

Carver County Planning Commission

Regular Meeting - **Tuesday, April 20, 2021**

Via WebEx Conference Call

AGENDA

7:00 P.M.

- 1.) Approve minutes of March 16, 2021, regular meeting
Pages 1-1 through 1-12
- 2.) **File #20210021** – Public hearing on application by Brandon Panning for a Conditional Use Permit. (Personal Accessory Structure)
Young America Township Pages 2-1 through 2-10
- 3.) **File #20210020** – Public hearing on application by Scott Loomis for a Conditional Use Permit. (Personal Accessory Structure)
San Francisco Township Pages 3-1 through 3-13
- 4.) **File #20210012** – Public hearing on application by Jacob Schmotter for a Conditional Use Permit. (Personal Accessory Structure)
Watertown Township Pages 4-1 through 4-14
- 5.) **File #20210009** – Public hearing on application by Michael Formanek for a Conditional Use Permit. (Home Extended Business Accessory Use)
Waconia Township Pages 5-1 through 5-17
- 6.) **File #20210013** – Public hearing on application by Steven Erhard for a Conditional Use Permit. (Adaptive Re-Use of RSD Building)
Benton Township Pages 6-1 through 6-18
- 7.) **File #20210023** – Public hearing on application by Mark Eklo for a Preliminary Plat. (Neumann Acres)
Watertown Township No staff report – applicant requested continuance until the May 18, 2021 meeting

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – March 16, 2021
Minutes

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

Members Late: None

Members Absent: None

Staff Present: Jason Mielke, Aaron Stubbs, Adrianna Acheson, Jennifer Tichey, Paul Moline, Nancy Buckentine

Pursuant to due call and published notice thereof, the March 16, 2021, regular meeting of the Carver County Planning Commission was called to order by Chairwoman Theis at 7:00 p.m.

Minutes – A motion was made by Mendez and seconded by Willems to approve the minutes from the January 19, 2021 regular meeting. Theis conducted a roll call vote. All voted aye. Motion carried.

File #20210007 – Thomas Skrtic – Chairwoman Theis called the public hearing to order at 7:02 p.m. to consider a request by Thomas Skrtic. 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 4 of Dahlgren Township.

The following were present: Thomas Skrtic, Jody Skrtic

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 8, 2021

Exhibit F - Letter to the Planning Commission and Dahlgren Township dated March 8, 2021, and attachments

Stubbs explained the applicant owns an approximate 16.58-acre parcel improved with a single-family dwelling and attached garage and a detached accessory structure. The applicant is requesting a Conditional Use Permit, allowing him to apply for a building permit, to construct another detached accessory structure, approximately 69-feet x 39-feet in size. The proposed structure would increase the total allowable square footage of personal storage space on the property to approximately 4,508 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 for

personal use and storage of personal items (e.g. trailers, woodworking equipment, and gardening tools). There will be no business activity conducted from the site. The proposed structure would meet all required setbacks. 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 Dahlgren Town Board reviewed and recommended approval of the request during the February 8, 2021, Town Board meeting. There was no request for any conditions along with their recommendation. Stubbs read the conditions for consideration if the request is approved.

Thomas Skrtic, 7210 County Rd 140, confirmed the information presented and described accurately and he had no additional comments.

No one from the Dahlgren Township Board was present for comments.

A motion was made by Smith and seconded by Mendez to conclude the public hearing. Chairwoman Theis conducted a roll call vote. All moved aye. Motion carried. The public hearing was concluded at 7:06 p.m.

A motion was made by Fahey and seconded by Storms to **approve and issue Order PZ20210007** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for an accessory structure. Chairwoman Theis conducted a roll call vote on the motion. All voted aye. Motion carried.

File #20210010 – Sean Farrington – Chairwoman Theis called the public hearing to order at 7:08 p.m. to consider a request by Sean Farrington. 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 21 of Dahlgren Township.

The following were present: Sean Farrington

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 Dahlgren Township dated March 9, 2021, and attachments

Stubbs explained the applicant owns an approximate 1.7-acre parcel improved with a single-family dwelling, a detached garage, a horse barn, and two chicken coops. The applicant is requesting a Conditional Use Permit which will allow him to apply for a building permit to construct an approximate 60-foot x 40-foot detached accessory structure. The current accessory square footage on the property is approximately 3,350 square feet. If this CUP request is approved, the applicant would remove the 1,000

square-foot garage, the 180 square-foot woodshed and the 600 square-foot carport. The Zoning Code allows a parcel of this size a total of 2,000 square feet of personal storage space. The total square footage of personal storage space for the parcel with the proposed 60' x 40' structure would be approximately 3,970 square feet, or approximately 1,970 square feet more than the Zoning Code allows without a Conditional Use Permit. The applicant's letter describes the use of the structure to be for personal items, e.g. truck lawnmower, trailers and other miscellaneous property. There would be no business activity conducted from the property. The location of the proposed structure would meet all of the required setbacks. On March 8, 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 Dahlgren Town Board reviewed and recommended approval of the request during their March 8, 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.

Mr. Farrington stated he had misstated the size of the structure and would like to construct a 40' x 64' building to coincide with the 8-foot lengths of materials.

There was no one present at the meeting representing Dahlgren Township.

A motion was made by Fahey and seconded by Mendez to close the public hearing. Chairwoman Theis conducted a roll call vote. All voted aye. Motion carried. The public hearing closed at 7:13 p.m.

A motion was made by Willems and seconded by Smith to **approve and issue Order PZ20210010** incorporating the findings of fact and staff recommendations and recognizing the change in size to 40' x 64' in approving the Conditional Use Permit for an accessory structure. Chairman Theis conducted a roll call vote on the motion. All voted aye. Motion carried.

File #20210012 – Jeffrey & Alina Muonio – Chairwoman Theis called the public hearing to order at 7:15 p.m. to consider a request by Jeffrey & Alina Muonio. The purpose of the public hearing was to consider a request for a preliminary plat pursuant to Chapter 152 of the County Code. The property is located in Section 6 of Watertown Township.

The following were present: Jeffrey Muonio, Alina Muonio, Gerald Bruner, Scott Hoesel

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 Watertown Township dated
March 9, 2021, and attachments

Mielke explained the applicants own an approximate 56-acre parcel which is improved with a single-family dwelling with an attached garage and has undeveloped wooded and wetland areas. In February, the applicants received approval for a CUP to develop two high amenity wooded residential lots, which is being presented now as the preliminary plat of Jeff Muonio Addition. Copies of this preliminary plat have been sent to all the required governmental agencies, governing jurisdictions, and agencies with involvement in the property development. As of this meeting, there have been no comments or concerns received from any of these agencies with regard to the proposed preliminary plat. The two high amenity lots conform to all of the requirements of density, lot size, building site size, and structure location to meet setback requirements. The lowest floor elevation must be identified prior to submitting a building permit, as well as the wetland delineation elevation of the emergency overflow. Mielke explained that the house must be set higher than a nearby wetland for positive drainage. Soil borings for primary and alternate septic sites have been submitted, reviewed by Environmental Services Department, and approved for each lot as shown on the plat. Draft covenants have been submitted, as required by the CUP, and will need County Attorney approval prior to the final plat approval. The covenants must address the preservation of drainage and/or utility easements and that no obstructions are permitted within those areas to prevent negative impact to the property or surrounding properties. A professional wetland delineator analyzed the property and drafted the Wetland Delineation Report which was approved on October 16, 2020. The wetland and drainage/utility easement boundaries are shown on the preliminary plat. Two-foot contours are also indicated on the plat and extending 100 feet beyond the proposed plat. Minimum setbacks are also noted from all sides of the property boundaries. The erosion and sediment control and stormwater permit information will be required at the time the lots are developed. The applicant attended the Watertown Township meeting on September 8, 2020, to present their proposed request. At the conclusion of that meeting, the Watertown Town Board made a recommendation of approval of the request and did not request any specific conditions along with their recommendation. On January 11, 2021, the applicants presented their request to the Hollywood Town Board, and at the conclusion of that meeting, the Town Board made a recommendation of approval of the request and for the use of the Township road. The property is physically located in Watertown Township; however, Sally Av is a border road and the area adjacent to the proposed lots is maintained by Hollywood Township. Hollywood Township expressed concern with the location of the driveway accesses to Sally Av to minimize any negative impact to drainage along the road ditch. A shared access would be preferred. Mielke read the proposed conditions for consideration if the preliminary plat is approved.

Jeffrey Muonio, 1535 Sally Av, stated all of the information was presented correctly and accurately and he had no additional comments.

Gerald Bruner, Watertown Township Chairman, explained the involvement of Hollywood Township with regard to the maintenance of Sally Av. He stated the Watertown Town Board voted unanimously to recommend approval of this request.

No one representing the Hollywood Town Board was present on the call for this meeting.

Mielke did confirm that the applicants attended a Hollywood Township meeting and received a recommendation for approval with the noted concern about the driveway access location on Sally Av. He stated that as a part of the building permit process, Hollywood Township, as the road authority, will be involved with issuing a driveway access permit, so they will be able to approve the location.

A motion was made by Fahey and seconded by Smith to close the public hearing. Chairwoman Theis conducted a roll call vote. *All voted aye. Motion carried. The public hearing closed at 7:32 p.m.

*It was noted that Mendez was traveling and was not available for the vote on this motion and also for the remainder of the meeting.

Smith asked the applicant if any of the neighbors had offered to purchase either of the proposed lots.

Mr. Muonio stated that he had not been approached by any of the neighbors for purchase of the lots. He noted that there will be a square foot requirement stated in the plat covenants for the minimum size of the house as requested by the neighbors.

A motion was made by Fahey and seconded by Storms to **approve and issue Resolution #21-02** incorporating the findings of fact and staff recommendations in recommending the preliminary plat for Jeff Muonio Addition be approved. Chairwoman Theis conducted a roll call vote. All voted aye. Motion carried.

File #20210011 – Chuck Biesner/Sun Rise Energy, SolarClub 41, LLC – Chairwoman Theis called the public hearing to order at 7:35 p.m. to consider a request by Chuck Biesner, representing Sun Rise Energy & SolarClub 41, LLC. The purpose of the public hearing was to consider a request for a 1 Mega-Watt Solar Garden as Renewal Energy/Large Solar Energy System pursuant to Chapter 152 of the County Code. The property is located in Section 34 of Waconia Township.

The following were present: Chuck Biesner, John Zimmermann, Craig Loger, Mark Larsen, Dale Lindquist, Gerry 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 February 17, 2021

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

Stubbs explained the subject property is an approximate 39-acre parcel consisting of production land owned by John and Barbara Zimmermann. The applicant, Chuck Biesner, representing Sun Rise Energy, SolarClub 41, LLC, is requesting to construct, operate, and maintain up to a one (1) Mega-Watt Community Solar Garden on approximately 8 acres on the northerly portion of this parcel. SolarClub 41, LLC, has submitted the application on behalf of Sunrise Energy Ventures, a small business headquartered out of Wayzata, which is responsible for coordinating all projects including development, permits, finance, construction, management, insurance, maintenance, monitoring and customer service. This site was selected do to its solar resource, physical characteristics, proximity and access to a distribution line, applicable zoning and permit requirements, and willingness of the landowner. The major components of the solar array include the solar modules, inverters, and racking. The panels will be mounted on single-axis trackers, which rotate from east to west and will be a maximum of 12 feet in height. They do not require concrete foundations and are easily removed during decommissioning. The energy produced on the site would be fed to 2 inverters installed on site and then transferred to the interconnection location on the east side of the project area through underground, medium-voltage cable, to a proposed new utility pole within an Xcel Energy easement area to the south of the proposed operational area. No substantial grading or filling is being proposed in the design of the solar array with the exception of a 20-foot gravel access road. The proposed hours of operation during construction are 7:00 a.m. to 7:00 p.m., Monday through Saturday, with no work being conducted on Sundays or nationally observed holidays. After construction is completed, the solar project would be in operation 24 hours a day, 365 days a year. The site operations would be monitored remotely and there would be no daily traffic at the site. After construction, one quarterly site visit would be conducted to perform routine maintenance. During the first few years, a landscape maintenance crew would visit the site monthly, during the growing season, to ensure landscaping is growing and being managed efficiently. SolarClub 41 is proposing to drive piles into the ground to support the single-axis tracker racking system. This will be done with noise mitigating, vibrating piles that are anchored into the ground, which also facilitate decommissioning as they do not require concrete foundations and are easily removed. The land surrounding the proposed site consists of agriculture land, a large wildlife management area and approximately 15 homesteads within a half mile of the project. The nearest residence is approximately 975 feet east/southeast of the proposed operational area. This parcel is also the nearest feedlot. Due to the distance from all neighboring residents and existing vegetation, no screening has been proposed at this time. The applicant did state in their project narrative that they would be willing to plant conifers on the perimeter, if it is required by the County. A chain link style fencing without barbed wire, not exceeding seven feet in height, has been proposed around the perimeter of the operational area for safety and security purposes. Xcel Energy has provided a notice of complete application and is reviewing the interconnection point. The interconnection point will require a minimum of three utility poles and will be constructed pursuant to Xcel Energy's standards. SolarClub 41 or its successor would take on the responsibility and costs of decommissioning of the site at the end of the operational life of the solar garden as noted in the Project Narrative. Decommissioning would commence after 12 months of non-operation. The site would be restored to productive farmland pre-construction conditions after removal of the structures, foundations, and restoration of soil and vegetation. Fencing would be removed and

recycled, the access would be reclaimed, and soils replaced where needed. SolarClub 41 would be responsible for all costs and would supply a \$29,000 decommissioning fund, available to the landowner as well as the County, in the form of a letter of credit or escrow to be used if SolarClub 451 is unable to commence decommissioning. The Project Narrative spells out the decommissioning process and also addresses the public's concerns regarding stray voltage, screening, and property values. The applicant has stated that prior to commencement of construction, the soil would be tested for thermal resistivity. This information is used to design a grounding system for the solar garden. After the project is completed the perimeter of the project will be tested for stray voltage to ensure it does not produce stray voltage. The applicant has not yet provided contact information for any maintenance and operation questions or concerns in their operational plan. A more detailed emergency response plan as well as contractor details pertaining to drainage, weed maintenance, screening, site maintenance, stray voltage, etc. will need to be provided. The list of emergency contacts with an emergency plan would be required to be submitted to the Land Management Department at Carver County during the construction phase and prior to the issuance of any building permits. Updated contacts for post construction would be required to be submitted within 30 days of the issuance of the building permit Certificate of Occupancy. Signage with referenced contact information would be required to be placed on the security fencing at the entrance to the operational area. The applicant has completed a preliminary drainage plan and a full drainage report would be completed as part of the Stormwater and Pollution Prevention Plan (SWPPP) permit to be reviewed by the CCWMO as part of the stormwater management standards. A condition should be placed on the permit request which states, "The permittee shall be responsible for the maintenance and/or replacement of any/all drain tile servicing this site (if problems occur) for the duration of the CUP". The CCWMO & SWCD would be reviewing the project with respect to the County Water Rules and for site stabilization requirements and Best Management Practices (BMP's). The applicant would be required to comply with any and all permitting requirements. The applicant has committed to using pollinator-friendly and native grasses underneath the solar panels and in the surrounding areas. The applicant will control weeds and provide maintenance throughout the life of the project. SolarClub 41 would ensure ground cover at the site is maintained and mowed for the duration of the permit. SolarClub 41 would work with the local road authority (Waconia Township) to allow use of the Township cartway during construction and to establish the access which would be approximately 20 feet wide with 4 to 8 inches of aggregate material. The applicant would be required to enter into a Road Maintenance Agreement with Waconia Township. The applicant has indicated they have a comprehensive insurance policy which will meet the applicable insurance coverage requirements. The project proposal has been sent to Taylor Huinker, Area Hydrologist for the Mn Department of Natural Resources for review, and not comments have been received as of the meeting. Waconia Town Board reviewed and recommended denial of the request during their February 22, 2021, meeting and listed the following reasons:

- The proposed project takes ag land out of production
- The location is too close to a Wildlife Management Area
- Concerns related to stray voltage
- Concerns related to recycling of the panels
- Concerns related to the project impact to nearby property values

- Concerns related to the amount of money that Xcel Energy pays for solar energy

In addition to these concerns, the Township included a comment stating if the project were to be approved, they would ask for screening to be incorporated in the final design as well as having the Solar Company enter into a Road Maintenance Agreement with the Township. Stubbs read the proposed conditions for consideration if the request is approved.

Chuck Beisner, representing SolarClub 41 and Sun Rise Energy, commended Mr. Stubbs thorough explanation of the request proposal. Mr. Beisner stated the request meets all of the requirements of Carver County Ordinance for a solar garden. He stated that the proposed location of the operational area is almost twice the minimum required setback distance to any neighboring residence. He stated they have read and agreed to all the proposed conditions of the permit.

Mark Larsen, 11540 110th St, expressed concern about having the view of the solar garden from his house. He asked about the screening requirement to remove the view of the solar garden from all the surrounding properties. He has observed other solar sites in the County and feels the screening is inadequate as the solar array is still visible to anyone nearby.

Stubbs addressed the screening concern stating the County currently does not have strict standards for requiring screening with specific triggering distances. The applicant is required to submit a screening plan designed by a landscape architect along with the application, which has been done. The landscape plan was available for viewing on the screen and Stubbs illustrated the location of the proposed screening. He noted the screening is along the south side and also on the west side to block the visual from the wildlife management area and also on the east side to screen the view from the neighboring residences to the east and southeast.

Gerald Bruner, 4010 Quaas Av, agreed with the landowner who moved to the country to enjoy the rural atmosphere. He stated that his experience with the solar projects in Watertown Township has been that the screening proposals have not been kept up or maintained to be as they were described or promised. He asked the Board to deny this request and encourage this development to be located in an industrially zoned area within the city limits. He stated it is not the view that someone moving to the county for the rural atmosphere wants to see.

Stubbs addressed Mr. Bruner's statements about other solar projects and the lack of screening and/or maintenance on the sites. He stated that many of the solar projects are fairly new and it takes a few years to get the pollinator mix established.

Mr. Biesner responded saying the pollinator friendly mix usually takes about 1 to 2 years to grow under and around the site and establish itself. This mix is generally used underneath the panels. He surmised that the screening concern was with screening around the panels to disrupt visual site lines. The pollinator mix will not grow tall enough to do that. The applicant stated they are placing the solar array almost twice the required distance from any residences and proposed to add screening on the east, west and south sides, where

there isn't any natural screening. They are proposing to plant spruce trees, approximately 4 – 6 feet in height at the start, which will grow taller over time. As far as having the location be in an industrial area, there are not a lot of 10-acre industrial areas available, so therefore, the solar gardens are usually in the rural areas. He could not speak for any other solar sites or solar companies with projects in the County but stated that some may not be adequately maintained or may plant smaller trees at the start which will take longer to grow into satisfactory screening.

Mr. Bruner cited his experience with planting trees and stated they require watering, pruning, fertilizer and additional care to grow properly. He stated that many of the solar companies contract with other businesses for this work who do not provide the necessary care to adequately maintain the screening. He stated that pine trees need care through the fall and into the winter, unlike other trees that are dormant during the winter. He again asked the Board to deny this solar request.

Mielke noted that the vegetation at some of early solar projects struggled with what pollinator friendly mix was appropriate. He stated that BWSR has established a scoring system for solar sites and pollinator friendly habitat assessment, which is identified in proposed Condition #7. This information has been incorporated into all of the solar conditions after it became available to assure the vegetation is being adequately addressed. The vegetation along the wildlife area does help screen the panels from view, as well as the spruce trees which are already on the site. He stated the applicant tried to use a location that is away from any residences and additional screening will be required as submitted on the landscape plan.

John Zimmermann, 10850 110th St, replied to Mr. Bruner's concern of growing and maintaining trees. He stated that over the past 30 years, this parcel has grown over 30,000 conifers to a minimum of 6 feet to 15 feet and they were never been watered.

Mr. Bruner stated his information came from a golf course owner who advised that watering in the fall is the key for pine trees because they don't go dormant in the winter. He stated that the current solar gardens are disgusting because the trees and vegetation is not properly cared for. The weeds need to be maintained and removed because the weeds will overgrow and kill the pollinator friendly seed mix.

A motion was made by Smith and seconded by Willems to close the public hearing. This conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 8:08 p.m. *Frank Mendez was traveling and was no longer available on the meeting call.

Smith asked if the trees currently on the property would need to be removed for placement of the solar panels.

Mr. Beisner asked to have the submitted landscape plan on the screen again which showed the existing trees and proposed location of the solar panels. The existing trees will remain.

Theis asked what information might be submitted by the hydrologist and the hydrology report concerning the solar array.

Stubbs explained the area hydrologist is a person assigned by the DNR and is responsible for comment on projects in Carver County within the shoreland overlay district. The hydrology report is not associated with or specifically related to a solar request. The County Code does not prohibit a solar project from being in the shoreland district, and this allows the DNR to add comments or conditions relating to the shoreland area. The hydrologist is made aware of all requests within the shoreland overlay district.

Wakefield noted the provision for pre-construction stray voltage testing and asked if there is on-going or annual testing for stray voltage done after the construction is completed and the site is fully operational.

Stubbs stated if any additional stray voltage testing requirements could be added as a condition of the permit by the Planning Commission. There is no specific requirement in the ordinance for stray voltage testing.

Mielke stated that the pre- and post-construction testing was prompted from the proximity of dairy operations near solar sites and has been implemented with each request. There has been no requirement for continued or annual testing after construction is completed. He stated that Mr. Biesner might add comments on the continued monitoring by the company after site construction is completed.

Wakefield stated only pre-construction testing is referenced in Condition #9 and wanted to clarify that post-construction testing is also done after the site becomes fully operational.

Mr. Biesner concurred that pre- and post-testing is a very common practice and they would be agreeable to doing both.

Storms stated the site maintenance has often been referenced and asked what recourse is available to the County if the site is not properly maintained or if stray voltage becomes a problem at any time in the future.

Mielke explained the County's position of working with an applicant or permittee to restore compliance with the permit conditions. Establishment of the vegetation does take a few years before it will become a benefit and survive on its own and it requires proper maintenance. The solar company needs to have a contract with a reputable company for this maintenance. The County Planning & Water Department (CCWMO) and Carver Soil & Water Conservation District (SWCD) also help monitor the sites for stormwater and vegetation establishment and have funds held in escrow until that establishment is satisfactory. The solar company is responsible for the screening and making sure that those plants are growing and surviving for the duration of the permit. The annual reviews done for Conditional Use Permits also help to monitor or regulate the sites. Mielke noted that revisions to the County Code are being proposed to require maintenance semi-annually or possibly more often.

Theis asked about the location of the nearest dairy operation to this site.

Mielke replied the closest dairy is directly south and approximately 2,300 feet from the operational area. The next closest dairy site (northeast) is approximately 4,000 feet from the proposed solar array. He stated that with some of the previous requests which were closer to dairy operations, stray voltage testing was done at the farm per the farmer's request and stray voltage was discovered at the farmstead, which was not related to the solar site.

Theis asked if there was any documentation or proof of effects of solar gardens on property values beyond the statement of concern submitted by the Township.

Mielke stated the information provided in the packet was a small portion of a larger document submitted by the applicant indicating research has been done on the impact of solar gardens and property values. An adjacent property owner did call staff to talk about property value impacts and was asked to submit information for the public hearing. An email was sent to the property owner and his three adult children and no response was received.

Theis asked if the proposed operational meets all setback requirement for the wildlife management area.

Stubbs responded stating there are no special setbacks for wildlife management areas and there are no additional setbacks requirements for the request.

Mielke added that the setback for any structure would be 150 feet from a protected water or the edge of the shoreland overlay district, which is being met by the proposed request. He cited another solar site which was also in a shoreland area which also had to meet the 150-foot setback from the shoreland area.

Wakefield expounded on the Township's road maintenance agreement. He stated the truck traffic for this site would be from Hwy 284 onto 110th St. and the Township was requiring the speed limit be reduced to 15 mph. Another requirement is that an engineering firm conduct soil testing of the roadbed prior to construction, a \$10,000 bond for road damage, and post-construction soil testing of the roadbed to determine the amount of damage. The solar company would also be responsible for additional gravel and dust coating as needed. He stated there will be hours for the trucks entering and leaving to appease the residents along 110th St.

Mielke highlighted the requirement for a road maintenance agreement with the road authority (Waconia Township) and stated that a copy of that agreement must also be submitted to the Land Management Department prior to any work commencing at the solar site.

Storms addressed the written concern from Mr. Wagener, the adjacent landowner to the north, about determining the boundary line between the properties.

Mielke confirmed he talked with Mr. Wagener about the requirement for the property line survey. He stated this is common when the proposed project is at the minimum setback distance. Mielke noted the requirement for the property line survey is addressed in Condition #3.

Fahey noted there are 2 circles on the site plan and asked what they represent.

Mielke stated that indicates a 500-foot setback from the solar array to the neighboring residences. He stated the solar array exceeds that minimum setback requirement as noted on page 5-2 of the packet, in the County Code as Section 152.039 (B) (2) (b) 2 iv.

Bruner asked to make a final comment about the request.

Chairwoman Theis allowed an additional comment even though the public hearing had been closed, stating his comments must be brief.

Bruner stated there is not one solar garden in the County where the trees completely screen the solar panels from view.

Mielke replied stating there were no screening requirements with the initial standards in the County Code in 2015. A one-mile buffer was incorporated into the Code in 2017, along with a 1 Mega-Watt cap in size, the 500-foot setback from a house not on the property, and language for a screening and landscaping plan. He stated that some of the initial sites were installed prior to these requirements being in place.

A motion was made by Willems and seconded by Smith to approve and issue **Resolution 21-03**, including a requirement for screening, and incorporating the findings of fact and staff recommendations in recommending the Conditional Use Permit for a 1 MW solar array be approved. Chairwoman Theis conducted a roll call vote on the motion. Smith, Willems, Theis, Fahey, Wakefield, and Storms voted aye. Mendez was not available for the vote. Motion carried.

Adjournment

A motion was made by Storms and seconded by Smith to adjourn the meeting. Theis conducted a roll call vote. All voted aye. Motion carried. The meeting was adjourned at 8:35 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 12, 2021

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

FILE #: PZ20210021

OWNERS: Brandon & Shari Panning

APPLICANT: Brandon Panning

SITE ADDRESS: 14320 Tacoma Avenue, 55368

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 #: 11-026-0610

BACKGROUND:

1. Brandon & Shari Panning own an approximate 13.79-acre parcel, located in part of the Eastern Half (E½) of the Northeast Quarter (NE¼) of Section 26, Young America Township. The property is improved with a single-family dwelling and an attached garage. The property is in the Agricultural Zoning District and the CCWMO (Bevens 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 96' (4,800 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:

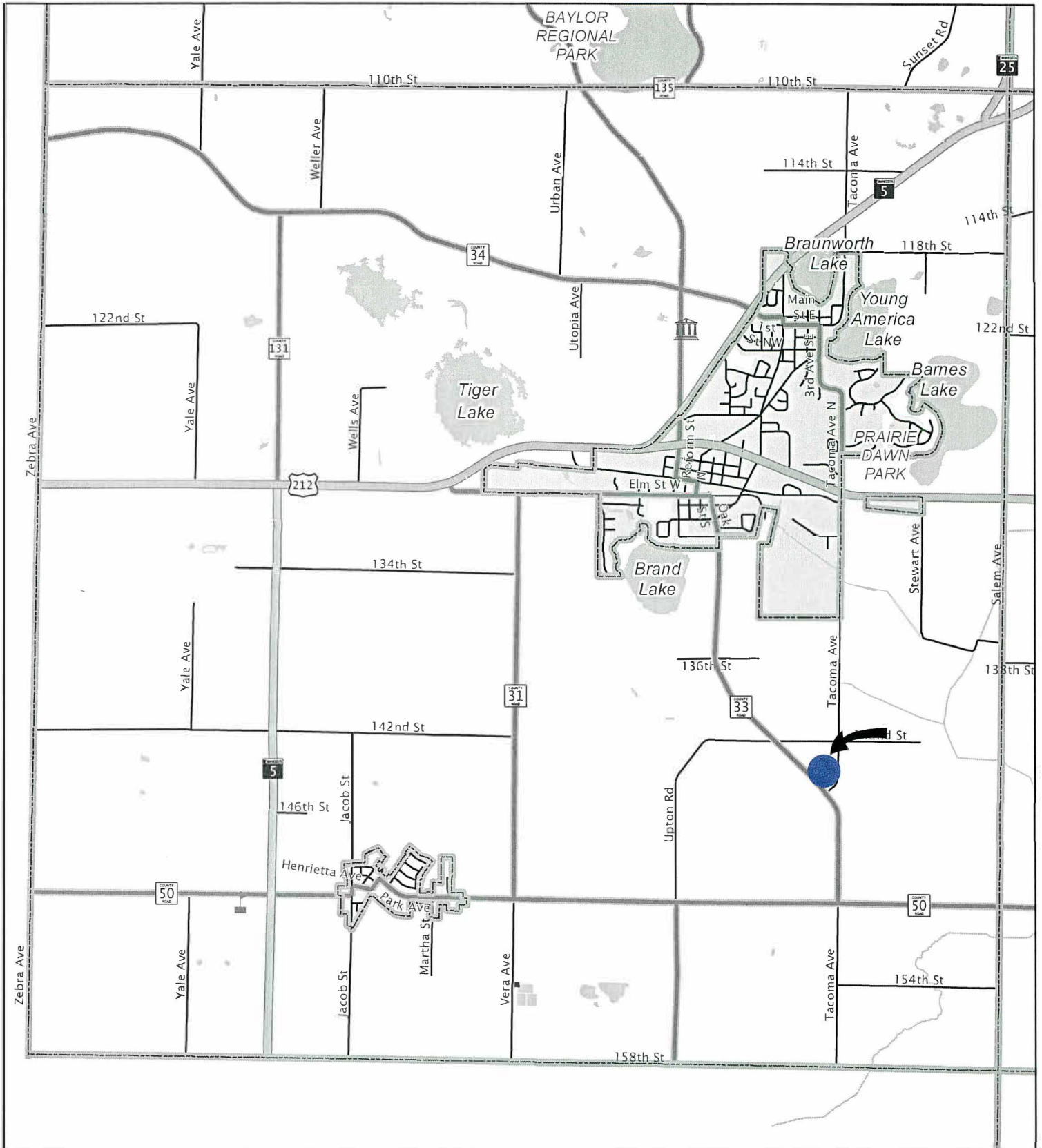
1. The current accessory square footage on the property is approximately 720 square feet. This includes the attached garage (approx. 30' x 24'). The Zoning Code allows a parcel of this size a total of 4,000 square feet of personal storage area to be permitted in a combination of garage and accessory structure(s). With the proposed 50' x 96' (4,800 square-foot) accessory structure, the total square footage on the property would consist of approximately 5,520 square feet; or approximately 1,520 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. truck, lawnmower, trailers, and other miscellaneous property). There would be no business activities conducted from the structure.
3. The proposed structure would be located on the north side of the property and would meet all required setbacks.
4. On April 2, 2021, this request was reviewed by Joe Enfield, the County's Senior Environmentalist. Mr. Enfield stated that the existing SSTS on the subject parcel has a valid Certificate of Compliance, and the proposed structure did not appear likely to impact that system.
5. The applicant is scheduled to attend the Young America Town Board meeting on April 13, 2021. The Town Board's recommendation was not available at the time the staff report was prepared; however, additional comments 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.

YOUNG AMERICA TOWNSHIP

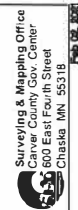


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

N 1/2 SEC. 26, T.115, R.26



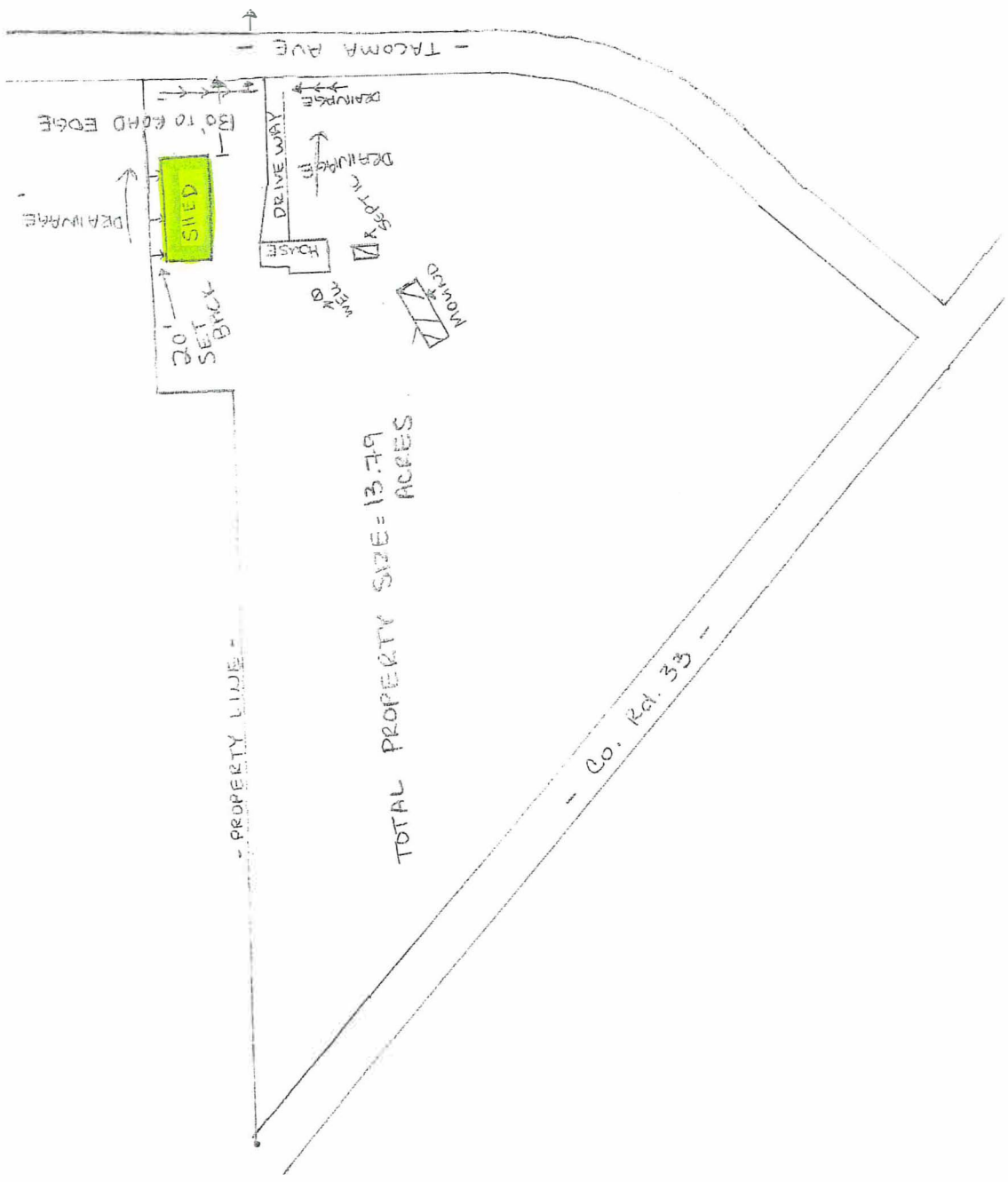
Dear Planning Commission,

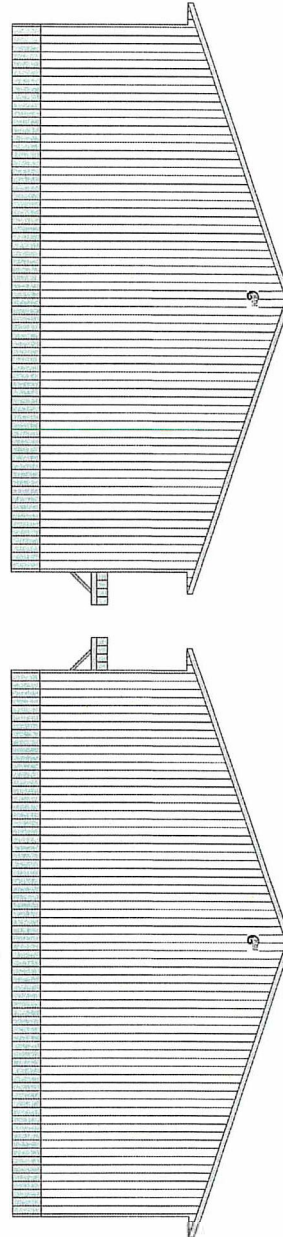
I am requesting a building permit for a new pole barn on my property. The size of the new barn will be 50 feet x 96 feet with 16 foot side walls and 2 foot over hangs on the roof. The purpose of this building is for my personal use, NOT A BUSINESS. It will be for cold storage purposes so it will not be insulated and will have dirt floors. I plan to store my camper, truck and trailer, lawn mower, tractors, etc. in it. By doing this it will allow us to have less clutter in our yard since we currently have NO out buildings on our property. The site has been graded so the water will continue to flow to the road ditch as it originally was. With the position of the building there will be NO NEED for a second driveway.

Thank you,
Brandon Panning

3-29-21

3-29-21
N





X Brandon Penning

CUSTOMER SIGNATURE

3/19/21

DATE

BY SIGNING THIS DRAWING YOU ARE AGREEING TO THE LAYOUT AND DESIGN OF YOUR NEW RAM BUILDING.

@ All drawings and content copyright RAM Buildings Inc.
Call RAM Buildings Inc. to obtain copies of this plan.
Unauthorized reproduction of these plans is a violation of Federal law.

PANNING

 592 Industrial Drive P.O. Box 650 Winnetka, Minnesota 55395 320-485-2844 800-710-4726 Fax 320-455-3625 www.rambuildings.com Contractor License Number 20171876	PROJECT NAME:	BRANDON PENNING	DRAWN BY: JEREMY B.
	PROJECT NUMBER: (21-___)		DATE: 3/18/2021
	BUILDING DESCRIPTION:	50'-0" X 96'-0" X 16'-0"	SHEET 1 OF 2
	DESIGN NUMBER: P21081		

BY SIGNING THIS DRAWING YOU ARE AGREEING TO THE LAYOUT AND DESIGN OF YOUR NEW RAM BUILDING.

CUSTOMER SIGNATURE

DATE

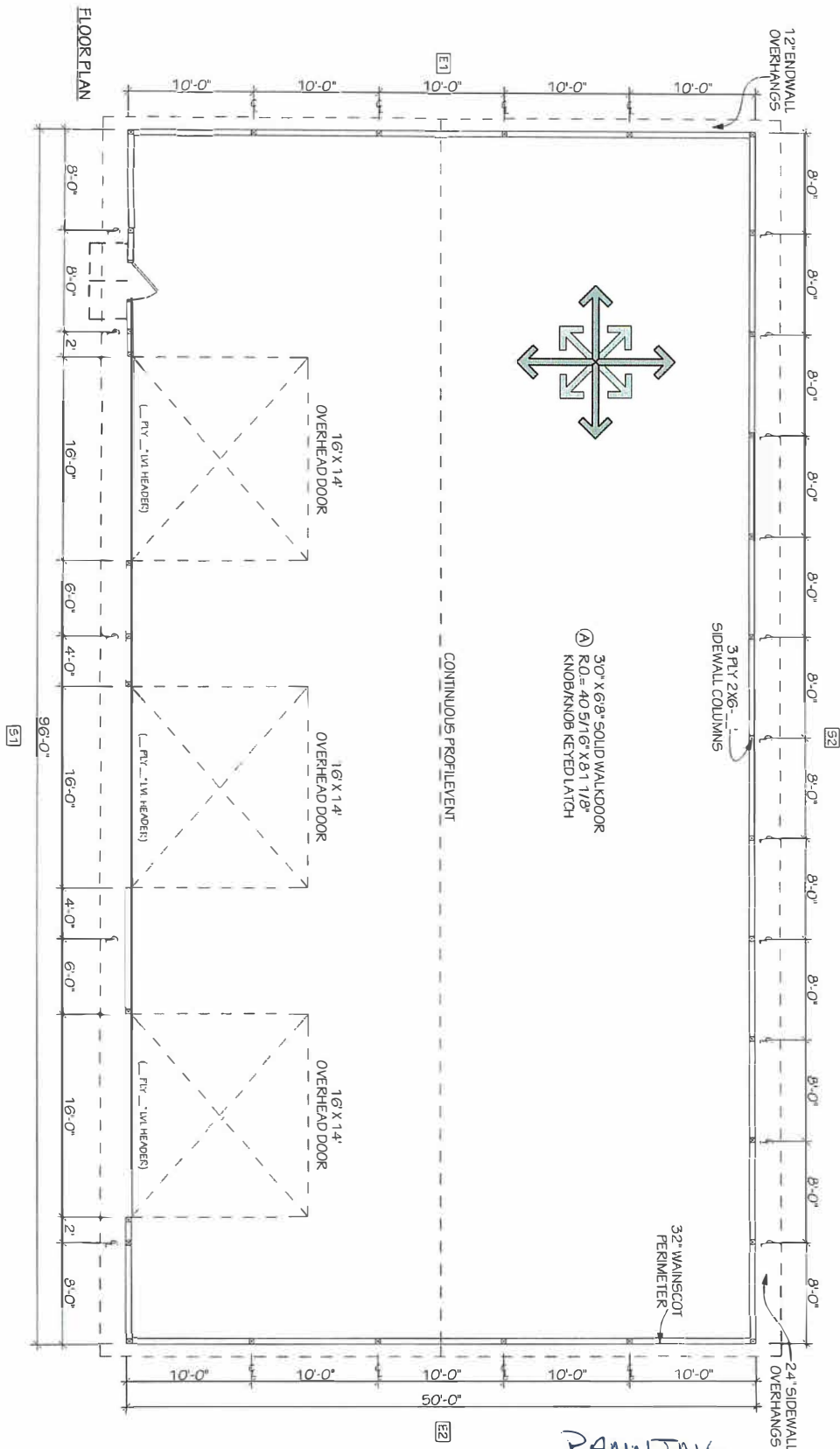
PLEASE LOCATE: [AA] ATTIC ACCESS

EP ELECTRICAL PANEL

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Unauthorized reproduction of these plans is a violation of Federal law.

X *Brandon Penning*

3/17/21



592 Industrial Drive
P.O. Box 688
Winnetka, Minnesota 55398
320-485-2844 800-710-4726
Fax 320-485-3825
www.rambuildings.com
Contractor License Number 20171976

PROJECT NAME:
PROJECT NUMBER: (21-)
BUILDING DESCRIPTION:
DESIGN NUMBER: P21081

BRANDON PENNING
50'0" X 96'0" X 16'0"

DRAWN BY: JEREMY B.
DATE: 3/18/2021
SHEET: 2 OF 2

2-8

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 11-026-0610

File# PZ20210021

APPLICANT/OWNERS: Brandon A Panning & Shari L Panning

* * * * *

That part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 115, Range 26, Carver County, Minnesota, described as follows:

Commencing at the southeast corner of the Southeast Quarter of the Northeast Quarter of said Section 26; thence North 00 degrees 00 minutes 00 seconds East, assumed bearing, along the east line of said Southeast Quarter of the Northeast Quarter, also being the centerline of County State Aid Highway No. 33, a distance of 94.29 feet; thence continue along said centerline, along a tangential curve, concave to the west, having a central angle of 37 degrees 217 minutes 24 seconds and a radius of 804.89 feet, and arc length of 526.19 feet; thence northerly, along said centerline, tangent to the last described curve on a bearing of North 37 degrees 27 minutes 24 seconds West, a distance of 428.40 feet to the centerline of a Town Road and the actual point of beginning; thence North 49 degrees 46 seconds 53 seconds East, along said centerline, a distance of 350.65 feet; thence continue northeasterly, along said centerline, on a tangential curve, concave to the northwest, having a central angle of 35 degrees 41 minutes 28 seconds, a radius of 321.58 feet, and arc length of 200.32 feet to the north line of said Southeast Quarter of the Northeast Quarter; thence South 89 degrees 46 minutes 19 seconds West, along said north line, a distance of 682.66 feet to the centerline of County State Aid Highway No. 33; thence southeasterly, along said centerline, on a non-tangential curve, having a central angle of 04 degrees 18 minutes 14 seconds, a radius of 3130.23 feet, and arc length of 235.14 feet, the chord bears South 39 degrees 36 minutes 31 seconds East; thence continue southeasterly, along said centerline, tangent to the last described curve on a bearing of South 37 degrees 27 minutes 24 seconds East, a distance of 264.36 feet to the actual point of beginning.

AND

That part of the Northeast Quarter of Section 26, Township 115 North, Range 26 West, Carver County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence on an assumed bearing of South 0 degrees 07 minutes 30 seconds West, along the east line of said Northeast Quarter, for a distance of 926.23 feet to the actual point of beginning of the land to be described; thence continuing on a bearing of South 0 degrees 07 minutes 30 seconds West, along said east line of the Northeast Quarter, for a distance of 393.27 feet to the southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 26; thence on a bearing of North 89 degrees 59 minutes 45 seconds West, along the south line of said Northeast Quarter of Northeast Quarter, for a distance of 737.92 feet to a point on a 6663.65 foot radius curve, the center of circle of said curve bears South 47 degrees 21 minutes 10 seconds West from said point, said point being also on the centerline of County Road No. 33; thence Northwesterly along said County Road No. 33 centerline curve, central angle 2 degrees 47 minutes 10 seconds for a distance of 324.03 feet; thence on a bearing of North 45 degrees 26 minutes 00 seconds West along County Road No. 33 centerline tangent for a distance of 400.00 feet; thence on a bearing of North 87 degrees 07 minutes 00 seconds East, for a distance of 536.36 feet; thence on a bearing of South 2 degrees 21 minutes 25 seconds West, for a distance of 76.00 feet; thence on a bearing of South 84 degrees 18 minutes 24 seconds East, for a distance of 719.97 feet to the actual point of beginning.

EXCPEITING THEREFROM the following:

That part of the Northeast Quarter of Section 26, Township 115 North, Range 26 West, Carver County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence on an assumed bearing of South 0 degrees 07 minutes 30 seconds West along the east line of said Northeast Quarter, for a distance of 926.23 feet; thence continuing on a bearing of South 0 degrees 07 minutes 30 seconds West along said east line of the Northeast Quarter, for a distance of 393.27 feet to the southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 26; thence on a bearing of North 89 degrees 59 minutes 45 seconds West along the south line of said Northeast Quarter of Northeast Quarter, for a distance of 737.92 feet to a point on a 6663.65 foot radius curve, the center of circle of said curve bears South 47 degrees 21 minutes 10 seconds West from said point, said point being also on the centerline of County Road No. 33; thence Northwesterly along said County Road No. 33 centerline curve, central angle 2 degrees 47 minutes 10 seconds, for a distance of 324.03 feet; thence on a bearing of North 45 degrees 26 minutes 00 seconds West, along County Road No. 33 centerline tangent for a distance of 385.44 feet to the point of beginning of the tract to be described; thence continuing on a bearing of North 45 degrees 26 minutes 00 seconds West along County Road No. 33 centerline, for a distance of 14.56 feet; thence on a bearing of North 87 degrees 07 minutes 00 seconds East, for a distance of 536.36 feet; thence on a bearing of South 2 degrees 21 minutes 25 seconds West for a distance of 76.00 feet; thence Westerly a distance of 523.62 feet to the point of beginning.

AND

All that part of the Northeast Quarter of Section 26, Township 115 North, Range 26 West, described as follows: Commencing at a Carver County monument in place at the northeast corner of said Section 26; thence on an assumed bearing of South 0 degrees 07 minutes 30 seconds West along the East line of said Northeast Quarter for a distance of 866.27 feet to the point of beginning of the tract to be described; thence continuing on a bearing of South 0 degrees 07 minutes 30 seconds West along said East line for a distance of 58.73 feet; thence on a bearing of North 84 degrees 18 minutes 24 seconds West for a distance of 389.70 feet; thence on a bearing of North 0 degrees 07 minutes 30 seconds East for a distance of 62.59 feet; thence easterly 389.00 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 12, 2021

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

FILE #: PZ20210020

OWNER: Scott Loomis

APPLICANT: Scott Loomis

SITE ADDRESS: 16635 County Road 40, 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 #: 08-009-1300

BACKGROUND:

1. Scott Loomis owns an approximate 20.0-acre parcel, located in part of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 9, San Francisco Township. The property is improved with a house and an attached garage. The property is in the Agricultural Zoning District and the CCWMO (Bevens Creek Watershed).
2. The applicant is requesting a Conditional Use Permit (CUP), which would allow him to apply for a building permit to construct two detached accessory structures on the subject property. The first proposed accessory structure is approximately 60' x 120' (7,200 square feet) and the second proposed detached accessory structure is approximately 30' x 44' (1,320 square feet). The construction of these two structures would result in the subject parcel exceeding the total allowable square footage for personal storage 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:

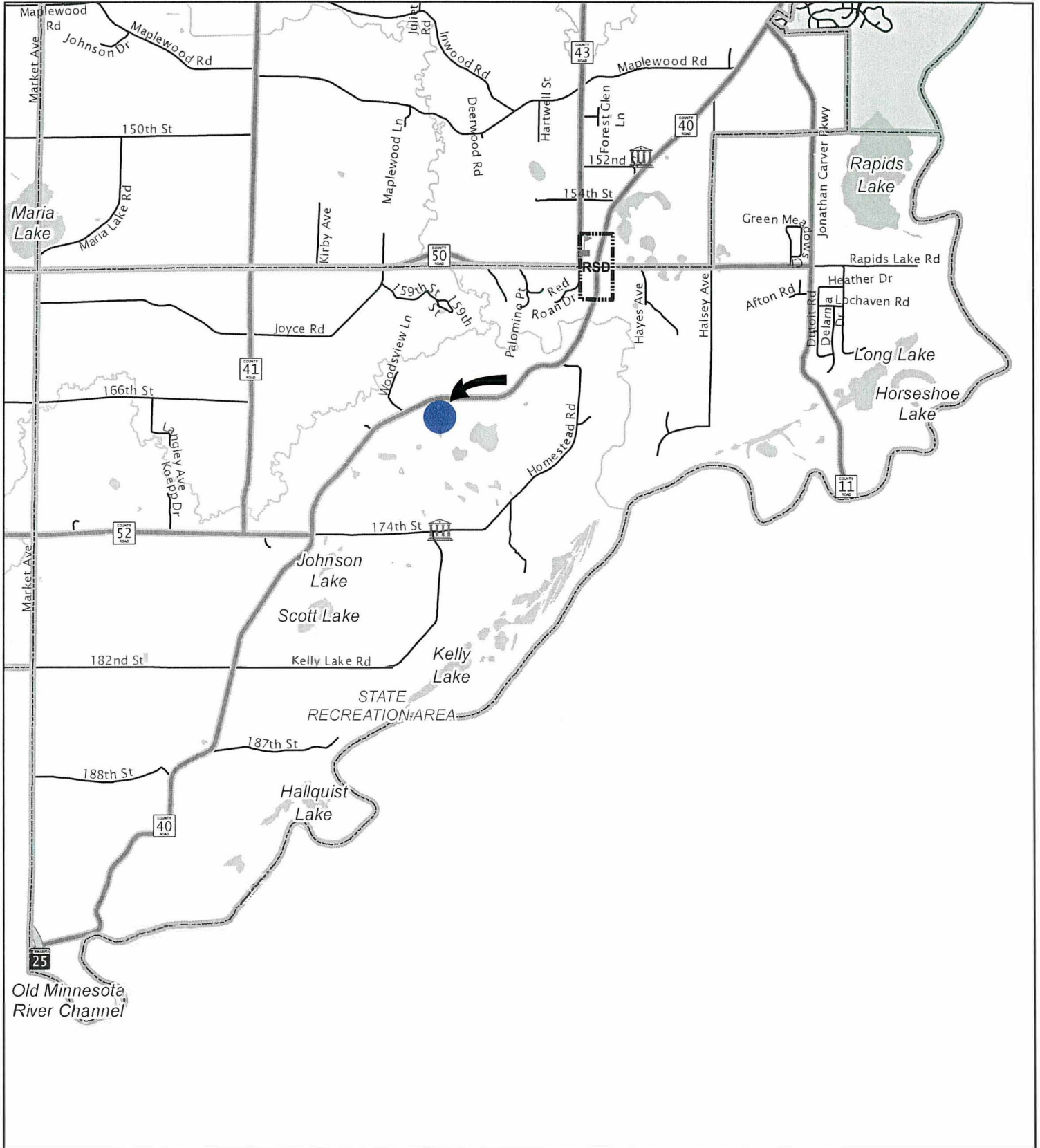
1. The current accessory square footage on the property is limited to the attached garage which is approximately 1,540 square feet. If the CUP request were approved, the applicant would construct a 60' x 120' (7,200 ft²) and a 30' x 44' (1,320 ft²) detached accessory structure with an approximate 648 square foot loft space. 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 120' and the proposed 30' x 44' with the loft space, the total square footage on the property would consist of approximately 10,708 square feet; or approximately 6,708 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. motor home, sports cars, fishing boats, lawnmower, trailers, and other miscellaneous property). There would be no business activities conducted from the structure.
3. The larger of the proposed structures would be located northwest of the existing house and the smaller of the proposed structures would be located northeast of the existing house, both structures would meet all required setbacks.
4. On April 2, 2021, this request was reviewed by Joe Enfield, the County's Senior Environmentalist. Mr. Enfield stated that the existing SSTS on the subject parcel has a valid Certificate of Compliance, and the proposed structure did not appear likely to impact that system.
5. The San Francisco Town Board reviewed and recommended approval of the request during their March 15, 2021, Town Board meeting. The Town board did not request any conditions along with their recommendation.

PLANNING COMMISSION CONSIDERATION:

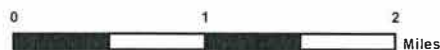
If the Planning Commission orders approval of the personal accessory structure application, the following conditions should be considered part of the permit:

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.
3. Prior to the issuance of the building permit, both the western property line of the subject parcel and the bluff line east of the existing house shall be identified and staked by a licensed surveyor to confirm the proposed structures meet the required 15' side yard setback and 50' bluff setback.

SAN FRANCISCO TOWNSHIP



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



Map Created by Carver County GIS

N 1/2 SEC. 9, T.114, R.24

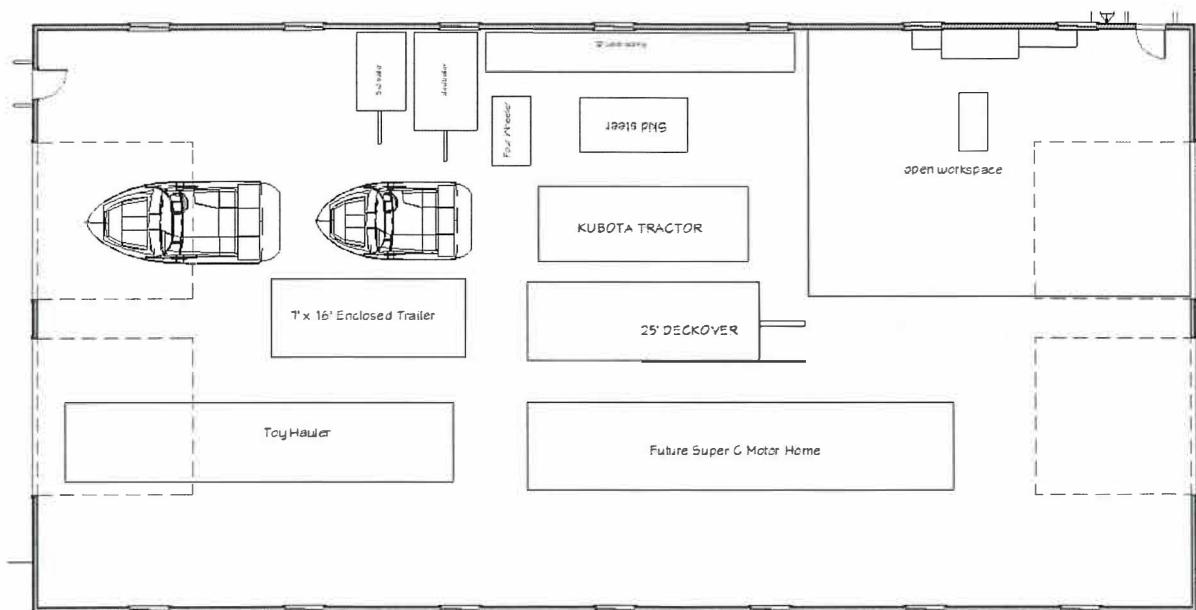


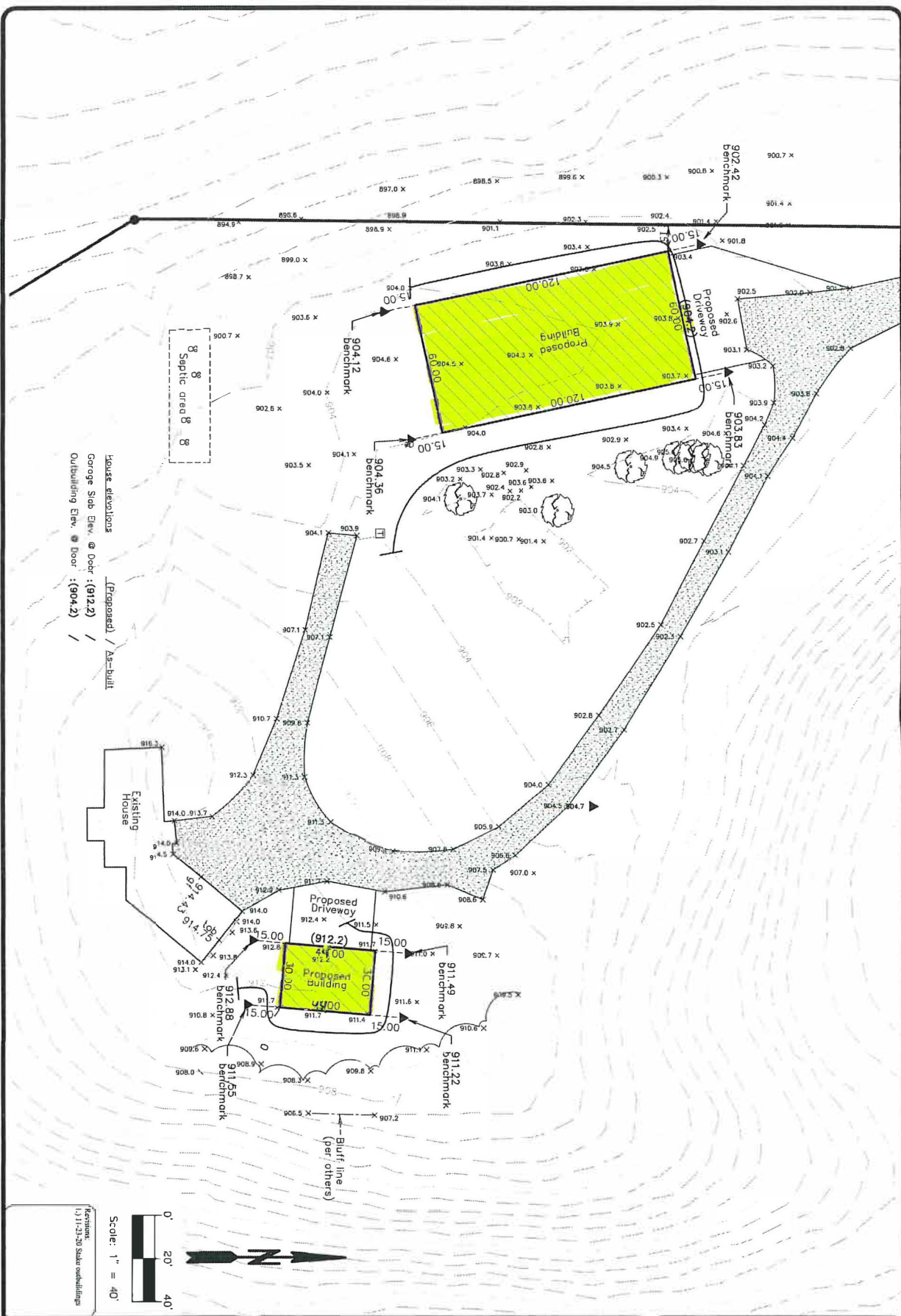
Request for CUP for approval to build 8520 Square feet of out buildings

I am seeking the approval to construct 60'x120' Building and 30'x44' detached garage. These buildings would be for personal use.

Detached garage usage: Storage for sports cars.

60'x120' Usage: I intend on storing my 42' 5th wheel Forest River Toy Hauler, Future purchase of Super C Motor home, 21' Star weld Fishing boat, 16' Aluminum River boat, 18' Enclosed trailer, 25' deck over trailer for hauling my personal Kubota SVL95 Skid, Kubota SVL95 Skid, Kubota tractor, 2 Place snowmobile trailer, 2 Snowmobiles, Honda pioneer UTV, Two four-wheelers, 5 dirt bikes and storage of outdoor furniture in the winter. The remaining area will be for open workspace. There will be no business activity at this location. I do own a building in Norwood Young America where all by business equipment is stored. The equipment I have stored in the building is for personal use for maintaining my property and not for business use. Below is an example of what will be stored in the 60x120 Shop.





PIONEER Engineering, P.A.
FIVE ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

2422 Enterprise Drive
 Mendota Heights, MN 55120

Ph.: (651) 681-1914
 Fax: (651) 681-9488
 www.pioneereng.com

Project #: 120268000 Folder #: 8576 Drawn by: kth

© Pioneer Engineering

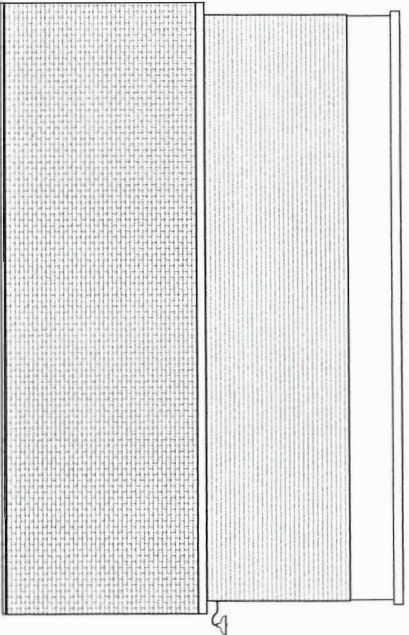
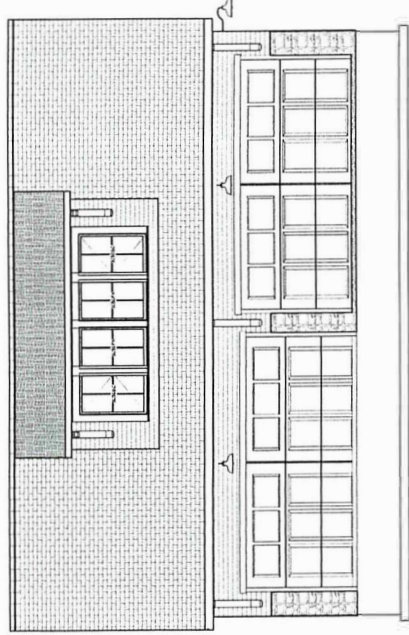
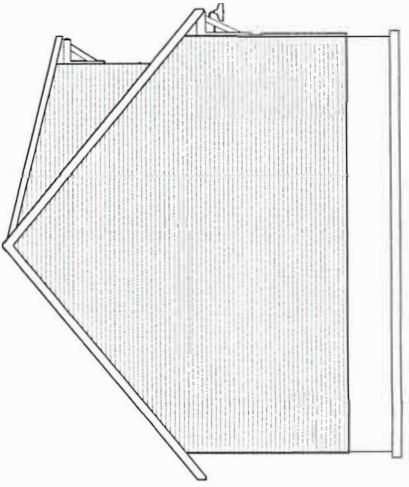
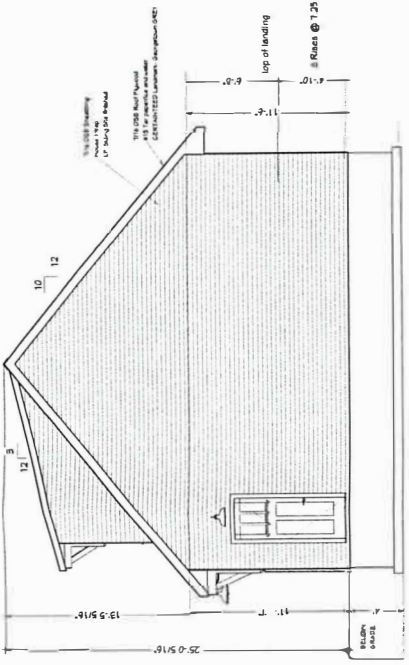
P/O Section 9-114-24
 Carver County, Minnesota
 Address: 16635 County Road 40, Carver, Minnesota

Sheet 2 of 2

Certificate of Survey for:
Loomis Homes LLC

1458 White Oak Drive
 Chaska, MN 55318
 Phone: (952) 200-8838

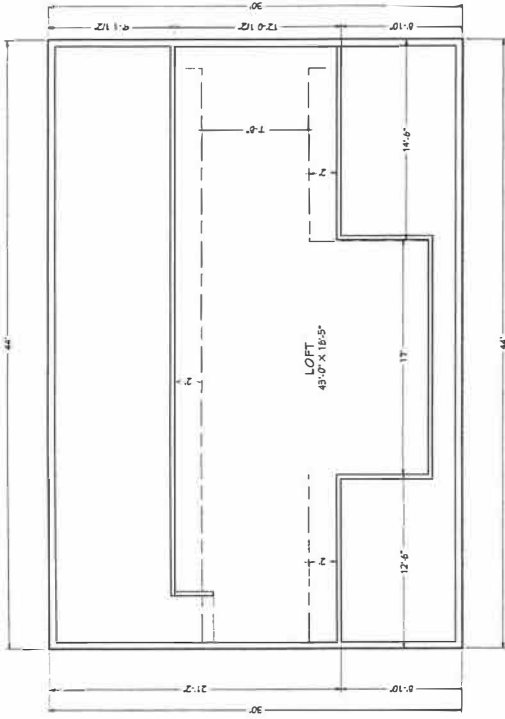
16635 County Road 40
Carver MN 55315



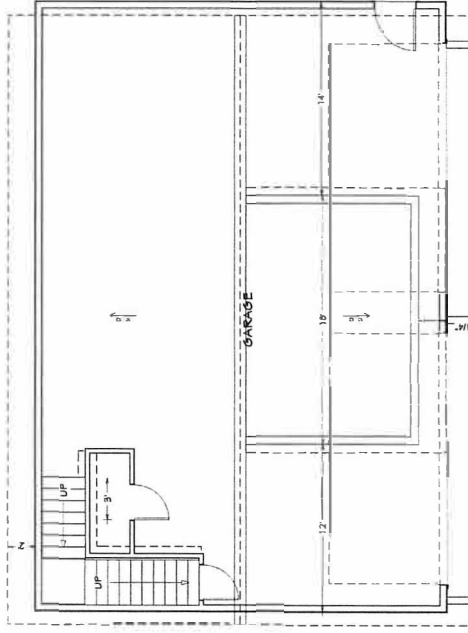
DRAWINGS PROVIDED BY:	
DATE:	3/16/2021
SCALE:	
SHEET:	P-1

16635 County Road 40
Carver MN 55315

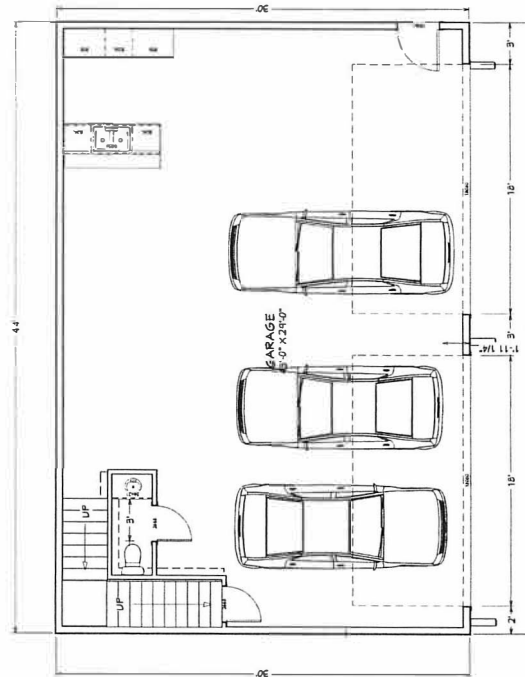
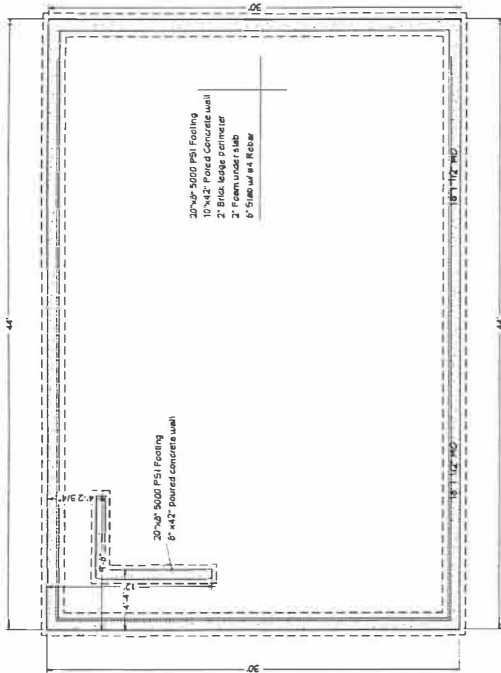
Loft Plan



Roof Plan



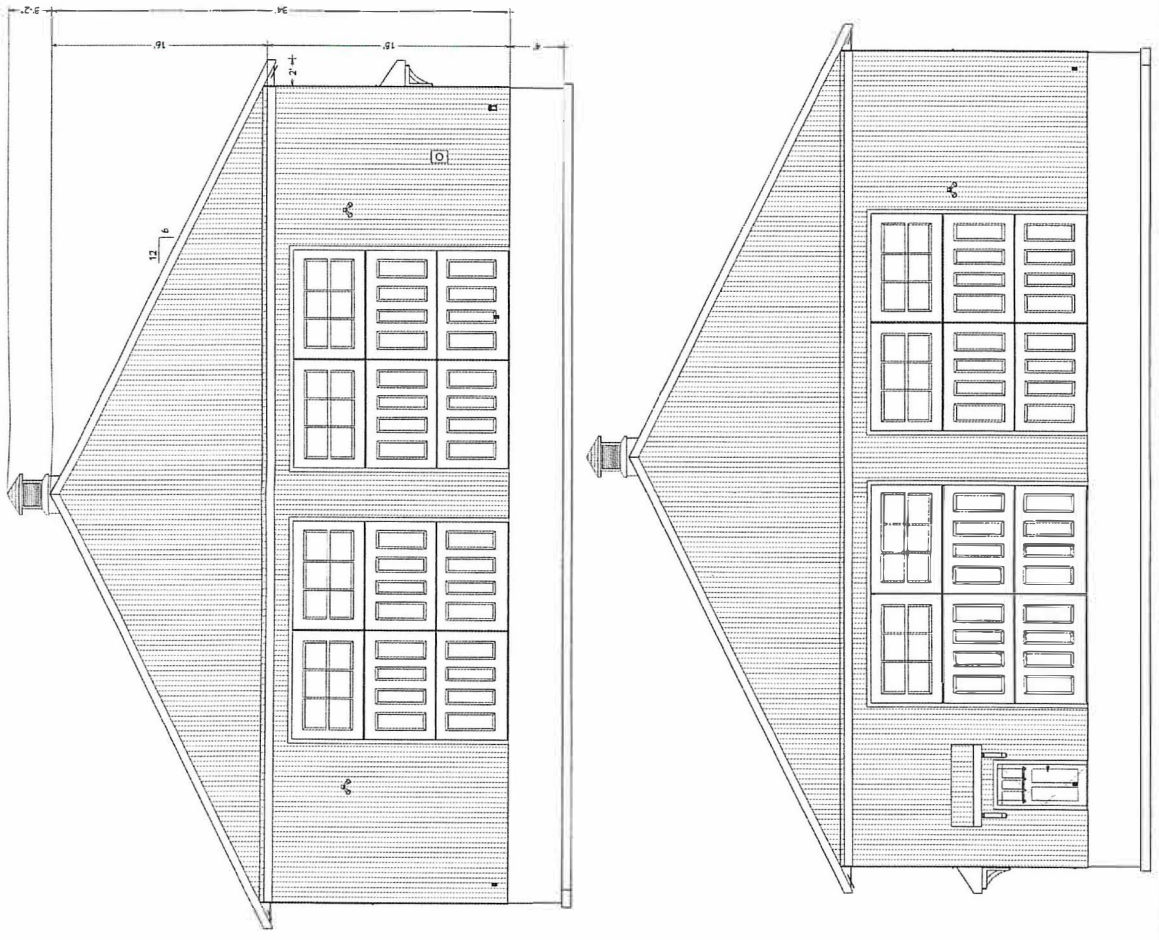
Foundation Plan

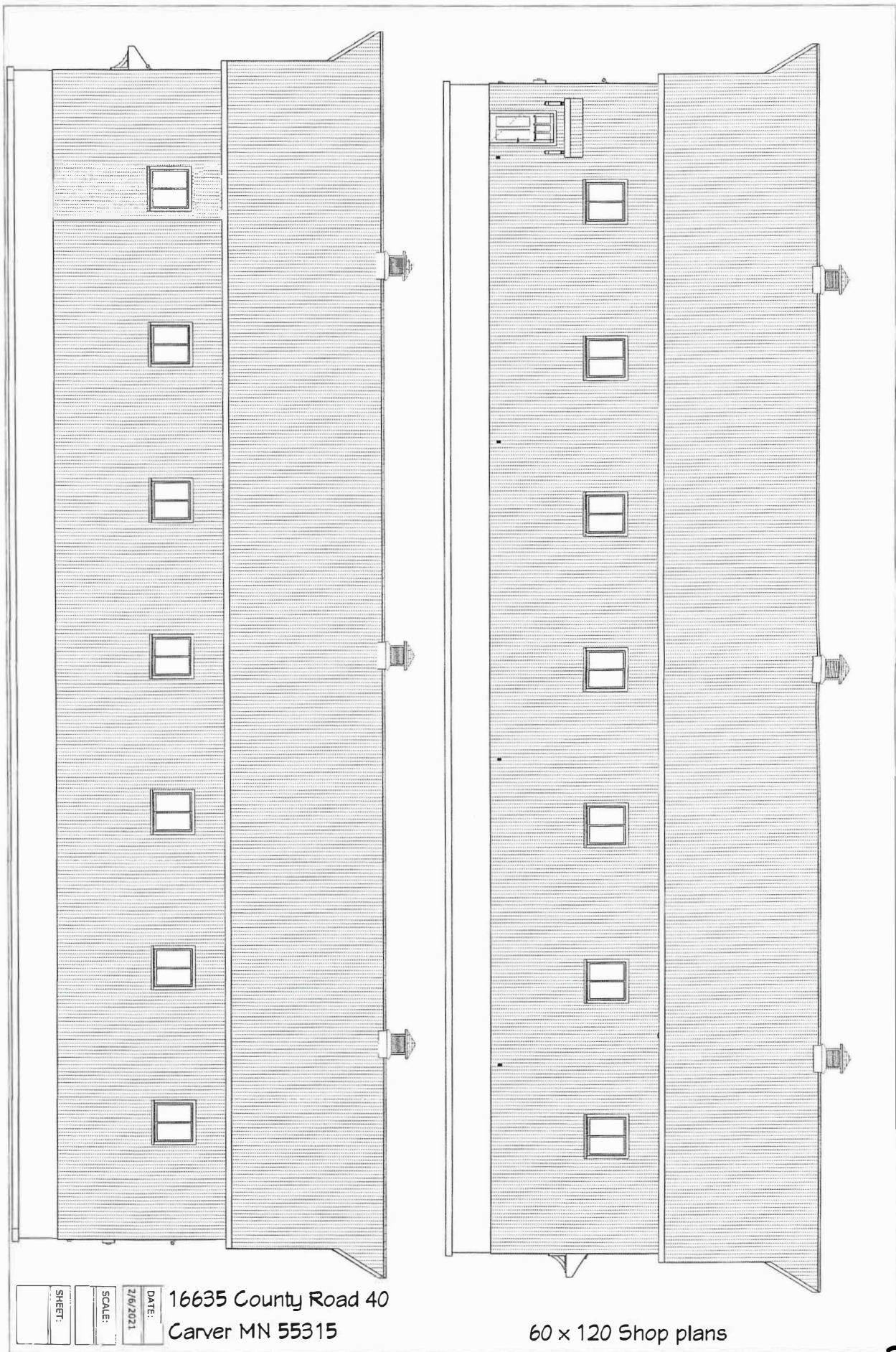


DRAWINGS PROVIDED BY:	
DATE:	3/16/2021
SCALE:	
SHEET:	

16635 County Road 40
Carver MN 55315
DATE: 2/6/2021
SCALE:
SHEET: P-1

60 x 120 Shop plans





60 x 120 Shop plans



Township Presentation & Recommendation Form

PARCEL #	08009130	Permit #	PZ-20210020
Owner's Name:	Scott Loomis	Owner's Mailing Address:	16635 CR 40
City:	Carver	Owner State:	MN
		Owner Zip:	55315
Applicant (if other than owner):		Site Address:	16635 CR 40 Carver, MN 55315

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:	Seeking Approval to build one 60'x120' Post frame shop and one 30'x44' detached garage Total of 8520 SF of accessory buildings					
Date of County Public Hearing:	04/20/2021		Date of Township Meeting:	3/15/21		

Actions:

Township Action Taken: ☒ Recommends approval and use of the Township Road (if applicable) with the following comments: ☐ Recommends denial for the following reasons: ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:	All 3 yah
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****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
	3/15/21
Signature of Township Official	

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-009-1300

File# PZ20210020

APPLICANT/OWNER: Scott Matthew Loomis

* * * * *

That part of the Northeast Quarter of the Northeast Quarter of Section 9, Township 114 North, Range 24 West, Carver County, Minnesota, described as follows: Commencing at the Northeast Corner of said Section 9; thence South 03 degrees 59 minutes 15 seconds West (bearings based on Carver County Coordinate System NAD83, 1986 Adjustment) on the east line of said Northeast Quarter, a distance of 0.43 feet to the centerline of County State highway No. 40 also being the point of beginning; thence South 88 degrees 57 minutes 23 seconds West on said centerline, a distance of 5.17 feet to the north line of said Northeast Quarter; thence South 84 degree 16 minutes 42 seconds West on said north line, a distance of 620.10 feet to the centerline of County State Highway No. 40; thence southwesterly on said centerline, a distance of 125.31 feet along a curve non-tangential with the last described line, said curve is concave to the south, having a radius of 1900.00 feet, a central angle of 3 degrees 46 minutes 44 seconds and a chord distance of 125.29 feet which bears South 73 degrees 49 minutes 05 seconds West; thence South 23 degrees 57 minutes 36 seconds West, non-tangent to said curve, a distance of 158.22 feet; thence South 00 degrees 37 minutes 04 seconds West, a distance of 698.02 feet; thence South 30 degrees 54 7 minutes 06 seconds East, a distance of 206.21 feet; thence South 77 degrees 01 minutes 08 seconds East, a distance of 659.09 feet to the east line of said Northeast Quarter of the Northeast Quarter; thence North 02 degrees 59 minutes 15 seconds East on said east line, a distance of 1,266.01 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 12, 2021

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

FILE #: PZ20210022

OWNERS: Jacob & Katherine Schmotter

APPLICANT: Jacob Schmotter

SITE ADDRESS: 9880 County Road 24, 55388

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 #: 10-012-1230

BACKGROUND:

1. Jacob & Katherine Schmotter own an approximate 6.40-acre parcel, located in part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 12, Watertown Township. The property is improved with a single-family dwelling and an attached garage. 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 a detached accessory structure on the subject property. The proposed accessory structure is approximately 84' x 50' (4,200 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:

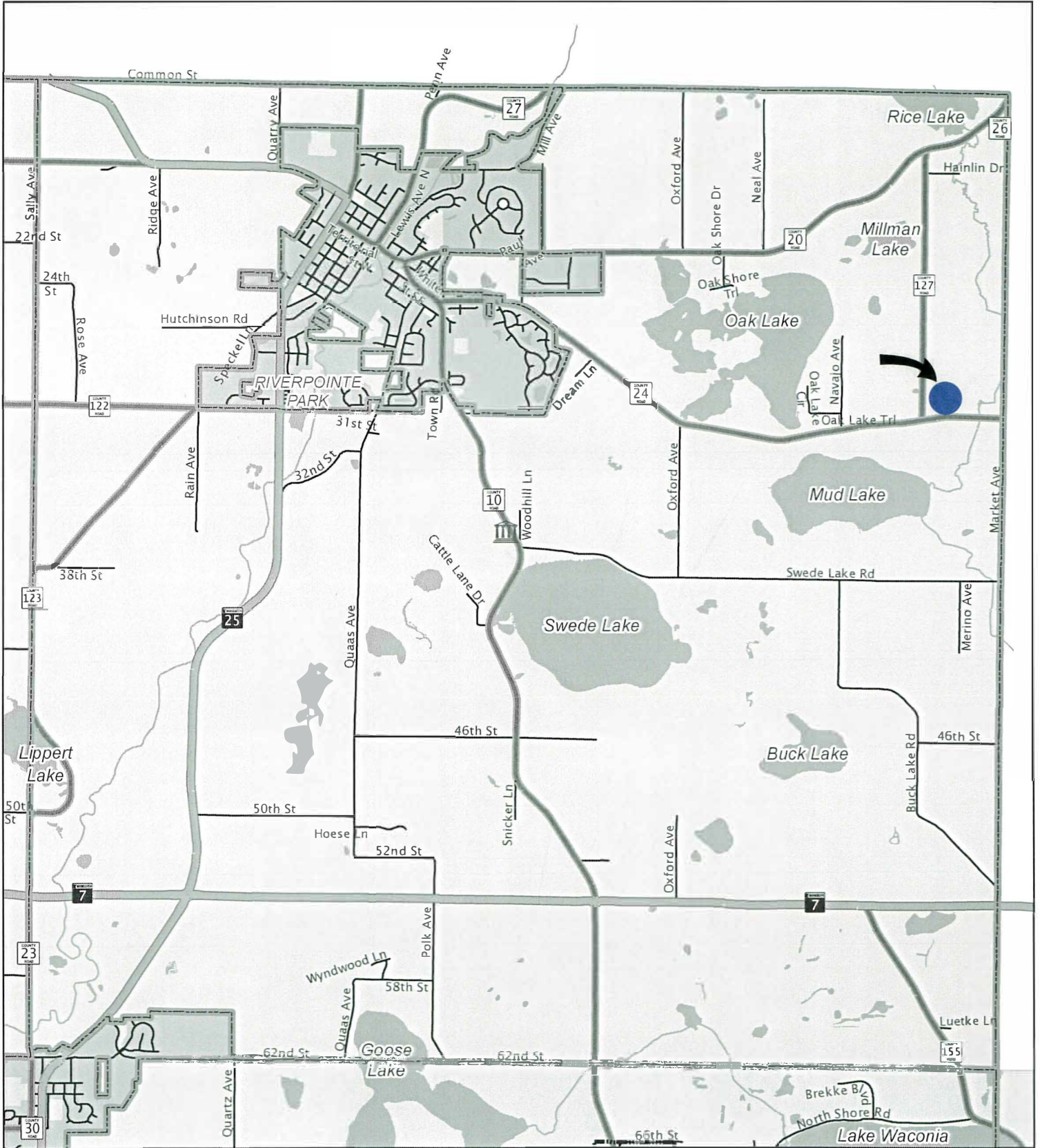
1. The current accessory square footage on the property is approximately 975 square feet. This includes the attached garage (approx. 39' x 25'). The applicant would convert a portion of the attached 3-stall garage into a 1-stall garage (approx. 337 ft²) with additional bedrooms. The Zoning Code allows 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). The proposed 84' x 50' accessory structure would include approx. 3,720 square feet of storage on the lower level, approx. 1,548 square feet of storage area on the main level, approx. 760 square feet of storage area in the upper level, and approx. 800 square feet of attached coverage breezeway. With the conversion of the existing attached garage and the addition of the proposed structure and all of its components, the total square footage on the property would consist of approximately 7,165 square feet; or approximately 3,165 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 23, 2021) describes the intended use of the accessory structures, which would be only for personal use/storage (e.g. motorcycles, personal workspace, RV, trailers, and other miscellaneous property). There would be no business activities conducted from the structure.
3. The proposed structure would be located west of the existing house and would meet all required setbacks.
4. On April 2, 2021, this request was reviewed by Joe Enfield, the County's Senior Environmentalist. Mr. Enfield stated that the existing SSTS on the subject parcel was compliant and the proposed structure did not appear to impact that system. However, if the future expansion of the dwelling includes more bedrooms than what currently exist, the SSTS may need to be upgraded and an alternate drainfield location identified.
5. The Watertown Town Board reviewed and recommended approval of the request during their April 5, 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.
3. Prior to the issuance of a Building Permit, the landowner/contractor shall obtain the appropriate SSTS (septic system) approval(s) and submit all required documentation.

WATERTOWN TOWNSHIP



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



Map Created by Carver County GIS

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



Dear Carver County Planning Commission,

Subject: Schmotter 9880 CR-24 Watertown Addition

This letter is being generated to provide an in-depth explanation of what I am requesting regarding 9880 CR-24, Watertown MN property addition.

My name is Jake Schmotter a 3rd year Watertown resident requesting a CUP to build onto my current house adding 2 additional bedrooms and increased storage, workshop space and vehicle parking space. The current house has a unique design where open concept allows for large common rooms but is ineffective for providing adequate bedroom count for our future needs.

As my wife and I just had our first child early this year we want to plan for the future of expanding our family by building out a portion of our existing 3 car garage space into 2 additional bedrooms and a new connected structure.

I am a mechanical engineer and professional motorcycle racer in which I enjoy fixing things, making motorcycle parts and general outdoor grounds keeping. I also have a large RV and Trailer for racing as well as skid steer and trailer for snow removal, mowing/grounds keeping equipment, motorcycles, and a boat I currently either keep outdoor during off seasons or require storage elsewhere.

The additional structure will allow for heated indoor storage for all the equipment, 2 car parking, workshop space as well as some additional storage space in attic. The structure is intended to be of similar design and construction of the current house, matching the exterior finishes (Stucco and Cedar Shakes) and matching roof slopes as well as general design style. It is to be built into the hill, so the structure can be larger in square footage without looking so large from the outside. In addition to the car parking area there is a mezzanine area to the west that will be used for leisure activities at times with windows on west wall sure to provide great sunset views over the Timbercreek Golf Course. The connecting carport is designed to pull the existing and new structures together to make them look like one. I would like to have 1 restroom in the new structure since it would otherwise require the person to walk outdoors then into house to use a restroom. The current septic system was designed oversized with expansion in mind, but also would consider holding tank if that is a better alternative solution. Surrounding terrain will be graded to provide best natural drainage, as necessary.

Thanks for your consideration in my addition project and I look forward to meeting with you all soon.

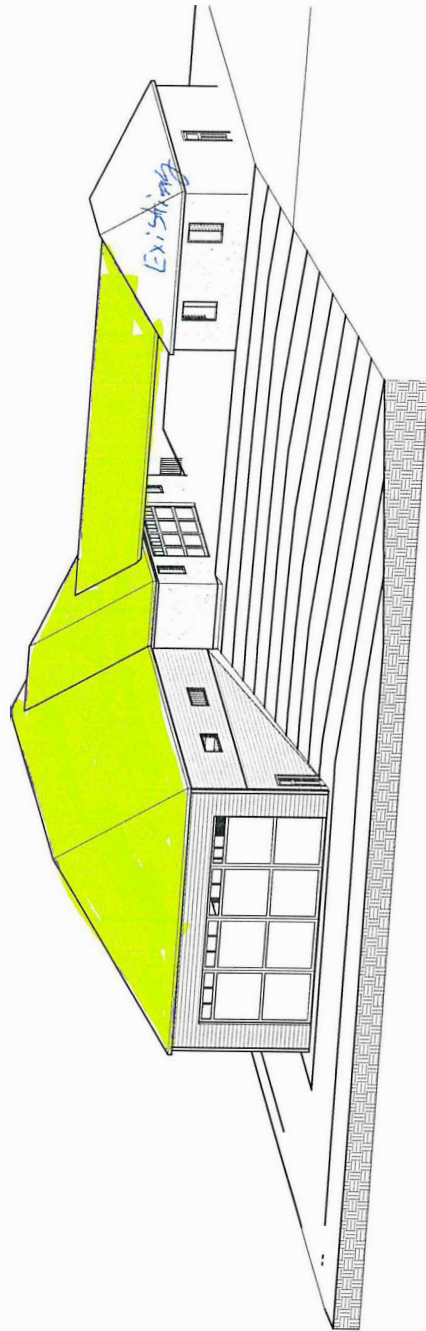
Sincerely, Jake Schmotter

schmotterj@gmail.com

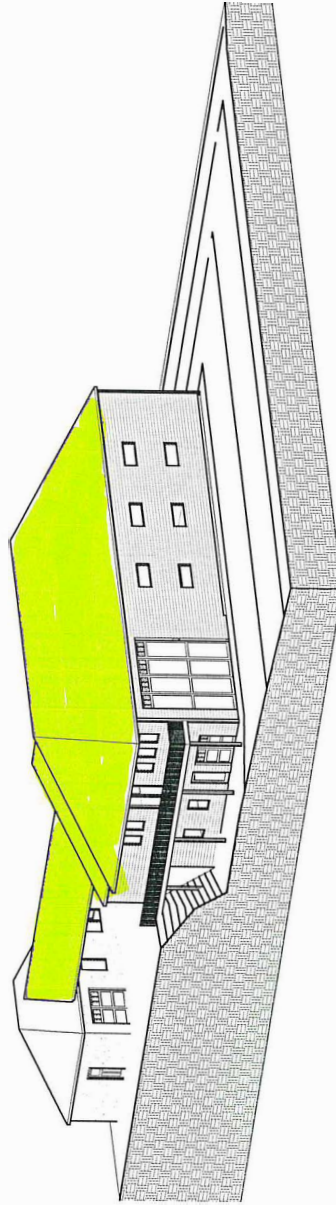
651.497.4355

9880 CR-24 Watertown, MN 55388

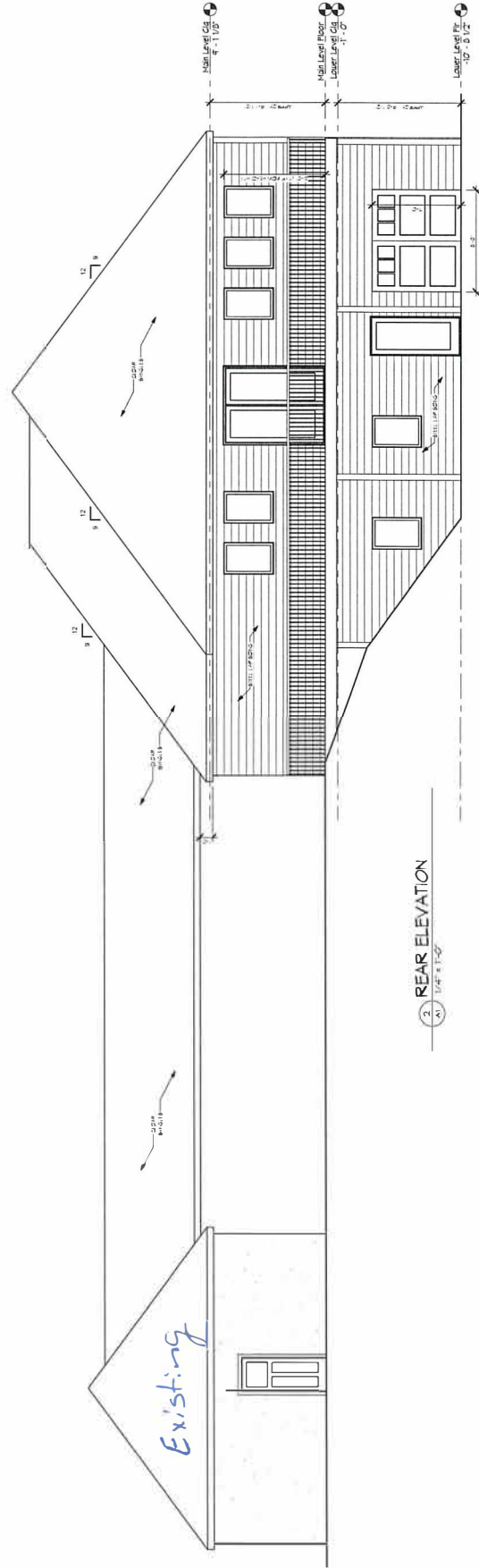
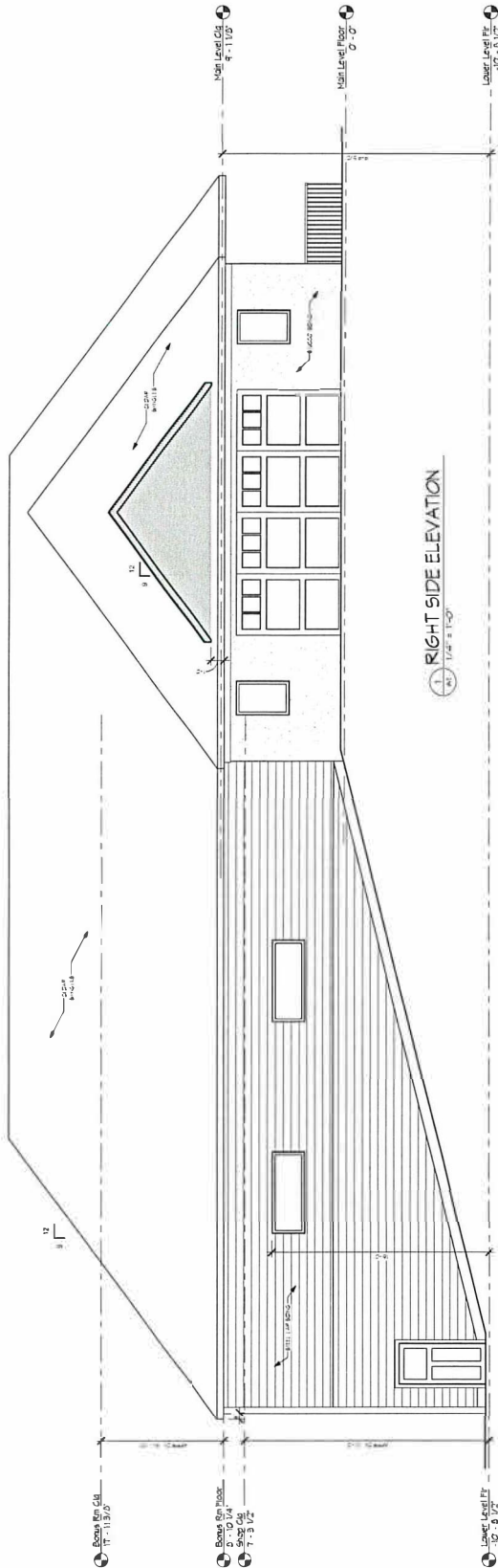
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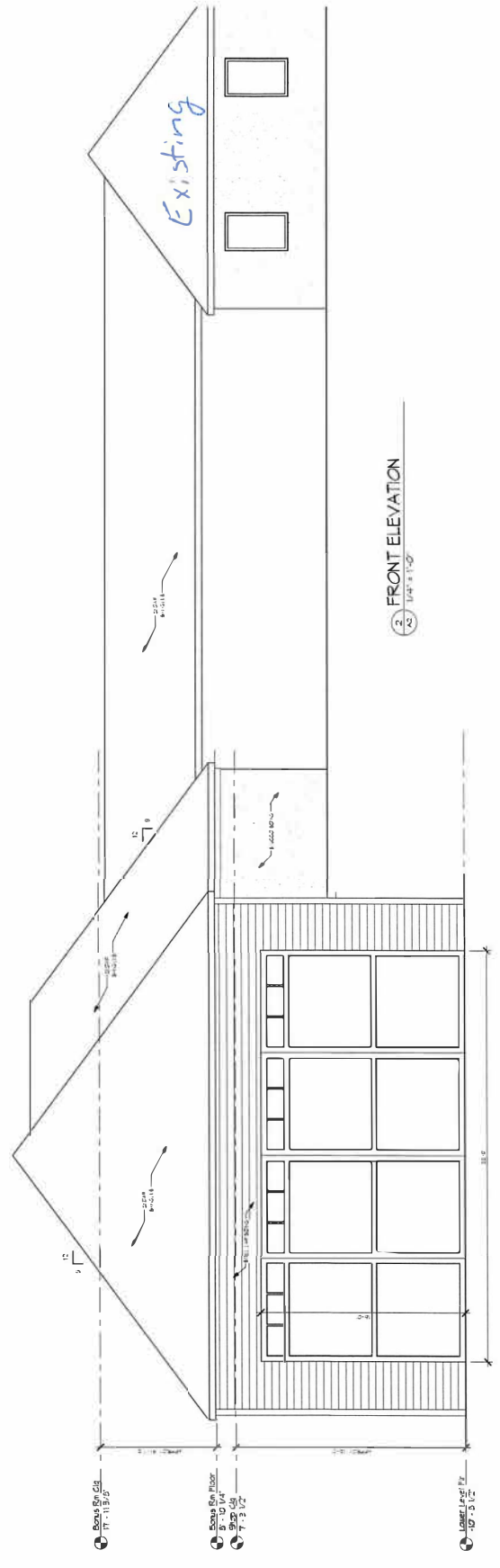
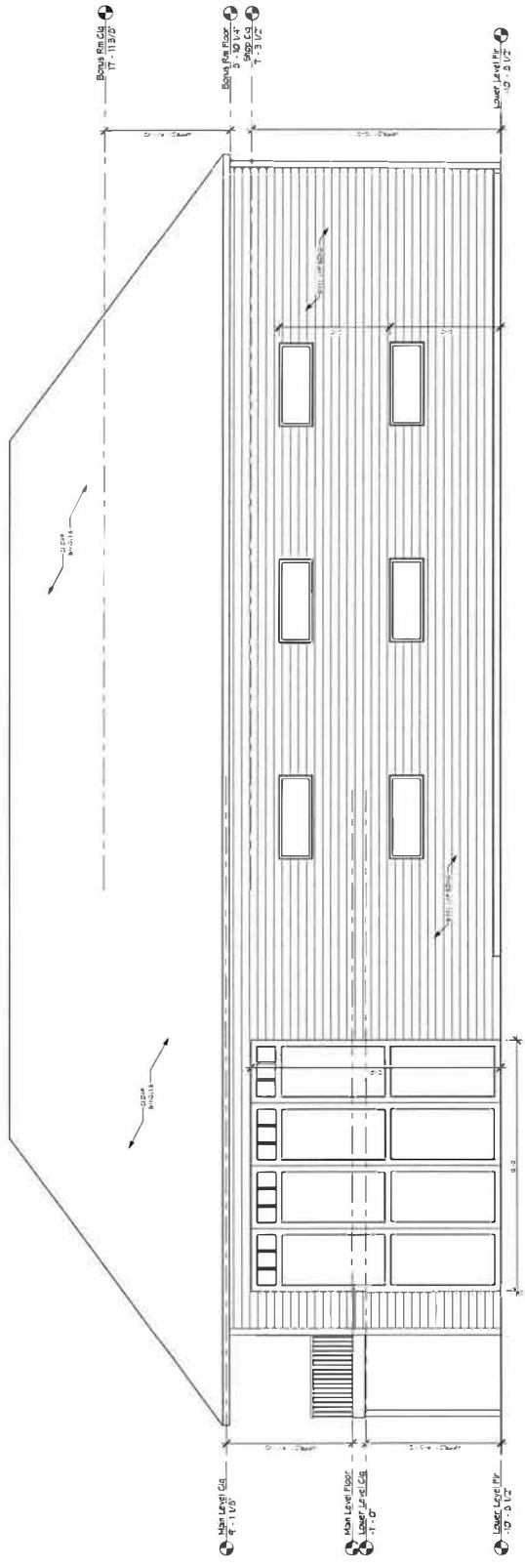


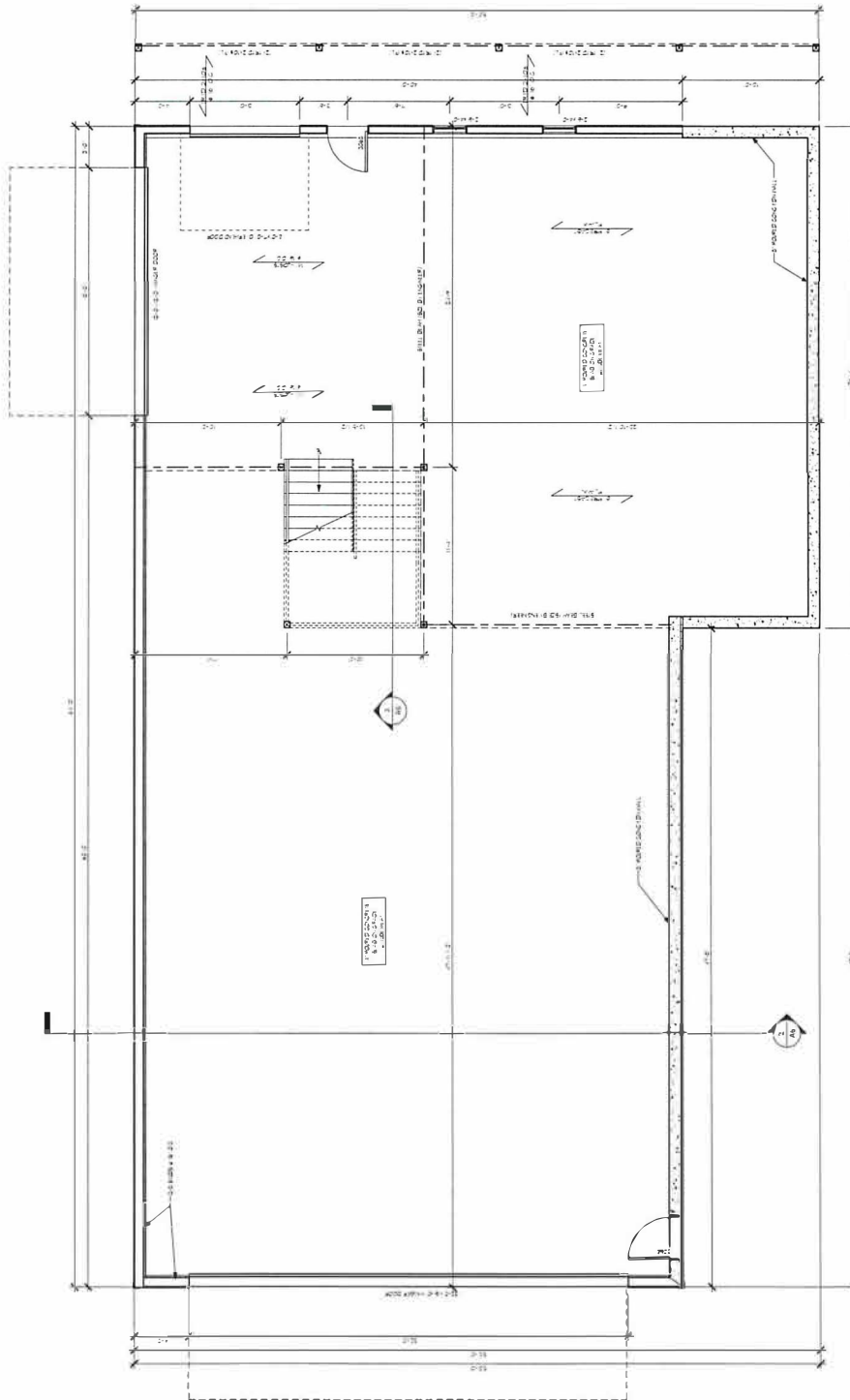
Front 3D VIEW

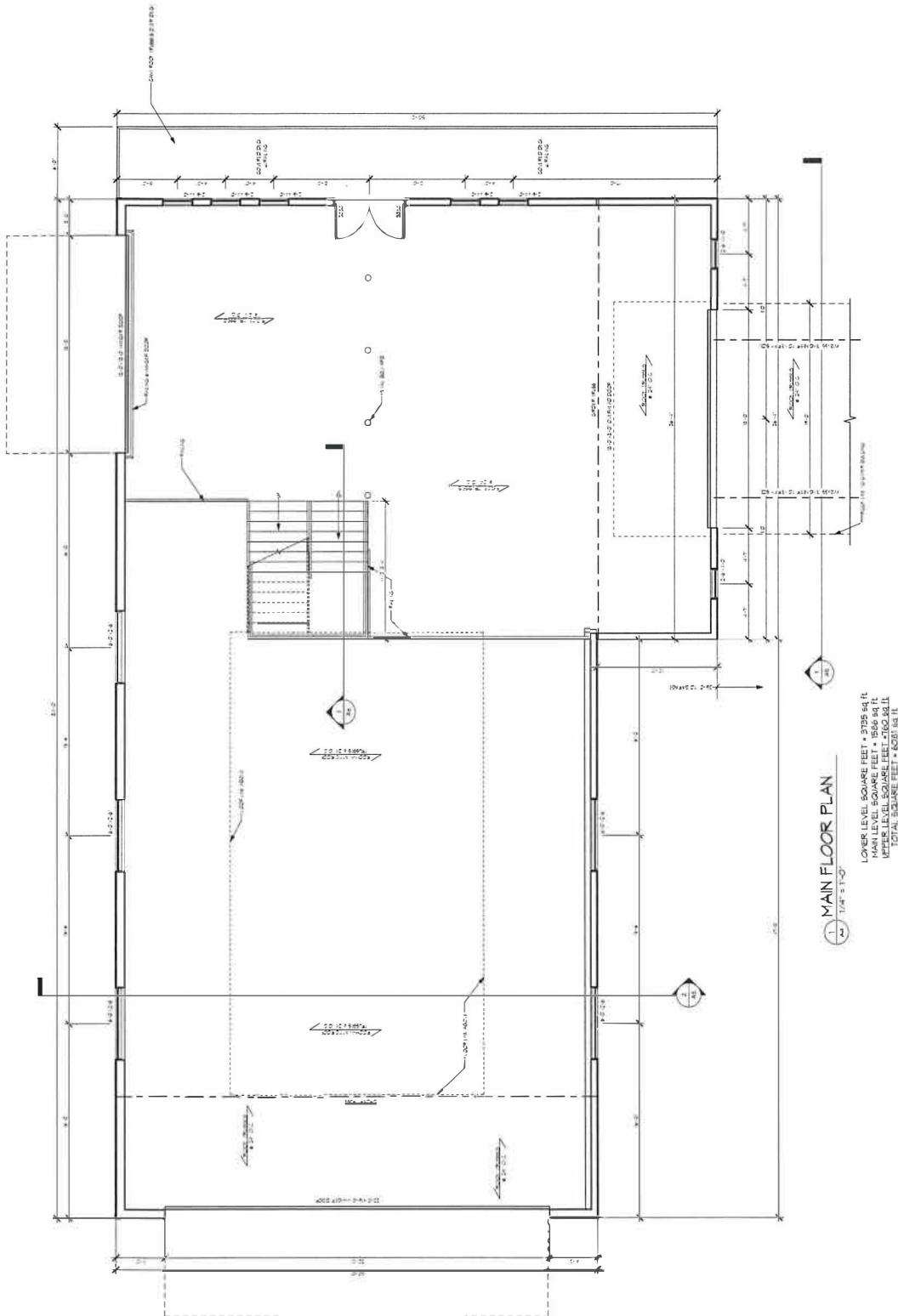


Rear 3D VIEW





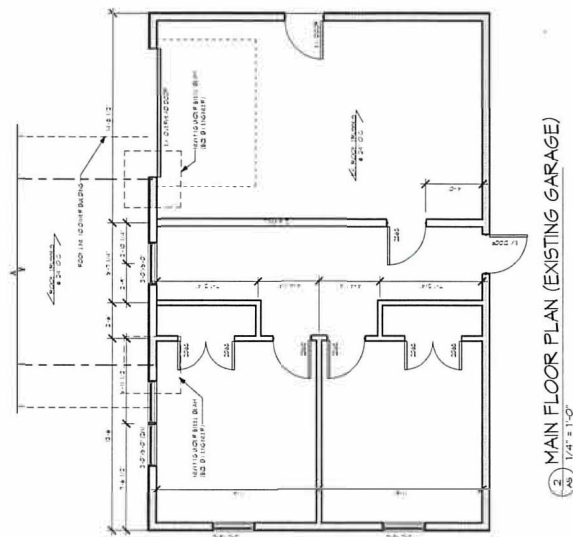




MAIN FLOOR PLAN
1/4" = 1'-0"

LOWER LEVEL SQUARE FEET = 3784 sq. ft.
MAIN LEVEL SQUARE FEET = 1004 sq. ft.
UPPER LEVEL SQUARE FEET = 760 sq. ft.
TOTAL SQUARE FEET = 5548 sq. ft.

NOTES:
1. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
2. CONTRACTOR TO VERIFY ALL PRECISE LOCATIONS.
3. CONTRACTOR TO VERIFY ALL PRECISE LOCATIONS.
4. CONTRACTOR TO VERIFY ALL PRECISE LOCATIONS.
5. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.



NOTES:

- (1) ALL BRG. HEADERS ARE TO BE (2)-2x10 UNLESS NOTED OTHERWISE (INO)
- (2) OWNER/CONTRACTOR TO VERIFY ALL WINDOW & DOOR SIZES
- (3) ALL ROOF TRUSSES TO BE 6' ON CENTER SPACING
- (4) OWNER/CONTRACTOR TO PROVIDE ALL FLOORING MATERIAL
- (5) ALL BRG. PULL IN UNDER A DOOR OPNS'S NEEDS THAN 6" REQUIRE (2) TRANSMS MIN UNDER EA SIDE OF HEADER
- (6) FLUSH BLM. (DR) ENGRAFTED BEAM
- (7) ALL HEADERS ARE ENGRAFTED UNDER (FL)
- (8) USE ENERGY REEL HUNG ON ROOF TRUSSES



Township Presentation & Recommendation Form

PARCEL #	10012130	Permit #	PZ20210022
Owner's Name:	Jacob Schmotter	Owner's Mailing Address:	9880 COUNTY RD 24
City:	WATERTOWN	Owner State:	MN
		Owner Zip:	55388
Applicant (if other than owner):		Site Address:	

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:	Request the construct an accessory building to existing home. (Storage, Garage and Workshop)					
Date of County Public Hearing:	April 20th, 2021	Date of Township Meeting:	April 5th, 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:

OK Per resident request

****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 3/24/2021
Signature of Township Official 	Date 4-5-21

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-012-1230

File# PZ20210022

APPLICANT/OWNER: Jacob Schmutter

* * * * *

That part of the Southeast Quarter of Section 12, Township 117, Range 25, Carver County, Minnesota, described as: Commencing at the Southeast corner of said Southeast Quarter of Section 12; thence North 89 degrees 06 minutes 25 seconds West, assumed bearing, along the South line of said Southeast Quarter of Section 12, a distance of 1,055.49 feet to the point of beginning of the land to be described, thence North 4 degrees 19 minutes 19 seconds West, a distance of 365.52 feet; thence North 86 degrees 42 minutes 22 seconds West, a distance of 304.63 feet; thence Northwesterly, a distance of 181.52 feet, along a tangential curve concave to the Northeast, having a radius of 296.17 feet and a central angle of 35 degrees 07 minutes 02 seconds, to the point of beginning of the land to be described; thence continuing, a distance of 250.91 feet along said curve concave to the Northeast, having a radius of 296.17 feet and a central angle of 48 degrees 32 minutes 21 seconds; thence North 3 degrees 02 minutes 59 seconds West, a distance of 163.33 feet; thence North 89 degrees 30 minutes 16 seconds West, a distance of 237.22 feet; thence South 36 degrees 22 minutes 31 seconds West, a distance of 217.17 feet; thence South 13 degrees 58 minutes 53 seconds East, a distance of 206.72 feet; thence South 80 degrees 56 minutes 25 seconds East, a distance of 140.30 feet; thence South 11 degrees 00 minutes 58 seconds West, a distance of 423.64 feet to said South line of the Southeast Quarter of Section 12; thence South 89 degrees 06 minutes 25 seconds East, a long said South line of the Southeast Quarter of Section 12, a distance of 371.79 feet to a line which bears South 0 degrees 56 minutes 08 seconds West from the point of beginning; thence North 0 degrees 56 minutes 08 seconds East, a distance of 437.76 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 9, 2021

TO: Carver County Planning Commission & Waconia Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Home Extended Business Accessory Use)

FILE #: PZ20210009

OWNERS: Michael & Kathy Formaneck

APPLICANTS: Michael Formaneck

SITE ADDRESS: 12260 County Road 32, 55387

PERMIT TYPE: Home Extended Business Accessory Use

PURSUANT TO: Carver County Code: Section 152.079 (C)(9)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-016-1510

BACKGROUND:

1. Mike & Kathy Formaneck own approximately 5.04 acres located in part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 16, Waconia Township. The property is improved with a single-family dwelling with an attached garage, and a detached accessory structure. The parcel is located in the Agricultural Zoning District and CCWMO (Carver Creek watershed).
2. The applicant is requesting a Conditional Use Permit for a Home Extended Business Accessory Use (HEBAU) to operate an irrigation and snow removal business pursuant to Section 152.079 (C)(9) of the Carver County Zoning Code, which reads as follows:

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

(A) Minimum criteria for issuance of permit:

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

(B) Minimum conditions:

- (1) Permit shall be subject to administrative review or compliance review as set by the permit. A change in ownership, operations or operator shall be cause for the permit to be reviewed to determine whether an application for an amendment or similar consideration is necessary.
- (2) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The operational plan and site plan shall become part of the permit.
- (3) Outside storage is prohibited unless the storage area is adequately screened from nearby roads and residences.
- (4) The operational plan and site plan shall become part of the permit.
- (5) The applicant must submit a copy of workers' compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (6) All buildings utilized by the operation must meet the State Building Code.

(C) Activities.

(9) Home extended business accessory use.

- (a) It is the intent of this section to provide for the use of newly constructed accessory structures, or adaptive re-use of residential accessory and farm structures on parcels two acres or greater by permitting the use of the structures for limited business purposes upon the issuance of a conditional use permit pursuant to this section. Permits shall be issued and remain in effect pursuant to this section only upon findings that the proposed use will clearly be accessory and subordinate to the principal use of the land. Examples of businesses permitted under this section include: woodworking, repair, machining, professional services, and small-scale contractor's activities.
- (b) The following shall be the minimum conditions/operational standards for the issuance and continuation of such a permit; additional conditions may be added as necessary;
 1. The business shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.
 2. The business must be conducted in one or more of the following: an attached or detached garage, residential accessory structure, or agricultural structure.
 3. Businesses prohibited for the purposes of this section shall be on-site recreation and entertainment businesses, mini-storage or seasonal vehicle storage when storage is the principal activity of the business, and businesses that require more than one truck with capacity greater than one ton.
 4. There shall be no more than four employees in addition to the owner/operator of the business and family of the owner/operator residing in the home, providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two employees in addition to family members residing in the home.
 5. The business shall utilize no more than four business vehicles, providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two business vehicles.
 6. There shall be no retail sales. The sale of incidental stock-in-trade shall not be considered retail sales.
 7. No more than three clients shall be allowed on the premises at any one time.

STAFF ANALYSIS:

1. The operational plan (dated: 02/10/2021) appears to meet the minimum requirements for a Home Extended Business Accessory Use. The applicant is requesting approval to operate an irrigation and snow removal business in the agricultural zoned district. The business generally operates between the hours of 6:00AM and 6:00PM. The proposed business would operate from an existing 40' x 60' detached accessory structure, which would be used for the storage of irrigation supplies. A 20' x 40' concrete pad, north of the existing building, would be used for temporary outside storage when supplies are delivered and for seasonal snow removal equipment. The applicant has stated that no customers visit the site and he does not sell wholesale goods to the public. Currently the applicant has a maximum of four full-time employees. The business generates an average of two trips per day. The applicant stated that two company vehicles would be stored onsite, in addition to their personal vehicles. The business also has two pieces of large equipment that would be stored on the subject parcel (2014 CAT skid steer and a 2011 John Deere tractor). No business signage is being proposed as part of the operation.

2. On April 7, 2021, the Carver County Board of Adjustment approved Variance #PZ20210008 which allowed the applicant to reduce the required separation distance between a Home Extended Business Accessory Use and a neighboring residential structure from 500 feet to approximately 330 feet. The approval allows the applicant to submit the conditional use permit request.
3. On February 12, 2021, the applicant was sent a 60-day Extension Notice pursuant to Minnesota Statute 15.99 which states, that the County may extend the timeline by providing written notice of the extension to the applicant. It also states that the notification must state the reasons for the extension and its anticipated length, which may not exceed the additional 60 days unless approved by the applicant. In February of 2021, the applicants submitted requests for a variance and a CUP at the same time. Due to the County's required public hearing notification regulations, the applicants did not meet the February deadline for the Board of Adjustment; therefore, the extension option was exercised to allow the variance to be heard prior to the CUP being reviewed by the Planning Commission.
4. The property is improved with a single-family dwelling with an attached garage, and one accessory structure. The proposed business activity would be conducted from approximately 50% of the existing 40' x 60' structure. The applicant would also utilize an existing 20' x 40' concrete pad for deliveries and temporary outside storage. Because the accessory structure would be used for business purposes, it would be required to meet all applicable MN State Building Code standards.
5. Prior to commencing operations, the accessory building utilized for the proposed business would be required to be inspected by the County's Building Official, for compliance with the MN State Building Code. If deficiencies are identified, the permittee would then be required to apply for the necessary permits to bring the structure into compliance.
6. The existing 20' x 40' concrete pad to be utilized for temporary outside storage would be screened from the view of the public road by the existing 40' x 60' accessory structure. The adjacent property to the west of the subject parcel is also a commercial use and has established a berm with vegetative plantings. The applicant has not provided any plans for screening due to the limited outside storage needs.
7. On March 31, 2021, this request was reviewed by Angie Stenson, a Senior Transportation Planner, and Darin Mielke, the Deputy County Engineer. Ms. Stenson and Mr. Mielke stated there were no comments or concerns from Public Works, related to this request. They also stated that if the CUP were approved, a Change in Use Access Permit would not be required.
8. On April 2, 2021, this request was reviewed by Joe Enfield, a Senior Environmentalist with Carver County. Mr. Enfield stated that there are no septic related concerns on the subject parcel at this time.
9. On April 5, 2021, staff received an email from Dustin Benz, the neighbor southeast (12235 County Road 32) of the subject parcel. Mr. Benz stated that fully supports the applicant's request.
10. The Waconia Town Board reviewed this request and recommended approval of the application during their January 19, 2021, Town Board meeting. The Town Board did not request any conditions to be included with their recommendation.

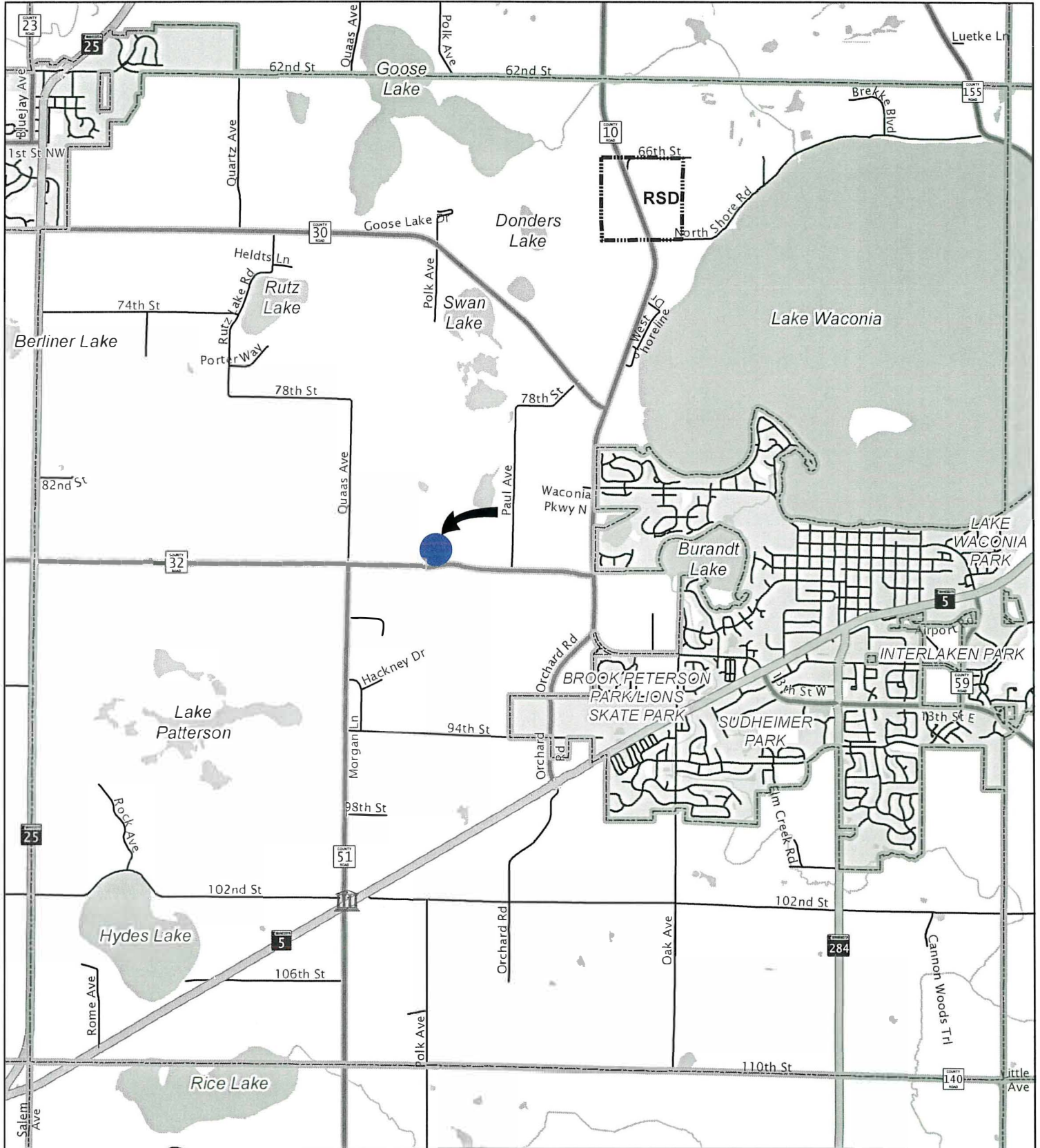
PLANNING COMMISSION CONSIDERATION:

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

1. The permit is subject to administrative review. The Permittee shall homestead and occupy the property. The accessory building shall be used solely for personal storage and business uses and shall meet the applicable MN State Building Code standards based on the use. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.

2. The operation shall be substantially in accordance with the submitted operational and site plans (dated: 2/10/2021). These plans shall be requirements of this permit.
3. Any outside storage in addition to the exiting 20' x 40' concrete pad on the north side of the accessory structure shall constitute an expansion of the operational area. When applicable, the applicant shall first submit a screening plan and revised operational area plan to the Land Management department for a determination as to whether an application for an amendment or similar consideration is necessary.
4. The accessory building utilized for the proposed business shall meet MN State Building Code. 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.
5. The permittee shall install and maintain a conforming Subsurface Sewage Treatment System pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within the structure for both the personal and the business operation. The permittee shall submit and maintain a pumping agreement (for the holding tanks) with a licensed SSTS contractor.
6. A maximum of four business vehicles and four employees who does not reside in the residence shall be permitted.
7. Any future remodeling or improvements to existing structures, personal or business related, shall require a Carver County Building Official review and permit approval.
8. When applicable, the permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit to the Land Management Department.
9. All signage shall meet the requirements of Chapter 154: Sign Regulations.
10. The operation shall comply with all local, state and federal regulations.

WACONIA TOWNSHIP



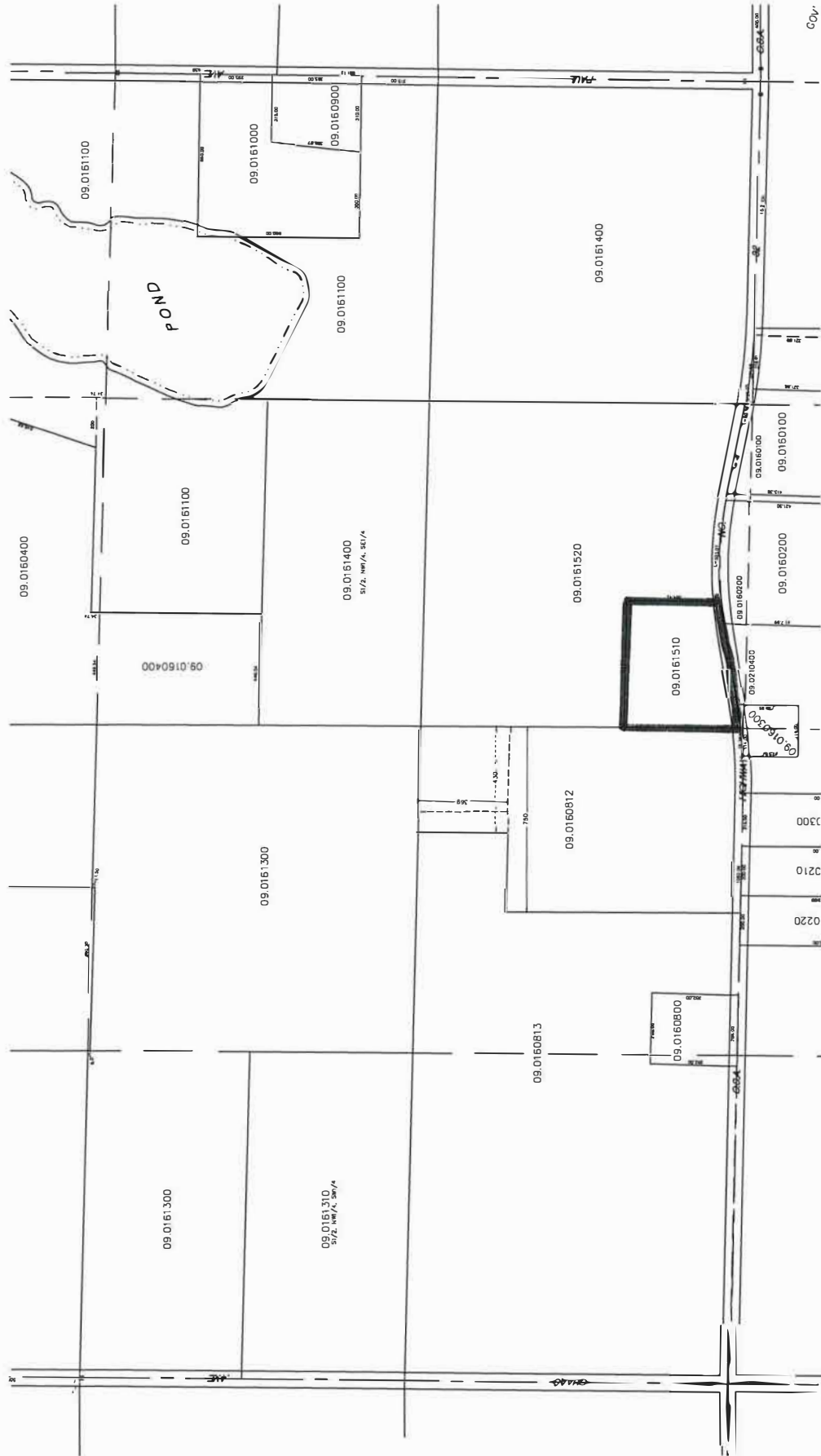
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Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 AS THEY APPEAR IN THE CARVER COUNTY
 RECORDS, THEY ARE NOT TO BE USED FOR
 ANY PURPOSES OTHER THAN FOR REFERENCE.
 THE COUNTY ENGINEERS AND SURVEYORS
 ARE NOT RESPONSIBLE FOR ANY
 INACCURACIES CONTAINED HEREIN.

S 1/2 SEC. 16, T.116, R.25



Conditional Use Permit application for:

12260 County Road 32

Waconia, Mn 55387

Site/plot plan:

- I am applying for 50% of my 40x60 shed with a 20x40 concrete pad behind it to be used as storage for my Irrigation/Snow removal business.

Detailed letter:

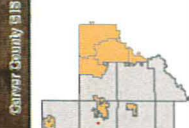
- Business activities are minimal. Workers generally have a company vehicle they take home or meet on the job site daily. Usually maximum of 4 employees employed at any given time. Snow equipment is stored on job site seasonally.
- Hours of operation generally run from 6am-6pm daily.
- Average 2 trips daily.
- Personal vehicles at residence: 2016 Ford F150 and 2019 Ford Explorer.
- Company Vehicles/equipment: 2007 Ford van, 2012 Ford F350, 2014 Cat skid, 2011 John Deere tractor, Trailer.
- Storage in 40x60 shed will be used for irrigation supplied such as poly pipe, sprinkler heads, etc needed for irrigation service and installation.
- No water or sewage services are needed. A 3yd trash container stored inside and brought out on service day will be needed.
- Concrete driveway gives access to shed.
- No signage will be displayed.
- No customers will pick up parts here, we do not sell whole sale.

Mike Formaneck

Formaneck Irrigation LLC

2-10-21

PROPOSED SITE MAP - 09.016.1510



Date: 3/16/2021
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**CARVER
COUNTY**

COUNTY OF CARVER
State of Minnesota

FILE #: PZ20210008

PROPERTY OWNERS / APPLICANTS: Mike & Kathy Formaneck

SITE ADDRESS: 12260 County Road 32, 55387

VARIANCE TYPE: Reduced setback to accommodate a Home Extended Business Accessory Use.

PURSUANT TO: Carver County Zoning Code: Section 152.079 (C)(9) (b)1

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-016-1510

Drafted by: Land Management

Return to: Land Management

**BOARD OF ADJUSTMENT
FINDINGS OF FACT AND ORDER**

A public hearing was held via WebEx communication on this matter on April 7, 2021, by the Carver County Board of Adjustment. Upon the evidence presented at said hearing by the applicant and other persons named and all the files, records, and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. Mike & Kathy Formaneck own approximately 5.04-acre parcel located in part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 16, Waconia Township. The property is improved with a house which includes an attached garage, and one accessory building. The parcel is located in the Agricultural Zoning District and CCWMO (Carver Creek watershed).
2. The applicants are requesting a variance which would allow them to apply for a Conditional Use Permit (CUP) to operate a Home Extended Business Accessory Use (i.e. irrigation and snow removal business). The proposed business would be closer to a neighboring residence than what is allowed by the Zoning Code; therefore, a variance has been requested pursuant to the Carver County Zoning Code – Section 152.079 C(9) b(1).
3. The County Code requires that the nearest corner of the operational area of a Home Extended Business Accessory Use (HEBAU) meet a 500-foot setback from the nearest corner of a neighboring residence. Approval of the variance would allow the applicant to operate a Home Extended Business Accessory Use with an approximate 330' setback from the neighboring residence located to the south.
4. The property is improved with an existing 60' x 40' (2,400 sq. ft.) accessory building that would be utilized for the proposed business activity. The accessory building used for the business would be required to meet all applicable MN State Building Code standards.
5. The applicant has stated that any outside storage and/or parking associated with the business would be done on the north side of the accessory structure so the building could be used as screening for the neighbors to the south/southwest.

6. The applicant has provided a letter (dated: 3/15/21) with detailed information describing how the property would be utilized. The applicant has stated that the practical difficulty in this case is related to the manner the property was developed by previous owners. The previous owners built the house and accessory structure closer to the road to limit the fragmentation of farmland. This parcel was created through the Minor Subdivision process when it was separated from the tillable acreage to the north in 2015.
7. The granting of the variance is in harmony with the general purpose and intent of the official control. The official control in this request is the required separation distance between a residential structure and business activity. The intent of these regulations is to lessen the potential for negative impacts from activities or sounds associated with a business in an area developed as residential. The subject parcel is separated from its closest neighbors by County Road 32. In addition, the applicant has stated that any parking or storage associated with the business would be done on the north side of the accessory structure and would be shielded from the view of the neighbors. Although this request does not meet the specific standards, it appears to meet the intent of the regulations.
8. The granting of the variance would not conflict with the intent of the Comprehensive Plan. In the Comprehensive Plan, the plan allows for limited non-agricultural / non-residential uses in the rural area. County policy LU-19 allows for small scale business activities centered around a residential or residential/farmstead use of a property. Operating a small-scale business from a parcel with a residence is a listed use in the Comprehensive Plan. Therefore, the request appears to not be in conflict with the intent of the Comprehensive Plan.
9. The applicant is proposing to use the property in a reasonable manner, not permitted by an official control. The property is greater than 5.0 acres and therefore, the property owners can apply for the required Conditional Use Permit for a Home Extended Business Accessory Use. The closest neighboring residential structure is approximately 330 feet south of the proposed business location and is separated from the subject parcel by County Road 32. A property owner operating a small business from their property which would not create a nuisance for the neighboring properties appears to be a reasonable use, not permitted by an official control.
10. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. This property was initially developed in the late 1980's, with the house, detached accessory structure, and the driveways being constructed in their current location. This location was most likely selected so the residential development did not fragment the surrounding tillable acreage. The location of the house, driveway, and the accessory structure represent a set of circumstances unique to this property that were not created by the landowner.
11. The neighborhood is comprised of agricultural uses, a commercial use, and several residences. This request would not cause a substantial change in the character of the neighborhood, nor would it have a negative impact on government services.
12. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
13. On March 15, 2021, this request was reviewed by Joe Enfield, Senior Environmentalist for Carver County. Mr. Enfield stated that there are no SSTS concerns on the subject parcel. In addition, Mr. Enfield stated the septic system was compliant in 2015 and an alternate drainfield site has been identified.
14. If the variance is approved, the applicants would apply to the Planning Commission for a Conditional Use Permit (CUP) for the establishment of a new Home Extended Business Accessory Use pursuant to the Zoning Code. The site plan of the Home Extended Business Accessory Use would be reviewed by the Planning Commission as part of a CUP request. The conditions of the CUP would address the specific requirements for the project. If the CUP is denied, the variance would be considered null & void.

15. The Waconia Town Board reviewed and recommended approval of the request during their January 19, 2021, Town Board meeting. The Town Board did not ask for any conditions to be attached to their recommendation.
16. The Board has considered all the factors required by Section 152.215 of the Carver County Code and finds that the grounds for a variance are hereby satisfied.

ORDER # PZ20210008

IT IS HEREBY ORDERED: That the application of Mike & Kathy Formaneck for a variance to the reduced residential setback requirement for a home extended business accessory use, pursuant to Section 152.079 of the Carver County Zoning Code, for the property legally described on the attached Exhibit "A", is hereby approved. The Board of Adjustment further orders approval with the following conditions:

1. Prior to the commencement of the business, a Conditional Use Permit application shall be submitted, reviewed and approved. If the CUP application is denied by the County Board, the Variance shall be considered null and void. The Home Extended Business Accessory Use shall meet all other requirements of the Carver County Zoning Code.
2. If the future CUP application is approved, the approved operational area shall not extend closer than approximately 330 feet to the neighboring residence located to the south.

Gerald Bruner, Chairman
Carver County Board of Adjustment

Date

**IF ANY WORK OR ACTION, AS PERMITTED BY THIS ORDER IS NOT COMPLETED WITHIN ONE
YEAR OF THE ISSUANCE OF THIS ORDER, THEN THIS ORDER SHALL BECOME NULL AND VOID
UNLESS AN EXTENSION OF TIME IN WHICH TO COMPLETE THE WORK IS GRANTED BY THE
BOARD OF ADJUSTMENT.**



Township Presentation & Recommendation Form

PARCEL #	09.016.1510	Permit #	PZ20210009
Owner's Name:	Mike & Kathy Formanek	Owner's Mailing Address:	12260 County Road 32
City:	Waconia	Owner State:	MN
		Owner Zip:	55387
Applicant (if other than owner):		Site Address:	12260 County Road 32

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request:	Reduce the minimum required distance between a Home Extended Business Accessory Use and a neighboring residential structure from 500' to approx. 320'. If approved, apply for CUP to operate an irrigation and snow removal business from this property.					
Date of County Public Hearing:	04/20/2021	Date of Township Meeting:	1-19-2021			

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:

The board approves the use of CUP. with the use of the existing structures

"irrigation business & snow Removal"

****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

Mark Formanek

Date **1-19-2021**

Signature of Township Official



**Land Management Department
Public Services Division**

Carver County Government Center

600 East Fourth Street | Chaska, MN 55318

Office (952) 361-1820 | Fax (952) 361-1828 | www.co.carver.mn.us

February 12, 2021

Michael & Kathy Formaneck
12260 County Road 32
Waconia, MN 55387

Dear Mr. and Mrs. Formaneck,

I'm writing in reference to the requirement that the County's Board of Commissioners make decisions on zoning requests within 60 days of receiving a complete application, as dictated by State Statute (MS. 15.99). The law states that the County may extend the timeline by providing written notice of the extension to the applicant. It also states that the notification must state the reasons for the extension and its anticipated length, which may not exceed the additional 60 days unless approved by the applicant.

I want to take this opportunity to confirm a 60-day extension for the decision on your Conditional Use Permit application (File #PZ20210009, application date 02/10/2021). On February 10, 2021, your application packet was delivered to our office. Due to the current COVID-19 restrictions, the Government Center is closed to the public and therefore you were unable to speak with someone from our office when the application packet was submitted. Prior to applying for a Conditional Use Permit to operate a business from your property, a Variance will be necessary to allow for reduced separation distance between the future business and any neighboring residential structures within 500 feet. As you are aware, your closest neighbor is approximately 320 feet south of the proposed location for your future business. Due to application deadlines and required notification periods, the earliest your Variance request could be heard by the **Board of Adjustment is on Wednesday, April 3, 2021**. If the Variance is approved at that meeting, your CUP request would then be heard by the **Planning Commission on Tuesday, April 20, 2021**. I anticipate the final decision coming from the **County's Board of Commissioners on May 4, 2021**, but please be advised that this extension does allow for a decision to come as late as June 10, 2021.

This letter shall serve as the final written notice of a timeline extension, reflecting a June 10, 2021 deadline for a final decision on your request. The deadline will not be extended beyond June 10, 2021, without your approval. Again, the reason for the extension is allow the Variance request to be acted on prior to the Planning Commission reviewing your CUP request.

Thanks for your cooperation. If you have any questions, please feel free to contact me at 952.361.1815

Sincerely,

A handwritten signature in black ink, appearing to read "A. Stubbs". The signature is fluid and stylized, with a long horizontal line extending to the right.

Aaron Stubbs
Senior Planner

Neighbors approval,

I give my permission for Mike Formaneck (Formaneck Irrigation) to get a Conditional Use Permit at 12260 CR 32 Waconia, MN. Permission is to operate a irrigation/snow removal business out of existing 40x60 shed.

Name DEAN WACHHOLZ

Address 12245 CTY RD 32 Waconia

Signature Dean Wachholz

Neighbors approval,

I give my permission for Mike Formaneck (Formaneck Irrigation) to get a Conditional Use Permit at 12260 CR 32 Waconia, MN. Permission is to operate a irrigation/snow removal business out of existing 40x60 shed.

Name Tanner Hassel

Address 12255 Co Rd. 32

Signature 

From: Dustin Benz <dbenz189@hotmail.com>
Sent: Monday, April 05, 2021 7:46 PM
To: Land Management
Subject: Michael Formaneck Conditional Use Permit

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

Carver County Planning Commission,

In reference to the letter attached I fully support and approve Mike and Kathy Formaneck for the CUP they have applied for. The Formaneck's and their family are great people and amazing neighbors. Anything that supports their family and their business has my full support. If you have any questions please feel free to call me at 651.276.9202.

Best Regards,

Dustin Benz
12235 County Rd. 32

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-016-1510

File# PZ20210009

APPLICANT/OWNER: Michael A Formaneck & Kathy T Formaneck

* * * * *

All that part of the South 492.39 feet of the West 512.00 feet of the Southwest Quarter of the Southeast Quarter of Section 16, Township 116, Range 25, Carver County, Minnesota, as measured along and parallel with the West and South lines of said Southeast Quarter, which lies northerly of the centerline of Carver County State Aid Highway No. 32.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 13, 2021

TO: Carver County Planning Commission & Benton Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Online Auction Facility in an RSD)

FILE #: PZ20210013

PROPERTY OWNER: Steven & Paulette Erhard

APPLICANT: Steven Erhard

SITE ADDRESS: 13345 County Road 51, 55368

PERMIT TYPE: Adaptive Re-Use of an Existing Building in an RSD

PURSUANT TO: County Code, Chapter 152, Section 152.097 (B)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-016-1100

BACKGROUND:

1. Steven & Paulette Erhard own an approximate 1.15-acre parcel located in part of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 16, Benton Township. The parcel is improved with an approximate 85' x 43' commercial structure (Metro West Recycle, Inc.) and an approximate 40' x 36' loading area. The property has been utilized. The property is located in a Rural Service Overlay District (Bongards) and the CCWMO (Carver Creek Watershed).
2. Jan Stordahl is requesting a Conditional Use Permit (CUP) to operate a K-Bid online auction facility from the existing building and outdoor area on the subject parcel. The CUP for an adaptive re-use of an existing structure would be allowed pursuant to Section 152.097 of the Carver County Zoning Code, which reads as follows:

RURAL SERVICE OVERLAY DISTRICT

§ 152.097 CONDITIONAL USE PERMITS.

Within the Rural Service Districts, conditional use permits may be issued for the following:

(B) *Adaptive re-use of existing structures and buildings.* Conditional use permits for commercial, industrial, or institutional purposes may be issued for the adaptive re-use of buildings or facilities existing prior to July 1, 2001. Permits pursuant to this section may provide for expansion of the operation. The following criteria must be met in order to qualify for this provision:

- (1) The building or facility was designed and constructed for a commercial, industrial, or institutional purpose;
- (2) The structural condition of the building or facility is determined to be sound and not in need of major repair or rehabilitation;
- (3) The building or facility is of a size, type of construction, or configuration that it is not reasonable to expect that it can be efficiently or economically used as a newly proposed use as described above; and
- (4) The operation utilizing the building or facility substantially conforms to newly proposed use provisions of the Rural Service District.

§ 152.098 SERVICE LEVEL.

Uses permitted pursuant to this subchapter must be able to operate within the context of the level of services available in the Rural Service District.

(Ord. 47, passed 7-23-02)

STAFF ANALYSIS:

1. The Metro West Recycle, Inc. CUP originated in 2004 and has been operated as a family business. Prior to Mr. & Mrs. Erhard operating from the property, the site was owned by the Herrmann Family and operated as a local feed store. The current CUP operates as (#PZ20040055) which allows for cardboard, newspaper and pallet recycling. Mr. Erhard would like to depart from the recycling business and utilize the building in a way that he thinks could benefit the community and surrounding area, K-Bid online auctions. The property would be leased by an agent, Jan Stordahl.
2. The subject property is within the Bongards Rural Service District and is located on the eastern side of County Road 51. The applicant has submitted an operational plan and site plan (dated: March 5, 2021) outlining the details of the operation. The applicant plans to conduct approximately two auctions per month. In addition to the existing structure, the applicant is proposing an outside storage area on the north and south sides of the subject parcel.
3. According to the applicant, the business would operate from the proposed structure. Most of the existing building would be used to store smaller items that are available during auctions. At the conclusion of each auction, the purchasers would come to the site to claim their item(s). The primary hours of operation have not been identified by the applicant; however, staff would encourage hours be placed as 7:00AM – 6:00PM during the week and 7:00AM – 4:00PM on Saturday. K-bid policies require mostly pre-pay online methods and online reservations/scheduling for the pick-up of purchased item(s) which the applicant believes would help control the traffic and flow of individuals to and from the property. The operation would include two full-time employees and may include two additional employees on load out days. According to the operational plan narrative, the business also auctions larger equipment that would need to be stored outside. Because the auctions last approximately two weeks, the outside storage should be temporary. The applicant stated that the outside storage would not exceed 50% of the outdoor space. The entire parking area cannot act as outdoor storage. As a result, the applicant must identify a specific area dedicated to outdoor storage. This area would have to meet all required setbacks and would be required to be secured with fencing and screened from the road. Staff feels the outdoor storage area needs to be confined to the north of the property and should be referenced as a condition of the permit.
4. The operational area would consist of the existing approx. 85' x 43' (3,655 square-foot) structure, the existing approx. 40' x 36' loading/unloading area (1,440 square feet), an outside storage area north of the existing structure, and the existing parking area to accommodate commuter vehicles for the onsite staff. Parking areas on the west and south sides of the existing building would be utilized for staff vehicles, customer needs, and would allow for additional gravel surface to be utilized to provide more efficient maneuverability for these vehicles and the occasional vendor traffic entering and exiting the site to deliver inventory. Average Daily Traffic (ADT) for the site has not been calculated; however, based on the application request, the proposed business does not appear to be a more intensive use.
5. Currently, the applicant is not proposing any screening of the outside storage area. Staff would recommend enclosing the area with a chain-link fence that could be locked and incorporating slats within the fencing to screen the area on the north, south, and west sides. The fenced off area should be no less than 50' from the centerline of the road, and meet all required structure setbacks, to prevent any accidental encroachment onto the neighboring property or visual impairments to drivers on County Road 51.
6. The Carver County Water Management Organization (CCWMO) would review the request and the proposed operational area with respect to the Water Resource Management standards (Chapter 153), and for site stabilization requirements and Best Management Practices (BMP's). The overall area of disturbance and the proposed operational area may trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or future excavation activity.

7. On April 12, 2021, Joe Enfield, a Senior Environmentalist with Carver County stated that the existing building on the subject parcel is connected to a holding tank which serves a restroom for employee use only. The permittee shall maintain a conforming Subsurface Sewage Treatment System (SSTS) pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within the building. In addition, Mr. Enfield stated that the County's Environmental Services Department has not been provided pumping records for the onsite holding tank. A condition should be added that these records be provided prior to the commencement of any new business operations.
8. On April 7, 2021, this request was reviewed by Angie Stenson, a Senior Transportation Planner with Carver County. Ms. Stenson stated the County's Public Works Department did not have any concerns with the proposed adaptive re-use. In addition, Ms. Stenson stated that the proposed use appears to be consistent with the existing access to the property. Regarding the outdoor storage area, Ms. Stenson stated that due to consideration of utilities on the east side of County Road 51, that the outdoor storage area should be located no less than 50 feet from the centerline of the road.
9. On April 12, 2021, staff received a letter from Mark Wegner, the President & CEO of the Twin Cities & Western Railroad Company. In the letter Mr. Wegner stated he wanted to bring a possible safety concern to the attention of staff. Mr. Wegner is concerned that this operation has a potential to bring large quantities of people to this site at one time. The railroad is concerned that there would not be enough parking to accommodate the needs of this business and patrons of the K-Bid business may park along the road and adjacent to the railroad right of way. This overflow parking may affect the visibility at the railroad crossing and heighten the potential for an accident involving a train.
10. The applicant has not proposed any signage for the location. All future signage would be required to meet the Carver County Sign Regulations of Chapter 154 of the Code of Ordinances.
11. The Permittee would be required to contact the Carver County Environmental Services Department to further discuss the requirements of obtaining a Hazardous Waste Generator's License, if applicable.
12. The neighborhood is comprised of residential, agricultural and commercial land uses within the Bongards Rural Service District. The request would not cause a substantial change in the character of the neighborhood nor would it result in a detriment to neighboring properties.
13. The proposed use appears to meet the general requirements for a conditional use in the Rural Service District (i.e. adaptive re-use of existing structures).
14. The Benton Town Board reviewed the request during the March 11, 2021, Town Board meeting. The Township recommended approval of the request and did not request any conditions along with their recommendation.

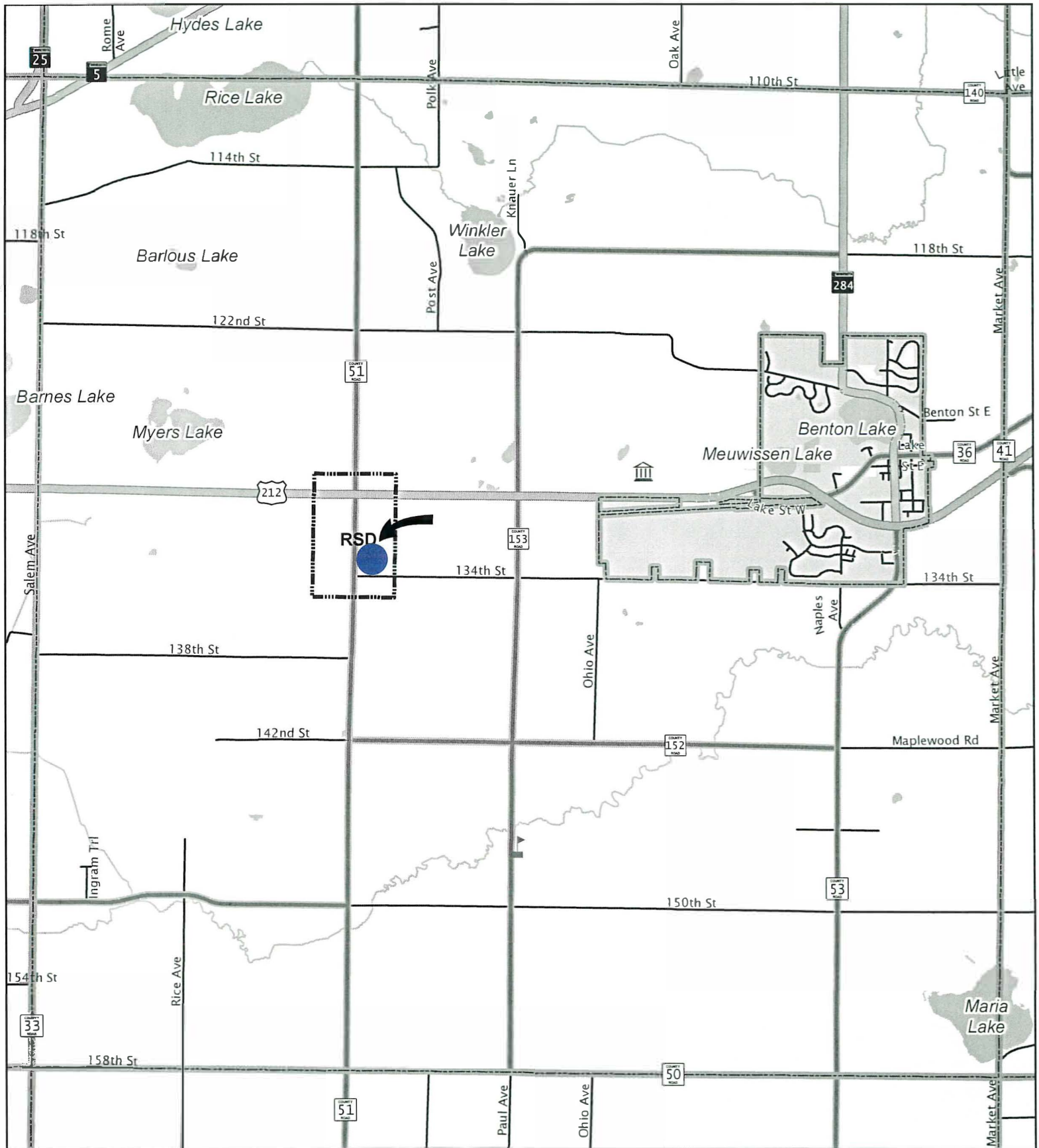
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the permit application, the previous CUP (#PZ20040055) and any other permits or amendments for a Rural Service District (Recycling Facility) shall be terminated, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The operation shall be substantially in accordance with the submitted operational plan and site plan (dated: 03/05/2021). These plans shall be attached to and become part of this permit. The hours of the operation shall typically conform to the hours of 7:00AM – 6:00PM during the week and 7:00AM – 4:00PM on Saturday.

3. Any grading and/or filling activity on the property shall be completed in accordance with the CCWMO Water Resource Management standards and the Wetland Conservation Act (WCA), if applicable. All site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
4. The permittee shall comply with the road access requirements as determined by the applicable road authority.
5. All business-related trucks, equipment and supplies shall be stored within the approved operational area. Any expansion of the approved operational area shall constitute an expansion of the use and may require a review by Land Management for determination as to an amended Conditional Use Permit will be required.
6. The applicant shall enclose the outdoor storage area with a chain-link fence and incorporate slats within the fencing to provide screening along the southern, western, and northern sides of the fenced area. This area shall be at least 50 feet from the centerline of County Road 51.
7. The fenced-in outdoor storage area shall also meet all required side and rear yard structure setbacks.
8. All buildings/structures utilized in conjunction with the proposed operation shall meet the requirements of the Minnesota State Building Code.
9. The permittee shall maintain a conforming Subsurface Sewage Treatment System pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within the structure of the business operation.
10. Prior to the issuance of the CUP, the property owner shall provide, to the County's Environmental Services Department, the requested pumping records and contractor pumping agreement for the holding tank located on the subject parcel.
11. Parking along County Road 51, within the road right-of-way, or on property owned by the TC&W Railroad shall be prohibited.
12. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit (stating that they do not have any employees) to the Land Management Department. The insurance or affidavit shall be maintained for the duration of the CUP.
13. If required, the Permittee shall complete and submit a Non-Generator's Acknowledgment or Hazardous Waste Generator's License to the Environmental Services Department within 30 days of the issuance of this conditional use permit. The acknowledgment or license shall be maintained for the duration of the CUP.
14. The permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The permittee shall not exceed the allowed square footage of signage per property. No signage shall be allowed within the public road right-of-way.

BENTON TOWNSHIP



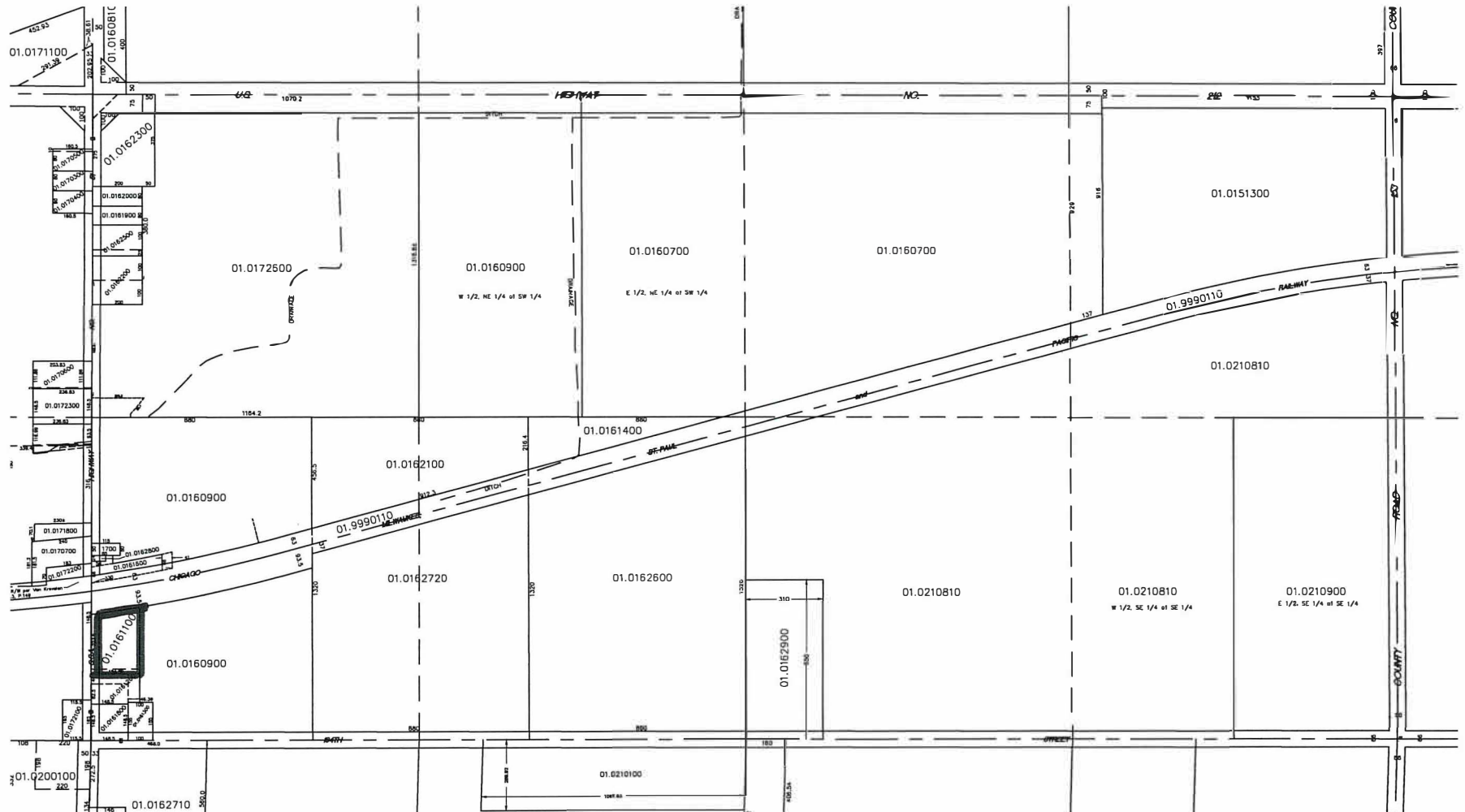
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILED OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.

S 1/2 SEC. 16, T.115, R.25



WESTMETRO Recycling Inc
13345 Co. Rd. 51
NORWOOD, MN 55368
OWNER: STEVEN M. ERITANI
612-518-3526

CARVER Co. PLANNING Commission

AFTER MANY YEARS OF OPERATING my Recycling Co.,
I HAVE DECIDED TO DEPART FROM THIS BUSINESS AND WOULD
LIKE TO UTILIZE MY BUILDING THAT COULD BENEFIT THE
COMMUNITY AND SURROUNDING AREA.

I am REQUESTING AN ADAPTIVE REUSE OF my RSB BUILDING
SO AS TO UTILIZE IT FOR K-BID ONLINE AUCTION SALES.
THIS WOULD BE RUN BY A PROFESSIONAL AGENT OF WHICH
I HAVE WORKED WITH OVER THE YEARS. I WILL ALSO BE
WORKING ON SITE TO MONITOR DAILY ACTIVITIES.

I WILL EXPLAIN MORE AT THE SCHEDULED MEETING

THANK YOU
STEVEN M. ERITANI
WESTMETRO Recycling Inc
612-518-3526

3-5-21

Application for Conditional Use Permit – Adaptive Reuse of RSB Building

West Metro Recycle Inc.
13345 Co. Rd. 51
Norwood, MN 55368
Owner: Steven M. Erhard
612-518-3526

3-5-21

Carver County Planning Commission:

After many years of operating my recycling company I have decided to depart from this business and would like to utilize my building in a way that could benefit the community and surrounding area.

I am requesting an adaptive reuse of my RSB building to utilize it for K-Bid online auction sales. This would be run by a professional agent of which I have worked with over the years. I will be working onsite to monitor daily activities.

The agent intending to lease my building is Jan Stordahl. I have enclosed a letter which identifies her experience and her plans going forward. Perhaps many of the questions may be answered in this letter. She will also be present in attendance with me at the scheduled meeting.

As for the property itself nothing would change except for the type of business use the building will not be altered. It will be able to accept semis as it has in the past. I have buildings and property both on the north and south side of this property to have some barrier to the neighbors. The east side is a farm field, and the west side is Co Rd 51 and field/low land.

As Jan has stated in her letter, they will control deliveries of auction items that they will be handling for auction services. We can also expect people from the surrounding area wanting to utilize this auction service as well. Therefore, I would suggest perhaps a 50% outdoor space for large items (50% of building space). Building is 4200 sq ft or 2100 sq ft used outside for auction.

For conditional use permit:

- A.) Detailed letter to planning commission (enclosed)
- B.) A description of activity/operation (enclosed)
- C.) Hours of operation – existing hours at present
- D.) Number of employees (wife – Jan, husband – Tim, possibly – Steve)
- E.) Number of trips guaranteed in and out of sight - several but will variable.
- F.) Number of types of business-related vehicles and personal vehicles – occasional semi/trailer and sprinter van parked in building, personal vehicle.

- G.) Number of parking spaces – four in front of building
- H.) Use of new and existing structures – existing building 4200 sq ft with five loading docks.
- I.) Storage needed as part of operation – building itself will be utilized for auction items, also 50% of building size 2100 sq ft will be utilized for outdoor area. This would be located along the north or south lot line and could vary upon preference of use depending on winter snow amounts or heavy rains.
- J.) Material stored on site – nothing should ever be stored as all items are auction items.
- K.) Water services, sewer disposal and water management used – site has a handicap approved entrance with a handicap restroom sink and stool and a 2500 gallon holding tank with alarm. Water is provided by a well next to container.
- L.) Area and capacity of parking spaces – four identified areas.
- M.) Screening proposed – adjoining lot has building and container on south property line and north property line has railroad and adjoining property.
- N.) Signage being used – existing sign 40"x28" along road front.
- O.) Describe person utilizing site – A person who would sell at online auction or pick item from auction.

*Completed application and check (\$500.00) has been submitted.

My name is Jan Stordahl and I am the owner of STJ, a home based business in Arlington. I have had a long computer related career from which I am retiring and plan to return to my first passion of doing auctions. At my current employer for the past 15 years, Rippe Associates in Hopkins, I fill the role of HR and Office Manager as well as I/T network manager. Prior to that I managed the Cargill Grain division call center for all of North America for 10 yrs.

I started selling items on Ebay in 1998 simply for fun, and was mostly items around the house I no longer wanted. I decided it was a pretty good deal because I could usually recoup half of my original cost vs giving it to Goodwill or trying to have a garage sale. As people found out I did that, they would ask me to sell things for them. Then when I left Cargill, I planned to take a year off and instead got talked into developing a website and building a Ebay business for a local guy who had an agreement with Hutch Tech to sell all of their surplus equipment. This opened my eyes to the volume of equipment that businesses discard. I also decided to take a leap of faith and buy a semi load of product from Sears and try selling that on Ebay. Being a bit naïve I hadn't thought about the lawn mowers and such that don't ship very well. Thus my introduction to K-Bid. It was also around this time that I was introduced to Steve Erhard who had a cardboard baler to sell, so I agreed to give it a try. That was many balers ago!

Eventually I had to return to traditional work when my husband was laid off and we needed health insurance. Luckily Rippe Associates had a bad year that year and I was able to get them to agree to a 4 day work week, which would leave me enough time to continue selling stuff on a bigger scale.

Today, I sell everything from antiques and collectibles to forklifts and printing presses. I find myself arranging for freight pickups on a weekly basis. The more exposure you have to different businesses and their equipment just makes it more fun. So I have decided to stop being the person fixing computers everyday, and am now a licensed and bonded auctioneer with a K-Bid Affiliate agreement. Why K-Bid? Because they are a very close fit to what I have been doing now for 20+ years. K-Bid is very much like Ebay in that the sale is done on the internet with pictures and descriptions. The main difference is that people come to your location to pick up the items instead of shipping them. So my only problem is "where can I find a building with space to rent in a good location, and with loading and unloading ability?".

My plan is basically to continue doing what I am. I will continue to purchase semi loads of product from various companies for resale, as well as selling equipment for businesses on consignment. K-Bid auctions typically last 2 weeks or less. Thus I plan to do about 2/month. Unlike a farm auction, the majority of items will be smaller and will be contained inside the building. Occasionally however, I do expect to sell some vehicles or bigger equipment which will need to sit outside the building for those 2 weeks. I can guarantee that this would not exceed 50% of the outdoor space, No driveways will be blocked etc. I want to maintain easy access for a semi to come in and back up to a door as needed. I also have a lot of respect for Steve and the business reputation that he has built over the years, as well as the cleanliness of his facility. I intend to maintain that. An orderly facility reflects on the business and helps to drive business.

K-Bid is also very business oriented and aware of affiliate and buyer needs. So, they have changed to mostly pre-pay online methods, as well as a reservation/scheduled time pickup, and even shipping of items. As a result, very few people will be standing waiting in line at the same time to pickup their items, and traffic to the building will be minimized. For these same reasons, I do not see the need for many employees. Currently it is just my husband and myself. I would think that 2 additional people on

load out days will be sufficient, one of which may be Steve if he is looking for something to do. Steve will maintain some office space in the building with us.

I am excited to have the opportunity to bring a K-Bid site to this area. K-Bid has a network of 200,000 bidders regularly checking their auctions, so consignors can often see higher prices for their items than they will at a live auction. I am hopeful that I can also provide an avenue for local businesses to have an outlet for their excess or obsolete equipment that is easily accessible.

Thank you for your consideration.

Sincerely,

Jan Stordahl
STJ Auctions



3-5-21



April 12, 2021

Carver County Planning Commission
Land Management Department
Carver County Government Center
600 East 4th St.
Chaska, MN 55318-2102

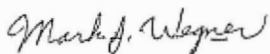
SUBJECT: Application for a Conditional Use Permit 13345

Dear Jason Mielke, Land Use Manager

In regards to the request for a permit to use 13345 County Rd 51 in Benton Township for a K-Bid auction site, the Twin Cities & Western Railroad (TC&W) would like to highlight potential safety concerns to ensure they are adequately address. Even though K-Bid performs online auctions, there are set times for in-person viewing of the items that are to be sold on the auction. During these times, there's potential for large quantities of people to be on site at one time. If limited parking is available there is a risk that people may park on the road and property adjacent Twin Cities & Western Railroad property. This could affect the visibility at the railroad crossing and heighten the potential of having someone struck by a train. Our number one priority at TC&W is safety, and we wanted to bring to light our concerns.

We would like to be involved with the planned safety mitigations.

Thank you,



Mark Wegner
President & CEO



COUNTY OF CARVER
State of Minnesota

Document No.
A 399007

OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA



Fee: \$

Check#:

Certified Recorded on 10-14-2004 at 02:30 ☐ AM ☒ PM

FILE #: PZ20040055

APPLICANT: Steve Erhard

OWNER: Thomas, Daniel & Randy Herrmann

SITE ADDRESS: 13345 Co Rd 51, NYA, MN 55368-9644

PERMIT TYPE: RSD - Adaptive Re-use, Recycling

PURSUANT TO: County Code, Chapter 152, Section 152.097 B

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-016-1600 & 01-016-1100



2004-10-14
Carl W. Hanson, Jr.
County Recorder

Drafted by} Planning & Zoning
Return to } Planning & Zoning

CONDITIONAL USE PERMIT #PZ20040055

PLANNING COMMISSION RESOLUTION #: 04-35

ORDER #: PZ20040055

DATE ISSUED: October 4, 2004

This permit is issued for property legally described on the attached Exhibit "A", pursuant to Chapter 152 of the Carver County Code.

THE CONDITIONAL USE PERMIT AMENDMENT FOR THE ADAPTIVE RE-USE, RECYCLING FACILITY IN THE BONGARDS - RSD IS AUTHORIZED BY COUNTY BOARD ORDER #PZ20040055, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20040055. THIS PERMIT SHALL TERMINATE AND SUPERCEDE CUP #1304 (FARM RELATED BUSINESS - FRB) AND CUP #11610 (RSD - ADAPTIVE RE-USE, RECYCLING FACILITY) AND ALL OTHER PRIOR PERMITS, RENEWALS, AMENDMENTS AND/OR ORDERS ON THE SUBJECT PROPERTIES. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY CODE, SECTION 152.097 B FOR A RSD - ADAPTIVE RE-USE, RECYCLING FACILITY ON THE PROPERTIES LEGALLY DESCRIBED IN EXHIBIT "A". THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Planning & Zoning for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Planning & Zoning as early on in the timeline of the proposed change as possible.
2. The operation shall follow the guidelines of the operational plan (dated: 9/2/04) and the site plan (dated: 8/17/04). These plans shall become part of the Conditional Use Permit.
3. Residential use of the property (i.e. dwelling unit/units/apartments) is not permitted.
4. No outside storage of any materials connected with the business is permitted. All cardboard must be loaded and unloaded inside the building. The yard around the structure and the property is to be kept clear of recyclable materials brought onto the site.

5. Building & on-site sewer permits must be obtained before any construction. A grading & drainage plan must be submitted with the building permit application and approved by Carver Soil & Water Conservation Department (SWCD). A holding tank is an acceptable on-site sewer system as approved by the Environmental Services Department.
6. The operation shall meet all applicable operational standards as set in Section 152.040 of the Carver County Zoning Code.
7. The two (2) taxed parcels as of September 21, 2004, (01-016-1100 & 01-016-1600) utilized as part of the RSD ~ Adaptive Re-use, Recycling Facility, shall be considered one (1) parcel for zoning proposes.
8. Hours of operation shall be 7:00 a.m. to 10:00 p.m. (Monday through Friday) & an occasional Saturday and/or Sunday.
9. Permittee must submit monthly tonnage reports to the Environmental Services Department.
10. The applicant must submit a copy of Worker's Compensation Insurance or proper affidavit before commencing operations.
11. Access to the site must be in accordance with requirements specified by Public Works.


Steve Just
Deputy Planning Director

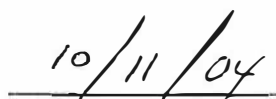
THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT

Applicant signature block

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT UNLESS SIGNIFICANT ACTION IS TAKEN PURSUANT TO THIS PERMIT WITHIN SIX (6) MONTHS OF THE ISSUANCE OF THE BOARD ORDER THE PERMIT SHALL AUTOMATICALLY BE NULL AND VOID. THE TIME PERIOD CAN BE EXTENDED ONLY BY ACTION OF THE COUNTY BOARD OF COMMISSIONERS. A PETITION FOR EXTENSION MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE.

I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.


Signature of Applicant


Date



Township Presentation & Recommendation Form

PARCEL #	01-016-1100	Permit #	PZ20210013
Owner's Name:	STEVEN M + PAULETTE PERHAR	Owner's Mailing Address:	9380 Hwy 284
City:	WACONIA	Owner State:	MINN.
		Owner Zip:	55387
Applicant (if other than owner):		Site Address:	13345 Co Rd 51 NORWOOD MINN

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:	CONDITIONAL USE PERMIT ADAPTIVE REUSE OF RSB BUILDING					
Date of County Public Hearing:	4/20/21	Date of Township Meeting:	3/11/21			

Actions:

Township Action Taken:

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

We fully support this Change order.

****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.

Steven M. Perhar

Date 3/11/21

Signature of Applicant

[Signature]

Date 3-11-21

Signature of Township Official

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-016-1100

File# PZ-20210013

APPLICANT/OWNER: Steve M Erhard & Paulette A Erhard

* * * * *

Beginning at a point on the West line of the Southwest Quarter of Section 16, Township 115, Range 25 West, Carver County, Minnesota, which point is 494.5 feet North of the Southwest corner of said Southwest Quarter, the same being on the Southerly right-of-way line of the railroad, thence South along said West line of said Southwest Quarter, a distance of 233.5 feet to a point, thence running East and parallel to the South line of said Southwest Quarter, a distance of 194.89 feet to a point, thence Northerly and parallel to the West line of said Southwest Quarter to the point of intersection with the Southerly right-of-way line of the said railroad, thence Southwesterly along the said right-of-way to the point of beginning and there ending.