

Carver County Planning Commission

Regular Meeting - **Tuesday, April 16, 2024**

Commissioners' Meeting Room

2nd Floor Human Services Bldg

Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of February 20, 2024 regular meeting
Pages 1-1 through 1-3
- 2.) **File #20240011**– Public hearing on application by John Zimmerman for a
Conditional Use Permit. (Wooded Lots)
Waconia Township Pages 2-1 through 2-10

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – January 16, 2024
Minutes

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

Members Late: None

Members Absent: Frank Mendez

Staff Present: Jason Mielke, Donovan Hart

Pursuant to due call and published notice thereof, the January 16, 2024, regular meeting of the Carver County Planning Commission was called to order by Jason Mielke at 7:00 p.m.

The first order of business was the organization of the Planning Commission and the election of the Chairman.

Office of the Chairman

Mielke called for nominations for the office of Chairman. Wakefield made a nomination for Hoese for Chairman. No other nominations were made. Mielke asked for a motion to cease nominations and cast a unanimous ballot for Scott Hoese as Chairman. Motion by Grazzini to cease nominations and cast a unanimous ballot for Scott Hoese as Planning Commission Chairman. Fahey seconded the motion. All voted aye. Motion carried.

Office of the Vice-Chairman

Chairman Hoese called for nominations for the office of Vice-Chairman. Steinhagen made a nomination for Grazzini as Vice-Chairman. Wakefield seconded the nomination. No other nominations were made. A motion was made by Kerber to cease nominations and cast a unanimous ballot to elect Greg Grazzini as Vice-Chairman. Fahey seconded the motion. All voted aye. Motion carried.

Appointment of the Secretary

Chairman Hoese acknowledged historically Land Management staff has served as secretary for the Planning Commission. A nomination was made by Fahey to continue with the Land Management staff as Secretary to the Planning Commission. Steinhagen seconded the nomination. A motion was made by Fahey to cease nominations and elect Land Management staff as secretary to the Planning Commission. Steinhagen seconded the motion. All voted aye. Motion carried.

Appoint Representative to the Board of Adjustment

Chairman Hoese acknowledged appointing a representative to the Board of Adjustment. Wakefield made a nomination for Steinhagen to be the representative to the Board of Adjustment. Grazzini seconded the nomination. A motion was made by Wakefield and seconded by Kerber to cease nominations and cast a unanimous ballot for Andy

Steinhagen as the representative to the Board of Adjustment. All voted aye. Motion carried.

Agenda – A motion was made by Wakefield to approve the agenda. Kerber seconded the motion. Chairman Hoese called for a vote on the motion. All voted aye. Motion carried.

Minutes – A motion was made by Steinhagen and seconded by Fahey to approve the minutes from the December 19, 2023 regular meeting. All voted aye. Motion carried.

File #PZ20230045 – John Zimmerman – Chairman Hoese called the public hearing to order at 7:05 p.m. to consider a request by John Zimmerman. The purpose of the public hearing was to consider a request for a home extended business accessory use pursuant to Chapter 152 of the County Code. The property is located in Section 35 of Waconia Township.

The following were present: John Zimmerman

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant

Exhibit F – Staff Report addressed to the Planning Commission and Waconia Township dated January 5, 2024, and all attachments.

Senior Planner Hart stated the application has an approximate 30-acre parcel which is improved with a single-family residence and attached garage, a sawmill building, a woodworking shop and several wood and machinery storage buildings. The sawmill complex was part of an existing CUP on the property for a Christmas tree farm and auxiliary firewood activities. The applicant is requesting a CUP for a home-extended business accessory use to operate a custom sawmilling, firewood sales, and furniture and cabinet-making workshop using the existing buildings. The submitted operation plan details the hours of operation of the sawmill/firewood processing from 7:00 a.m. to 8:00 p.m. two or three days a week, and usually not during the colder months of December to February. The furniture operation would be year-round from 8:00 a.m. to 5:00 p.m., typically one to four days per week. This workshop would have a maximum of three workers. There would be a maximum of four work vehicles at the work site at any one time and four trailers used for business purposes. Limited numbers of people would come to the site as the furniture and cabinets are delivered to the customer and 95 percent of firewood sales involve delivery also. The business structures meet the required 500-foot setback from neighboring residences. Access is from an existing driveway on 110th St on the westerly side of the property. Portable toilets are on site which are serviced every two weeks for use by employees and customers. Hart used an aerial photo of the property to illustrate the existing buildings and outdoor storage areas for firewood and lumber which is naturally screened by the trees. There are 10 parking spaces for

workers' vehicles and limited customers. The existing 28-square foot sign also meets the Zoning Code standards. Jacob McLain, Carver County Senior Environmentalist, reviewed the request and stated the existing septic system is compliant and the mini biffs is an acceptable waste management method for the site. The Carver County Water Management Organization reviewed the request and stated *"the site in its current configuration predates the buffer requirement for wetlands. If the applicant makes a change that would trigger our rule in the future, the wetland buffer requirement would likely come into play."* The Waconia Town Board heard the request at their December 11, 2023, meeting and recommended approval with the comment, "No complaints to this date." Hart read the proposed condition for consideration if the request is approved. If the Planning Commission recommends denial of the request, the reasons should be clearly stated.

John Zimmerman, 10850 110th St, had no additional comments.

Chairman Hoese asked the applicant if he had read and agrees with the proposed conditions of the permit.

Mr. Zimmerman stated he agrees with the conditions.

No one was present to represent the Waconia Town Board for comment on this request.

There was no one present from the public for comment about this request.

Wakefield asked if the applicant will be processing wood from the trees that are on site or if wood will be brought to the site for processing.

Mr. Zimmerman stated he occasionally will have logs brought to the site for sawing. There will be no large trucks delivering any products.

A motion was made by Steinhagen to close the public hearing. The motion was seconded by Grazzini. Chairman Hoese called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:14 p.m.

Wakefield made a motion to **approve and issue Resolution #24-01** incorporating the findings of fact and staff recommendations approving the home extended business accessory use. Grazzini seconded the motion for approval. All voted aye. Motion carried.

Adjournment

A motion was made by Grazzini and seconded by Kerber to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:16 p.m.

COUNTY OF CARVER
LAND & WATER SERVICES DIVISION
Department of Land Management

April 4, 2024

TO: Carver County Planning Commission & Waconia Town Board

FROM: The Land Management Department

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

FILE #: PZ20240011
APPLICANT: John Zimmerman
OWNER: John M & Barbara I Zimmerman
SITE ADDRESS: 10850 110th Street, Cologne, 55322
PERMIT TYPE: Additional Density (Wooded Lots)
PURSUANT TO: County Code, Chapter 152, Section 152.078 (B)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 09-035-0400

STAFF ANALYSIS:

1. John and Barbara Zimmerman own an approximately 30-acre parcel located in the East Half (E½) of the Southwest Quarter (SW¼) of Section 35, Waconia Township. The property includes a large wooded area, wetlands, and is improved with a single-family residence with an attached garage. The property also improved with Mr. Zimmerman's woodworking business (CUP #PZ20230045) consisting of a sawmill complex and accompanying wood and equipment storage buildings. The site is located in the Agricultural Zoning District and the Carver County Water Management Organization - CCWMO (Carver Creek watershed).
2. Mr. Zimmerman is proposing to develop two (2) residential parcels on the subject property. The proposed development would result in a total of two (2) building sites (single family dwellings) along an existing township road (110th 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, which reads as follows:

§ 152.078 CONDITIONAL USES – ADDITIONAL DENSITY OPTIONS.

(A) General provisions.

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

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

(B) Wooded and lakeshore lots.

- (1) A maximum of three residential building lots may be subdivided from eligible wooded and/or lakeshore land. This provision may be exercised only once for each parcel that was of record as of July 1, 1974. The parcel from which the lots are to be subdivided was a parcel of record of 40 acres or more, a complete quarter-quarter section or a complete government lot on July 1, 1974.
- (2) Eligible land:
 - (a) Wooded land. A contiguous area of land which has trees that are confirmed to be of a desirable species, healthy and mature, 20 years or older, shade or evergreen trees with a minimum height of 10 feet. The distribution of the trees is such that there are no areas greater than ¼-acre in size not covered by canopy in the summer months; or
 - (b) The land contains lakeshore of a lake specifically listed in the township’s chapter of the comprehensive plan as eligible for lots under this provision;
 - (c) All building lots created must meet the following general criteria and the criteria specific to lot eligibility type (wooded or lakeshore). Inability to meet one or more of these criteria shall negate the eligibility for additional lots under this provision.
- (3) General criteria:
 - (a) The comprehensive plan County Policy LU-18C, no more than four homes per 40 (4 homes per ¼¼) shall not be violated.
 - (b) The lots must be a minimum of 2½ acres and must meet all of the applicable standards pursuant to this chapter.
 - (c) Each lot subdivided must contain a building site as defined by this chapter. In cases where this standard cannot be met due to soil conditions, the County Board may consider remedial actions designed by a licensed professional engineer or architect. Any actions approved by the County Board shall be binding on any and all future owners.
 - (d) Residential areas shall be located to provide the most effective buffering from through roads, agricultural areas and feedlots within the context of the other requirements and general criteria.
- (4) Additional criteria for wooded lots:
 - (a) Each lot shall contain at least 2½ acres of land that meets the criteria for eligible land. Wetlands or non-wooded steep slope (12% and over) land may be added to the lot. These lands shall not be considered wooded and shall not be counted as part of the 2½ acres of wooded land needed to qualify as a wooded lot. There may be one area of up to one acre on each lot that does not contain evenly distributed trees and is suitable for the placement of the home, primary and alternate SSTS in accordance with Chapter 52 of this code of ordinances, and a detached accessory structure.
 - (b) Except for a strip of land 30 feet or less in width used to straighten boundaries or road alignment, the lots to be subdivided must not contain land used for agricultural production. A road to serve the lots may be constructed over agricultural production land. Agricultural production is row crops and hay land that has been specifically planted and managed for the production of hay. Agricultural production land includes land temporarily out of production in accordance with a government program. Pasture land is not crop production land.

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.
4. As shown in the submitted concept plan (dated January 17, 2024) the applicant is proposing two (2) residential lots, each meeting the 2.5-acre minimum lot size required by the Zoning Code. A total of two (2) buildable lots would be proposed, each lot approximately 3 acres in area. Each lot would meet the requirements for public road frontage along 110th 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. Since 110th Street is the boundary between Waconia and Benton townships, the townships share maintenance duties. Waconia Township maintains the road during the summer and Benton Township during the winter.
5. During the preliminary platting process, the applicant must document a suitable one (1) acre building site for 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 March 28, 2024, Senior Environmentalist Lori Brinkman 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 March 28, 2024, had the following comments: *"I see no issues with the proposed wooded lots. However, it appears that the proposed lots could contain areas that may be considered wetlands. At some point during the permitting process (either now, or when building permit applications are submitted) the wetland areas should be identified. Any land disturbing activities that impact wetlands will need to follow Minnesota Wetland Conservation Act (WCA) statutes and rules."*
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. Abigail Ernst of the CCWMO reviewed the CUP application and reported in an email dated March 26, 2024, that she had no comments.
8. The entire layout as proposed will properly be addressed during the preliminary plat process.
9. The Waconia Town Board reviewed and recommended approval of the request during their February 12, 2024, meeting with the comment: *"Null & void if there is no secondary septic system site!"*

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Additional Density Option "Wooded Lots" permit application, the following conditions should be considered part of the permit:

1. Two (2) 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 two (2) 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.

OR

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.

10850 110th St
Cologne, Mn 55322
Feb 20, 2024

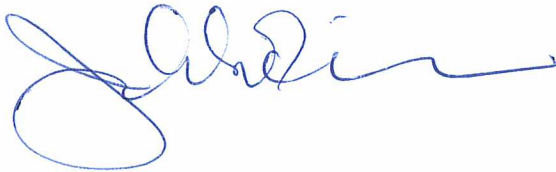
Carver County Planning and Zoning
Carver County Courthouse
Chaska, Mn 55318

Narrative letter for increased density wooded lots

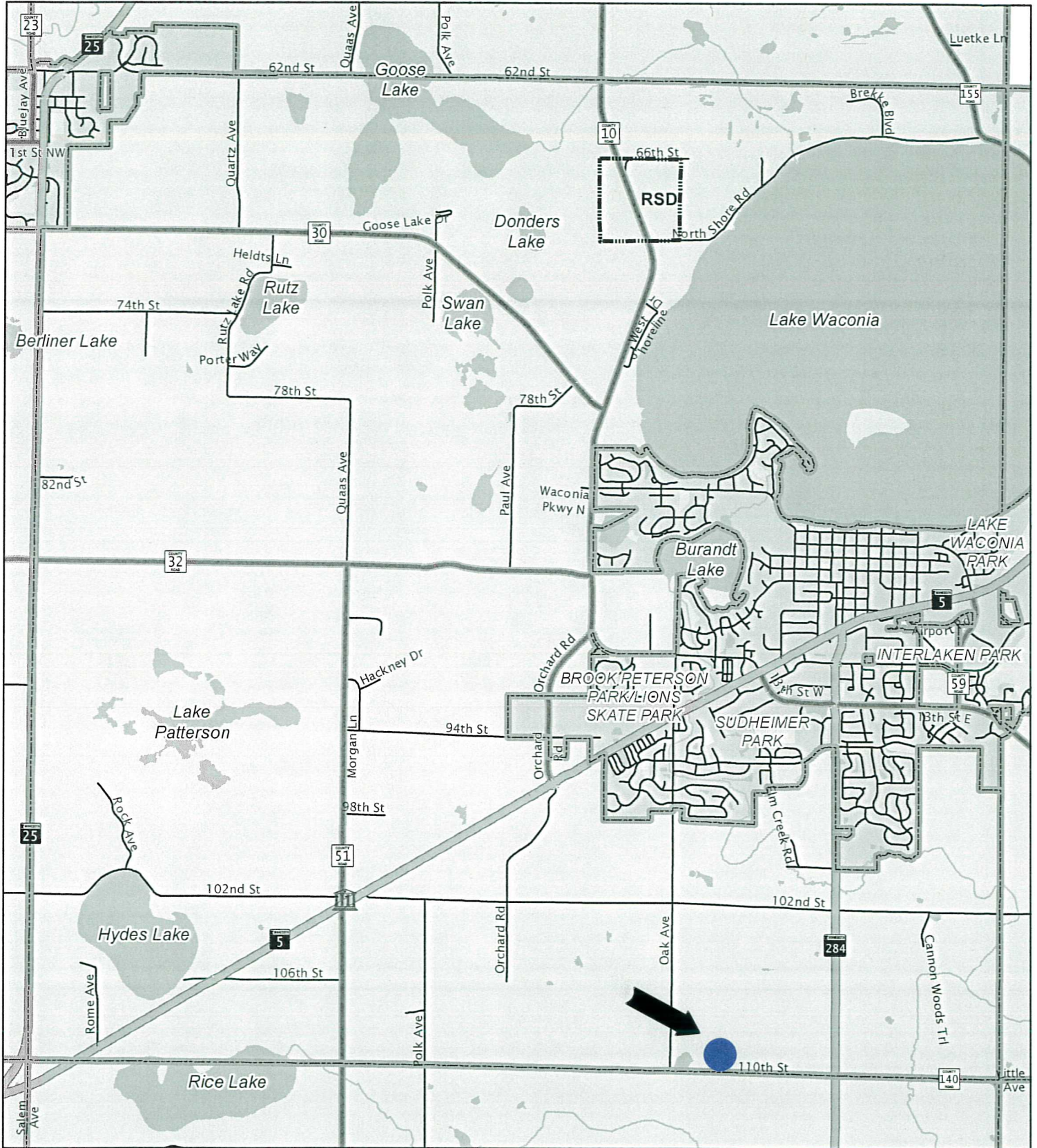
I am submitting a request for two wooded lots (approximately 3 acres each) under the zoning code provision of Section 152.078 (B). This is also allowed under the Waconia Township's section of the 2040 Comprehensive Plan.

My residence is located on 30 acres of wooded land in section 35 of Waconia Township. I am proposing to subdivide two three acre lots. I will maintain my residence on the remaining 24 acres. These lots are more than 80% covered by large mature hardwoods and the subdivision will not exceed the allowable 4 residences per ¼ ¼ maximum residential density, and each 3 acre lot contains a 1 acre minimum building site with a primary and a secondary site for a septic system.

Respectfully submitted,
John M. Zimmerman



WACONIA TOWNSHIP

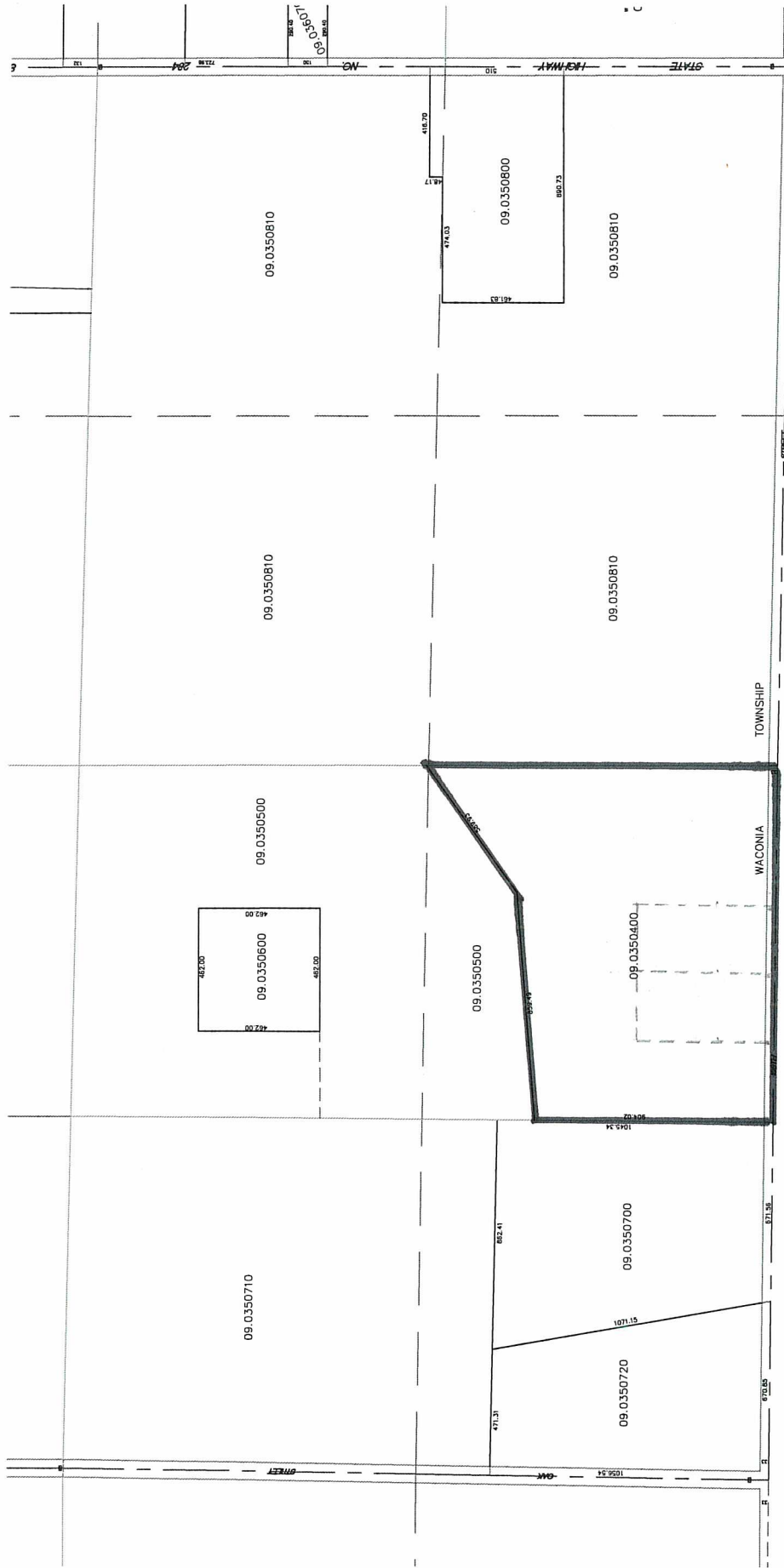


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S 1/2 SEC. 35, T.116, R.25

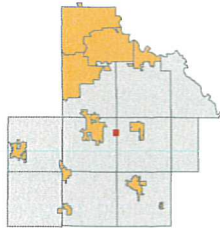


ZIMMERMAN WOODED LOTS CONCEPT



Date: 1/17/2024

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Township Presentation & Recommendation Form

PARCEL # <u>090350400</u>	Permit # <u>RZ202410011</u>	
Owner's Name: <u>John / Barb Zimmerman</u>	Owner's Mailing Address: <u>10850-110th St</u>	
City: <u>Coloqne</u>	Owner State: <u>Mn</u>	Owner Zip: <u>55322</u>
Applicant (if other than owner): <u></u>	Site Address: <u>Same</u>	

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal
Description of Request: <u>Additional Density Options -</u> <u>Original 30 acre parcel divided into 2 or 3 Acre lots plus</u> <u>24 acre homestead</u>
Date of County Public Hearing: <u>March 6, 2024</u> Date of Township Meeting: <u>Feb. 12, 2024</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:
<u>Null + void if there is no secondary septic system site!</u>

****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>[Signature]</u> Signature of Applicant	Date <u>2-1-2024</u>
<u>[Signature]</u> Signature of Township Official	Date <u>2-12-2024</u>

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-035-0400

File# PZ20240011

APPLICANT: John Zimmerman

OWNERS: John M Zimmerman & Barbara I Zimmerman

* * * * *

That part of the East Half of the Southwest Quarter (E½ of SW¼) of Section 35, Township 116 North, Range 25 West of the 5th Principal Meridian, which lies southerly of a line described as follows: Commencing at the Southwest corner of said East Half of the Southwest Quarter (E½ of SW¼); thence Northerly along the West line of said East Half of the Southwest Quarter, a distance of 904.02 feet to the beginning of the line to be described; thence Easterly deflecting to the right 85 degrees 14 minutes 46 seconds, a distance of 859.49 feet; thence Northeasterly, deflecting to the left 31 degrees 31 minutes 5 seconds, a distance of 589.93 feet to the East line of said East Half of the Southwest Quarter and said line there terminating.