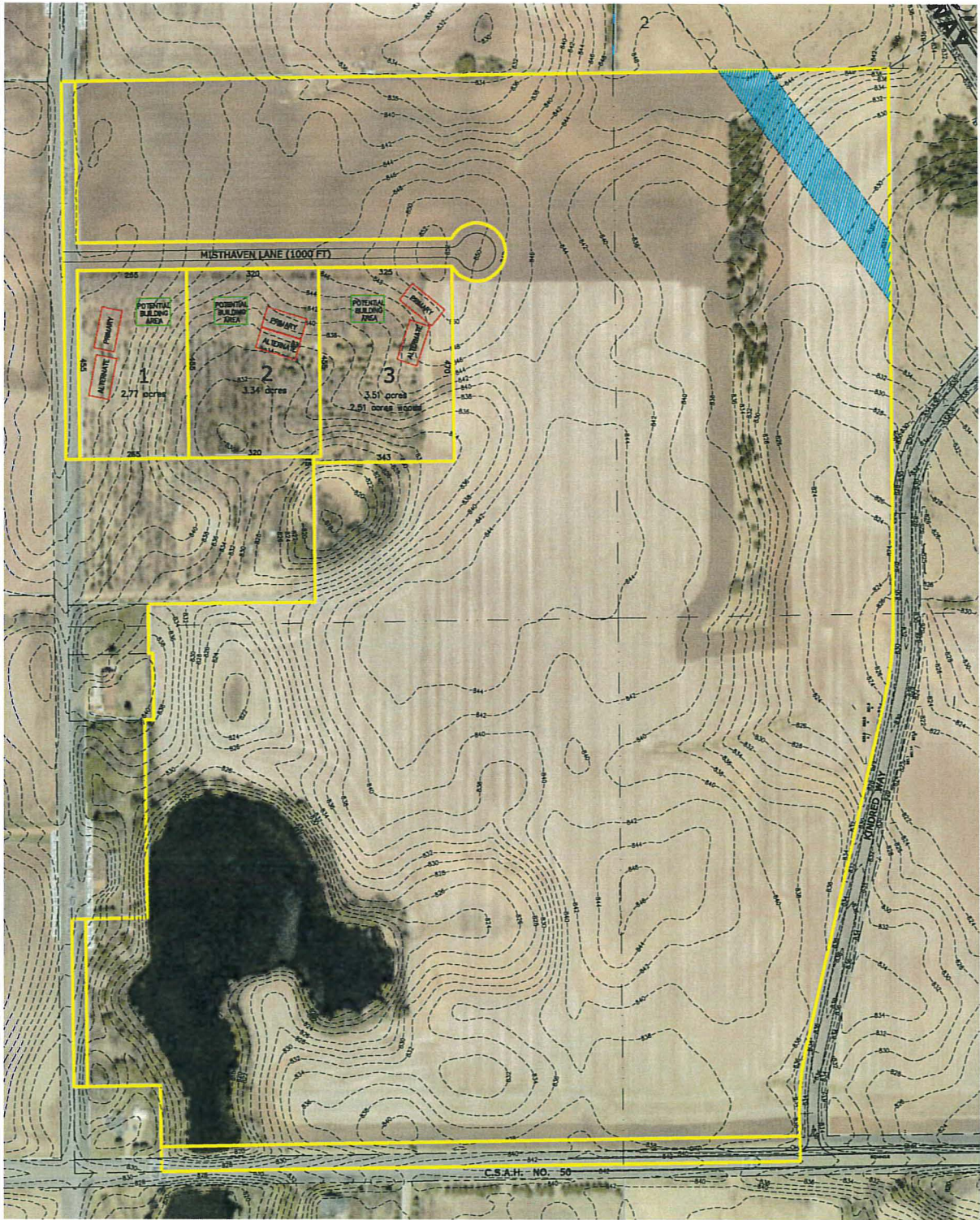
The Gravel Mine Impacts: The 2019 approval for the Mueller – Lundquist gravel mine motivated the expeditious application for development of Misthaven. During our challenge to this mine approval, we felt insufficient consideration was offered to offset environment quality, view and value impacts to the Falkenstein property, the Misthaven property and many other neighbors by the mining operation. We wish to develop Misthaven Estates to recover as much value as possible in view of the impact of the mining operation.

Tree Canopy Amenity in Misthaven Estates: For the proposed Misthaven Estates development, Lot 1 has 100% tree canopy on 2.77 acres. Lot 2 has 100% tree canopy on 3.34 acres. Lot 3 has 2.51 acres of tree canopy on the 3.51 acre lot or 71% tree canopy. This compares very favorably with the Kindred Prairie development where Lots 2 & 10 have no trees, Lots 1, 4 & 5 have 20% tree canopy, Lots 3, 6, 7 & 9 have 50% tree canopy, and lot 8 has 80% tree canopy. Thus, Misthaven Estates meets the tree canopy requirement of 2.5 acres of tree canopy for high amenity lots.

Lot Size Requirements: San Francisco Township permits an option of 4 lots for 40 acres. One of the lots is owned by the Eggert family, and each of the 3 lots for which I am requesting approval is in excess of 2.7 acres, exceeding the 2.5 acres minimum requirement. None of the property is in crop production. The property has been delineated by Jacobson Environmental PLLC to verify the wetland situation. As shown by the attached Wetland Report, There is no wetland, and there are no steep slopes on any of the three lots. Each lot will have a building site of at least 1 acre to accommodate two SSTS, a house, and garage, and meet all required setbacks. Olson Construction will provide verification of two SSTS for each lot. SISU Land Surveying and Engineering, a licensed civil engineering firm, will design the plan to meet all requirements.

CONCEPT PLAN for MISTHAVEN ESTATES

4/12/2021



TOWNSHIP/DISTRICTS
SAN FRANCISCO TWP.
ISO 112
CARVER COUNTY WMO

LOT INFORMATION
TOTAL PLAT AREA = 108 ACRES
PROPOSED LOTS = 3 NEW

- POSSIBLE BUILDING AREA
- POTENTIAL SEPTIC SITE
- PROPOSED LOT LINES
- PIPELINE EASEMENT

PREPARED FOR
Ted Holsten
4785 Hodgson Rd., #311
Shoreview, MN 55126



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





Township Presentation & Recommendation Form

PARCEL # 08.036.0640	Permit # PP-PZ2021 0023
Owner's Name: Misthaven, LLC	Owner's Mailing Address: 4785 Hodgson Road, #311
City: Shoreview	Owner State: MN Owner Zip: 55126
Applicant (if other than owner): Ted Holsten	Site Address: TBD Misthaven Lane, Carver, MN 55315

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: Request to create three Residential Lots using the High Amenity option of the County's Zoning Code.	
Date of County Public Hearing: 05/18/2021	Date of Township Meeting: 03/15/2021

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:

* SEE Attached SAN FRANCISCO Twp March 15, 2021 minutes
(Approved)

****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.

Date

Signature of Applicant

Date

Signature of Township Official

San Francisco Township Monthly Meeting

March 15, 2021

Board members convened at 6:45. Supervisors reviewed accounts payable and authorized payments. Present were Board members Doug Weber (presiding), Larry Schmidt, Scott Selken, and Treasurer Denise Andersen. Doug called the meeting to order and all recited the pledge of allegiance. The February minutes were reviewed and approved. [REDACTED] [REDACTED]

Ted and Marjorie Holster are asking for approval for 3 lots. Doug made a motion to approve and it was 2nd – all in favor. It passed.

Adjourned at 8:41 pm

From: Ted Holsten <twholsten49@gmail.com>
Sent: Saturday, April 17, 2021 3:44 PM
To: Heidi Schmidt; Aaron Stubbs
Cc: Marjorie Holsten
Subject: Re: Carver Fairhaven Conditional Use Permit Application

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

Thanks, Heidi. Aaron, does this suffice to clear me for the County agenda for May?

Ted Holsten

On Sat, Apr 17, 2021 at 2:54 PM Heidi Schmidt <heidisft@gmail.com> wrote:
Ted

If the only change is the name you do not need to be on the agenda.

Heidi Schmidt
San Francisco Township Clerk
heidisft@gmail.com

On Apr 17, 2021, at 9:49 AM, Ted Holsten <twholsten49@gmail.com> wrote:

Heidi,

I see that Aaron has contacted you to determine if I was on the March agenda for the Fairhaven Subdivision submitted for Misthaven LLC. I was on the agenda for this project and it was approved. I have since changed the name of the subdivision from Fairhaven to Misthaven Estates, but it is essentially the same subdivision. It should not be necessary to be on the agenda again for approval, should it? Please let me know.

Ted Holsten
612.781.1429

----- Forwarded message -----

From: **Ted Holsten** <twholsten49@gmail.com>
Date: Tue, Mar 9, 2021 at 3:34 PM
Subject: Carver Fairhaven Conditional Use Permit Application
To: <larry@robbselectricinc.com>
Cc: <heidisft@gmail.com>

Larry,

Last week I requested Heidi to put me on the agenda for next Mon. for the Fairhaven Conditional Use Permit Application. I got the email addresses for all the Board members so I could send you copies of the letter, application and concept. Unfortunately, I had only on b in your address, so the email bounced. I finally found your email address, so I am emailing you the information.

Heidi,

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-036-0640

File# PZ20210028

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.