

Carver County Planning Commission

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

Commissioners' Meeting Room

2nd Floor Human Services Bldg

Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of March 21, 2023, regular meeting
Pages 1-1 through 1-17
- 2.) **File #PZ20230017** – Public hearing on application by Kevin Ciernia for a Conditional Use Permit. (Home Extended Business Accessory Use)
Dahlgren Township Pages 2-1 through 2-20
- 3.) **File #PZ20230016** – Public hearing on application by Dennis Henning for a Conditional Use Permit amendment. (Farm-Related Business)
Hollywood Township Pages 3-1 through 3-20
- 4.) **File #PP-PZ20230013** – Public hearing on application by Mark Eklo for a Preliminary Plat. (Preliminary Plat – Hilk Acres)
Waconia Township Pages 4-1 through 4-11
- 5.) **File #PZ20230014** – Public hearing on application by Dale Schweiss, representing Mathiowetz Construction, for an Interim Use Permit. (Land Reclamation – Filling Activity)
Watertown Township Pages 5-1 through 5-20

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – March 21, 2023
Minutes

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

Members Late: None

Members Absent: None

Staff Present: Jason Mielke, Donovan Hart, Jennifer Tichey

Pursuant to due call and published notice thereof, the March 21, 2023, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

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

Minutes – Chairman Wakefield acknowledged the board received an electronic copy of the prior meeting minutes for review and stated a correction had been made to the hard copy they received in the packet. The stated correction noted Land Management staff member Christina Neel was present at the meeting and not Donovan Hart. A motion was made by Steinhagen and seconded by Grazzini to approve the minutes from the February 21, 2023 regular meeting with the noted correction. All voted aye. Motion carried.

File #PZ20230007 – Lawrence Johnson, Jr. – Chairman Wakefield called the public hearing to order at 7:05 p.m. to consider a request by Lawrence Johnson, Jr. The purpose of the public hearing was to consider a request for a contractor's yard pursuant to Chapter 152 of the County Code. The property is located in Section 16 of Hancock Township.

The following were present: Lawrence Johnson, Jr., Kevin Sons

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 February 27, 2023

Exhibit F – Staff Report addressed to the Planning Commission and Hancock Township dated March 13, 2023, and all attachments.

Hart stated the applicant owns and resides on an approximate 5.01-acre parcel which is improved with a single-family dwelling, a 40' x 72' accessory structure, and several other outbuildings. The applicant is requesting a CUP for a contractor's yard to operate his business, L and T Tree Service. The proposed location meets the required setback of 500 feet from any residence. The

existing accessory structure, which is proposed to be used as part of the tree care business was approved and constructed 15 feet from the rear property line as provided for by Variance #10392 in 1996. Any expansion of the building would need to meet the required 30-foot setback or obtain another variance. The submitted operation plan describes the business as having 5 full-time employees who report to the site. The workday hours would be 6:45 a.m. to 4:30 or 5:00 p.m., Monday through Friday, with occasional Saturday work. Four business vehicles would be stored on the property. The site plan indicates employee parking as well as business vehicle parking and screening. No retail sales occur on the property and no signage is proposed. No additional construction is proposed with this application. The proposed screening is a double row of Norway Spruce trees to screen the parking area from County Rd 52. Carver County Water Management Organization (CCWMO) would review the application to determine if any permits are necessary prior to issuance of any future building permits or excavation activity. Access to the site is from County Rd 52 and the following comments were received from Jack Johansen, Carver County Public Works Transportation Planner:

- A. *An access permit is required from Public Works*
- B. *After evaluating the vehicles associated with the business, it was determined improvements are required to the access into the site to accommodate turning movements. As a condition of approval, the applicant is to coordinate with Public Works on the required improvements to the access.*
- C. *The field access near the western property line shall not be used for activities associated with the business and only for field access to the parcel to the west.*

Carver County Environmental Services Department had no concerns with the property's septic system since a compliance inspection was completed at the property transfer in 2021, and there is no proposed bathroom in the large accessory structure. The Hancock Town board reviewed the request at their February 21, 2023, meeting and recommended approval with not additional comments. Hart read the proposed conditions for consideration if the permit is approved, noting a maximum of 9 business vehicles to be stored on the site in planning for potential future expansion of the business. If the Planning Commission recommends denial of the permit request, the deficiencies found in Section 152.251 of the Zoning Code should be stated.

Mr. Johnson had no additional comments, stating he would like to be able to increase the business vehicles to 9, as Hart had stated with proposed condition #4.

Chairman Wakefield asked the applicant if he agrees with the proposed conditions of the permit.

Mr. Johnson stated he read and agrees with the proposed conditions.

Kevin Sons, Hancock Township supervisor, confirmed the Township's recommendation for approval and also acknowledged the discussion of the increase to the number of business vehicles.

A motion was made by Mendez to close the public hearing. The motion was seconded by Hoesel. Chairman Wakefield called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:10 p.m.

Fahey made a motion to **approve and issue Resolution #23-02** incorporating the findings of fact and staff recommendations approving the Contractor's Yard and noting the change to the proposed condition #4 to allow up to 9 business vehicles. Mendez seconded the motion for approval. All voted aye. Motion carried.

File #PZ20230006 – Adam Jeurissen – Chairman Wakefield called the public hearing to order at 7:12 p.m. to consider a request by Adam Jeurissen. The purpose of the public hearing was to consider a request for a home extended business accessory use pursuant to Chapter 152 of the County Code. The property is located in Sections 9 & 10 of Dahlgren Township.

The following were present: Adam Jeurissen, Tab Jeurissen, Brian Gennrich

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated February 28, 2023

Exhibit F – Staff Report addressed to the Planning Commission and Dahlgren Township dated March 13, 2023, and all attachments.

Mielke stated the applicant owns an approximate 6-acre parcel improved with a house (w/attached garage) and a 48' x 80' accessory structure. The applicant is requesting a CUP for a Home Extended Business Accessory Use for his electrical business, H & J Electric. He would like to construct a new 50' x 100' accessory structure to be used as a combination of personal (25%) and business storage and activity (75%). He currently has 1 employee and the operational plan indicated the items to be stored in the structure. The hours of operation are 7:00 a.m. – 3:30 p.m., Monday through Friday, with no customers on site and no retail sales. Estimated daily truck trips is two, (one truck leaving and returning) and a maximum of 2 delivery trips per week for materials. The proposed structure would be located east of the current structure. The HEBAU standards and acreage size allow a maximum of 4 business-related vehicles. The site plan indicates sufficient turnaround areas to the north and south of the structure. The Carver County Water Management Organization would review the request for impervious area to determine if additional permits are required prior to the issuance of any future building permits or excavation activity. Jacob McLain, Carver County Environmentalist, stated there is a holding tank for the existing structure and expressed no concerns with this request and the current SSTS system. The Dahlgren Town board reviewed the request and recommended approval with no additional comments. Mielke read the proposed conditions for consideration if the permit is approved. If the Planning Commission recommends denial of the permit request, the deficiencies found in Section 152.251 of the Zoning Code should be stated.

Mr. Jeurissen had no additional comments.

Chairman Wakefield asked the applicant if he agrees with the proposed conditions of the permit.

Mr. Jeurissen stated he agrees with the proposed conditions.

Brian Gennrich, Dahlgren Township supervisor, stated the applicant attended their February 13, 2023, meeting, and confirmed the board's unanimous recommendation for approval.

A motion was made by Steinhagen to close the public hearing. The motion to close was seconded by Kerber. Chairman Wakefield called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:19 p.m.

Hoese made a motion to **approve and issue Resolution #23-03** incorporating the findings of fact and staff recommendations approving the Home Extended Business Accessory Use. Mendez seconded the motion for approval. All voted aye. Motion carried.

File #PZ20230005 – Phyllis Wheatley Community Center – Chairman Wakefield called the public hearing to order at 7:21 p.m. to consider a request by Aaron Raivo-Lynch, representing Phyllis Wheatley Community Center. The purpose of the public hearing was to consider a request for a Large-Scale Activity/Educational pursuant to Chapter 152 of the County Code. The property is located in Sections 10 & 11 of Watertown Township.

The following were present: Aaron Raivo-Lynch, Laura Danielson, Anthony Taylor, Ed Foley, David Richter, Kathy McCann, Jami Doolittle, Jane Wendt, Bob Wendt, Loren Kohls, Susan Kohls, Bob Janning, Wyatt Doolittle, Wade Vanderlinde, Linda Bezek, Bill Bezek, Kevin Hames, Amy Newman, Claire Colland, Seth Quiggle, Stephanie Coe, Susan Steinwall, Mary Bellert, William Wilcox, Susan Du, Reg Vinkemeier

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated March 2, 2023

Exhibit F – Staff Report addressed to the Planning Commission and Watertown Township dated March 13, 2023, and all attachments.

Exhibit G – Amended Operational Plan and Programming Grid dated March 17, 2023

Exhibit H – Letter dated March 18, 2023, from a group of concerned Oak Lake citizens and Watertown residents

Hart stated the Phyllis Wheatley Settlement House Community Center (PWCC) owns approximately 105 acres of land located in Sections 10 and 11 of Watertown Township. He used an aerial photo indicating the property is improved with a number of single-story seasonal camp buildings, rugged camp sites, trails and nearly ½ -mile long access road previously used as part of Camp Katharine Parsons. The PWCC is proposing to upgrade the camp facilities with the replacement or reconstruction of several camp buildings, reconstruction of the camp access road, and creation of dedicated parking areas as indicated by the submitted site plan. The property consists largely of wooded areas, wetlands, and shoreland of Oak Lake. The park was established in 1956, however, the seasonal camp has largely lain dormant since the late 1990's, with no CUP issued to the property for this use. PWCC proposes to revive operations to provide

day camp experiences in the summer with limited weekend overnight camping opportunities. In the spring and fall, PWCC intends to develop environmental education programming for school groups, occasional programmed weekend overnight camp experiences, and occasional day-time event space for supervised PWCC-affiliated programming. The 2040 Comprehensive Plan provides for Large-Scale Activities with Unique Land or Location Needs. Hart reviewed the proposed site plan, noting the long access road from County Rd 24 and the camp buildings located on the tip of the peninsula. With the exception of an 8 to 9-acre portion of the property in the proximity of the current camp buildings, there is a Minnesota Land Trust Conservation Easement, which limits the land use and development. But the easement restrictions are not in conflict with the proposed camp program activities. Hart showed a more detailed site plan indicating 2 new buildings to be constructed and 2 buildings to be removed. The proposed building uses are also listed on the plan. The site shows 8 parking spaces, with 2 ADA spaces by the camp buildings, with the majority of the parking and overflow parking along the access road to keep the areas near the buildings more natural. There are development areas and buildings designated as Phase I and Phase II. The current CUP request is for the development and activities of Phase I only. Future structures and development would be subject to a CUP amendment and/or variance, if necessary. The proposed camp structures for Phase I development comply with the required setbacks for Oak Lake. Hart discussed the amended operations plan dated March 17, 2023, which was created in cooperation with nearby residents, where the sentences in yellow are the changes from the originally submitted operations plan. This operations plan, dated March 17, 2023, is the current proposed activity for the site and includes detailed information on the history of the camp, the type of proposed educational programming, common camp activities, and a list of prohibited activities. All of the programs and events would be Phyllis Wheatley supervised and facilitated and the camp would not be rented to outside groups or individuals. The plan details the number of expected campers with a maximum of 100 people, which includes campers and staff, for the prime use of the summer camp activities, from approximately Memorial Day to Labor Day. Outdoor education groups would have a maximum of 75 students, school staff and camp staff, which would be supervised and facilitated by PWCC staff. Nature-based programming and education groups would have a target size of 25 people, with a maximum of 50 people (participants and staff) on the site at one time. The primary season runs from late May to Labor Day, with 'quiet hours' observed from 9:00 p.m. to 7:00 a.m. Most of the activities for the campers are planned between 9:30 a.m. and 3:30 p.m., who would arrive and leave primarily by bus. He also noted the proposed hours for day camp staff, overnight camp, outdoor education, and other events. The types of vehicles on site are noted as well as types of watercraft. The portable toilets shown on the site plan would be screened from lake view. Signage would comply with the County Sign Code and details about security is also provided. Tom Hanson, City of Watertown Fire Chief, is requiring that the road access be upgraded to be 16 to 20 feet in width, as shown on the site plan to accommodate emergency vehicles. Lori Brinkman, Senior Environmentalist, commented that a preliminary TYPE IV treatment design was submitted in July 2022, prior to a full camp project plan submittal. Septic system design changes, including proposed septic system layout, would be required based on the amended project plan. The amended system design would be submitted and completed during non-frozen spring melt conditions. Carver County Water Management Organization (CCWMO) provided comments concerning wetland permitting, stormwater permitting, and development review for this project prior to any approvals for work to begin. Jack Johansen, Carver County Transportation Planner, provided information regarding traffic

and access and stated the proposal for traffic does not meet the threshold to conduct an impact analysis, meaning no additional permit review is required. Comments were received from David De Paz, Mn DNR Watershed Specialist, stated the structures are meeting the 150-foot setback for Oak Lake. Lieutenant Jason Breunig, Carver County Sheriff's Office, reviewed the proposal and stated he does not foresee any major concerns from the Sheriff's Office. Carver County Building Code Official, Todd Geske, commented about building permits and specific building code requirements for some of the proposed buildings. All structures utilized as part of the camp would be required to meet all applicable state building code requirements. Written comments received by Land Management are included with the staff report or have been made available at the meeting. Watertown Township reviewed the request at their March 6, 2023, meeting and recommended denial with the following comments: "Current CUP too vague, needs to have detail worked out with Oak Lake residents, camper volume plans are too many for such a small area, and security of children and residents." This was based on the initial submitted information, not the amended/revised plans. Hart read the proposed conditions for consideration if the request is recommended for approved, noting and explaining a change to the type of annual review requirement, and clarifying that this CUP would pertain only to the Phase I improvements. If the Planning Commission recommends denial of the permit request, the deficiencies found in Section 152.251 of the Zoning Code should be stated.

Laura Danielson, PWCC representative, felt their submittal was very comprehensive and offered to answer any questions that may be asked about the proposal.

Chairman Wakefield asked if the applicants agreed with the proposed conditions of the permit.

The applicants stated they agreed with the proposed conditions.

Fahey clarified that the additional information Hart referenced would be included with the conditions.

Scott Hoese, speaking as Watertown Township supervisor, confirmed the board voted to recommend denial of the request and asked that the applicants meet with the area residents. He stated it sounded as if that has taken place and he would like to hear additional comments expressed this evening.

Ed Foley, 10875 County Rd 20, explained that in May 2022, some of the neighboring property owners met with representatives of PWCC to discuss revitalization of the camp property. The meeting discussion covered the deteriorating condition of the property and the intended use and purpose of the property for kids to experience nature. Another meeting took place in December 2022, which involved much larger ideas for development of the property and 'maybe' a conference center and 'maybe' other things. That mention of the level of development sparked more interest and questions from neighbors. The submitted CUP application on February 24, 2023, was much improved and based upon what the residents felt. Over 30 residents attended the Township meeting of March 6, 2023, at which the neighbor's expressed uneasiness about the information being very vague on issues of great concern. They urged the Town Board to recommend denial of the request as presented, which is what happened at that township meeting. Another meeting was held on March 16, 2023, with neighbors and PWCC staff to review the

information line by line, which resulted in coming to some agreement with specific issues in the application request, and further created revised information presented in the staff report by Mr. Hart. He stated those specific issues which were clarified met nearly all the objections and reasons for denial from Watertown Township and have been satisfactorily addressed to meet the approval of the majority of Oak Lake residents with one exception. They would respectfully request a reduction to the maximum number of 100 people using the facility at any one time. He hoped this issue could be discussed and resolved and the Planning Commission would be able to recommend approval of the request to the County Board this evening.

Sue Steinwall, Conservation Stewardship Director of the Minnesota Land Trust, stated she had submitted a letter which was part of the packet information presented and would answer any questions that the Planning Commission may have about the conservation easement. The Land Trust shares similar concerns about the wildlife habitats, woodlands, and wetlands on the property, and annually monitors the activity on the property. She stated anyone is allowed to call with concerns and the MN Land Trust would follow up on any complaints.

Commissioner Steinhagen asked if the recommended access improvement to the road would affect the conservation easement.

Ms. Steinwall stated the access road crosses through the 83-acre conservation easement area. They realize the importance of proper access for emergency vehicles and would work closely with the PWCC and Carver County for minimal impacts on the environment to the extent possible.

Fahey asked if the Land Trust is satisfied with the application as presented.

Ms. Steinwall replied they have been in conversations with the PWCC staff for a few months and have provided them with approval for their parking needs. She stated that much of the proposed activity for this CUP application involves the 9 acres which is outside of the easement area. The Land Trust's concern is for protecting the surrounding land containing the wooded, wetland and wildlife areas. The conservation easement provides for low-impact activities in the easement area, such as hiking on trails or nature observation, or rudimentary rustic-type camping.

Mendez asked if environmental ecological training would be offered to administrators of the camp or if the commission would offer any help in the area of environmental protection to allay any fear of the camp activities and the environment and the lake.

Laura Danielson stated the intent of the camp has always been to provide an environmental learning space. She deferred to Anthony Taylor to speak about the programs offered.

Mr. Taylor confirmed the foundation of the camp is environmental education and learning. He feels that since the camp has closed and with the re-opening, there has been a great change in the community and in society as to what makes someone a good environmental steward. He clarified that the relationship with the neighbors has been built on the conversation of environmental impact and the commitment to environmental stewardship. More importantly, they are working to build environmental stewards in the students and workers that attend the

camp and its programming. The end result is to produce environmental understanding and education at the camp.

Jami Doolittle, 10985 Oak Shore Trl, expanded on the concern for the maximum number of people at the camp, including the number of staff members in the operational plan. She stated the discussions began with revitalizing the camp based on what it was in the 1950's to 1990's. She clarified the neighbors support bringing the camp use back to what it was. She asked that the Board consider and approve a number of camp goers and staff, which reflects a revitalization of Camp Katharine Parsons as it was intended and used historically. PWCC is currently proposing camp numbers of 72 kids plus staff for a total of 100 people per day camp. The neighboring residents are proposing a number of 50 kids and staff per day camp, a number that aligns with the camp as it was used in the past. She stated this request is based on the recollection of long-time lake residents about the camp who stated numbers anywhere from 20-40 kids and staff with a frequency of a few times per month to a few times per week. To validate that amount, PWCC submitted a document from 1973 indicating the camp would serve 250 campers per season, a number much lower than the neighbors recalled. There are currently fewer than 60 residents living on Oak Lake in about 25 families. On a daily basis, that would increase the number of people on the lake from less than 60 to 160, which more than doubles the lake population. She noted the continual activity with day camps during the week and weekend camping, educational, or retreat events. This cycle will repeat throughout the season. This increase of activity is occurring on a small lake within a quiet group of rural residences. There are concerns with noise levels with the number of people, increased boat and lake traffic with both motorized and non-motorized watercraft, and environmental impacts of increased activity on the lake. She made the comparison of the increased numbers to current activity numbers to show the impact. PWCC has expressed that they need 72 campers to function as a camp and increased numbers to obtain government funding. A suggestion was made to grow with a tiered number of campers and staff, beginning with a maximum of 50 and adding 20 with each phase to ease the increased activity in the neighborhood and on the lake. This would work toward building trust between the groups and a chance to realize the impacts of the increased activity. She encouraged the Planning Commission to consider the numbers and the related impacts of the increased activity.

Mr. Raivo-Lynch (w/PWCC) explained his background in parks and recreation and experience with the YMCA and other organizations involving large groups of kids and programming. He stated he has spent a large amount of time at the PWCC property in Watertown Township to get a feel for the space and best locations for development of the camp facilities and programming. The revised CUP application removes the revenue producing component from outside sources using the facility as PWCC group relies mainly on grant funding. The primary focus of the camp would be the day camps. Staff development is critical to a successful camp and they need the numbers to conduct a successful camp. He referenced the size and numbers of Tanadoona, another camp in Carver County (Lake Minnewashta), and stated many of those campers do not arrive by bus, which generates more traffic to and from the site. He referred to the document included in the staff report from 1973 and stated the maximum number of 75 campers and approximately 15 staff members is just shy of the 100 people they are currently requesting.

Fahey referred to the same historic document and asked about the total number of campers each season of 250.

Mr. Raivo-Lynch stated the belief is that some of the weeks were overnight with maybe 20 campers and some weeks may have had day camps which would have increased numbers.

Ms. Danielson stated that interpretation of the historical documents is difficult and even relying on what the neighbors remembered seeing may not be very accurate. She stressed that program development is critical to have kids in different programs at different areas of the camp so that at any given time. Not everyone is on the water. Ms. Danielson felt the discussion with the neighbors may not be so much about total number but management of the kids and the programs. The Management ratio is about 1:8 for staff to kids.

Mr. Taylor stated he was hearing the community concern for the way that they have experienced use of the lake. The goal was not to reestablish the camp as it was in the 1970's, but to manage the property to serve the children effectively with their designing and professional experience for programming to occupy the kids time every moment of the day for the course of a week. There would be a structure and a commitment to programming that begins from the moment they step off the bus. The camp leaders are the infrastructure to organizing a successful camp experience. He felt the proposed numbers are very manageable in relation to program design and the net impacts to the land and the neighborhood. He asked for their trust in the professionalism of the program design and their experience with the camping experience to grant the CUP.

Mendez asked how the number affect the funding or development of this camp.

Mr. Taylor stated those numbers really do not impact the funding. They are engaged in a capital campaign that is significant in asking for State support to make the outdoors accessible to all communities. They would operate the camp and make it financially sustainable through a number of grant funding opportunities and fundraising.

Mendez asked why they feel a need for 75 campers versus a smaller group and the effects on functioning as a real camp.

Mr. Taylor replied that they are choosing the number of campers from a program design perspective. Having more campers creates a more financially sustainable model. They are looking at size of groups, age of groups, and staff ratio would create the maximum outcome in terms of youth development.

Mendez inquired about the number of acres in the conservation easement and how many homes could be constructed on that land, citing recent growth within the County.

Ms. Steinwall stated the conservation easement protects 83 acres of the property and the terms of that agreement that do not allow for any houses to be constructed in that 'no build' zone.

Hoese asked for a timeline for the camp development and if they intent to incorporate all 100 campers and staff at one time, or use phases to reach that number. He also asked when they plan to proceed with Phase II and future developments.

Mr. Raivo-Lynch started there are many undetermined factors which may influence future development, but their largest funding grant if approved would be released in January 2024 with construction beginning in spring of 2024. Development would take approximately 2 years and it is likely that they would begin with less than 80 campers. They have asked for those numbers as a place to begin and grow so they do not need to amend the CUP soon after the camp opens potentially in the summer of 2027 or sooner.

Ms. Danielson stated they do not have a specific date at this time for the development of Phase II. She stated much fundraising would need to take place for projects in Phase I before they can commit to anything in Phase II. She anticipated they would open and operate with the first phase for a while to see how things go before taking on the second step.

Grazzini asked if there was a County or State ordinance limiting the number of campers on this property.

Mielke replied the Large Scale Activity land use request requires a maximum number of participants to be identified. The applicants were not sure of a specific number but have arrived at a figure of 100 (e.g. 80 youth/20 staff) and explained their reason for it. They may never reach that number. However, if enforcement of the CUP conditions would arise, that number is defined and is something that can be enforced. Mielke stated the applicants are aware of the figure and they calculated it as best as they could relying on their areas of expertise. He also explained how other past CUP applications were approved in phases to better manage land uses needing to complete fundraising in order to continue with the projects.

Kerber stated the 1:8 ratio exceeded what he anticipated and is almost half of the 1:15 ratio for school-aged kids at a learning center. He also recognized the other staff members who would be on site for meal preparation, life guarding and other duties. He also spoke about noise and presumed with a number of kids on over 100 acres, they would likely not all be in the water and screaming noisily at any one time. He referenced his understanding of government funding and noted that larger projects may be more favorable to receiving funding. He felt the requested maximum number of 100 people was reasonable.

Steinhagen echoed similar rationale about potential noise and stated that splitting into groups may not have been specifically conveyed to the neighbors. That might mitigate some of the noise concerns.

Fahey was reviewing the numbers and asked about the totals listed of youth and staff.

Mr. Raivo-Lynch explained the 64 youth and 16 kids in the junior leadership program for a total of 80. It is important for camps to function by having prior campers return as counselors who know the routine, customs and traditions, and are familiar with the space.

Seth Quiggle, 2960 Oak Lake Cir, asked about the septic design for the camp. He asked if the proposed plan design could be expanded in the space available to support an increase in the number of campers and expected increase in the volume of water.

Mielke replied Environmental Services Department oversees the septic program and is working with the applicant's contractor to discuss and review the design. Based on winter weather, the designer plans to return to the site to confirm the design area would be a sufficient location.

Mr. Quiggle asked if the expansion of the access road would still be necessary if the size of the camp was reduced, as it could have potential environmental impacts.

Mielke stated that the road access would still need to be expanded to accommodate emergency vehicles as per the recommendation of the Watertown Fire Chief. The Fire Chief was included in an on-site meeting in February and was confident about creating a safe access for any emergency vehicles. The potential agencies involved with the road construction would include the Carver County WMO, the DNR, and the Land Trust, who would all review and approve the project prior to issuance of any permit(s).

Ms. Danielson stated she was significantly involved with the neighborhood negotiations and asked if, after hearing the comments from this evening, they would now be supportive of the proposed maximum number of 100 people.

David Richter, 11280 County Rd 24, shares the road access from County Rd 24 with the PWCC property and was pleased with the meeting he had with their staff to resolve his concerns about the access, screening of parking areas, location of portable toilets, and noise. He remembered the camp from previous years and stated he is not opposed to the maximum number of 100 people. He is confident that the programs would be well-designed and supervised and that as a community they can work together.

Will Wilcox, 11285 County Rd 24, asked about the enforcement process if the camp would exceed the maximum number of campers.

Mielke explained the enforcement process, beginning with a notification letter and the series of actions to work with the applicant on resolving the issue. Ultimately, if continued violations of the permit conditions continued, the CUP could be revoked; however, most issues are resolved before the action goes to that level of enforcement.

Steinhagen clarified that the maximum number of people on site is only one aspect of the conditions. Violations of any permit conditions are potential reason for enforcement and the same action would be taken for any of the infractions.

Chairman Wakefield also stated that many times an enforcement complaint comes from a neighbor, so he cautioned that there are many eyes watching the proposed activity for compliance with the proposed conditions.

Hoese asked Ms. Doolittle to reiterate her concerns with the proposed maximum number of 100 people to make sure everyone is clear on her position.

Ms. Doolittle stated she would like to see that number reduced from 100 for the reasons she stated concerning potential noise and boat traffic. She stated the neighborhood fully supports revitalization of the camp to what it was when it closed. She feels it is too many people and kids for the size of the lake. She stated the PWCC presented the information that groups of 12 kids would have activities at different stations; however, that would take place primarily in the 9-acre area at the point of the peninsula because the 83 acres under the conservation easement have a more limited use. She stated a group of 12 kids offers 6 canoes in the lake at a time, each with 2 people, and when the groups rotate to the next station, it would be the same thing, potentially all day long and all concentrated in that 7 to 9-acre area at the point. If they arrive by bus, they would all arrive and leave at the same time, and likely are all eating at the same time.

Mr. Taylor stated the activities are designed and led to include the entire property and controlled to experience the whole camp area including the lake. The intent to use the entire outdoor environment and the lake and to incorporate aspects of how you engage and how you act and being conscious and intentional about those aspects. He also noted the way the property has been taken care and that they are engaging in conversations about stocking the lake and the impact concerning invasive species awareness. He stated as outdoors people and good stewards, they are engaging in the community to be conscious of the neighborhood concerns.

Stephanie Coe, 2960 Oak Lake Cir, stated her concern with the maximum number of people and would be more comfortable with a reduced number of 50 to 60 kids to start with a phased increase over time. She also stated the lake is small and they use it for recreational purposes and felt there would be an increased safety risk with increased boats and other watercraft.

Ms. Danielson stated there is a difference between 50 to 60 kids or a maximum of 50 people, because the latter would include staff members also. There is a substantial number of adults who need to be on site no matter how many kids there are. If the maximum is 50, that would leave approximately 35 kids, which impacts program planning. She also noted the unmentioned community need in North Minneapolis for this camp which developed a lot of community leaders in the past.

Grazzini asked if there was a public access to Oak Lake.

Mielke replied there is no public access to Oak Lake. It is a DNR protected water and the DNR has jurisdiction over any docks and what takes place on the water.

Seth Quiggle offered clarification that there is 'carry-in' access only from the Luce Line Trail.

Kerber asked if there is any deviation from the proposed maximum of 100 people, questioning if it refers only to day camp guests or if it could change to be overnight guests.

Mr. Ravio-Lynch stated there are no overnight facilities to accommodate guests.

Ms. Danielson stated there are only limited camp sites for overnight camping.

Mielke noted that Hart had read one of the conditions that the operations shall be substantially in accordance with the submitted application and operations plan. The request for approval is only for the information as they have submitted it in the CUP.

William Bezek, 2980 Oak Lake Cir, asked if there were historical records of the number of kids at the camp.

Mr. Ravio-Lynch read the information from page 4-38 of the staff report. He explained the calculation for their request of 100 people and noting that if most of the kids arrive by bus, it is most economical to run buses when they are full rather than half empty.

Mr. Bezek stated he has been on the lake for 40 years and it didn't seem as if there had been that many kids at one time. He did not recall any negative incidents associated with the camp from those years.

Hoese asked about the parking needs if most of the kids and staff are arriving by bus. He asked how many staff members would be arriving before the buses and calculated there might be more than 100 on site if they anticipate each bus containing 50 people.

Mr. Raivo-Lynch stated they would prefer to have as many staff as possible taking the bus. The parking area comes into play mainly with the other programs, such as overnight camping and outdoor education, for chaperones. An event, such as a picnic for the PWCC community, would utilize the parking areas because people would not be arriving by bus.

Ms. Danielson stated they needed to provide adequate parking spaces for the maximum number of vehicles they would anticipate.

Mielke also noted some of the parking requirements are a result of the Building Code and Zoning Code standards.

Hoese questioned the cargo container on site which was referenced in the staff report and asked if it was prohibited by recent zoning code changes.

Hart clarified one cargo container is allowed for storage on a parcel but does need building permit approval.

Kathleen McCann, 10050 Swede Lake Rd, recalled discussion at the March 6, 2023, meeting about establishing partnerships with area schools or other area parks for educational purposes. She asked if that action was still a part of their plan.

Mr. Taylor replied they have an upcoming meeting scheduled with Watertown School District and Carver County Parks to discuss how to develop programs to serve the kids in the Watertown School District and other local groups. It is something that they are actively working to accomplish.

Ms. McCann asked why this was not specifically addressed in the revised CUP application. She stated there was no specific mention of partnering with the schools or parks in the application. She did not know if the neighbors were aware that this would be a part of the process which could involve more bus traffic coming and going.

Ms. Danielson stated it would be a supervised PWCC program which would be allowed by the CUP. This program would be very limited to the capacity. She stated the reference was noted in the secondary seasonal activities.

Ms. McCann felt secondary seasonal activities seemed very vague and it should be spelled out more clearly so the neighbors can understand what to expect.

Ms. Danielson said they envision a maximum of 2 classes on site with a total of 60 children with additional teachers and chaperones. Students would be divided into groups of 15 each with an outdoor education instructor and a ratio of 15:1 students to instructors. This would be a maximum of 50 people with students, school staff and camp staff, with supervision by PWCC staff.

Chairman Wakefield asked for any more public comment before closing the public hearing. Fahey commented that if the public hearing is closed and the board recommends the applicants go back to Watertown Township for more discussion after hearing the comments of this meeting, there will be no way to re-open the public hearing. A decision would need to be made tonight for the Planning Commission recommendation if the public hearing is closed.

Mielke reiterated that if the public hearing is closed tonight, there would not be an opportunity to open it up again for discussion. A decision would need to be made by the Planning Commission tonight if the public hearing is closed. If the Planning Commission is uncertain about the discussion tonight and any influence it may have with Watertown Township, the public hearing can be continued to a date certain, (usually the upcoming month's meeting date) and specific direction given to the applicant on what additional information they should provide at the next meeting.

Fahey stated his suggestion to not close the public hearing would allow Watertown Township to review the request and discuss the additional comments made tonight. Or the Chairman could have the Planning Commission members state their concerns about the request individually.

Mr. Foley felt a decision should be made tonight. A lot of very important things have been discussed and decided and it seems as if the hang up right now is over 20 kids, one way or the other. He stated the second letter submitted by the Oak Lake residents indicates that the majority are supportive of the revised application with the exception of the maximum numbers. He stated if the difference would be to allow the camp or not allow the camp, that would be a bigger issue than just deciding on a few numbers of people. He encouraged anyone in attendance with strong feelings on the issue to speak up while the public hearing was still open.

Bob Janning, 10715 County Rd 24, stated the issue seems to be about the maximum number of people. He stated that the request is for 100 and others want 50. He offered a compromise of a maximum of 75 people during Phase I to get the neighbors used to the camp activity and then if necessary, ask for an increase in the future. He also wanted a decision to be made tonight.

Chairman Wakefield commended the applicants and neighbors to discuss the issues and reach a satisfactory resolution to many of them. He questioned where the discussion and compromise broke down and would recommend a maximum number of 75 people consisting of 15 staff and 60 students and would vote in favor of the request. He clarified this is only his recommendation and asked to hear from the other commission members.

Hoese agreed with a compromised number of 75 people. He felt it would allow for getting used to the camp activity and other changes that would bring to the area.

Mendez mentioned the effect on programming with reduced numbers. He felt confident that with the number of concerned citizens at the meeting, the applicants would maintain control of the program participants. He felt confident that the maximum number of people at 100 was reasonable and there are ways to make this manageable and the camp successful.

Grazzini recognized the support to revitalize the camp back to the same numbers from the 1973 survey allowing for 90 campers. He acknowledged the population growth in Carver County over the past 50 years and felt that the 100 people maximum is viable and doable and that would be his recommendation.

Kerber reiterated his previous statements about the appropriate ratio numbers and agreed with Grazzini's reference to population and growth in the County over the past 50 years. He realized the neighborhood eyes would be monitoring the camp activity which would inspire the administrators to operate in accordance with the CUP conditions. He felt that reducing the proposed number might require a review of the different types of programs and was comfortable with the 100-person maximum.

Steinhagen stated he supported the 100-person maximum. He was a day camper as a child and a day camp counselor as a teenager and understands the need for numbers to provide for effective programming and good camp experiences.

Fahey stated his concerns are more about the process in general and the feedback that he hears from Township supervisors that their recommendations are not heard or considered in making decisions. He has seen in the past where the public hearing is continued and the request is returned to the Township for more discussion and a chance to confirm or change their recommendation based on what is said. He acknowledged that some people may be intimidated to speak in a large group at the Planning Commission but may be more comfortable speaking at their Township meeting. He stated the additional time of one month should not significantly impact or delay the development plans of the camp. His recommendation would be to continue the public hearing and return the item to Watertown Township for more discussion and to confirm or change their recommendation based on additional comments.

Liz Vinkemeier, 2780 Navajo Av, felt she would not be comfortable with a maximum of 100 people. She asked to have a show of hands for people who wanted a maximum number of 75 or a maximum number of 100 people.

Mendez stated that is a justifiable idea but cautioned that the result of the show of hands may not be the way the Planning Commission votes, and if that result could not be accepted, he did not want it to cause harm to the community.

Hoese stated he agreed with recommending the request to go back to Watertown Township for more discussion and comments about the maximum number of people.

Mr. Raivo-Lynch reminded everyone that at the December meeting, PWCC staff had a much more built-out development plan based on the same model that every other camp in the State is using. Because of neighborhood feedback, they dramatically reduced that plan to be a good neighbor. He reiterated there is another camp model in Carver County that greatly exceeds these proposed numbers. He stated for some, the amount of traffic is alarming as a day camp, but the kids are not on the water all day, every day. Monday is an orientation day, Friday is an afternoon closing campfire, and there are other activities to lessen the impact on the lake. He did not feel the need to return the request to Watertown Township because it was so subjective. He suggested moving forward to something more objective which would be to compare it to the other camp in Carver County.

Mr. Quiggle asked having the request returned to Watertown Township would change the Planning Commission members individual positions as stated within the last few minutes.

Fahey felt it could have an influence on his vote with exposure to new information and that the process has worked itself out within the Township, where all of the vetting took place.

Mielke steered the conversation back to the roll of the Planning Commission, which is a recommendation of approval or denial to the County Board of Commissioners on this application request.

Carver County Attorney, Jennifer Tichey, cautioned the Commission members against stating what their vote might be until the public hearing is closed.

Ms. Doolittle asked if the PWCC would compromise on their proposed maximum number of 100 people.

Mr. Raivo-Lynch emphasized that they felt their reduction to 100 after the December meeting was already a huge compromise and it is the number they are comfortable with all of the aspects to make their programming work.

Mr. Taylor appreciated commissioner Fahey's comments about process. He felt the fact that the process has been on-going since December and having discussions has some integrity.

A motion was made by Mendez to close the public hearing. The motion was seconded by Kerber. Chairman Wakefield called for a vote on the motion. Wakefield, Hoese, Grazzini, Mendez, Steinhagen, and Kerber voted aye. Fahey voted nay. Motion carried. The public hearing was closed at 9:20 p.m.

Mendez made a motion to **approve and issue Resolution #23-04** incorporating the findings of fact and staff recommendations, the amendments, and clarifying the maximum number of people as 100 in approving the Large-Scale Activity/Educational with Unique Land or Location Needs. Kerber seconded the motion for approval.

Hoese expressed concern with the maximum number of people allowed. He stated he would vote against the recommendation for approval.

Steinhagen noted the first application on the agenda only needed 6 parking spaces and he was granted 9 to allow for growth. He viewed this decision as being similar, stating no one knows if there will be 100 people when the camp opens or even within the first year.

Fahey stated he would not be voting in favor of the recommendation for approval. He would have preferred to have the request be heard again at the township level.

Wakefield stated he would have like to see the compromise of 75 people and would not be voting in favor of the recommendation for approval.

Chairman Wakefield called for a vote on the motion for recommending approval of the request to the County Board. Mendez, Kerber, Steinhagen and Grazzini voted aye. Wakefield, Hoese and Fahey voted nay. Motion carried.

Adjournment

A motion was made by Hoese and seconded by Steinhagen to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 9:26 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 10, 2023

TO: Carver County Planning Commission & Dahlgren Town Board

FROM: Land Management Department

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

FILE #: PZ20230017

APPLICANT: Kevin Ciernia

OWNER: Kevin Ciernia

SITE ADDRESS: 14621 Co Road 40 Carver, MN 55315

PERMIT TYPE: Home Extended Business Accessory Use.

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-025-1400

BACKGROUND:

1. Kevin Ciernia owns an approximate 9.83-acre parcel located in the West Half (W½) of the Southwest Quarter (SW¼) of Section 25, Dahlgren Township. The property is improved with a single-family residence with an attached garage, a 50' x 100' accessory structure and three cargo containers. The parcel is located in the Agricultural Zoning District, Transition Overlay District (City of Carver), and Carver County Water Management Organization - CCWMO (Carver Creek watershed).
2. In 1994, the previous owner of the property was issued a Certificate of Zoning Compliance for an Existing Contractor's Yard (a trucking business) on the property. This type of permit, no longer issued, allowed the applicant to use the property in an approved manner which was not transferable to another owner, thus the permit was terminated when the property was sold. Assuming that permit was still valid when he purchased the property in 2015, Mr. Ciernia established his small-scale engine repair business (Full Spectrum Motors) on the property.
3. The size of Mr. Ciernia's business classified it as a Home Extended Business Accessory Use (HEBAU). However, there are three residences on neighboring properties that are within the required setback for this type of land use. The County Zoning Code requires a home extended business accessory use to be located a minimum of 500 feet from any neighboring residence not on the same parcel as the business. Therefore, Mr. Ciernia applied for and received a Variance (V-PZ20230003) for a reduced HEBAU setback (attached) from adjacent residences.
4. The applicant is requesting a Conditional Use Permit (CUP) for a HEBAU in order to operate his existing engine repair 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 previous owner of the subject property operated a home-based trucking company for which he received Certificate of Zoning Compliance #9809 (attached) for an Existing Contractor's Yard. This type of permit, no longer issued, was a mechanism to allow to legal nonconforming businesses to operate and expand. The relevant feature of these types of permits, which were deliberately not conditional use permits, was that they were "not transferable to another person or corporation or to another parcel of property." Thus, when the property was sold the permit was terminated and future property owners lost the ability to use the property for a commercial use (unless they obtained a CUP). As Mr. Ciernia relates in his narrative, he purchased the property in 2015 without knowing the previous commercial permit had expired.
2. Mr. Ciernia is requesting a Conditional Use Permit to operate a motor repair business as a Home Extended Business Accessory Use from his property. The applicant has submitted an operational plan (dated March 22, 2023) outlining the details of the operation, along with a site plan showing the existing business structure and operational area.
3. The applicant's narrative states the hours of operations are "in line with a small auto repair shop." Mr. Ciernia reports that there are four business-related vehicles and a couple of trailers. He has "1-2 part time employees to help on smaller projects." Customers come to property to drop off vehicles for repair and he estimates that parts delivery vehicles visit the property a couple of times per day. Mr. Ciernia states: "There are no plans to expand the business beyond its current operating capacity."
4. Mr. Ciernia proposes to use the existing 50' x 100' (5,000 square-foot) pole shed located behind his house on the property. A small bathroom in the attached office area is available for customers and workers. The site plan (dated March 22, 2023) shows that vehicle access for the business is from a separate driveway than what is used for the house. Exterior storage for the business consists of a row parked vehicles along the property's southern property line. This area is shielded from neighbor view by a row of trees and from public view by the house and a change in elevation. There are three cargo containers on site. Two of the containers are proposed for commercial use. The third cargo container is designated for personal storage. No signage exists for the business and none is proposed. The operation and site plan appear to meet the standards of the Zoning Code.
5. The neighborhood is comprised of a mixture of agricultural and residential uses. The subject property is located in the City of Carver's growth area, which is also known as a Transition Overlay District pursuant to the Carver County Comprehensive Plan. The District's standards for CUP's require the County to refer applications to the municipality for "comment and consideration." Furthermore, District standards state:

"Conditional uses provided for in the Agriculture District should not be permitted in transition areas if they are a significant departure from the future land use in the city's comprehensive plan and the use is of a nature that it could not easily and economically be converted to the planned land use upon urbanization." § 152.162 (D)

On April 3, 2023, Erin Smith, Community Development Director at the City of Carver, reviewed the application and in an email stated that she had no comments.
6. Jack Johansen, Carver County Public Works Transportation Planner, reviewed the application materials and in an email (dated April 5, 2023) commented: "The field access between the northernmost access and the southernmost must be removed."
7. The subject property is located within the CCWMO jurisdiction. Stormwater management, wetland buffers, site stabilization requirements, and Best Management Practices (BMP's) are typically reviewed as part of any site improvements pursuant to Chapter 153 of the County Code (Water Management Rules). 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 beginning any excavation activity. Any wetlands on the property would be reviewed pursuant to the Wetland Conservation Act (WCA).

8. On March 3, 2023, Jacob McLain, Senior Environmentalist - Carver County Environmental Services Department, reviewed the variance application request. Mr. McLain stated that there is a holding tank in the existing shed but there are no concerns with the current SSTS system.
9. The County received a letter (dated April 5, 2023 – attached) from Roger Falkenstein in support of the application.
10. The Dahlgren Township Board reviewed the application request at their February 13, 2023, meeting. The Township Board recommend approval with no additional comments.

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the permit application for a Home Extended Business Accessory Use (Conditional Use Permit), 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. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
 2. The operation shall be substantially in accordance with the submitted operational plan and site plan (dated March 22, 2023). 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 – 5:00PM Monday through Friday and occasional Saturdays, with no more than three customers coming to the site at any time. Outdoor storage shall be screened and within the operational area.
 3. Consistent with approval conditions of V-PZ20230006, the approved operational area shall not extend closer than 498 feet, 86 feet, and 377 feet from the three closest residences on neighboring properties.
 4. The permittee shall obtain building permits for the three cargo containers currently on site (two commercial & one personal storage).
 5. 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. The permittee must obtain the required permits for the construction of the retaining wall already on the site.
 6. The permittee shall comply with Carver County Public Works Road access requirements.
 7. 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.
 8. Permittee shall maintain the Non-generator's Certificate or contact the Environmental Services Department to determine if a Hazardous Waste Generator License is required.
 9. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 51 – Hazardous Waste Management, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations. No signage shall be allowed within the public road right-of-way.

10. 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.

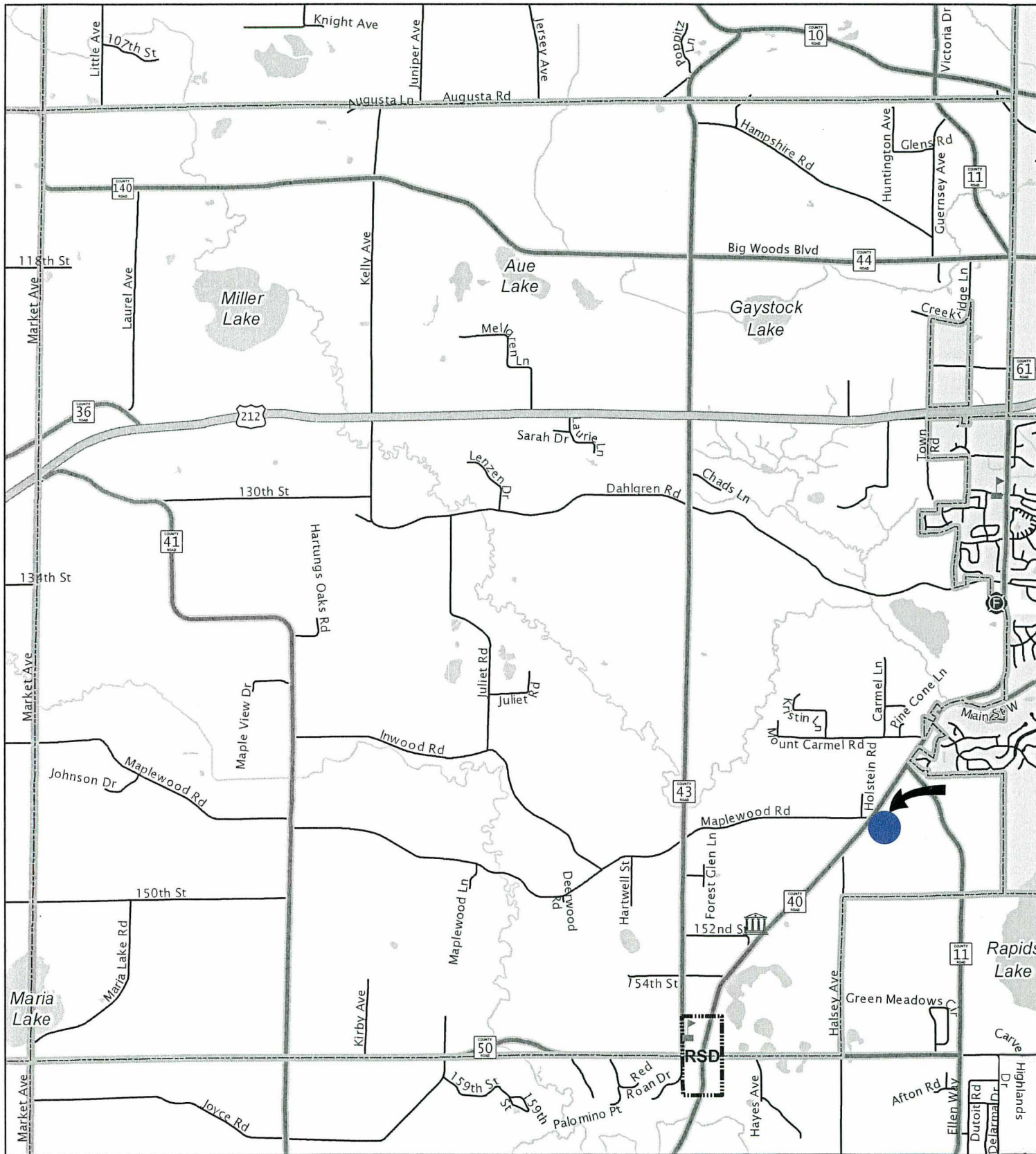
- If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

§ 152.251 REQUIRED FINDINGS.

An order for the issuance of a CUP or IUP can be adopted only if all of the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

- (A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules or regulations.
- (B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- (C) The establishment of a conditional or interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- (D) The effects of the proposed use will not be detrimental to the health, safety and welfare of Carver County or to the occupants of the immediate neighborhood.
- (E) That adequate utilities, access roads, drainage and other facilities have been or are being provided.
- (F) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use if these measures are applicable.
- (G) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance if these measures are applicable.
- (H) The use or development conforms to the County Comprehensive Plan.
- (I) The use or development is compatible with the land uses in the neighborhood.
- (J) A public hearing was held pursuant to § 152.285 and M.S. § 394.26, as it may be amended from time to time.

DAHLGREN 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

Request for a Home Extended Business Accessory Use CUP

To: Carver County Land Management and Dahlgren Township

From: Kevin Ciernia

Property Address: 14621 County Road 40, Carver, MN 55315

Parcel ID: 040251400

March 22, 2023

I am writing to request a Conditional Use Permit for a Home Extended Business Accessory Use for my small family-run automobile repair shop located in Dahlgren Township in Carver County, Minnesota. As a preliminary to this application, I successfully obtained the variance. Now, I want to apply for a Conditional Use Permit to operate a Home Extended Business Accessory Use (HEBAU) at this property.

When I purchased this property in 2015, I was under the impression that the previous property owner had obtained the necessary approvals to operate a diesel truck repair shop business in the existing building. Which, to me meant, I could continue under that same approval. I have been raising my family and operating my business at this location for a few years now and I have made many upgrades to the existing building to make it suitable for my needs. I have also gained new and wonderful customers from the local community. However, I was recently notified that I need a variance and a conditional use permit to continue operating my business at this location. At the March Board of Adjustment meeting, I was successful in obtaining a variance.

At my previous business location, I was driving a long distance between home and work. I wanted to find a property where I could raise my family and continue my small business. I made the move to this property because it already had an existing structure that met my needs, and I could raise my family and continue my business. Despite the challenges of moving my business, I have been able to maintain operations over the past few years and I do not plan to grow it any larger. My goal is to take care of my family with my small operation.

After talking with a County Land Manager, I now understand the importance of following zoning regulations, and I am committed to working with the county to stay in compliance with the requested variance and conditional use permit. I am a responsible and contributing member to this community. I believe that my business provides a simple but valuable service to the community, and I would like to continue operating it in the same location.

Attached, please find the following:

1. Description of my business
2. Site Plan

I would greatly appreciate your support for my application for a CUP. I would be happy to provide any additional information that may be needed, and I look forward to working with you.

Thank you for your time and consideration.

Sincerely,

Kevin Ciernia

Description of Business

My business is called Full Spectrum Motors. I do a combination of Auto, Small Engine and Boat Repair/Maintenance. I started my business back in 2008 after graduating from high school and attending Hennepin County Technical School for Auto Repair and Alexandria Technical College for Small Engine Repair. I started out in a shed like my shed on Flying Cloud Drive.

1. Business hours are in line with a small auto repair shop.
2. There are four work-related vehicles and a couple of trailers.
3. Customer visits are in line with a small auto repair shop, along with a couple of visits a day from parts delivery vehicles.
4. There is a small bathroom on premise for customers and worker(s).
5. There are 1-2 part time employees to help on smaller projects.
6. There is a single row along the tree line for customer cars and is shielded from the neighbors by trees and bushes.
7. There are no plans to expand the business beyond its current operating capacity.

Site Plan

The current site plan is to maintain the existing structure as is, along with the small row along the tree line for cars. There are not many cars parked there for a long period of time, usually about 5 to 10 cars there. I don't have any signage that promotes the business on the road or the building. There is an entrance from County Road 40 for vehicles to enter. It is separate from my home garage entry. There is a small concrete apron that existed prior to my purchase.

I have cleaned up many things on the property when I purchased it. There were 3 semi-trailer containers with flat wheels, iron, and steel inside. I removed them at my own expense. There are three cargo containers, two of them for business storage and one for personal storage.

Here is the site plan for the business:



Here is a view from the road. As you can see there is no signage promoting the business and you can't see anything other than the building that existed when I purchased the property.





COUNTY OF CARVER
State of Minnesota

FILE #: PZ20230003

APPLICANT: Kevin Ciernia

OWNER: Kevin Ciernia

SITE ADDRESS: 14621 County Rd 40 Carver, MN 55315

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

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-025-1400

Drafted by: Land Management

Return to: Land Management

BOARD OF ADJUSTMENT FINDINGS OF FACT AND ORDER

A public hearing was held on this matter on March 1, 2023, 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. Kevin Ciernia owns an approximately 9.83 acres parcel located in the West Half (W½) of the Southwest Quarter (SW¼) of Section 25, Dahlgren Township. The property is improved with a single-family residence with an attached garage, a 50' x 100' accessory structure and three cargo containers. The parcel is located in the Agricultural Zoning District, Transition Overlay District (City of Carver), and CCWMO (Carver Creek watershed).
2. The applicant is requesting a variance which would allow him to apply for a Conditional Use Permit (CUP) to operate a Home Extended Business Accessory Use (small motor repair - Full Spectrum Motors) which would be approximately 498 feet, 86 feet, and 377 feet from three residences on neighboring properties. The County Zoning Code requires a home extended business accessory use to be located a minimum of 500 feet from any neighboring residence not on the same parcel as the business. Therefore, a Variance to reduce the required setbacks to neighboring residences from a Home Extended Business Accessory Use has been requested.
3. In 1994, the previous owner of the property was issued a Certificate of Zoning Compliance for an Existing Contractor's Yard (trucking business) on the property. This type of permit, no longer issued, allowed the applicant to use the property in an approved manner but was not transferable to another owner, thus the permit was terminated when the property was sold. Assuming that permit was still valid when he purchased the property, Mr. Ciernia established his small-scale motor repair business on the property. Hence, this is an after-the-fact variance request.
4. The County Code requires that the operational area of a Home Extended Business Accessory Use shall meet a 500-foot setback from the nearest neighboring residence. Approval of the Variance would allow the applicant to apply for a CUP to operate a Home Extended Business Accessory Use with approximate 498-foot, 86-foot, and 377-foot setbacks from

three separate neighboring residences located to the northwest and the south. The applicant has provided a letter (dated: February 10, 2023) with detailed information addressing the proposed business.

5. During a review of existing CUP's and Certificate of Zoning Compliance permits, staff recognized that the property's permit had been terminated in January 2016 when the property ownership was transferred to Mr. Ciernia and identified that a business was being operated from the property. Staff informed Mr. Ciernia of the terminated permit and he submitted a variance request.
6. If the Variance is approved, the applicant intends to apply to the Planning Commission for a CUP for the establishment of a 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.
7. If both the Variance and the CUP are approved, the applicant does not plan to expand the business beyond the existing structure, two cargo containers for storage, and exterior storage of vehicles repaired and waiting for repair. Various trees, the applicant's family home, and a descending grade screen the utility shed and outdoor storage areas from the road, and there is a line of trees to that screen the vehicle storage area from the homes to the south.
8. The applicant's narrative states he believes that this is a reasonable request based on "The building already existed when the neighbor's homes were built" and "Before the neighbor's homes, the previous owner was approved to do something similar and was using the property for commercial use." In his letter, Mr. Ciernia attests "I acted in good faith... because I thought the previous owner was allowed, so I was allowed to do something similar." Also, the letter states: "I did make a substantial investment in this property not only for my business, but for my family" and "There are similar structures in the area, but maybe not used in the same way."
9. The neighborhood is comprised of a mixture of agricultural and residential uses. The subject property is located in the City of Carver's growth area, so it is in the Transition Overlay District. The District's standards for CUP's require the County to refer applications to the municipality for "comment and consideration." Furthermore, District standards state:

"Conditional uses provided for in the Agriculture District should not be permitted in transition areas if they are a significant departure from the future land use in the city's comprehensive plan and the use is of a nature that it could not easily and economically be converted to the planned land use upon urbanization." § 152.162 (D)

The application was sent to the City of Carver for review and no comments were received.

10. Jack Johansen, Transportation Planner with Carver County Public Works, reviewed the variance request and commented: "When reviewed as a Conditional Use Permit, Public Works will ask to see the field access into the site be removed. This is the access between the northernmost access and the southernmost."
11. The granting of the Variance should not materially or adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and should not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.
12. The granting of the Variance does not appear to be in conflict with the intent of the Comprehensive Plan and/or County Ordinances and would not alter the character of the neighborhood. The property has had some form of commercial use for about 30 years.
13. The Dahlgren Town Board reviewed and recommended approval of the application request during their February 13, 2023, Town Board meeting.
14. The Board of Adjustment 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 # PZ20230003

IT IS HEREBY ORDERED: That the application of Kevin Ciernia for a variance allowing three residences not on the property within 500-feet of a Home Extended Business Accessory Use's operational area pursuant to Section 152.079 (C)(9)(b)1 of the Carver County Zoning Code, for property legally described on the attached Exhibit "A", is hereby **approved** with the following conditions:

1. Prior to applying for a Building Permit, 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 and/or property shall meet all other requirements of the Carver County Zoning Code and MN State Building Code.
2. If the future CUP application is approved, the approved operational area shall not extend closer than 498 feet, 86 feet, and 377 feet from three residences on neighboring properties.
3. The permittee shall obtain building permits for the three cargo containers currently on site. (two commercial & one personal storage)

Gerald Bruner

Gerald Bruner (Mar 2, 2023 14:33 CST)

Gerald Bruner, Chairman

Carver County Board of Adjustment

03/02/23

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.

COUNTY OF CARVER
CERTIFICATE OF ZONING COMPLIANCE

FILE #9809

CERTIFICATE #9809

TYPE OF CERTIFICATE: Existing Contractor's Yard

DATE OF ISSUE: September 9, 1994

This permit certificate is issued for use of the property legally described on the attached Exhibit A, pursuant to Carver County Ordinance #32. It is issued to:

Joseph A. Bach
14621 County Road 40
Carver, MN 55315

and is not transferable to another person or corporation or to another parcel of property.

Purpose of Certificate: To certify that the property described on the attached Exhibit A may be used as a contractor's yard in accordance with section 3.02148 of Carver County Ordinance No. 32.

THE FOLLOWING CONDITIONS ARE ATTACHED TO THIS CERTIFICATE AND MUST BE COMPLIED WITH:

- A. Employees report to the site only for the purpose of picking up equipment and supplies or for general equipment maintenance.
- B. An office may be maintained on the site either in a storage building or in the home. The maximum number of office employees in addition to family members residing in the residence on the site shall be two.
- C. Supplies stored on site are those used during the ordinary course of the trucking business. The building or storage area shall not be used as a warehouse.

- D. The size of a contractor's yard storage building shall be limited by the size of the parcel of land. A building of 1000 sq. ft. per acre will be permitted with the maximum size being 5000 sq. ft. even for parcels larger than five acres. Only one contractor's storage building will be permitted. If more space is needed additions must be made to existing buildings up to the maximum size permitted.
- E. Outside storage is screened from view of the road, any neighboring residences, and a lake if the storage area is in the shoreland.. Screening shall be as provided in Section 2.0410. A maximum of 25% of the area of the contractor's yard parcel of land may be used for screened outdoor storage.
- F. Applicant submits a certificate of workers' compensation insurance or proper affidavit.
- G. Operation shall be in accordance with the plan of operation submitted as a part of this permitting process. The plan of operation shall be attached to and become part of the permit.
- H. Any permit issued under this section is issued to the applicant for the parcel named in the permit only and is not transferrable to another parcel of property or to another owner of the parcel for which the permit was issued.


Steve Just
Zoning Officer

THIS CERTIFICATE IS NOT EFFECTIVE UNTIL SIGNED

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 THIS NOT A BUILDING PERMIT AND OTHER PERMITS MAY BE REQUIRED.

 9-29-94
Signature of Certificate Holder Date



Township Presentation & Recommendation Form

PARCEL #	040251400	Permit #	PZ 20230017
Owner's Name:	Kevin Ciernia	Owner's Mailing Address:	14621 County Road 40
City:	Carver	Owner State:	MN
		Owner Zip:	55315
Applicant (if other than owner):		Site Address:	4621 County Road 40, Carver, MN 55315

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal
Description of Request: after the fact variance Conditional Use Permit for Full Spectrum Motors at Address listed above. Details Attached
Date of County Public Hearing: 03/01/2023 Date of Township Meeting: 02/13/2023

Actions:

Township Action Taken:

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

****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 02/03/2023
Signature of Township Official	Date 2-13-2023

From: Roger Falkenstein
Sent: Wednesday, April 5, 2023 2:45 PM
To: Land Management <LandManagement@co.carver.mn.us>
Subject: Kevin Cierna Conditional User Permit Hearing

Dear Jason,

I want to voice my support for this CUP application approval.

Jason provides a great service for our community and he does a great job of keeping his property inside and out very clean and organized.

Kevin runs a first class operation with all the latest technology to support the ever-evolving auto repair business and has very professional employees.

The way his shop facilities are set back from County Road 40 and tucked behind his home and trees also keeps his operation well-hidden from the highway.

We would very much miss Kevin and this business were this not approved.

Regards.

Roger Falkenstein
Carver, MN

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 04-025-1400

File# PZ20230017

APPLICANT/OWNER: Kevin Michael Ciernia

* * * * *

A tract of land in the West Half of the Southwest Quarter of Section 25, Township 115 North, Range 24 West, Carver County, Minnesota, described as follows, to-wit: Commencing at the Northeast corner thereof; thence West 5.47 chains to the center of the Carver and Henderson Road; thence South 38 degrees West along said road, 6.50 chains; thence South 75 degrees 40 minutes East 9.79 chains to the Quarter line (East line of the West Half of the Southwest Quarter); thence North 7.61 chains to the place of beginning. EXCEPT the North 1 rod thereof. ALSO, the West 2.50 chains of the Northeast Quarter of the Southwest Quarter, Section 25, Township 115 North, Range 24 West, EXCEPT the north 1 rod thereof.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 10, 2023

TO: Carver County Planning Commission & Hollywood Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Farm-Related Business).

FILE #: PZ20230016

APPLICANT: Dennis Henning

PROPERTY OWNERS: Leroy & Lucille Henning, Dennis & David Henning

SITE ADDRESS: 17510 62nd Street New Germany, MN 55367

& Vacant Adjacent Property directly East

PERMIT TYPE: Farm-Related Business

PURSUANT TO: County Code, Chapter 152, Sections 152.079 (C)(2)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-033-1900 & 06-033-1600

STAFF ANALYSIS:

1. Leroy and Lucille Henning, and Dennis and David Henning own approximately 25.57 acres (14.26 acres & 11.31 acres) located in the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 33, Hollywood Township. The properties are improved with a house (w/an attached garage), two commercial buildings, wetlands, agricultural production land, and a Farm-Related Business (i.e. Henning Excavating). The property is located in the Agricultural Zoning District and the Carver County Water Management Organization - CCWMO (Crow River watershed).
2. The applicant, Dennis Henning, is requesting to amend the existing Conditional Use Permit (CUP) #5330 to expand the operational area and add a proposed addition to the existing structure as part of the Farm-Related Business – Henning Excavating (i.e. tiling, excavation, sewer/water line business). While Henning Excavating has been operating in Carver County since 1953, the original Farm-Related Business CUP was issued to the property in 1982 (CUP # 5330, attached) from a 6,000 square-foot shed. The operational area was expanded in 1989 (CUP Order #7944, attached), with an approximate 1,320 sq ft addition to the existing building. The proposed expansion to the commercial activity would allow the operation to continue to operate as a Farm-Related Business allowed pursuant to Section 152.079 (C)(2) 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.

(2) Farm-related businesses.

- (a) A business directly related to the conduct of agriculture that involves: retail sales beyond the scope of a roadside stand or yard sale, including "pick your own" sales; or operational limits exceeding that of a home occupation; or a commercial structure that would be constructed according to State Building Code.
- (b) The following specific standard must be met: the business is 70% farm-related under one or more of the following criteria:
 1. The business provides a repair or maintenance service for equipment unique and necessary to agricultural operations;
 2. The business produces a product or involves a process that utilizes locally grown or produced commodities; or
 3. The business involves sales and/or purchasing of products of the local agricultural economy or of goods unique and necessary to agricultural operations.

3. The Henning's business consists of installing shed pads, water lines, footings, farm drainage and some emergency work for Carver County cities. The applicant's site plan (dated February 14, 2023) shows the current and future operational areas between the two parcels. The operations area currently consists of a 50' x 150' (approx. 7,320 sq ft) commercial building and a 40' x 90' building (approx. 3,600 sq ft). The commercial buildings are utilized for the storage of excavating equipment, pipes, and vehicles. Outdoor storage would consist of some additional trailers, excavation equipment, and small gravel stockpiles. The applicant is not proposing any screening at this time.
4. As described in their letter (dated March 21, 2023), the applicants would like to add to the north building, a 40' x 60' addition and a 20' x 80' lean to, for an additional 4,000 sq ft of commercial storage space. This brings the total indoor commercial space to 14,920 square feet. Hours of operation are stated to be sunrise to sunset (approximately 7AM to 8PM, or 9PM in the summer). The number of employees consists of four family members at this location, with family living in the house on site. The business estimates approximately four trips to and from the site per day, with customers rarely coming to the site. The business has ten (10) business/company vehicles stored onsite consisting of dump trucks, lowboys, and equipment trailers. The request appears to meet the minimum standards for a Farm-Related Business CUP.
5. The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, site stabilization requirements, and Best Management Practices (BMP's) are typically reviewed as part of any site improvements pursuant to Chapter 153 of the County Code (Water Management Rules). 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 beginning any excavation activity.

6. At this time, the applicant does not have plans to add signage to the site but may do so in the future. All future signage is required to meet the standards of Chapter 154 – Sign Regulations of the County Code; not to exceed 32 square feet of surface area. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush.
7. On April 4, 2023, Land Management staff received an email from neighbor Clay Montgomery, who stated: “The Henning family has always done a good job of keeping their property in good shape. The Henning family has been an asset to the area for many years.”
8. The City of New Germany reviewed the application materials and site plan. In an email dated April 6, 2023, staff indicated they did not have any concerns.
9. The Hollywood Town Board reviewed the application request during their March 13, 2023, Hollywood Township meeting. This request was approved without additional conditions or comments.

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the Conditional Use Permit application for a Farm-Related Business, the previous CUP #5330 (Document No. 56706) and CUP Order #7944 (Document No. 111237) would be terminated upon final approval (and recording) of the new CUP #PZ20230016. Therefore, CUP #PZ20230016 would supersede any prior approvals. The following conditions should be considered part of the permit:
1. The permit is subject to administrative review. The Permittee shall maintain homestead status and occupancy on the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners/operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
 2. The Farm-Related Business (Henning Excavating) shall operate in accordance with the operational letter (dated 3/23/2023) and site plan (dated 2/14/2023). These plans shall be attached to and become part of this permit. Any proposed expansion of the submitted site plan shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary.
 3. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence and/or property owner for personal storage, hobbies, personal recreation and entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance.
 4. Any future remodeling or improvements structures on the property shall require Carver County Building Official review and permit approval. Future construction of any new structure to be utilized as part of the business, shall be permitted upon review and issuance of appropriate building permit(s) prior to construction.
 5. Any grading, filling, or site improvement activity on the property shall be completed in accordance with the CCWMO Rules (Chapter 153 – Water Resource Management) and the Wetland Conservation Act (WCA), if applicable. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
 6. Permittee shall comply with all road authority (i.e. Hollywood Township) access requirements on 62nd Street.
 7. The Permittee shall maintain a conforming Subsurface Sewage Treatment System (SSTS) pursuant to Chapter 52 of the Carver County Code to accommodate any wastewater produced on site.
 8. Permittee shall maintain the Non-generator’s Certificate or contact the Environmental Services Department to determine if a Hazardous Waste Generator License is required.

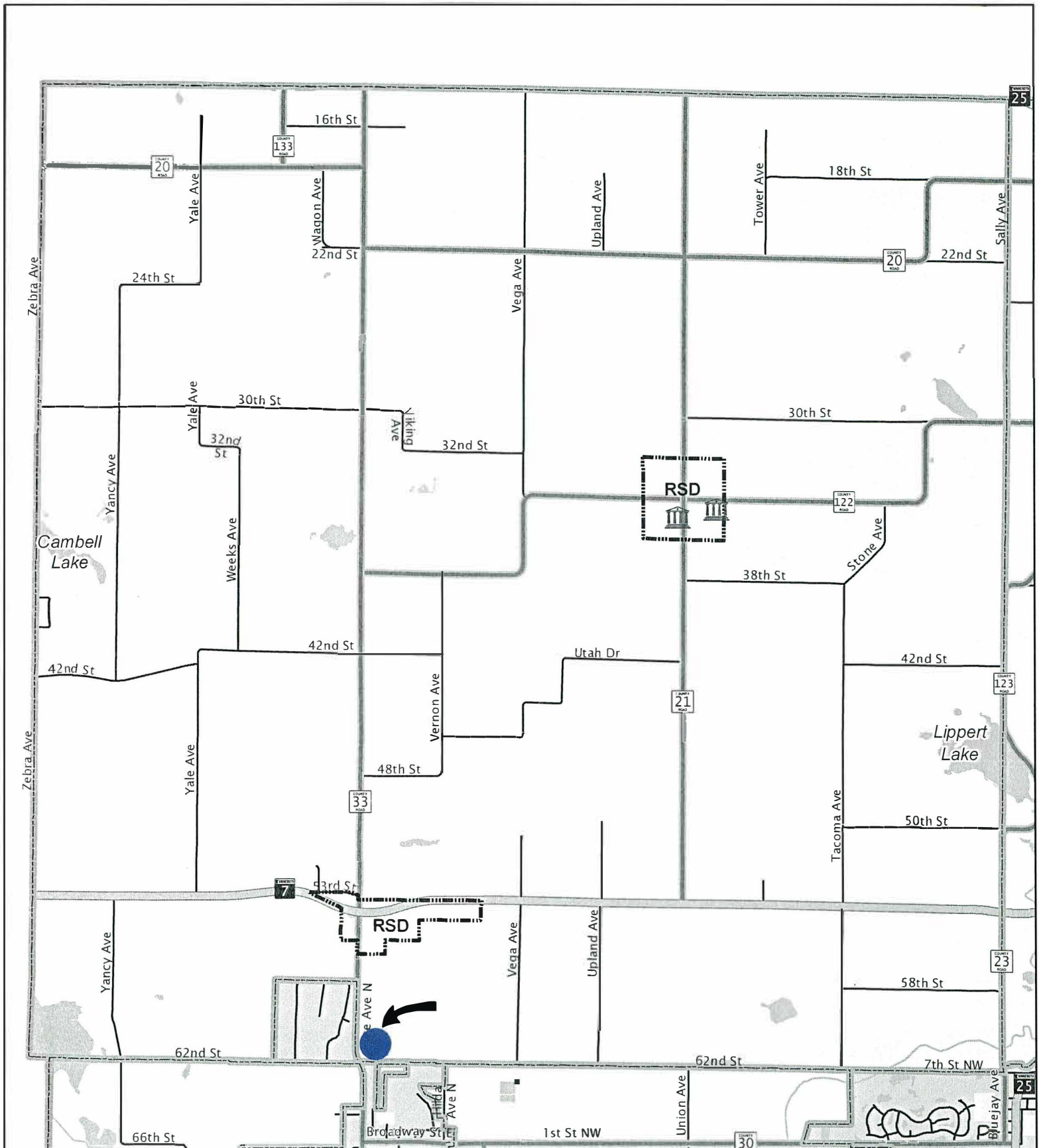
9. All solid waste materials generated by the operation shall be done by contract with a licensed company. All future contracts must be submitted to the Land Management and Environmental Services Departments annually.
 10. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 51 – Hazardous Waste Management, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations. No signage shall be allowed within the public road right-of-way.
 11. The permittee shall submit Certificate of Workers' Compensation Insurance to the Land Management Department annually when there are additional employees beyond the owner/operator. The insurance shall be maintained for the duration of the CUP.
- If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

§ 152.251 REQUIRED FINDINGS.

An order for the issuance of a CUP or IUP can be adopted only if all of the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

- (A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district, and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules or regulations.
 - (B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 - (C) The establishment of a conditional or interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - (D) The effects of the proposed use will not be detrimental to the health, safety and welfare of Carver County or to the occupants of the immediate neighborhood.
 - (E) That adequate utilities, access roads, drainage and other facilities have been or are being provided.
 - (F) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use if these measures are applicable.
 - (G) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance if these measures are applicable.
 - (H) The use or development conforms to the County Comprehensive Plan.
 - (I) The use or development is compatible with the land uses in the neighborhood.
 - (J) A public hearing was held pursuant to § 152.285 and M.S. § 394.26, as it may be amended from time to time.
- If the current application fails, or it is withdrawn, the Farm-Related Business CUP (#5330) and CUP Order (#7944) would remain in full force and effect. The existing use (Farm-Related Business) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

HOLLYWOOD TOWNSHIP

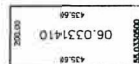


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

S 1/2 SEC. 33, T.117, R.26



2023 03 04



17510 62nd Street
 New Germany MN 55367
 952-353-2119 or 952-353-2180

David Henning
Jeremy Henning
Ryan Henning

To Whom it may concern,

Henning Excavating has been in business for seventy years. It's a family owned and operated business. It was started by LeRoy Henning in 1953, now it is owned by Dennis, David, Jeremy and Ryan Henning. We have a good relationship with all of our neighbors, past and present.

We do a variety of farm related work for example shed pads, water lines, footings, farm drainage also work for a number of cities for emergency work. Henning Excavating would like to put an addition on to our existing shed for storing pipe and our equipment.

The equipment we have are dump trucks, lowboys, and equipment trailers. Our hours of operation would be from dawn till dusk. There is not a steady flow of traffic during these hours of operation.

There are four family members that operate from this location, one family member lives in the house. There is approximately four trips on and off the site per day. The outside storage would consist of some excavating equipment.

The new building addition would be approximately 40 x 60 and 20 x 80 lean-to, this would be used for storing excavating equipment and pipe. Sanitary facilities are located in house and garage on house, waste disposal is with dumpsters. We keep our site looking very neat we have been at this location for 70 years and never had any complaint from anyone.

At this time, we do not have any sign, at some point we would probably put a sign on one of the buildings.

Customers will periodically stop by it is not a steady flow of traffic.

Thank you,
 Henning Excavating
 Dennis, David, Jeremy, and Ryan Henning

Operational Plan

Description of Activity or Operation: Excavating Company
Dump trucks, Lowboy or equipment Trailers
excavating equipment

Hours of Operation

Start time: 7 AM Finish or Quitting time: 8 PM
Summer Start time: 7 AM Finish or Quitting time: 9 PM
Winter Start time: 7 AM Finish or Quitting time: 8 PM

Number of Employees: 4 family members
Number of Employees reporting to site: 4 family members
Number of resident family members working in operation: 1 family member
Number of vehicle trips in and out of site each day: 4 Number of parking spaces available: unlimited

Number of business vehicles: 10
Types of business vehicles: (i.e. trucks & equipment) Dump trucks Lowboy trailer

excavator - skid steer,
Number of personal vehicles: 4

Types of personal vehicles: (i.e. pickup, personal automobile, farm tractor) pickup and side by side
Outside storage needed: (List items stored in this area) some vehicles

Materials stored on site: (List types and indicate storage area on site plan) drainage pipe, would
be stored in new building when constructed

Proposed building: (Size and type) 40 x 100 20 x 80

Items stored in building: excavating equipment and pipe

Sanitary facilities: (Where located and type of facility) located in house

Waste Management used: (Waste disposal) dumpsters

Screening proposed: (Show location on site plan) we keep site looking very neat, we have
been at same location for 70 years and never had any complaints

Signs: (Size, type, indicate location on site plan) none

Describe in detail, person(s) other than owner that would access the site: (Customers, employees, public)

customers will periodically stop by it not a steady flow of traffic
PLEASE USE SEPARATE SHEET FOR ADDITIONAL INFORMATION.

Dennis Henning
Signature

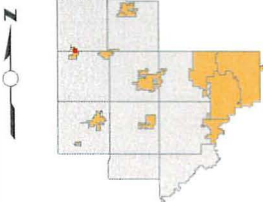
March 21 - 2023
Date

HENNING EXCAVATING



Date: 2/14/2023

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.



State of Minnesota
County of Carver

Date 9/28/82

Carver County Board
of Commissioners

Copy be signed by the
applicant and mailed to the
Zoning Office

CONDITIONAL USE PERMIT

Issued To: LeRoy Henning Conditional Use Permit 5330
New Germany, Mn. 55367 File No. 5330
Parcel No. 294H
Planning Commission Resolution No. 82-48

UNLESS SIGNIFICANT WORK HAS BEEN DONE WITHIN SIX (6) MONTHS FROM THE DATE OF PERMIT APPROVAL, SAID PERMIT SHALL BECOME NULL AND VOID, UNLESS A PETITION FOR EXTENSION OF TIME IN WHICH TO COMPLETE THE WORK HAS BEEN GRANTED BY THE COUNTY BOARD.

Legal Description: See Attached

The above matter came up for public hearing before the Carver County Planning Commission in the Carver County Courthouse at Chaska, Minnesota at 8:10 p.m. on September 15, 1982 for a Conditional Use Permit to operate a farm related businesses pursuant to Section 8, Subdivision 2.10 on property in Section 33 of Hollywood Township. The following are the Findings of Fact:

1. Mr. LeRoy Henning owns 14.97 acres in the SW $\frac{1}{4}$ of Section 33, Hollywood Township. The complete legal description is on file in the Zoning Office and is attached.
2. The existing use of the property is residential, agricultural, and commercial. There is one home on the land; most of the remainder is farmed. Mr. Henning has operated an excavation and septic system installation business from the land for a number of years.
3. Mr. Henning is proposing the construction of an 50' x 120' (6000 sq. ft.) shed to house some farm machinery and to house the excavating and septic installation equipment. Since the structure will be used for commercial purposes Mr. Henning is applying for a Conditional Use Permit for a farm-related business pursuant to Section 8, Subdivision 2.10.
4. Access to the operation will be provided by the existing driveway. A town road provides access to the property.
5. The proposal meets ordinance requirements for road frontage acreage and access spacing.
6. The business primarily provides service to farmers and rural residents - tiling, excavations and installation of septic systems in the rural area. In the past, similar operations have been considered farm-related.
7. The use is permitted as a conditional use within the zoning district.
8. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
9. The establishment of a conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
10. The effects of the proposed use will not be detrimental to the health, safety and welfare of Carver County or to the occupants of the immediate neighborhood.

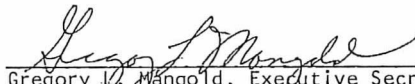
This Conditional Use Permit to operate a farm-related business on the above described property pursuant to Section 8, Subdivision 2.10 is hereby issued to LeRoy Henning with the following conditions:

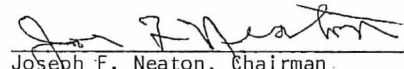
197

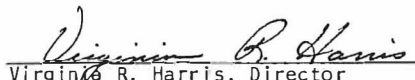
CU - 5330
AMENDMENT

3-10

1. A building permit is applied for.
2. The permit is subject to annual review for compliance with permit conditions and for farm-related business status.
3. The structure shall be used only for the purposes stated in this permit and for incidental residential storage.
4. The operational plan and the site plan shall become part of the permit.

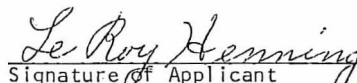

Gregory L. Mangold, Executive Secretary


Joseph F. Neaton, Chairman
Carver County Board of Commissioners


Virginia R. Harris, Director
Planning, Zoning, Environmental Services

This permit becomes effective when signed by the applicant.

I have read the above conditions and hereby agree to follow them. I realize that the violation of any of the conditions is a violation of the Carver County Zoning Ordinance No. 3-8.


Signature of Applicant

An undivided one-half interest in and to:

The West Half of the Southeast Quarter of Section 33, Township 117, Range 26, containing 80 acres, more or less, according to the Government Survey thereof, with the exception of one rod wide commencing on the Southwest corner of said 80 acres; then running North on the West line 81 rods, which is given as a cartway for the joining land.

DOCUMENT NO. 56706
OFFICE OF COUNTY RECORDER
STATE OF MINNESOTA
COUNTY OF CARVER

This is to certify that this document was
filed in this office on the 19 day of
Oct. 1982 A.D. at 11:30 o'clock A. M.
and was duly recorded in Book 60
of misc. page 197-198


County Recorder

by _____

COUNTY OF CARVER
CONDITIONAL USE PERMIT #

PLANNING COMMISSION RESOLUTION #89-36

ORDER #7944

DATE ISSUED: 12-6-1989

FILE #7944

APPLICANT: Dennis Henning

PERMIT TYPE: Amendment to Farm Related Business Permit CUP#5330

PURSUANT TO: Ordinance No. 32, Section(s)3.0305

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #06-033-1900

This permit is issued for property legally described on the attached Exhibit A, pursuant to Carver County Ordinance #32.

Purpose of Permit: To amend Farm Related Business Permit CUP #5330 to allow for an addition onto an existing accessory structure.

THE FOLLOWING CONDITIONS ARE ATTACHED TO THE PERMIT AND MUST BE COMPLIED WITH:

1. A county building permit must be applied for and issued before any construction is started.
2. The permit is subject to annual review for compliance with permit conditions and for farm-related business status.
3. The structure will be used only for the storage of business related equipment and parts, farm machinery and incidental residential storage.

4. Outside storage of the following will be allowed: bales of plastic tile, and gravel and rock. Brief parking of equipment and vehicles outside will also be permitted.
5. The applicant must submit a Certificate of Workers' Compensation Insurance.
6. The operational plan and site plan shall become part of the permit.



Virginia R. Harris
Director of Planning & Zoning

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT

(Applicant signature block on the next page)

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 SUBSTANTIAL 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.

Dennis Henning
Signature of Applicant

12-18-89
Date

EXHIBIT A - LEGAL DESCRIPTION

PID # 06-033-1900

FILE # 7944

PERMIT/ORDER # 7944

APPLICANT/OWNER: Dennis Henning

+++++

Beginning at the southwest corner of Section 33, Township 117 North of Range 26 West; thence running North 14.26 chains; thence running East 9.13 chains; thence running South 14.26 chains to township line; thence running West 9.13 chains on township line to the point of beginning, containing 13 acres of land in the Southwest Quarter of the Southwest Quarter of Section 33, Township 117, Range 26.

Also including

All that part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 33, Township 117 North, Range 26 West described as follows:

Commencing at the Southwest corner of Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 33, Township 117 North, Range 26 West, thence East along the South line of said Southwest Quarter for a distance of 602.58 feet to the actual point of beginning; thence North 941.16 feet to a point 602.58 feet East of the West line of said Southwest Quarter; thence East 91.18 feet; thence South 941.16 feet to the South line of said Southwest Quarter thence West along the South line of said Southwest Quarter 91.18 feet to the point of beginning. This tract containing 1.97 acres, more or less.

OFFICE OF COUNTY RECORDER
STATE OF MINNESOTA
COUNTY OF CARVER

Filing Fee NIC

This is to certify that this document was filed in this office on the 2 day of Jan 1990 A.D. at 2 o'clock P.M. and was duly recorded as document no.

111237

CARL W. HANSON JR.

County Recorder

by: Mary L. Frey

M. I. G. G.

Zoning

Page 2 of 4 Pages



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL # <u>060331900</u>	Permit # <u>PZ20230014</u>
Owner's Name: <u>Herring Excavating</u>	Owner's Mailing Address:
City: 	Owner State: Owner Zip:
Applicant (if other than owner): <u>Dennis Herring</u>	Site Address:

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

Description of Request:

Date of County Public Hearing: 3-21-23

Date of Township Meeting: 3-13-23

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:

~~Denial~~
motion was made, seconded & MSC to approve building.

****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.

<u>Dennis Herring</u>	Date <u>3-13-23</u>
Signature of Applicant	
<u>[Signature]</u>	Date <u>3-13-23</u>
Signature of Township Official	
<u>[Signature]</u>	

Jason Mielke

From: Clay Montgomery <clymntgmry@aol.com>
Sent: Tuesday, April 4, 2023 12:18 PM
To: Jason Mielke; Land Management
Subject: Fw: Henning 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.

FYI JASON

thanks

clay montgomery

----- Forwarded Message -----

From: Clay Montgomery <clymntgmry@aol.com>
To: landmanagement@co.carver.us <landmanagement@co.carver.us>
Sent: Tuesday, April 4, 2023 at 12:15:25 PM CDT
Subject: Henning conditional use permit

To: Carver county planning and Zoning

From : Clay Montgomery

My family currently owns land SE of the Henning propertyBlack Forest Estates. For over 50 years my family has owned land off and on in that area The Henning family has always done a good job of keeping their property in good shape. The Henning family has been an asset to the area for many years.

Please approve the CUP so Mr. Henning can do as he needs to!!

Feel free to contact me

Sincerely,

Clay Montgomery
Owner
Montgomery Farms and Land Investments
612-280-5968

Jason Mielke

From: ngcityhall@gmail.com
Sent: Thursday, April 6, 2023 3:17 PM
To: Land Management
Subject: CUP

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

TO Whom it May Concern,

City of New Germany reviewed the letter from the Land Management Dept in Regards to Henning Excavating CUP. New Germany City Council has no issues with the CUP. Please reach out if you would require more information.

Thank You!

Twyla Menth, MCMC, CMC
City Clerk-Treasurer
300 Broadway Street E.
New Germany, MN 55367
ngcityhall@gmail.com
(952) 353-2488
Fax: (952) 353-8021
POP. 464

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EXHIBIT "A" – LEGAL DESCRIPTION

**PID NUMBER: 06-033-1900
06-033-1600**

File# PZ20230016

**APPLICANT: Dennis Henning, representing Henning Excavating
OWNER: LeRoy L Henning & Lucille Henning**

* * * * *

06-033-1900

Tract 1:

That part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 117 North, Range 26 West, described as follows: Beginning at the Southwest corner of said Section 33; thence running North along the west line of said Section 33, a distance of 941.16 feet to a point; thence running East, parallel to the south line of said Section 33, a distance of 602.58 feet to a point; thence running South, parallel to the west line of said Section 33, a distance of 941.16 feet to the south line of said Section 33; thence running West along the south line of said Section 33, a distance of 602.58 feet to the point of beginning.

Tract 2:

That part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 117 North, Range 26 West, described as follows: Beginning at the Southwest corner of said Section 33; thence East along the south line of said Section 33, a distance of 602.58 feet to the actual point of beginning; thence North, parallel to the west line of said Section 33, a distance of 941.16 feet to a point 602.58 feet east of the west line of said Section 33, as measured along a line parallel to the south line of said Section 33; thence East, parallel to the said south line of Section 33, a distance of 91.18 feet; thence South, parallel to the west line of said Section 33; thence West along the south line of said Section 33, a distance of 91.18 feet to the point of beginning.

EXCEPTING from the two above tracts the following described tract:

That part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 117 North, Range 26 West, lying westerly of County State Aid Highway No. 33.

06-033-1600

The southwest Quarter of the Southwest Quarter of Section 33, Township 117, Range 26, EXCEPTING THEREFROM the following described tracts:

- 1) Beginning at a point 14.26 chains North of the Southwest corner of Section 33, Township 117, Range 26; thence running North 5.73 chains; thence running East 20.05 chains; thence running South 5.77 chains to a point 14.25 chains North from the South Section line of Section 33; thence running West 20.06 chains to the point of beginning, the South line of the above-described land being in the center of a ditch now there constructed.
- 2) Beginning at the Southwest corner of Section 33, Township 117, Range 26; thence running North 14.26 chains; thence running East 9.13 chains; thence running South 14.26 chains to the Township line; thence running West 9.13 chains on the Township line to the point of beginning, containing 13 acres of land in the Southwest Quarter of the Southwest Quarter of Section 33, Township 117, Range 26.
- 3) The South 229.3 feet of the West 190.0 feet of the East 380.0 feet of the Southwest Quarter of the Southwest Quarter of Section 33, Township 117, Range 26.

- 4) The South 229.3 feet of the East 190.0 feet of the Southwest Quarter of the Southwest Quarter of Section 33, Township 117, Range 26.
- 5) All that part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 117, Range 26, described as follows: Commencing at the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 33, Township 117 North, Range 26 West; thence East along the South line of said Southwest Quarter for a distance of 602.58 feet to the actual point of beginning; thence North 941.16 feet to a point of 602.58 feet East of the West line of said Southwest Quarter; thence East 91.18 feet; thence South 941.16 feet to the South line of said Southwest Quarter; thence West along the South line of said Southwest Quarter, 91.18 feet to the point of beginning.



COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

PRELIMINARY PLAT – HILK ACRES

April 10, 2023

TO: Carver County Planning Commission & Waconia Town Board
FROM: The County Land Management Department
SUBJECT: Application for Approval of the Preliminary Plat – Hilk Acres

FILE: PP-PZ20230013

APPLICANT: Mark Eklo

OWNER: Golf Lake Condos, LLC

SITE ADDRESS: 112XX 66th Street, 55387

PURSUANT TO: County Code, Chapters 151 & 152

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 09-003-1130

STAFF FINDINGS:

1. Mr. Eklo recently purchased the subject 8.13-acre parcel located in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) Section 3, Waconia Township. The property is undeveloped, currently wooded with no wetlands. The site is adjacent to the Dakota Rail Trail (Carver County Regional Rail Authority) and is also located in the Agricultural Zoning District, Rural Service Overlay District (Maple), and the Carver County Water Management Organization - CCWMO (Carver Creek watershed).
2. On January 3, 2023, Conditional Use Permit (CUP) #PZ20220046 (see attached) was issued to the subject property in order to create three (3) residential parcels pursuant to the additional density provision (Section 152.078 B – Wooded Lots) of the Carver County Zoning Code. With the approval of the CUP, the applicant is now requesting an approval of the Preliminary Plat “Hilk Acres” Subdivision. The request would consist of three residential lots (Lots 1-3, Block 1) for single-family homes.
3. Copies of the preliminary plat (signed date 3/24/23) have been sent to the Waconia Township Clerk (Sue Goede), CCWMO (Kristen Larson), Carver County Soil & Water Conservation District (SWCD), Carver County Environmental Services (Jacob McLain), Carver County Regional Rail Authority (Marty Walsh), Waconia Schools District 110 (Finance & Operations Office), CenterPoint Energy (natural gas utility company serving the area), and Xcel Energy (electric utility company serving the area). As of this report, Environmental Services and the CCWMO have submitted comments. Other comments may also be available at the time of the public hearing.
4. The additional density, wooded lots, are laid out in such a manner that there are no more than four (4) homes per quarter-quarter as permitted by the density regulations of the Carver County Zoning Code. The residential lot sizes range from 2.5 acres to 2.6 acres. Each lot has a defined building site (i.e. minimum of a 1-acre building site) that conforms to code requirements, and any home constructed within the site would meet the zoning setback requirements. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property without impacting adjacent properties.

5. The preliminary plat shows 5-foot utility & drainage easements around each of the three (3) lots. There are no wetlands identified on the subject property; therefore, no wetland “drainage” easements are being provided as part of the platting process. No obstructions shall be permitted in any of the drainage and utility easements located around the perimeter of each lot. The covenants should address the preservation of the easements and that no obstructions shall be permitted within those areas.
6. The Hilk Acres plat does not involve the construction of an interior road (i.e. township road). Each of the subject lots would be provided access from the existing township road (i.e. 66th Street). Therefore, there would not be a development contract agreement as part of this platting process. Each proposed driveway access would be reviewed and approved by the road authority (Waconia Township) prior to driveway access permits and prior to building permit approvals.
7. The Carver County Environmental Services Department has received a report from a licensed SSTS professional identifying the primary and alternate Subsurface Sewage Treatment System (SSTS) locations. Environmental Services has reviewed the material and conducted a site visit. In an email dated November 30, 2022, Senior Environmentalist Jacob McLain reported “All lots include suitable areas for primary and alternative sites. Soils have been reviewed and approved.” No changes to primary and alternate SSTS sites have been proposed since the original submittal. All of the SSTS system locations would need to be fenced off and protected prior to any land alteration for driveway or house construction, etc.
8. The approximate 8.13-acre plat is located within the CCWMO jurisdiction. Stormwater management, and erosion control measures would need to be addressed pursuant to Chapter 153 of the County Code (i.e. Water Management Rules). A combined erosion and sediment control and stormwater permit from the CCWMO would be required if the cumulative impervious surface constructed on all lots (drive, house pad, garage, other outbuildings, etc.) is greater than 1-acre. An erosion and sediment control permit from the CCWMO would be required if lots are constructed at the same time and the total disturbed area for all lots is greater than 1-acre. Additional information on stormwater and erosion and sediment control permits (requirements, application, guidance documents) is available on the County’s website.
9. The Carver SWCD typically reviews the project with regard to the CCWMO “Water Management Rules”. All lots shall be reviewed for erosion/sediment control measures during the building permit process. The Carver SWCD would also be involved in the review and approval of the plans as they relate to the Water Rules, Wetland Conservation Act (WCA), and the Stormwater Pollution Prevention Plan (SWPPP), if applicable.
10. The draft covenants, as required by Conditional Use Permit #PZ20220046, have been submitted with the application and would need to be reviewed and approved by Carver County prior to final plat approval. The covenants shall address the preservation of the drainage and utility easements and that no obstructions shall be permitted within those areas. The required covenants shall address that each lot would be reviewed in the field prior to issuance of any building permits. The covenants shall be filed with the final plat and include minimum requirements as identified in the CUP.
11. The plat substantially meets the requirements of applicable County Zoning Code sections except where noted. The areas of deficiency would need to be addressed through conditions placed on the preliminary plat approval that must be complied with prior to acceptance of the final plat.
12. The Waconia Town Board reviewed and recommended approval of the Hilk Acres Preliminary Plat Revisions during their March 7, 2023, meeting without additional comments.

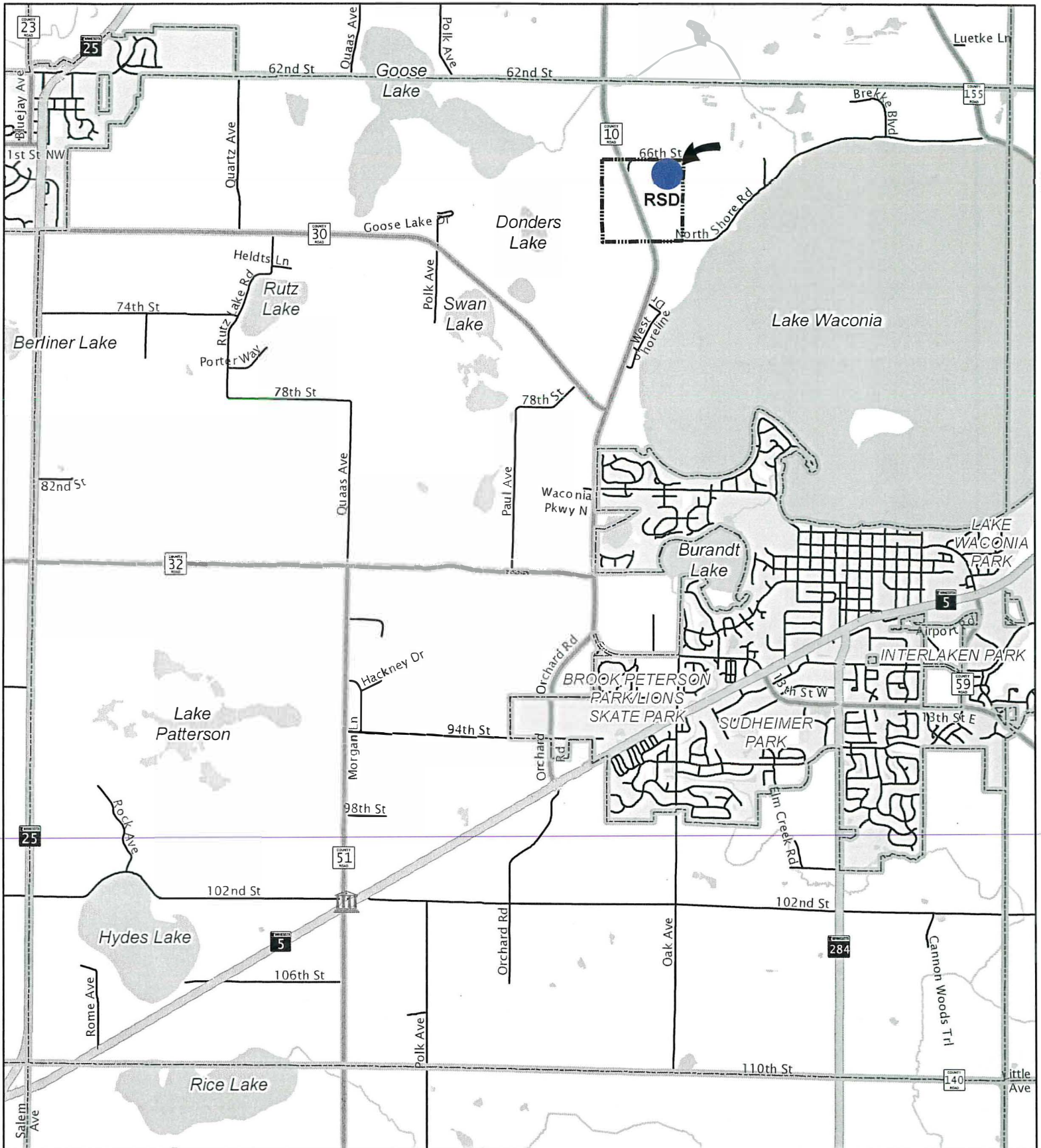
PLANNING COMMISSION CONSIDERATION:

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

1. A total of three (3) residential wooded lots are permitted. The property shall be platted in accordance with M.S. Chapter 505, Carver County Zoning Subdivision Code 151, and the Carver County Zoning Code 152.

2. The layout of the final plat must substantially conform to the preliminary plat. Any significant departure from the preliminary plat must be approved by the Planning Commission before final plat consideration. As part of the preliminary plat approval, each lot shall document a suitable one (1) acre building site including a house location and primary & alternate septic site locations. All conditions of CUP #PZ20220046 shall be satisfied prior to the recording of the final plat.
3. The Covenants as required by CUP #PZ20220046 shall be reviewed and approved by Carver County prior to final plat consideration by the County Board. The Assistant County Attorney shall review and approve the covenants and County Surveyor shall review and approve any title work. The covenants shall address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
 - B. A covenant stating that the area is rural, and that commercial agriculture and other rural land use activities shall likely be occurring in the area. A notification must be provided regarding “odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities”. Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the “A” district.
 - C. If the home sites include any environmentally sensitive land, then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, they would have to submit soil borings for another site before any building permit will be issued.
 - E. A covenant must be added requiring the preservation of the easements and that no obstructions shall be permitted within any easement areas.
4. The above-required Covenants shall become part of the plat approval.
5. Each lot must be reviewed in the field prior to the issuance of any building permit and/or SSTS permit. All septic system locations (i.e. primary & alternate) shall be marked and protected (rope, fencing, etc.) to prohibit any disturbance to those areas. Furthermore, prior to the commencement of any construction related activity, the primary and alternate septic locations for each lot shall be protected.
6. Each lot shall be reviewed and approved by CCWMO pursuant to Chapter 153 of the Zoning Code. Specific details for each lot must be submitted to the CCWMO for approval prior to issuance of building permit(s) on individual lots.
7. The driveways for each lot shall conform to the Carver County Land Management Department and CCWMO requirements. The applicant shall comply with any and/or all requirements established by the appropriate road authority (i.e. Waconia Township). An access permit for each driveway from 66th Street shall be obtained from the Township (or appropriate road authority) prior to issuance of an access permit or new home building permit(s).
8. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property.
9. As per Section 151.163 of the Carver County Code, all utility facilities are to be located underground. The access and drainage ways will be designed so that public utilities can be installed at a later date.

WACONIA TOWNSHIP



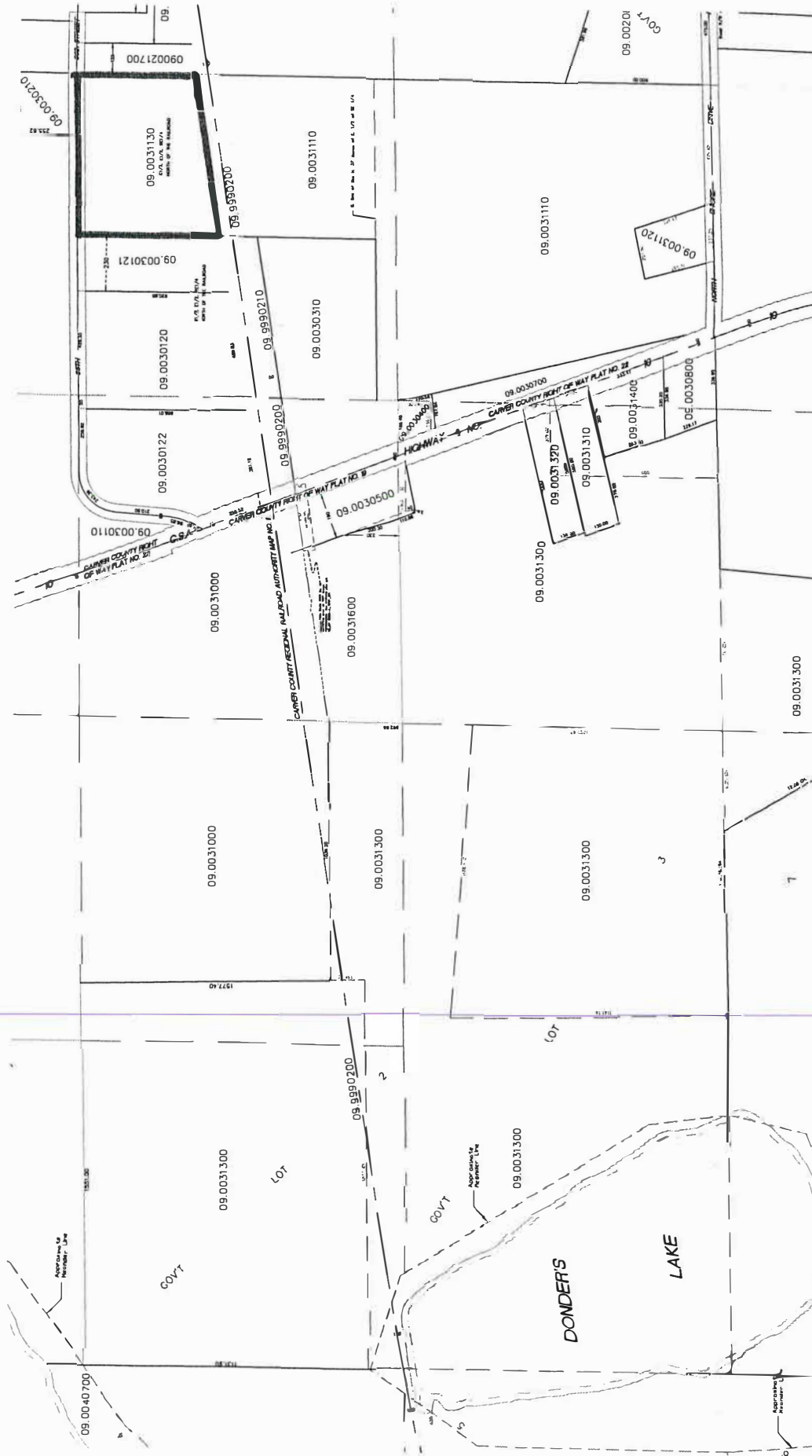
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



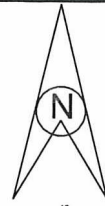
Map Created by Carver County GIS

S 1/2 SEC. 3, T.116, R.25

THIS IS A LEGAL DESCRIPTION OF THE LAND AND THE SURVEYING OFFICE HAS NO LIABILITY FOR THE ACCURACY OF THE SURVEYING DATA OR THE RESULTS OF THE SURVEYING DATA. THE SURVEYING OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE SURVEYING DATA OR THE RESULTS OF THE SURVEYING DATA.



Preliminary Plat of HILK ACRES



0 40 80 Feet
Total Property Area = 8.13 Acres

LEGEND

- ⊠ denotes Telephone Pedestal
- ⊙ denotes Power Pole
- ⊙ denotes Soil Boring
- 998 denotes Existing Contour
- denotes Existing Culvert
- denotes Building Setback Line
Front = 68' from Centerline
Side = 15'
Rear = 30'
- denotes Drainage & Utility Easement
Front = 10'
Side = 5'
Rear = 5'
- P denotes Possible Primary Septic Area
- A denotes Possible Alternate Septic Area

Property Description:

That part of the East Half of the Northeast Quarter of the Southeast Quarter of Section 3, Township 116, Range 25, Carver County, Minnesota that lies northerly of the northerly right-of-way of the Dakota Railway.

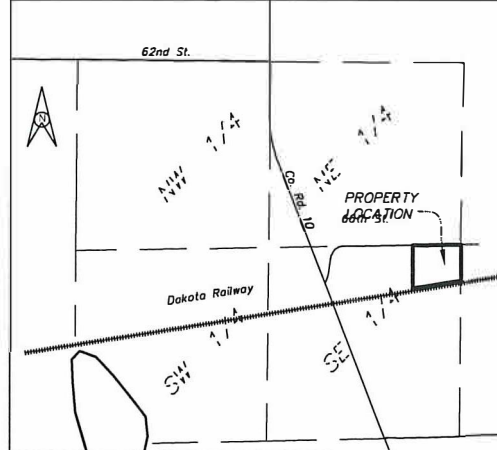
DEVELOPER:
MARK ELKO
3360 BAVARIA ROAD, CHASKA, MN
PHONE: 813-777-0015
WACONIA PUBLIC SCHOOL DISTRICT
WATERSHED: CARVER COUNTY WATER MANAGEMENT ORGANIZATION

Note:

1. Septic borings and design by Wachholz Inc.
2. Topography is from County lidar.
3. There will be no grading except that done by individual lot owners during home construction.
4. There are No Existing Covenants
5. There are No Existing Easements
6. Existing Zoning: Agricultural District

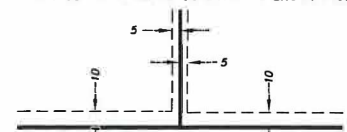
Vicinity Map

Not to Scale
SEC. 3, T. 116, R. 25

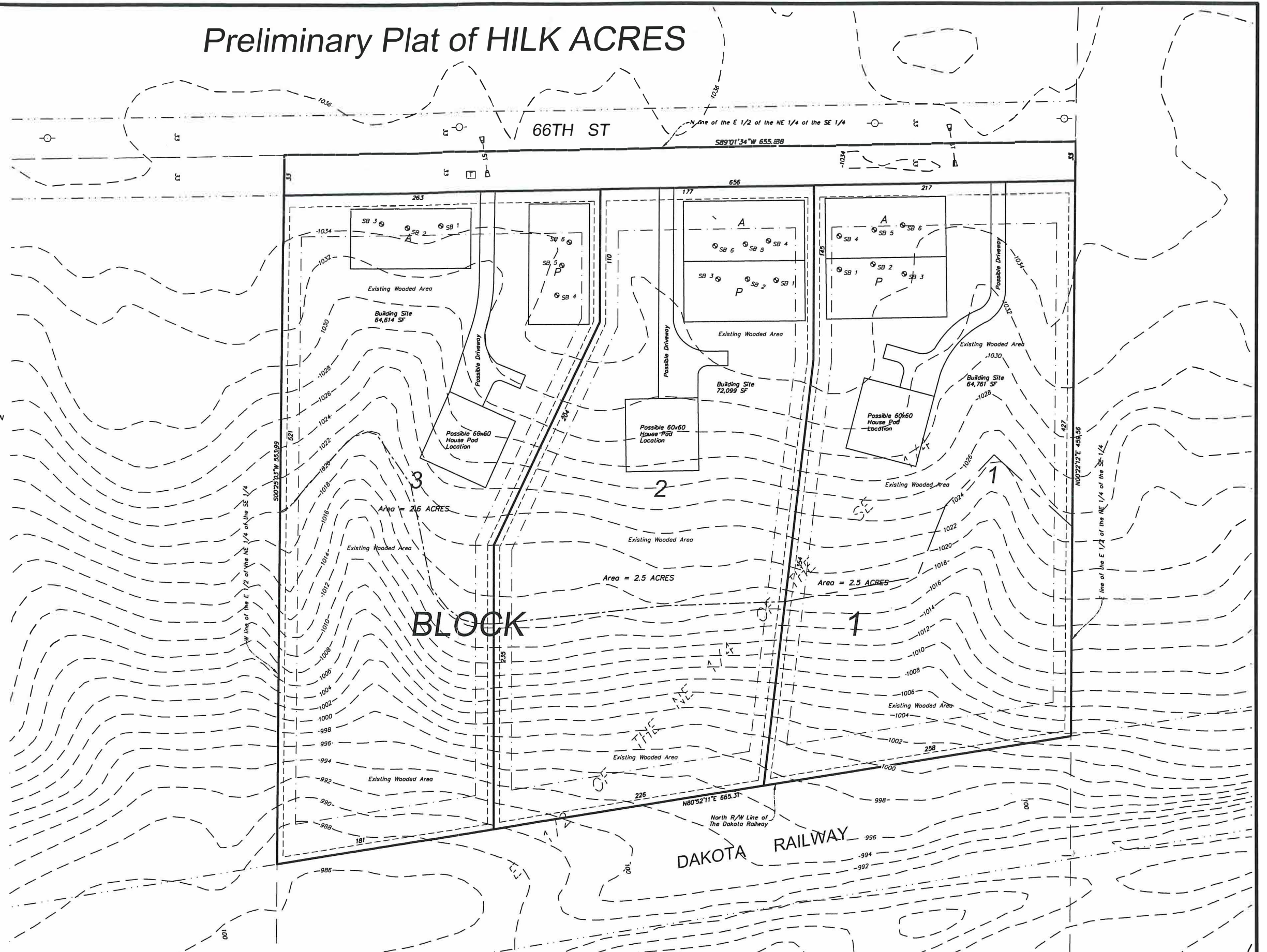


- denotes 1/2 inch open iron pipe found (Unless Otherwise Noted)
- denotes 1/2 inch by 14 inch iron pipe set and marked by License number 40062

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 5 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED P.E.O.	DRAWN B.M.H.
CHECKED P.E.O.	

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Paul E. Otto
License # 40062
Date: 03-24-23



www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763) 682-4727
Fax: (763) 682-3522

HILK ACRES
MARK ELKO
WACONIA, MN

PRELIMINARY PLAT	PROJECT NO: 22-0410
SHEET NO. 1 OF 1 SHEETS	DATE: 03-22-23

**COUNTY OF CARVER
BOARD OF COMMISSIONERS**

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

DATE: January 3, 2023

ORDER #: PZ20220046

FILE #: PZ20220046

APPLICANT: Mark Eklo

OWNER: Golf Lake Condos, LLC (Mark Eklo)

SITE ADDRESS: 11XXX 66th Street, Waconia, MN 55387

PERMIT TYPE: Additional Density (Wooded Lots)

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-003-1130

A public hearing was held on this matter on December 20, 2022, by the Carver County Planning Commission, and the recommendation of the Planning Commission was duly considered in the issuance of this order.

FINDINGS OF FACT

1. Golf Lake Condos, LLC owns an approximately 8.16-acre parcel located in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) Section 3, Waconia Township. The property is undeveloped, currently wooded with no wetlands. The site is adjacent to the Dakota Rail Trail (Carver County Regional Rail Authority) and is also located in the Agricultural Zoning District, Rural Service Overlay District (Maple), and the Carver County Water Management Organization - CCWMO (Carver Creek watershed).
2. The applicant, Mark Eklo, Manager of Golf Lake Condos, LLC., is proposing to develop three (3) residential parcels on the subject property. The proposed development would result in a total of three (3) building sites (single family dwellings) along an existing township road (66th Street). The applicant is requesting a Conditional Use Permit (CUP) pursuant to the "Additional Density Options" in Section 152.078 (A) and (B) of the Carver County Zoning Code.
3. Waconia Township has provided for the Wooded Lot additional density option in its chapter of the 2040 Comprehensive Plan. The Wooded Lot provision may only be exercised once for each parcel that was of record as of July 1, 1974. The subject property consists of wooded area not in agricultural production and is considered eligible land. The proposed development would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼¼) based on the configuration of the parcel on July 1, 1974. Also, a Conditional Use Permit (CUP) has not been previously issued for additional density on the subject parcel. At the time the subject parcel was subdivided (File #A20160092) in 2016 by the previous owner (Hilk Family), it was documented the development rights would be retained by the subject 8.15-acre parcel. The determination was based on the area being the largest remnant amenity area of the parcel as it existed on July 1, 1974.
4. The applicant is proposing three (3) residential lots, each meeting the 2.5-acre minimum lot size required by the Zoning Code. A total of three (3) buildable lots would be proposed as part of the development (plat) consuming the entire 8.16-acre property. Each lot would meet the requirements for public road frontage along 66th Street; therefore, no additional township roadway design or construction is being proposed. All future driveway access point locations serving each building site would need to be reviewed and approved by the Waconia Town Board, as the road authority.

5. During the preliminary platting process, the applicant must document a suitable one (1) acre building site for each lot. The concept plan illustrates the potential locations for Subsurface Sewage Treatment Systems (SSTS) on each lot. A licensed SSTS professional has provided appropriate soils reports for the County's review. Environmental Services has reviewed the material and conducted a site visit. In an email dated November 30, 2022, Senior Environmentalist Jacob McLain reported "All lots include suitable areas for primary and alternative sites. Soils have been reviewed and approved."
6. Mike Wanous, District Manager of the Carver Soil & Water Conservation District, reviewed the proposed parcel subdivision and in an email dated December 5, 2022, had the following comments:
 - *If approved, the permits should acknowledge that any concentrated water flows (swales, culverts under the road) should be protected and not disturbed. It appears a natural swale is present on the east and west lots.*
 - *Given the significant slope to the south, perimeter controls should be used and all disturbed areas should be stabilized and seeded as soon as possible after disturbance.*
7. The development falls under the CCWMO Water Rules provisions. The individual lot owner(s) would be required to comply with the CCWMO Water Rules Standards. Each lot would be subject to review and approval by Carver County Planning and Water Management Department pursuant to Chapter 153. More specific details for each lot would need to be submitted to Carver County Planning & Water Management at the time of design for review and approval prior to the issuance of building permit(s) on individual lots.
8. Since the proposed subdivision is adjacent to the Dakota Rail Trail, a review was conducted by Marty Walsh, Parks & Recreation Director. In an email dated November 29, 2022, Mr. Walsh noted that due to the height of the railroad grade on which the trail is built, the proposed residential development would not impact the recreational amenity. However, future homeowners "should be advised that we do not provide fencing of railroad property. Access to the corridor/trail is via roadways or other trail connections officially."
9. The entire layout as proposed will properly be addressed during the preliminary plat process.
10. The Waconia Town Board reviewed and recommended approval of the request during their November 14, 2022, meeting with the comment: "Preliminary approval of concept plan as drawn."
11. The County Board has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

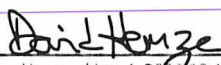
IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20220046. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY ZONING CODE SECTION 152.078 (B) FOR ADDITIONAL DENSITY (WOODED LOTS) ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A." THE FOLLOWING CONDITIONS SHOULD BE CONSIDERED PART OF THE PERMIT:

1. Three (3) residential lots are permitted, provided the building site requirements and minimum lot standards are satisfied. The entire subject property shall be platted in accordance with M.S. Chapter 505 and the Carver County Code. A total of three (3) buildable lots (building eligibilities) shall be properly addressed as part of the platting process.
2. The proposed lots must have a one-acre building site, which shall be reviewed as a part of the Platting Process. Primary and alternate SSTS locations for each building site must be submitted with the application for preliminary plat. SSTS locations must be identified by a licensed SSTS contractor, for review/approval by the Environmental Services Department. It shall be the responsibility of the property owner to preserve and protect the soil treatment and dispersal areas from compaction, building, or other activities which could conceivably limit the use of the sites for sewage treatment and dispersal. The building sites must be located so that all buildings and SSTS systems shall meet County Code setback requirements.

3. The lots shall be laid out on the preliminary plat substantially as agreed upon by the Township, the County, and the developer during the Conditional Use Permit (CUP) process. The preliminary plat shall stipulate, at a minimum, the building eligibility status for each parcel, a statement regarding agricultural uses in the area, and the protection of environmentally sensitive land(s). The potential for future easement(s) shall be evaluated during the preliminary platting process.
4. Access permits must be approved by Waconia Township (road authority) prior to any work occurring within the proposed interior road right-of-way.
5. As a part of the platting process the applicant will develop covenants to be filed with the plat. The covenants will address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
 - B. A covenant stating that the area is rural in nature and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notification must be provided regarding "odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities". Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the "A" district.
 - C. If the home sites include any environmentally sensitive land then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he will have to submit percolation tests and soil borings for another site before any building permit will be issued.
6. The above-required covenants shall become part of the permit.
7. A completed CCWMO Water Rules application, with required attachments, shall be submitted with the Preliminary Plat application, if applicable.
8. Driveways and drainage ways will be designed so that public utilities can be installed at a later date.



John Fahey (Jan 4, 2023 09:42 CST)
John Fahey, Chairman 01/04/23
Carver County Board of Commissioners



Dave Hemze (Jan 4, 2023 09:18 CST)
Dave Hemze 01/04/23
County Administrator



Township Presentation & Recommendation Form

PARCEL # <u>R09.0031130</u>	Permit # <u>PP-P720230013</u>	
Owner's Name: <u>Golf Lake Condos, LLC</u>	Owner's Mailing Address: <u>3360 BAVARIA RD</u>	
City: <u>CHASKA</u>	Owner State: <u>MN</u>	Owner Zip: <u>55318</u>
Applicant (if other than owner): 	Site Address: 	

Type of Request: ☐ CUP ☐ IUP ☒ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: <u>Approval of Preliminary Plat</u>	
Date of County Public Hearing: <u>4-18-23</u>	Date of Township Meeting: <u>3/7/23</u>

Actions:

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

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

<u>Mind D Ehb nyc Golf Lake Condos, LLC</u>	Date <u>3/7/23</u>
Signature of Applicant: <u>[Signature]</u>	Date <u>3-7-23</u>
Signature of Township Official	

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-003-1130

File# PP-PZ20230013

APPLICANT: Mark Eklo

OWNER: Golf Lake Condos, LLC

That part of the East Half of the Northeast Quarter of the Southeast Quarter of Section 3, Township 116, Range 25, Carver County, Minnesota, that lies northerly of the northerly right-of-way of the Dakota Railway.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

April 10, 2023

TO: Carver County Planning Commission & Watertown Town Board

FROM: The Land Management Department

SUBJECT: Application for an Interim Use Permit (Land Reclamation – Filling)

FILE #: PZ20230014

APPLICANT: Mathiowetz Construction (Dale Schweiss)

OWNER: Brian Weege

SITE ADDRESS: 13955 County Rd 20, Watertown, MN 55388

PERMIT TYPE: Land Reclamation (Filling)

PURSUANT TO: County Code, Chapter 152, Section(s) 152.081 and 152.082 (C)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-006-0500

STAFF ANALYSIS:

1. Brian Wegge owns an approximate 72.5-acre parcel located in the West Half (W½) of the Southeast Quarter (SE¼) of Section 6, Watertown Township. The property is improved with an existing farmstead (i.e. house and associated buildings), wooded pastureland, and agricultural land. The site is also located in the Agricultural Zoning District and the Carver County Water Management Organization - CCWMO (Crow River watershed).
2. Mathiowetz Construction Company ("Mathiowetz") has secured the contract with Carver County to realign the intersection of Hwy. 25 and County Road 20, located west of the City of Watertown. The intersection reconstruction would upgrade the intersection to current standards and improve sightlines and traffic flow. Scheduled to take this place this summer, the road project would involve removal of a large amount of soil from the project area. Conveniently located next to the project site, Mr. Wegge's property is the proposed site for the removed soil, which reduces project cost and eliminates the impact of loaded disposal trucks on County roads to a distant haul site.
3. Mathiowetz is requesting an Interim Use Permit (IUP) pursuant to Section 152.081 and 152.082 (C)(1) of the Carver County Zoning Code which allows for land reclamation involving 10,000 cubic yards or more as an Interim Use Permit (IUP) as follows:

§ 152.081 INTERIM USE PERMIT (IUP).

The county may authorize an interim use of a property by means of an IUP. These interim uses may be utilized in a temporary manner as approved by the County Board. In reviewing the interim use permit application, the county will establish a specific date or event that will terminate the use of the property. In granting an IUP, the County Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission and County Board shall make the following findings where applicable.

(A) General provisions.

- (1) The use conforms to the zoning regulations.
- (2) The date or event that will terminate the use can be identified with certainty.
- (3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- (4) The user agrees to any conditions that the governing body deems appropriate for permission of the use.
- (5) Any interim use may be terminated by a change in zoning regulations.

(Ord.70-2010, passed 1-25-11, passed 7-20-21)

§ 152.082 INTERIM USE PERMIT-AG DISTRICT.

(A) Minimum criteria for issuance.

- (1) If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
- (2) The activity conforms to all other county ordinances, state, and federal regulations.
- (3) Minimum five acre lot size; unless another size is specified under a particular provision.
- (4) Waste generated shall be treated in accordance with Chapter 52 of this code of ordinances. The county may require design by a registered engineer.
- (5) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The Town Board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.
- (6) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads or streets, can be accommodated within the context of the service levels available in the commercial agricultural area. Adequate water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
- (7) The operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs-traffic capacity or roads, waste disposal or management, fire or police protection, sewage treatment and dispersal-that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions.

- (1) Permit shall be subject to administrative review or compliance review as set by the permit.
- (2) The operational plan and site plan shall become part of the permit.
- (3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.
- (4) The applicant must submit a copy of workers compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (5) All buildings used in the operation must meet the State Building Code.
- (6) The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.
- (7) The date or event that will terminate the use shall be identified.

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

- (1) Mining and/or land reclamation involving 10,000 cubic yards or more (allowed in AG Preserve if the principal use remains ag and restoration is suitable for farming).
 - (a) The permit shall be issued only upon findings that:
 1. There is no substantial environmental impact or that the impact will be alleviated through a restoration program and other condition of the permit; and
 2. The activity will have no substantial adverse impact on surrounding property or that the impact will be alleviated through the conditions of the permit.
 - (b) Each permit shall contain the following minimum standards unless modified by the County Board, and all activities shall conform to these and any additional standards.
 1. General operating requirements must address operating hours, dust control, housekeeping, safety and specifying compliance review.
 2. Minimum requirements for the operation.
 - (i) Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.

- (ii) No non-granular material shall be removed unless the permit is specifically for such an operation.
 - (iii) Vertical faces shall be kept to a minimum except during actual mining.
 - (iv) Mining shall not take place within 50 feet of a property line. All slopes at property lines shall maintain a 2.5:1 slope or flatter. The setback from the assumed road right-of-way shall be a minimum of 50 feet. The setback from all homes shall be a minimum of 500 feet, excluding the residence of the mine owner and/or permittee. The setback from a bluff shall be a minimum of 100 feet.
 - (v) The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation. The Board may order the exclusive use of white noise beepers on trucks and equipment utilized on the site.
 - (vi) Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
 - (vii) The maximum permitted operational area for mining shall be 35 acres. Only one active IUP for mining is allowed for a parcel.
 - (viii) Stockpiles in excess of 1,000 cubic yards shall not be located within the Floodplain Overlay District.
 - (ix) Any mining within 300 feet of a Class 3 through 8 wetland must include a plan to improve public value(s), in conjunction with any Wetland Conservation Act requirements.
 - (x) A mandatory traffic study shall be prepared by a licensed engineer.
 - (xi) The operation must comply with applicable watershed management rules.
3. *Site/operational plan.* A plan shall be drawn on both a 1 inch = 200 feet half section map and a 1 inch=200 feet aerial plat showing at a minimum the operational area, mining area, phasing of mining, erosion control measures or structures, restoration areas, type of restoration, and staging of restoration, any areas where mining will be below the water table or result in standing water.
4. *Reclamation plan.* A reclamation plan must include the grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and an end use plan for final site restoration. The operator and owner must follow the reclamation plan approved by the County Board. The following minimum standards and conditions apply.
- (i) The peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No graded slope shall exceed a 5:1 ratio (20%). The final grade slope shall commence at the setback. Berms will be removed to the original elevation of the land, unless the Board has approved a different elevation as part of the end use plan. Restored slopes must be 8:1 or flatter within 500 feet of the top of a bluff.
 - (ii) Excavated, graded or back-filled areas shall meet the following requirements.
 - A. All materials used for back-filling in any area of the reclamation shall be free of all contaminants and shall be non-noxious, non-flammable and non-combustible.
 - B. The graded or back-filled area shall not collect or permit stagnant water to remain therein, unless there is an approved ponding area or wetland restoration or creation.
 - C. Such graded or back-filled area shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least four inches and seeded or sodded.
 - D. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.
 - (iii) Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.
 - (iv) Soil restoration, seeding and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage and staging areas within each phase.
 - (v) Soil erosion and sedimentation control measures shall be consistent with MPCA's publication entitled "Protecting Water Quality in Urban Areas."

- (vi) Unless otherwise amended or approved by the county, all final grades and site restoration efforts shall be consistent with the reclamation plan.
- (vii) When the end-use is some form of open space, the type of vegetative regrowth must provide appropriate habitat for wildlife consistent with the form of end-use.
- (viii) The end-use plan shall consider the safe use of the property. The end-use plan shall be consistent with the Comprehensive Plan and the zoning ordinance.
- (ix) Within nine months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, stockpiles of extracted mineral materials and debris shall be removed from the subject property.
- (x) For each phase, within nine months after completion of mineral extraction for that phase, reclamation must be completed. If the permit is terminated earlier, reclamation must be completed within nine months after termination.
- (xi) Soil and Water Conservation District and watershed review and recommendations. As a part of the original application for an interim use permit, the applicant shall submit grading plans, phased reclamation plans and water control plans to the Carver County Soil and Water Conservation District and to the governing bodies of the watersheds for review and recommendations. The recommendations on the phased reclamation, grading, soil and water retention plans may be included as conditions of the IUP. The permit may require reforestation. Reforestation requirements shall be based on the recommendation of the Natural Resources Conservation Service and/or the DNR Forester.

5. *Performance securities and insurance.*

- (i) The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance.
- (ii) A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the county for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit.

(Ord.70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 97-2021, passed 7-20-21) Penalty, see § 152.999)

- 4. The submitted project narrative (dated March 6, 2023) explains the project. Mathiowetz has an agreement with the property owner, Mr. Weege, to deposit approximately 30,000 cubic yards of clean uncontaminated material onto his property during June and July 2023. The fill, trucked directly from the intersection work area, would be placed on land that is currently tillable farmland and pasture. Work vehicles include an off-road haul trucks, a grader, and a bulldozer. The narrative states that there are no known tiles or utility easements in the project area. The narrative details efforts to minimize stormwater runoff and provide for temporary sediment basins.
-
- 5. The project narrative includes some details on site restoration. Upon completion of the road project, the farmland would be restored to tillable farmland and pasture, with finished slopes more gradual than the current topography of the land. All disturbed farmland areas would be planted with a cover crop of oats in 2023. A pasture seed mix would be planted in 2023 on a portion of the pasture land. No on-site soil processing is proposed. A wetland review revealed that there are no wetlands in the project area.
 - 6. The applicant has submitted site plans (dated February 28, 2023) showing the existing and proposed conditions for where soil would be deposited in two locations covering about 3 acres on the Wegge property. The site plan shows the contractor trucks coming onto the Wegge property would use a new temporary access east of the farmstead so that the trucks would not travel outside of the road construction zone. The site plans show the network of sediment control and stormwater management facilities used to manage soil and stormwater runoff during the life of the project. The site plan contour lines confirm that the slopes, particularly in the northern fill area, would be decreased from the soil deposits.

7. Since there is no public road impact of the soil-hauling trucks, there is not a concern about daily truck traffic on public roads. The Carver County Public Works project website lists the anticipated project completion as August 2023.
8. Jack Johansen, Carver County Public Works Transportation Planner, has reviewed the application materials. In an email dated April 6, 2023, he stated: "A temporary Access Permit will be required. Please coordinate with Public Works for permit approval."
9. A CCWMO permit is required, and Stormwater Management standards would need to be met for the reclamation of all disturbed areas. Erosion control and stormwater permits have been submitted to the CCWMO. Mathiowetz has met CCWMO requirements and the CCWMO permit would be issued when all other permitting requirements are met and the surety for the CCWMO permit is submitted.
10. The Watertown Town Board reviewed and recommended approval of the request during their April 3, 2023, Town Board meeting with the following comments: "Excess/muck to be placed Brian Wegge's adjoining property; not to be hauled on Twp. road. Request approved per Twp. Bd. with the above provisions."

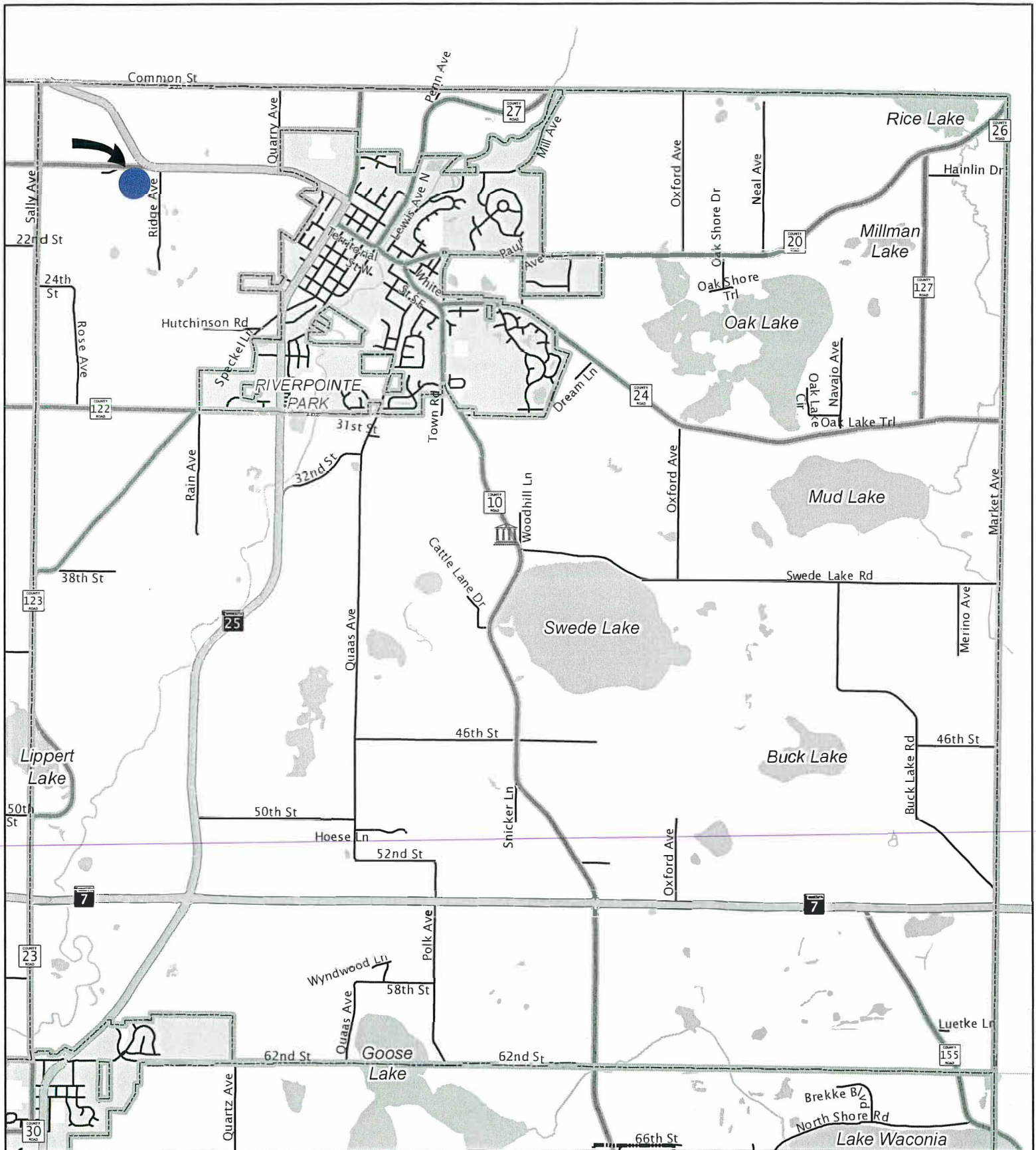
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Interim Use Permit application to allow Mathiowetz Construction Company to deposit approximately 30,000 cubic yards of soil onto the property, the following conditions should be considered part of the permit:

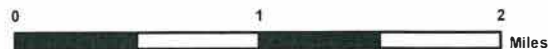
1. The permit is subject to administrative review. The Interim Use Permit (IUP) is issued to Mathiowetz Construction Company. The permit allows for the deposit of approximately 30,000 cubic yards of materials onto the subject property. The permit shall not be terminated until all reclamation areas have been completed to the satisfaction of the approved CCWMO permit.
2. The termination date of the IUP shall be when the permittee has completed all permit requirements of the necessary Carver County, CCWMO and other agency permits.
3. The soil movement and land reclamation activities shall operate in accordance with the submitted project narrative (dated March 6, 2023), site plans (dated February 28, 2023), and any/all CCWMO permit approval(s) (i.e. stormwater infiltration, BMPs and site reclamation), and any/all Carver County Public Works access requirements/right-of-way standards. If there are any inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. The soil movement and land reclamation activities shall be operated and maintained in accordance with the Carver County Zoning Code. These plans shall be attached to and be considered part of this permit.
4. The Permittee shall comply with all road authority access requirements, as determined by the Carver County Public Works Department.
5. All required plans shall be prepared, submitted, approved, and implemented in accordance with the Carver County Water Management Organization (CCWMO) Water Management guidelines and permit requirements. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Permittee shall obtain an NPDES permit as required by the MPCA.
6. The Permittee shall always comply with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
7. The hours of operation shall be in conjunction with the roadway construction, approximately from 7:00 a.m. to 7:00 p.m. Monday through Friday, with occasional shortened workdays on Saturday due to inclement weather on weekdays. Dirt hauling shall not occur on federally observed holidays.

8. If internal access roads are used to the extent that dust becomes a problem for surrounding properties, the access roads shall be treated with water or other similar dust control measures.
9. All storage of equipment and materials used in the operation shall be kept within the project area identified in the submitted site plan.
10. Noise pollution shall be kept to the requirements/standards of the Minnesota State Statute Chapter 7030.
11. No trash, garbage, waste, construction debris, or other similar materials shall be deposited in or near the project area.
12. Permittee agrees to defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the permittee's performance or failure to adequately perform its obligations pursuant to this permit, or arising out of a dispute as to the ownership of the property.

WATERTOWN TOWNSHIP



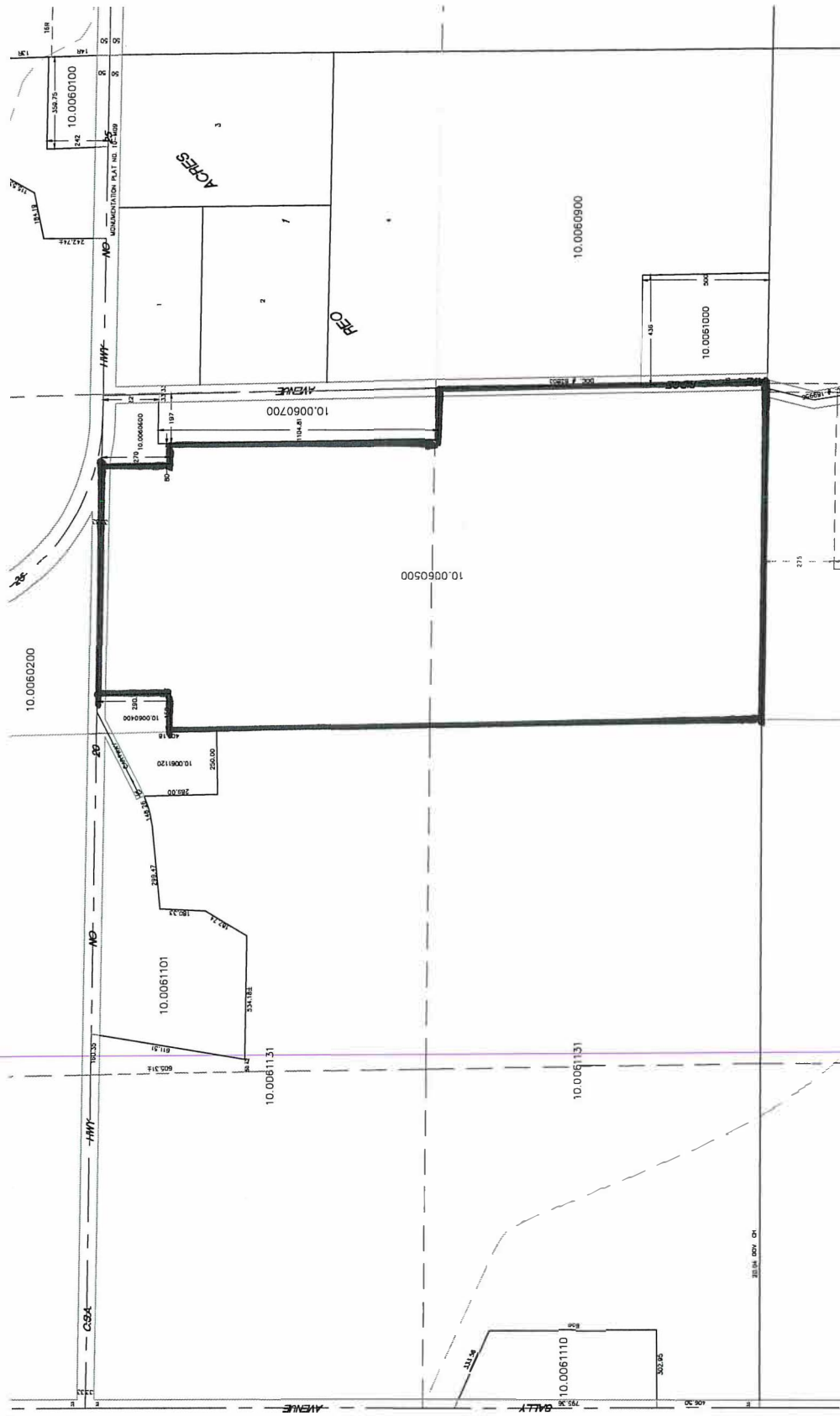
This map was created using Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILED MAP OF RECORDS
AND IS NOT A LEGALLY RECORDED PLAT.
IT IS NOT A LEGALLY RECORDED PLAT.
IT IS NOT A LEGALLY RECORDED PLAT.
IT IS NOT A LEGALLY RECORDED PLAT.

S 1/2 SEC. 6, T.117, R.25





Construction Company

In All We Do, We Build It Right!!

30676 County Road 24
Sleepy Eye, MN 56085

(507) 794-6953 / (507) 794 3514 Fax
Visit us at: www.mathiowetzconst.com

March 6, 2023

Weege Property Narrative

Mathiowetz Construction Company will be reconstructing the intersection of TH 25 and Carver Co Rd 20. The work will realign the intersection. This work will take place in 2023. Part of this project requires that clean, uncontaminated soils be removed from the project. It is the contractor's responsibility to locate a property to place these materials onto. We have made an agreement with Brian Weege for placement of these soils onto his property. This site is directly adjacent to the road reconstruction work.

The area in which the soils would be placed consists of tillable farmland and pasture. Upon completion of the placement of these soils onto the property, the property would be returned to tillable farmland and pasture. The rate and pattern of the current stormwater surface flows will not be altered with the placement of the proposed soils. The proposed finished slopes are more gradual than they currently are.

Material will be transported directly from the 20/25 project onto this property. There will be no use of any public roads to accomplish this. This is an immense safety benefit to the traveling public, as well as the construction staff, by keeping disposal trucks off the open roadway.

There are no known tiles in the area in which this work will be happening.

Sequence of operations, schedule

- Silt fence will be placed on the down gradient portions of the property as shown on our submittal
- Temporary sediment basins will be excavated, and a pond skimmer will be put into place
- All topsoil will be saved and stockpiled in berms and will be temporarily stabilized. These stabilized berms will act as redundant perimeter stormwater retention on the down gradient portions of the site
- The topsoil berms will direct stormwater runoff to temporary sediment basins. The sediment basins will have an overflow pipe or spillway, and stabilized outlet to discharge the clean stormwater.
- Placement of 30,000 cubic yards of material will take place starting in June 2023 and continue into July 2023.
- ~~The deposited soils will be leveled off and shaped.~~
- All topsoil that was salvaged from the property will be replaced back onto the disturbed areas. No topsoil will be removed from the site.
- The temporary sediment basins will be backfilled and the outlet control structures will be removed
- All areas will be returned to farmland and planted with a cover crop of oats in 2023. The east side of the north site will be returned to pasture and will be planted with a pasture seed mix in 2023.

Topsoil Management:

- Topsoil will be tested in accordance with CCWMO rules
- All topsoil will be salvaged and stockpiled prior to placing any fill materials onto the property. Estimated in place topsoil thickness is 6"
- Temporary topsoil stockpiles will be temporarily stabilized
- There will be no topsoil removed from the property
- All topsoil will be placed back onto fields once filling operations are completed

- Topsoil will be tested in accordance with CCWMO rules
- Topsoil will be ripped after it has been spread back onto the field.
- All areas will be returned to farmland and planted with a cover crop of oats in 2023. The east side of the north site will be returned to pasture and will be planted with a pasture seed mix in 2023.

Erosion and Sediment Control

- Mathiowetz Construction has included an erosion and sediment control plan in the attached document

Wetland Review:

- WSB has completed a Level 1 Wetland review on the property. They determined that there are no wetlands in the area we intend to work.

WEEGE FILL SITE



INDEX

SHEET NO.	DESCRIPTION
1	TITLE PAGE
2	SOIL CONDITIONS
3-8	WEEGE SITE
9	TEMP. BASIN GRADING PLAN
10-11	STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

THIS PERMIT SUBMITTAL CONTAINS 11 SHEETS TOTAL

LEGEND KEY

FILL CONSTRUCTION LIMITS

PROPERTY DESCRIPTION:

THE WEST HALF OF THE SOUTHEAST QUARTER, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS; THE WEST 150 FEET OF THE NORTH 290.4 FEET THEREOF; THE EAST 197.00 FEET OF THE NORTH 1325.81 FEET THEREOF; THE WEST 80 FEET OF THE EAST 277 FEET OF THE NORTH 270 FEET THEREOF; SUBJECT TO ROAD EASEMENT OVER THE NORTH 33 FEET THEREOF.

SECTION: 06
TOWNSHIP: 117
RANGE: 25



PROJECT LOCATION
COUNTY: CARVER
DISTRICT: 09



MATHIOWETZ CONSTRUCTION COMPANY
IN ALL WE DO, WE BUILD IT RIGHT!
30676 COUNTY ROAD 24 SLEEPY EYE, MN 56085

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: _____ LIC. NO. 26271

DESIGNED: CSB
DRAWN: CSB
CHECKED: JKA

WEEGE FILL SITE
TITLE PAGE

2-28-2023
SHEET NO. 1 OF 11 SHEETS



LEGEND KEY

- EXISTING CONTOURS
- CONSTRUCTION LIMITS
- PROPERTY LINE
- EXISTING WATER FLOW

NOTES:

1. NO ROCK OUTCROPS ARE PRESENT ON SITE
2. THERE ARE NO UTILITY EASEMENTS ONSITE
3. THERE ARE NO EXISTING STRUCTURES OR WELLS ONSITE
4. THE PROJECT CONSTRUCTION LIMITS ARE NOT LOCATED IN A FLOOD ZONE



MATHIOWETZ CONSTRUCTION COMPANY
IN ALL WE DO, WE BUILD IT RIGHT!
30676 COUNTY ROAD 24 SLEEPY EYE, MN 56085

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DATE: _____ LIC. NO. 26271

DESIGNED: CSB
DRAWN: CSB
CHECKED: JKA

WEEGE FILL SITE
EXISTING NORTH AREA

2-28-2023
SHEET NO. 3 OF 11 SHEETS



LEGEND KEY

- EXISTING CONTOURS
- CONSTRUCTION LIMITS
- PROPERTY LINE
- EXISTING WATER FLOW

- NOTES:
1. NO ROCK OUTCROPS ARE PRESENT ON SITE
 2. THERE ARE NO UTILITY EASEMENTS ONSITE
 3. THERE ARE NO EXISTING STRUCTURES OR WELLS ONSITE
 4. THE PROJECT CONSTRUCTION LIMITS ARE NOT LOCATED IN A FLOOD ZONE



 MATHIOWETZ CONSTRUCTION COMPANY IN ALL WE DO, WE BUILD IT RIGHT! 30676 COUNTY ROAD 21 SLEEPY EYE, MN 56085	I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	DATE: _____ LIC. NO. 26271	DESIGNED: <u>CSB</u>	WEEGE FILL SITE	2-28-2023
			DRAWN: <u>CSB</u>	EXISTING SOUTH	SHEET NO. 4 OF 11 SHEETS
			CHECKED: <u>JKA</u>		



LEGEND KEY

- PROPOSED CONTOURS
- EXISTING CONTOURS
- PROPOSED FILL AREA
- SILT FENCE
- TOPSOIL BERM
- SEDIMENT CONTROL BASIN
- ACCESS
- EXISTING WATER FLOW

NOTES:

- ONLY FARMLAND WILL BE DISTURBED DURING CONSTRUCTION
- ACCESS DIRECTLY THROUGH WEEGE PROPERTY DRIVEWAY
- TEMPORARY SEED TOPSOIL BERMS.
- TOPSOIL SHALL BE TESTED BEFORE STRIPPING AND PLACING IN ACCORDANCE WITH CCWMO REGULATIONS
- SEED WITH COVER CROP UPON COMPLETION
- ADDITIONAL EROSION CONTROL DEVICES TO BE UTILIZED AS NEEDED

TOPSOIL MANAGMENT

- SITE AREA 3 ACRES
- STRIPPING 6" OF TOPSOIL
- TOPSOIL TO BE PLACED IN BERMS ~2,420 CY

TEMP. SEDIMENT BASIN NORTH

- DRAINAGE AREA = 1.65 ACRES
- SWPPP REQUIRES 3,600 CF / ACRE
- REQUIRED BASIN VOLUME =220 CY

TEMP. SEDIMENT BASIN NORTH

- DRAINAGE AREA = 1.25 ACRES
- SWPPP REQUIRES 3,600 CF / ACRE
- REQUIRED BASIN VOLUME =167 CY



LEGEND KEY

PROPOSED CONTOURS

EXISTING CONTOURS

PROPOSED FILL AREA

ACCESS & HAUL ROUTE

SILT FENCE

TOPSOIL BERM

SEDIMENT CONTROL BASIN

EXISTING WATER FLOW

NOTES:

1. ONLY FARMLAND WILL BE DISTURBED DURING CONSTRUCTION

2. ACCESS DIRECTLY THROUGH WEEGE PROPERTY DRIVEWAY

3. TEMPORARY SEED TOPSOIL BERMS.

4. TOPSOIL SHALL BE TESTED BEFORE STRIPPING AND PLACING IN ACCORDANCE WITH CCWMO REGULATIONS

5. SEED WITH COVER CROP UPON COMPLETION

6. ADDITIONAL EROSION CONTROL DEVICES TO BE UTILIZED AS NEEDED

TOPSOIL MANAGMENT

- SITE AREA 4 ACRES

- STRIPPING 6" OF TOPSOIL

- TOPSOIL TO BE PLACED IN BERMS ~3,230 CY

TEMP. SEDIMENT BASIN NORTH,

- DRAINAGE AREA = 4 ACRES

- SWPPP REQUIRES 3,600 CF / ACRE

- REQUIRED BASIN VOLUME =534 CY

04080



LEGEND KEY

- PROPOSED CONTOURS
- EXISTING CONTOURS
- PROPOSED FILL AREA
- PROPOSED WATER FLOW

NOTES:

1. LAND TO BE RETURNED TO EXISTING FARMLAND WITH A MINIMUM OF 6" OF TOPSOIL.
2. A FINAL RECORD DRAWING/SURVEY SHOWING FINISHED GRADES ON SITE SHALL BE SUBMITTED TO THE COUNTY FOR VERIFICATION.

0 100 200

 MATHIOWETZ CONSTRUCTION COMPANY IN ALL WE DO, WE BUILD IT RIGHT! 30676 COUNTY ROAD 21 SLEEPY EYE, MN 56085	I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	DATE: _____ LIC. NO. 26271	DESIGNED: JJR	WEEGE FILL SITE	2-28-2023
			DRAWN: JJR	DESIGN NORTH AREA	SHEET NO. 7 OF 11 SHEETS
			CHECKED: JKA		



LEGEND KEY	
	PROPOSED CONTOURS
	EXISTING CONTOURS
	PROPOSED FILL AREA
	PROPOSED WATER FLOW

- NOTES:
1. LAND TO BE RETURNED TO EXISTING FARMLAND WITH A MINIMUM OF 6" OF TOPSOIL.
 2. A FINAL RECORD DRAWING/SURVEY SHOWING FINISHED GRADES ON SITE SHALL BE SUBMITTED TO THE COUNTY FOR VERIFICATION.



 **MATHIOWETZ CONSTRUCTION COMPANY**
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20676 COUNTY ROAD 24 SLEEPY EYE, MN 56085

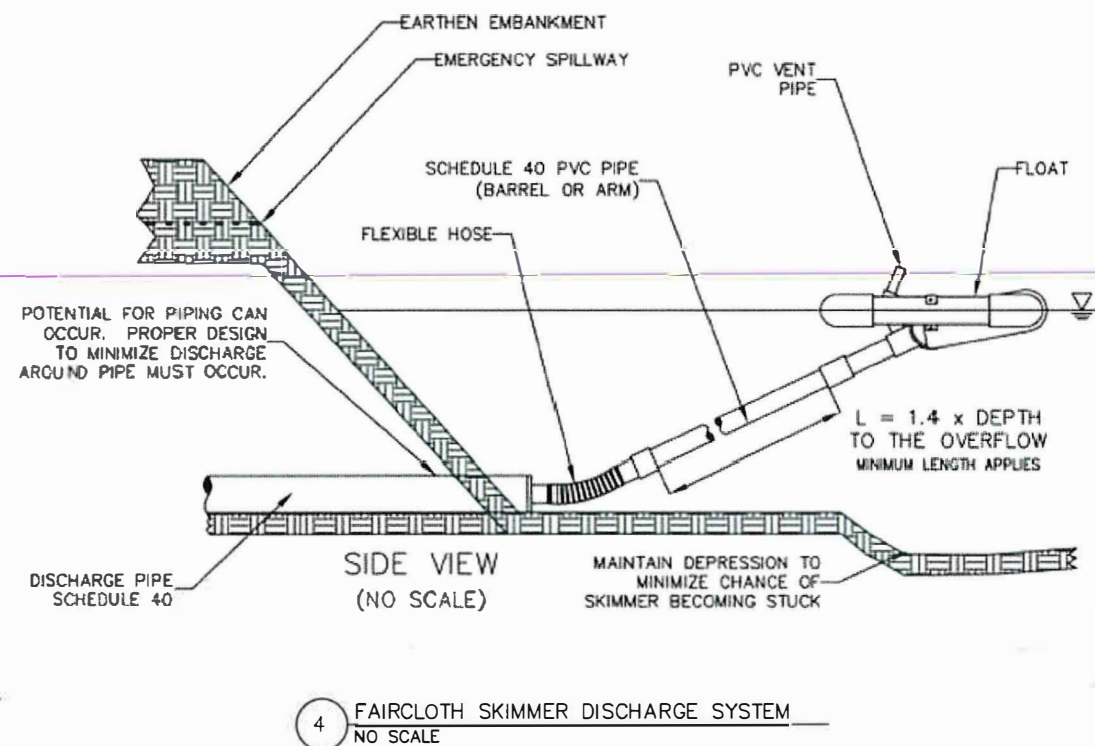
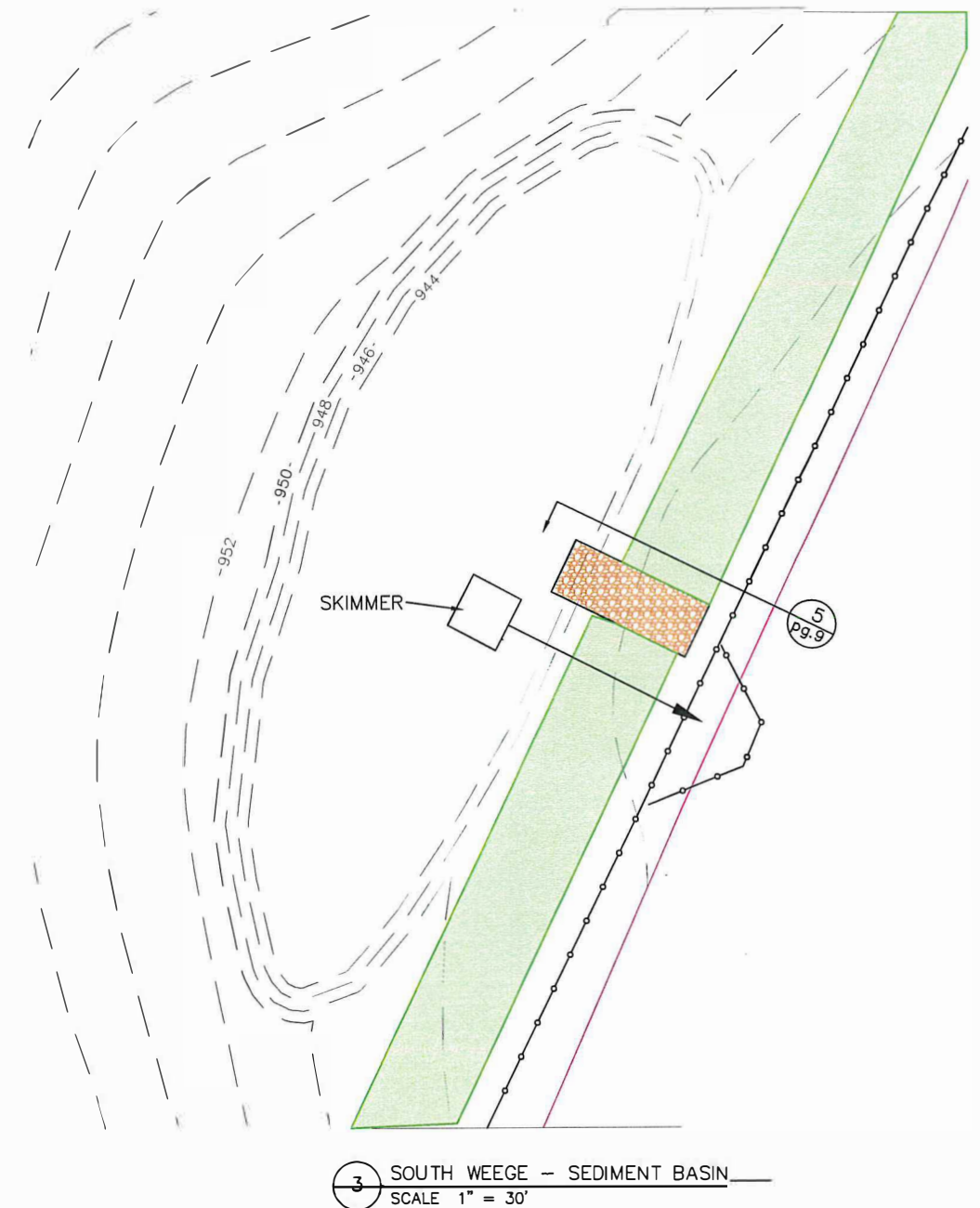
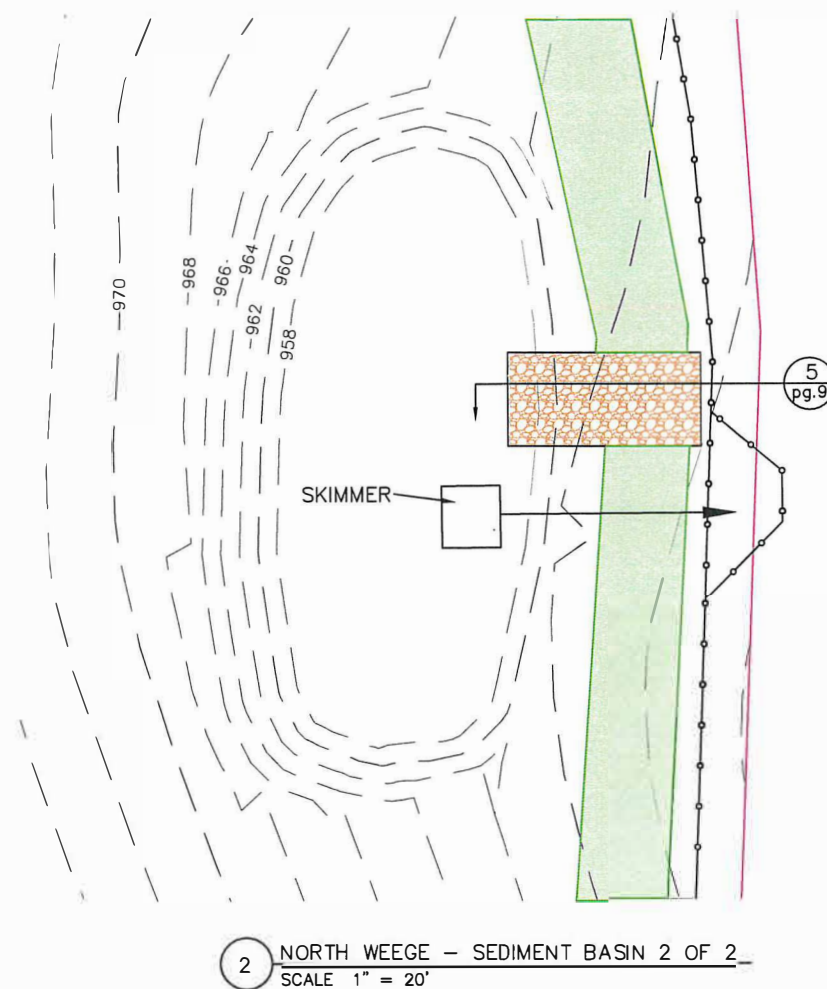
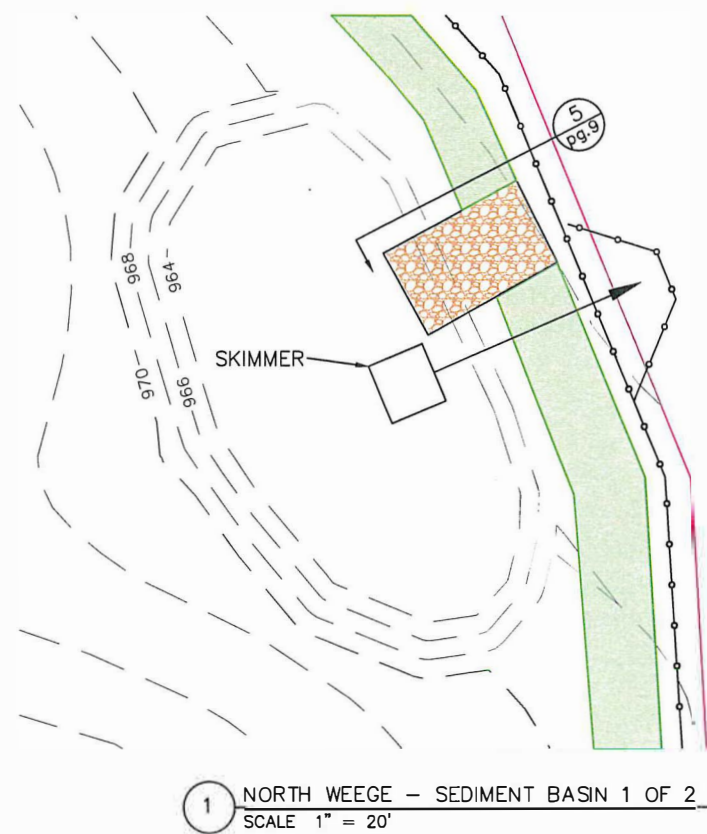
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DATE: _____ LIC. NO. 26271

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CHECKED: JJR

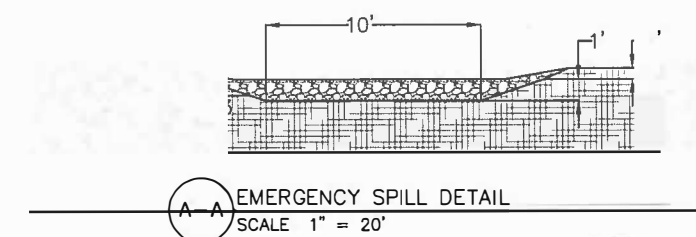
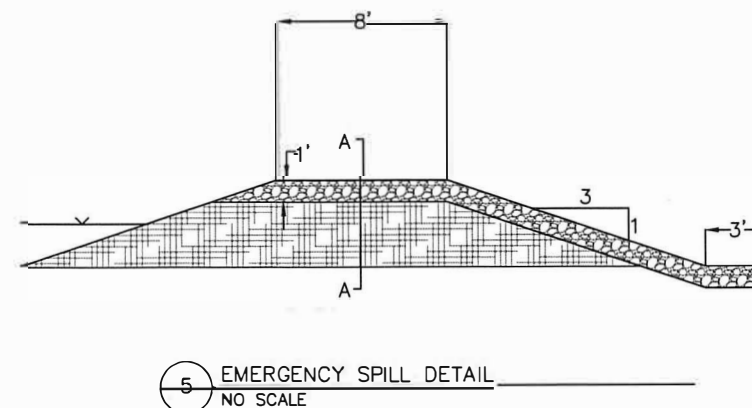
WEEGE FILL SITE
DESIGN SOUTH AREA

2-28-2023
SHEET NO. 8 OF 11 SHEETS



- SKIMMER GENERAL NOTES

1. PROPER DESIGN MUST BE COMPLETED TO MINIMIZE PIPING AROUND DISCHARGE PIPE.
2. PROPER ORIFICE OPENING MUST BE SELECTED TO ENSURE POND DRAINS IN CORRECT AMOUNT OF TIME. MODIFICATIONS MAY BE REQUIRED IF FIELD CONDITIONS WARRANT A CHANGE.
3. EMBANKMENT MUST BE COMPACTED TO DESIGN SPECIFICATIONS.
4. EMERGENCY SPILLWAY MUST BE CORRECTLY SIZED AND EROSION PROTECTION INSTALLED.
5. EROSION PROTECTION MUST BE INSTALLED ALONG THE EMBANKMENT AND AT THE DISCHARGE END OF THE PIPE.
6. INSPECT SYSTEM REGULARLY TO ENSURE IT IS FUNCTIONING IN A CORRECT MANNER.
7. EIGHT SIZES OF SKIMMERS ARE AVAILABLE, REFER TO THE FLOW SHEET, CUT SHEET, AND INSTRUCTIONS ON WEB SITE FOR EACH SIZE.



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	100060500		Permit #	PZ 20230014	
Owner's Name:	Brian Weege		Owner's Mailing Address:	13955 County Road 20	
City:	Waterville	Owner State:	MN	Owner Zip:	55388
Applicant (if other than owner):	Mathiowetz Const.		Site Address:	13955 County Road 20, Waterville, MN	

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:	Interim Use Permit for land reclamation involving 10,000 cy or more for the CoRd 20/TH 25 intersection project					
Date of County Public Hearing:	4/18/23		Date of Township Meeting:	4/3/2023		

Actions:

Township Action Taken: ☒ Recommends approval and use of the Township Road (if applicable) with the following comments: ☐ Recommends denial for the following reasons: ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:
<i>Excess/muck to be placed on Brian Weege adjoining property. Not to be hauled on TWP road. Request approved per TWP Bd with the above provisions.</i>

****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
<i>Dale Schweiss Mathiowetz Const</i>	3/6/23
Signature of Township Official	Date
<i>Scott Havel</i>	4-3-23

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-006-0500

File# PZ20230014

APPLICANT: Mathiowetz Construction

OWNER: Brian H Weege

* * * * *

The West Half of the Southeast Quarter of Section 6, Township 117 North, Range 25 West, Carver County, Minnesota, EXCEPTING THEREFROM the following described tracts:

- 1) The West 150 feet of the North 290.4 feet thereof;
- 2) The East 197.00 feet of the North 1325.81 feet thereof;
- 3) The West 80 feet of the East 277 feet of the North 270 feet thereof;

Subject to road easement over the North 33 feet thereof.