

Carver County Planning Commission
Regular Meeting - **Tuesday, February 21, 2023**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

7:00 P.M.

Meeting call to order by Zoning Official

- A. Organization of the Commission
- B. Election of Chair
- C. Election of Vice-Chair
- D. Appointment of Land Management Staff as Secretary
- E. Appointment to Board of Adjustment

- 1.) Approve minutes of December 20, 2022 regular meeting

Pages 1-1 through 1-4

- 2.) **File #20210047**– Public hearing on application by Ted Holsten, representing Misthaven, LLC, for a Conditional Use Permit.

(Preliminary Plat Revision)

San Francisco Township

Pages 2-1 through 2-14

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – December 20, 2022
Minutes

Members Present: Scott Wakefield, Scott Hoese, Frank Mendez, Roger Storms, Matt Kerber, Greg Grazzini

Members Late: None

Members Absent: John P Fahey

Staff Present: Jason Mielke, Donovan Hart

Pursuant to due call and published notice thereof, the December 20, 2022, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Chairman Wakefield conducted roll call which indicated six board members present, noting John P Fahey had a prior commitment.

Agenda – Chairman Wakefield asked the Board if they had any changes to the agenda. Hearing none, a motion was made by Grazzini to approve the agenda as printed. Mendez seconded the motion for approval. All voted aye. Motion carried. The agenda was approved as printed.

Minutes – A motion was made by Hoese and seconded by Mendez to approve the minutes from the October 18, 2022, regular meeting. All voted aye. Motion carried.

File #PZ20220046 – Mark Eklo – Chairman Wakefield called the public hearing to order at 7:01 p.m. to consider a request by Mark Eklo. The purpose of the public hearing was to consider a request for a CUP for additional density-wooded lots pursuant to Chapter 152 of the County Code. The property is in Section 3 of Waconia Township.

The following were present: Mark Eklo, Dave Philp, Bill Keller, Ed Armit

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 received November 18, 2022

Exhibit F – Staff Report addressed to the Planning Commission and Waconia Township dated December 12, 2022, and all attachments

Hart explained the applicant owns an approximate 8.16-acre parcel which is currently an undeveloped, wooded parcel with no wetlands in Section 3 of Waconia Township. The property is adjacent to the Dakota Rail Trail, which is managed by the Carver County Regional Rail Authority. The applicant, Mark Eklo, is requesting a CUP to develop and plat 3 residential

wooded lots under the Additional Density Option adopted by Waconia Township in their chapter of the 2040 Comprehensive Plan. The proposed development would comply with the limitation of 4 homes per 40 acres and is considered eligible land for this option. Each proposed lot meets the minimum 2.5-acre size and would have access from 66th St. Environmental Services staff has reviewed the submitted soils reports for primary and alternative SSTS sites and stated “All lots include suitable areas for primary and alternative sites. Soils have been reviewed and approved.” Mike Wanous, Carver Soil & Water Conservation District, reviewed the proposed parcel subdivision and commented on protecting current water flows on the property and stabilizing and seeding areas as soon as possible after disturbance. The proposed development falls under the CCWMO Water Rules and individual lot owners would be required to comply with the Water Rules Standards. Specific details for each lot would need to be submitted prior to the issuance of building permits on the lots. Marty Walsh, Carver County Parks & Recreation Director, commented on the proposed lots indicating future homeowners should be advised that fencing along the railroad property is not provided. Specific details of the entire layout will property addressed during the preliminary plat process. Waconia Town Board reviewed and recommended approval of the proposed request at their November 14, 2022, meeting. Hart read the proposed conditions for consideration if the request is approved.

Chairman Wakefield asked the applicant if he is agreeable to the 8 requirements of the permit as read and presented.

Mr. Eklo stated he agrees with the 8 requirements as read and presented.

No Waconia Town Board supervisor was present to comment on this request.

Chairman Wakefield is the Treasurer of Waconia Township and confirmed this request was reviewed and discussed at their meeting and the supervisors recommended approval of the preliminary plan as drawn and presented to them. The Township is in favor of the proposed residential subdivision and plat.

Ed Armit, 11325 66th St, asked for clarification on how this parcel qualified for the additional density option of wooded lots when it is only 8 acres. He asked about the original parcel configuration allowing this option.

Mielke explained there are different additional density options available and stated Waconia Township has adopted the wooded lot option. The original parcel was approximately 44+/- acres as of July 1, 1974. When this parcel was subdivided, the wooded lot rights were assigned to this parcel, which has the wooded amenity.

Bill Keller, 11175 66th St, asked if this parcel was considered ‘big woods’ or any other type of conservation concern, and what can be cleared or cannot be cleared on the property.

Mielke explained the standards of the wooded lot provision and noted that the circumference of the trees is not specifically taken into consideration. This may be different from a development within city limits that might consider preservation of some trees. He noted requirement differences between wooded lots and other high amenity options.

Mr. Keller stated the primary and alternate septic sites identified seemed to be in front of the house locations. He understands that trees will need to be removed for that construction but wanted the lots to maintain the rural aesthetics that he finds desirable in the area.

Mielke explained that the septic locations need to be identified to prove that the lots are buildable. There may be other suitable locations on the lot for septic sites and could be used if they are approved, but two approved sites must be identified on each lot before the wooded lot designation would be granted.

Mr. Eklo explained that there is a 33-foot road easement at the front of the lots which is heavily wooded. There is no intention to remove any of those trees unless it becomes a concern from the road authority, so those trees would provide screening for the open areas of the wooded lots. It is certainly not the intent to strip the entire front of the lot to be visible from the road.

Mr. Keller asked if there are requirements for individual wells. He expressed concern with three new wells in close proximity to each other and the neighboring houses, if there is any burden on the current aquifer.

Mielke stated wells in the rural area are permitted through the MN State Dept of Health and are not a part of the requirement for subdivision.

A motion was made by Storms to close the public hearing. The motion was seconded by Hoese.

Hoese asked for more information to Mike Wanous' reference to water flow and culverts under the road.

Mr. Eklo explained there is a pipe near the long driveway to the west and the preliminary plat will include an easement and show an extension of that pipe to continue the water flow. He used the aerial map to illustrate the area and discuss the current water pattern, existing swales, and terrain.

Mr. Keller wanted to be assured that the topography would not be disturbed, as the swales provide a natural buffer between the houses, considering the setbacks and buildable area of each lot.

Mielke reiterated that those details will be addressed in the preliminary plat process. The request tonight is to determine if the property can support three residential lots.

Mr. Eklo also noted the concerns for erosion control are appropriate vegetation are addressed in the proposed condition #5(C).

Mielke reiterated the Planning and Water Department, with the assistance from Soil & Water Department, will manage and regulate the grading and erosion activity on each lot along with the issuance of the building permits.

A motion was made by Hoese to **approve and adopt Resolution #22-18** incorporating the findings of fact and staff recommendations approving the CUP for High Density Option for three wooded lots. The motion for approval was seconded by Kerber. Chairman Wakefield called for a vote on the motion. All voted aye. Motion carried.

Other Business

Chairman Wakefield announced this was Commissioner Storms' last meeting with the Planning Commission and thanked him for his service. Mielke echoed his thanks to Mr. Storms for his service and input during his time with the board.

Adjournment

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



COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

PRELIMINARY PLAT (REVISED) – MISTHAVEN ESTATES

February 9, 2023

TO: Carver County Planning Commission & San Francisco Town Board
FROM: The County Land Management Department
SUBJECT: Application for approval of the (Revised) Preliminary Plat – Misthaven Estates

FILE: PP-PZ20210047
OWNER: Misthaven LLC
APPLICANT: Ted Holsten
SITE ADDRESS: 15XXX Halsey Avenue, 55315
PURSUANT TO: County Code, Chapter 151 & 152, Section 152.078
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCELS #: 08-036-0640

STAFF FINDINGS:

1. Misthaven, LLC was issued Conditional Use Permit (CUP) #PZ20210028 to create three (3) residential parcels pursuant to the additional density provision (Section 152.078 C – High Amenity) of the Carver County Zoning Code. On August 17, 2021, a preliminary plat for Misthaven Estates was approved by the Carver County Planning Commission; however, on January 21, 2023, the applicant submitted a revised preliminary plat with the three lots reconfigured. With the approval of the CUP, the applicant is now requesting an amended approval of the Preliminary Plat “Misthaven Estates” Subdivision. The request would consist of three residential lots (Lots 1-3, Block 1) for single-family homes.
2. The proposed platted area consists of approximately 11 acres located in the Southwest Quarter (SW¼) of Section 36, San Francisco Township. The property consists of wooded and wooded area with native grasses not in agricultural production. It is located in the Agricultural Zoning District and the CCWMO (Carver Creek and Bevens Creek watersheds). CUP #PZ20210028 was issued June 1, 2021, to create three (3) high amenity lots pursuant to Section 152.078 of the Carver County Zoning Code. The reconfiguration of the plat no longer requires a township road to be constructed, as all three proposed lots will have access on Halsey Avenue, a township road.
3. Copies of the revised preliminary plat (dated 1/21/23) have been sent to the San Francisco Township Clerk (Heidi Schmidt), Carver County Planning & Water Management (Kristen Larson and Paul Moline), Carver County Soil & Water Conservation District (SWCD), Carver County Environmental Services (Jacob McLain and Lori Brinkman), Eastern Carver County Schools District 112, Northern Natural Gas, and CenterPoint Energy. As of this report, Environmental Services and Planning & Water Management have submitted comments. Other comments may also be available at the time of the public hearing.
4. The high amenity lots are laid out in such a manner that there are no more than four (4) homes per quarter-quarter as permitted by the density regulations of the Carver County Zoning Code. The residential lot sizes range from 2.89 acres to 4.51 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.

5. The preliminary plat shows 10-foot utility & drainage easements around each of the three (3) lots. An appropriate drainage easement would be provided for wetlands as part of the final plat. No obstructions shall be permitted in any of the drainage and/or utility easements. The covenants should address the preservation of the drainage easements and that no obstructions shall be permitted within those areas.
6. The draft covenants, as required by Conditional Use Permit #PZ20210028, have been submitted with the application and would need to be reviewed and approved by the County Attorney's office prior to final plat approval. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The 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.
7. The Carver County Environmental Services Department has received an updated report from a licensed Subsurface Septic Treatment System (SSTS) professional identifying the primary and alternate SSTS locations on the three (3) amenity lots. This report (dated: December 12, 2022) described soil boring logs, and the primary/alternate septic locations were identified on a survey for each individual lot. On January 6, 2023, Lori Brinkman, Environmentalist II, reviewed and approved the indicated primary and alternate SSTS locations for each parcel. At the time of application for a new home on each lot, an SSTS design would need to be submitted, reviewed, and approved by the Carver County Environmental Services Department. All SSTS system locations would need to be fenced off prior to any land alteration on the building sites.
8. The revised plat eliminated the need for a Township Road to be constructed, as all lots are configured to allow access on Halsey Avenue. Therefore, there will not be a development contract. All three lots will need to have access location approved by the San Francisco Town Board via driveway permits prior to building permit approvals.
9. The property has been analyzed by a professional wetland delineator to determine if wetlands exist. A singular pocket wetland is present on the site, within proposed Lot 3, and an additional wetland is present to the southwest of the proposed plat. The Notice of Decision and TEP Findings concur with the findings of the professional delineator hired by the applicant. Appropriate easements for drainage/utilities have been included on the plat. Avoidance of the delineated wetland has been incorporated into the development.
10. The approximate 11-acre plat is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, 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.
11. The Carver SWCD would review the project with regard to the CCWMO standards. All lots shall be reviewed for erosion/sediment control measures during the building permit process. The Carver SWCD would also be involved in the review and approval of the plans as they relate to the Water Rules, Wetland Conservation Act (WCA), and the Stormwater Pollution Prevention Plan (SWPPP), if applicable.
12. The San Francisco Town Board reviewed and recommended approval of the Misthaven Estates Preliminary Plat Revision during their September 23, 2023, meeting. The Town Board commented "all driveways will need township permits".

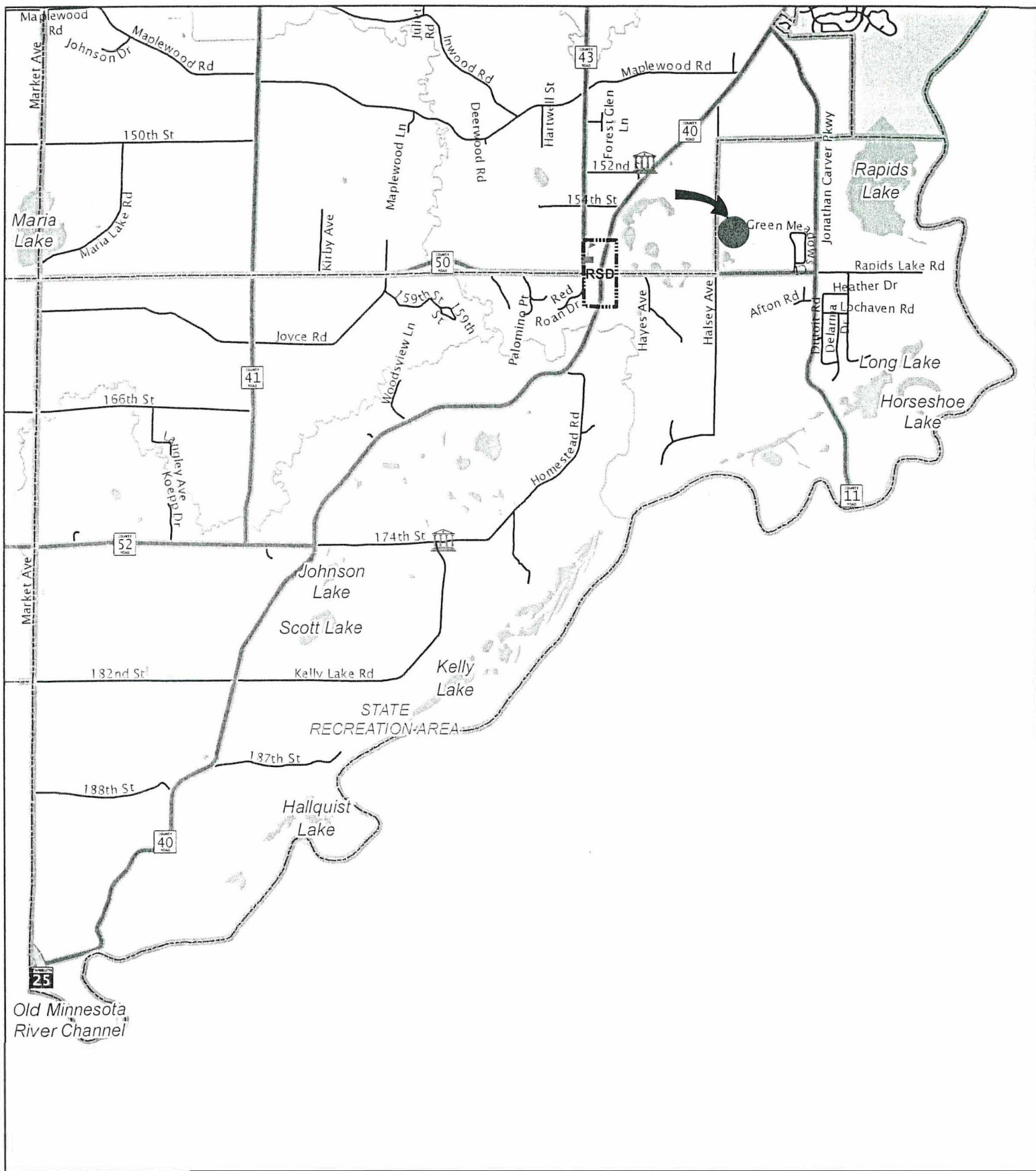
PLANNING COMMISSION CONSIDERATION:

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

1. Three (3) high amenity 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 revised 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 #PZ20210028 shall be satisfied prior to the recording of the final plat.
3. 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, he shall have to submit percolation tests and soil borings for another site before any building permit shall be issued.
 - E. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The plat indicates the outside boundary of the delineated wetlands, which impacts all proposed lots. The required covenants shall address that each lot will be reviewed in the field prior to issuance of any building permits. The required covenants shall address the concerns of possible drainage of an existing delineated wetland located in the woods and open field area; therefore, no vegetative removal within the drainage easement area shall be allowed.
 - F. A covenant stating that all lots shall meet the standards of the Carver County Water Management Rules - Chapter 153, Section 153.11, additional review by CCWMO may apply.
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, CCWMO, and WCA requirements. The applicant shall comply with any and/or all requirements established by the appropriate road authorities (San Francisco Township). An access permit for each driveway from Halsey Avenue must be obtained from San Francisco Township (or appropriate road authority) prior to issuance of 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.

SAN FRANCISCO TOWNSHIP



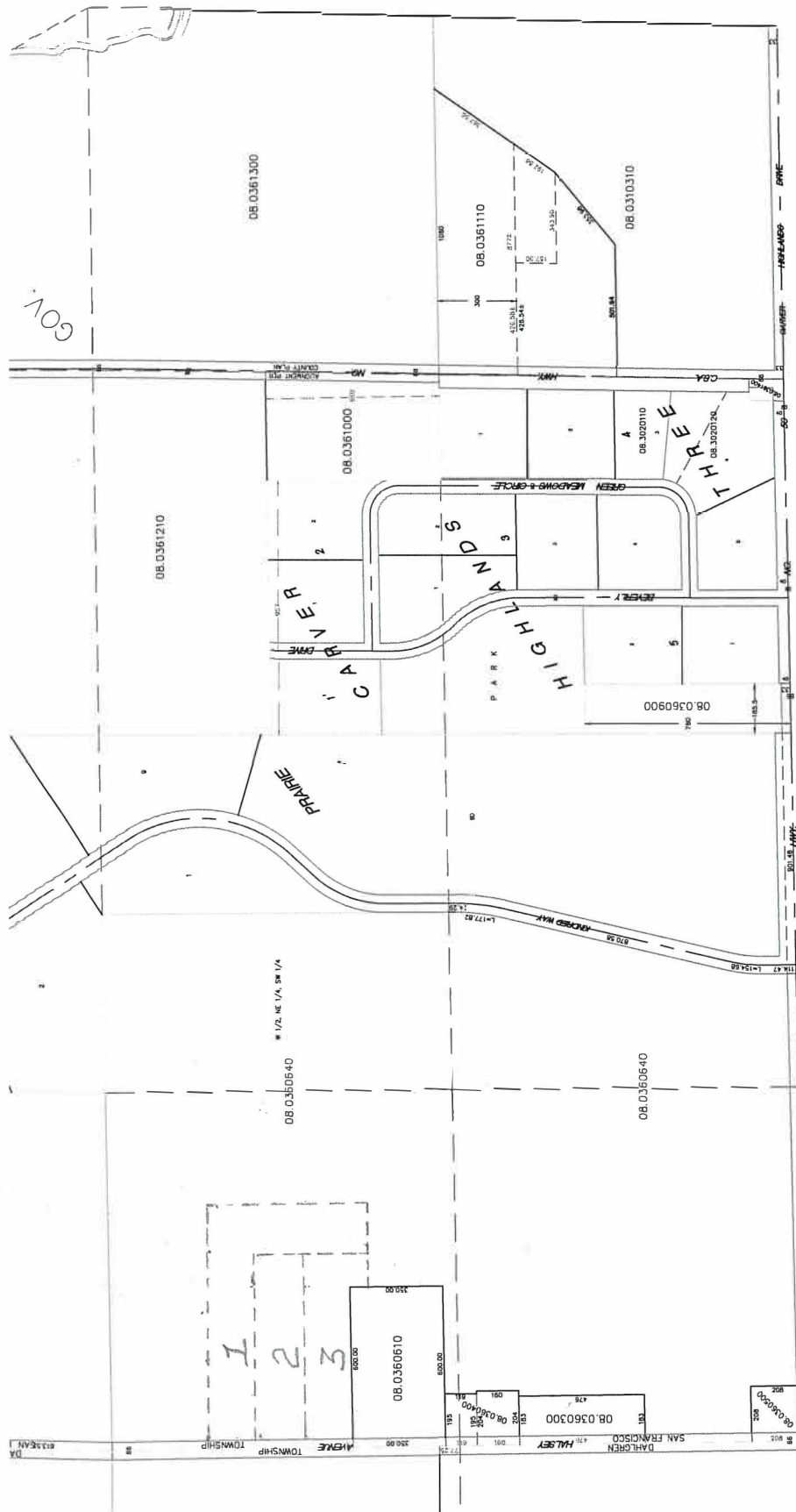
This map was created using Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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

0 1 2 Miles



Map Created by Carver County GIS

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



LEGAL DESCRIPTION

That part of the Southwest Quarter of Section 36, Township 115, Range 24, Carver County, Minnesota, described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 44 minutes 59 minutes West, assumed bearing, along the west line of said Southwest Quarter, a distance of 1716.00 feet to the point of beginning; thence North 88 degrees 57 minutes 54 seconds East a distance of 600.00 feet; thence South 00 degrees 44 minutes 59 seconds East a distance of 40.00 feet; thence North 88 degrees 57 minutes 54 seconds East a distance of 278.00 feet; thence North 00 degrees 44 minutes 59 minutes West a distance of 565.00 feet; thence South 88 degrees 57 minutes 54 seconds West a distance of 878.00 feet to the west line of said Southwest Quarter; thence South 00 degrees 44 minutes 59 minutes East along the west line of said Southwest Quarter a distance of 525.00 feet to the point of beginning.

OWNER/DEVELOPER

TED HOLSTEN
MISTHAVEN LLC
4785 HODGSON RD., #311
SHOREVIEW, MN 55126

SEPTIC DESIGNER

RON OLSON
6970 INWOOD RD.
COLOGNE, MN 55322
612-369-4240

ENGINEER/SURVEYOR

SISU LAND SURVEYING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO
612-418-6828

WETLAND DELINEATOR

JACOBSON ENVIRONMENTAL
CONTACT: WAYNE JACOBSON
612-802-6619

TOWNSHIP/DISTRICT INFORMATION

SAN FRANCISCO TWP.
SCHOOL DISTRICT NO. 112
CARVER COUNTY WATERSHED MANAGEMENT ORGANIZATION

LOT/SITE INFORMATION

EXISTING ZONING: AGRICULTURAL
PROPOSED ZONING: AGRICULTURAL W/HIGH AMENITY OVERLAY
PLAT AREA = 10.837 acres

SETBACKS

FRONT = 68' FROM C/L
SIDE = 15 FEET
REAR = 30 FEET

PROPOSED R/W AREA = 0.398 acres

PROPOSED LOT AREAS BUILDABLE AREAS (NON-SETBACK, EASEMENT, SEPTIC, OR >18% SLOPE)
LOT 1 = 4.514 ACRES LOT 1 = 2.32 ACRES
LOT 2 = 2.893 ACRES LOT 2 = 1.94 ACRES
LOT 3 = 3.033 ACRES LOT 3 = 1.96 ACRES

SOILS

THE MAJORITY OF THE SOILS ON SITE ARE SANDY. SEE THE SOIL BORINGS FOR DETAILED INFORMATION.

STORMWATER MANAGEMENT

THE PROPOSED INCREASE IN IMPERVIOUS SURFACE IS 0.5 ACRES. NO STORMWATER MANAGEMENT IS PROPOSED.

EXISTING DRAIN TILE

NO VISIBLE DRAIN TILE LINES WERE OBSERVED AT THE TIME OF SURVEY. IF DRAIN TILE LINES ARE DISCOVERED, THEY WILL BE ADDED TO THE PLANS.

SEPTIC SITES

SEPTIC SITES ARE SHOWN. SEPTIC INFORMATION WILL BE SUBMITTED BY OTHERS

EXISTING WOODED AREAS

EXISTING WOODED AREAS ARE SHOWN. A TREE INVENTORY HAS NOT BEEN PERFORMED.

BLUFF AREAS

THERE ARE NO BLUFF AREAS WITHIN THE PROJECT LIMITS.

POTENTIAL BUILDING AREAS

POTENTIAL BUILDING AREAS ARE SHOWN. THERE ARE NO SLOPES > 18% WITHIN THE PROPOSED LOTS. NO BUILDING PADS WILL BE CONSTRUCTED AS PART OF THIS PROJECT. MINIMUM LOW OPENING ELEVATIONS ARE SHOWN BASED ON EMERGENCY OVERFLOW ELEVATIONS.

WETLANDS

THE SITE WAS INVESTIGATED FOR WETLANDS BY JACOBSON ENVIRONMENTAL AND NO WETLANDS HAVE BEEN DELINEATED WITHIN THE PROJECT BOUNDARY. ONE WETLAND HAS BEEN DELINEATED SOUTH OF LOT 3 AS SHOWN.

EXISTING COVENANTS, LIENS, OR ENCUMBRANCES

THERE ARE NO KNOWN EXISTING COVENANTS, LIENS, OR ENCUMBRANCES.

100-YR FLOOD ELEVATIONS

THERE ARE NO WATERWAYS, WATERCOURSES, OR LAKES WITH 100-YEAR FLOOD ELEVATIONS ON THIS PROPERTY.

BENCHMARK

VERTICAL CONTROL BASED ON GEODETIC CONTROL POINT "HALSEY" LOCATED 125 FEET S. OF CO. RD. 50 AND 22 FEET W. OF HALSEY AVE. ELEVATION 829.48 (NAVD88)

WETLAND BUFFERS

PROPOSED 25 FEET WETLAND BUFFERS AND SIGNAGE ARE SHOWN. THERE ARE NO PROPOSED IMPACTS TO WETLAND BUFFERS.

WETLAND BUFFER SIGNAGE: AVAILABLE FOR PURCHASED FROM THE CARVER COUNTY WMO

MISTHAVEN ESTATES
PRELIMINARY PLAT

PID 0803600620
MISTHAVEN LLC
4785 HODGSON RD., #311
SHOREVIEW, MN 55126

878.00 S88°57'54"W

1
4.514 acres
2.51 acres amenity

2
2.893 acres
2.89 acres amenity

3
3.033 acres
3.03 acres amenity

PID 0803600610
SAHRA AND SETH EGGERT
15585 HALSEY AVE.
CARVER, MN 55315

LEGEND

BLDG SETBACK
EASEMENT
WETLAND
EX. CONTOUR
TREELINE

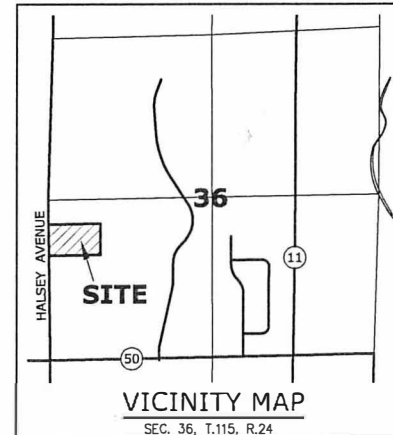
0 50 100
SCALE IN FEET

● DENOTES COUNTY MONUMENT FOUND
● DENOTES IRON MONUMENT FOUND
○ DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

10 10 10
10 10 10

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



Land Surveying
& Engineering

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

I hereby certify that this plan, report, or specification was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Curt Kallio
CURTISS J. KALLIO

DATE: 11/10/2022 REG. NO. 26909

PREPARED FOR:
Ted Holsten
4785 HODGSON RD., #311
SHOREVIEW, MN 55126

Preliminary Plat
Misthaven Estates
San Francisco Twp.,
Carver County, MN

SHEET TITLE & PROJECT:

BY	REVISION	DATE	DATE	DATE
BY	REVISION	DATE	DATE	DATE
BY	REVISION	DATE	DATE	DATE
BY	REVISION	DATE	DATE	DATE
BY	REVISION	DATE	DATE	DATE

PROJECT NO:
202102

SHEET
1 OF 1
SHEETS

Jason Mielke

From: Kleist, Mitchell (Northern Natural Gas) {Contractor} <Mitchell.Kleist@nngco.com>
Sent: Monday, July 26, 2021 11:23 AM
To: Christina Neel
Cc: Jason Mielke
Subject: RE: Mithaven Estates Preliminary Plat (request for review)
Attachments: Easement Mod - Holsten.pdf; NNG Aerial - Holsten.pdf

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

Christina-

Good morning. Thank you for this and allowing opportunity to comment. Northern does operate two high pressure transmission lines through the NW, SW, and SE Quarters of S36, T115N, R24W – however, I do not anticipate any conflicts w/ the proposed Plat, as it appears to be located outside of Northern’s existing easement limits.

I’ve attached an aerial from our pipeline safety map depicting the approx. alignment of our pipelines through Section 36 – and I’ve also attached a copy of Northern’s existing easement through the property in question.

Please feel free to forward this along to whom you see fit and don’t hesitate to reach out to me through any of my contact information below w/ questions or concerns.

Thank you,

Mitch Kleist

Northern Natural Gas Company | Right of Way Department

1120 Centre Pointe Dr. STE 400, Mendota Heights, MN 55120

Office: 651-456-1766 | Mobile: 507-340-0081 | email: mitchell.kleist@nngco.com

**COUNTY OF CARVER
BOARD OF COMMISSIONERS**

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

DATE: June 1, 2021

ORDER #: PZ20210028

FILE #: PZ20210028

OWNERS: Misthaven, LLC

APPLICANT: Ted Holsten

SITE ADDRESS: 15XXX Halsey Avenue, 55315

PERMIT TYPE: Additional Density – High Amenity Lots

PURSUANT TO: Carver County Code: Section 152.078 (A) & (C)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-036-0640

A public hearing was held on this matter on May 18th, 2021, 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

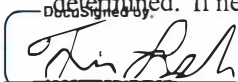
1. Misthaven, LLC. owns an approximate 107.00-acre parcel located in part of the Southwest Quarter (SW¼) of Section 36, San Francisco Township. The property is primarily tillable farmland but does have an undeveloped wooded area, and a pond. The property is located in the Agricultural Zoning District and the CCWMO (Bevens Creek & Carver Creek Watersheds).
2. The applicant is proposing to develop three residential parcels (approx. 2.77 – 3.51 acres) in the northwestern portion of the subject property. The proposed development would result in a total of three building sites (for single-family dwellings) and would require the construction of a Township Road. The applicant is requesting a Conditional Use Permit (CUP) pursuant to the "Additional Density Options" in Section 152.078 (A) and (C) of the Carver County Zoning Code.
3. San Francisco Township has provided for the High Amenity Option in its chapter of the 2040 Comprehensive Plan. The High Amenity lot provision may only be exercised once for each parcel that was of record as of July 1, 1974. The subject property consists of wooded, wooded pasture, and similar areas, not in agricultural production, and is considered eligible land. The proposed development would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼ - ¼). Also, a Conditional Use Permit has not been previously issued for additional density on the subject parcel.
4. The applicant is proposing a total of three (3) buildable residential lots as part of the development (plat) which would range between 2.77 acres and 3.51 acres in size. Each newly created lot would meet the required minimum lot size as allowed by the Zoning Code.
5. During the preliminary platting process, the applicant must document a suitable one (1) acre building site for each lot. The concept plan would also illustrate the potential locations for Subsurface Sewage Treatment Systems (SSTS) on each lot. A licensed SSTS professional has provided partial soils reports for the County's review.
6. Each lot would meet the requirements for public road frontage, which would be from a newly proposed Township Road (Misthaven Lane). Access would be to each lot individually (three accesses from the proposed Township Road). The San Francisco Town Board (i.e. road authority) would be reviewing the proposed access locations during the preliminary platting process.

7. The individual lot owner(s) will be required to comply with the Carver County Water Management Organization (CCWMO) Water Rules Standards. Each lot will be subject to review and approval by Carver County Planning and Water Management Department pursuant to Chapter 153. More specific details for each lot would need to be submitted to Carver County Planning & Water Management at the time of design for review and approval prior to the issuance of building permit(s) on individual lots.
8. A road would need to be constructed as part of the platting process and according to a developer's contract. The road must be constructed to Township standards. The concept plan illustrates the road configuration over a portion of the Misthaven parcel (Halsey Avenue access) and extending into the subject property with a 66' right-of-way (approx. 1,000' total length). County policy discourages permanent dead-end roads; therefore, future road extension(s) or easement(s) should be evaluated during the preliminary platting process.
9. A wetland delineation would be needed as part of the platting process. The development of a new road along with the creation of new driveways creates a potential for impacts to any low-lying areas "wetlands" within the tree canopy that may need to be avoided.
10. The entire layout as proposed will be properly addressed during the preliminary platting process.
11. The proposed lots appear to meet all the criteria for High Amenity Lots. Matt Steele, the Carver County Feedlot Officer, confirmed that the feedlot setback buffer is accurate for the feedlots south of the subject property. Given the feedlot buffer, the new lots would more than exceed the required 1,000-foot feedlot setback.
12. On May 6, 2021, this request was reviewed by Lori Brinkman, the County's Environmentalist II. Ms. Brinkman stated that Primary and Alternate SSTS locations have been identified by an SSTS designer for each parcel and have reviewed by Carver County Environmental Services.
13. The San Francisco Town Board reviewed and recommended approval the request during their March 15, 2021, Town Board Meeting. The request for the additional density lots is allowed pursuant to their chapter of the Carver County Comprehensive Plan.
14. The Board of Commissioners has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20210028. THIS PERMIT IS ISSUED PURSUANT TO SECTION 152.078 (A) AND (C) OF THE CARVER COUNTY CODE, FOR THE CREATION OF HIGH AMENITY LOTS ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A." THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

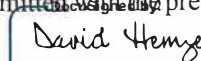
1. Three (3) residential lots are permitted, provided the building site requirements and minimum lot standards are satisfied. The entire subject property shall be platted in accordance with M.S. Chapter 505 and the Carver County Code. A total of three (3) buildable lots (building eligibilities) shall be properly addressed as part of the platting process.
2. The lots shall be laid out on the preliminary plat substantially as agreed upon by the Township, the County, and the developer during the Conditional Use Permit (CUP) process. The Preliminary plat shall stipulate, at a minimum, the building eligibility status for each parcel, a statement regarding agricultural uses in the area, and the protection of environmentally sensitive land(s). The potential for future easement(s) shall be evaluated during the preliminary platting process.

3. The proposed lots must have a one-acre building site, which shall be reviewed as a part of the Subdivision Plat. Primary and alternate drainfield locations for each building site must be submitted with the application for preliminary plat. SSTS locations must be identified by a licensed SSTS contractor, for review/approval by the Environmental Services Department. It shall be the responsibility of the property owner to preserve and protect the soil treatment and dispersal areas from compaction, building, or other activities which could conceivably limit the use of the sites for sewage treatment and dispersal. The building sites must be located so that all buildings and SSTS systems shall meet County Code setback requirements.
4. Access locations and permits shall be approved by San Francisco Township (road authority) prior to any work occurring within the road right-of-way.
5. As a part of the platting process the applicant shall develop covenants to be filed with the plat. The covenants shall address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
 - B. A covenant stating that the area is rural, and that commercial agriculture and other rural land use activities shall likely be occurring in the area. A notification must be provided regarding "odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities". Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the "A" district.
 - C. If the home sites include any environmentally sensitive land then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he shall have to submit percolation tests and soil borings for another site before any building permit shall be issued.
 - E. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The plat indicates the outside boundary of the delineated wetlands, which impacts all proposed lots. The required covenants shall address that each lot will be reviewed in the field prior to issuance of any building permits. The required covenants shall address the concerns of possible drainage of an existing delineated wetland located in the woods and open field area; therefore, no vegetative removal within the drainage easement area shall be allowed.
 - G. A covenant must clearly state that lot owners shall maintain the road until such time as the Township agrees to accept the road and assume maintenance responsibility.
 - H. A covenant stating that if any lot exceeds the impervious coverage area, pursuant to the Carver County Water Management Rules - Chapter 153, Section 153.11 A2, additional review by Carver County Planning & Water Management may be needed.
6. The above-required covenants shall become part of the permit.
7. A completed CCWMO Water Rules application, with required attachments, shall be submitted with the Preliminary Plat application, if applicable.
8. The boundaries of any possible wetlands must be included on the preliminary plat so appropriate drainage easements may be determined. If necessary, a wetland mitigation plan and application shall be submitted with the preliminary plat application.


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 Tim Lynch, Chair

Carver County Board of Commissioners

6/3/2021 | 10:54:59 AM CDT


 6A1067766280A20...
 Dave Hemze

County Administrator

6/3/2021 | 9:22:4



Township Presentation & Recommendation Form

PARCEL # 08.036.0640	Permit # PP-P320210047
Owner's Name: MISTHAVEN LLC	Owner's Mailing Address: 16500 92nd Ave. N. #210
City: Maple Grove	Owner State: MN Owner Zip: 55311
Applicant (if other than owner): Ted Holsten	Site Address: TBD Halsey Ave, Carver, MN 55115

Type of Request: ☐ CUP ☐ IUP ☒ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal
Description of Request: <u>Revision to Preliminary Plat (Reconfiguration)</u> Request approval of the plat of Mithaven Estates as presented on the attached Preliminary Plat. This is a revision to the Mithaven Estates preliminary plat which has already been approved. Revision consists of rotating the three lots 90 degrees counter-clockwise to permit access to each lot from Halsey Ave. rather than from a private street. Each lot is 3.34 acres or larger and has 2.3 acres buildable or larger.
Date of County Public Hearing: TBD Date of Township Meeting: October 18, 2022

Actions:

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

****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 Theodore W. Holsten / President	Date Sept. 23, 2022

Signature of Township Official

Lang Schmidt

11-18-2022

2-12

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-036-0640

File# PP-PZ20210047

APPLICANT/OWNER: Msthaven, LLC

* * * * *

The South Half of the Southwest Quarter; Northwest Quarter of Southwest Quarter; West Half of the Northeast Quarter of Southwest Quarter, all in Section 36, Township 11, Range 24.

EXCEPT four parcels of land legally described as:

- 1) Commencing at a point 1,247 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 36, Township 115 North, Range 24 West, thence running East, parallel to the South Section line of said Section 36, a distance of 195 feet to a point; thence turning and running North, parallel to the West Section line of said Section 36, a distance of 119 feet to a point, thence turning and running West, parallel to the South Section line of said Section 36, a distance of 195 feet to a point; thence turning and running South along the West line of said Section, a distance of 119 feet to the point of beginning. Lying and being in the Southwest Quarter of the Southwest Quarter of Section 36, Township 115 North of Range 24 West.
- 2) Commencing at a point 1,087 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 36, Township 115 North of Range 24 West, thence running East, parallel to the South Section line of said Section 36, a distance of 204 feet to a point; thence turning and running North, parallel to the West Section line of said Section 36, a distance of 160 feet to a point; thence turning and running West, parallel to the South Section line of said Section 36, a distance of 204 feet to a point; thence turning and running South along the West line of said Section, a distance of 160 feet to the point of beginning. Lying and being in the Southwest Quarter of the Southwest Quarter of Section 36, Township 115, of Range 24 West.
- 3) Commencing at the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 36, Township 115 North of Range 24 West, thence running North along the West Section line of said Section 36, a distance of 208 feet to a point; thence turning and running East, parallel to the South Section line of said Section 36, a distance of 208 feet to a point; thence turning and running south, parallel to the West Section line of said Section 36, a distance of 208 feet to a point on the South line of said Section; thence turning and running West along the South line of said Section, a distance of 208 feet to the point of beginning. Lying and being in the Southwest Quarter of the Southwest Quarter of Section 36, Township 115 North of Range 24 West.
- 4) Commencing at a point on the west line of Section 36, Township 115 North, Range 24 West, which is 1,087 feet North of the Southwest corner of the Southwest Quarter of said Section; thence easterly, parallel to the South Section line of said Section, a distance of 183 feet; thence deflecting right and running Southerly, parallel to the West Section line of said Section, a distance of 476 feet; thence deflecting right and running westerly, parallel to said South Section line to a point of the West Section line of said Section; thence northerly along said Section line to the place of beginning.

AND ALSO EXCEPTING PART OF THE Northwest Quarter of the Southwest Quarter of Section 36, Township 115, Range 24, described as follows: Commencing at the southwest corner of said Section 36; thence on an assumed bearing of North 00 degrees 44 minutes 59 seconds West along the West line of said Southwest Quarter, 1,366.00 feet to the beginning of the tract

to be described; thence continuing North 00 degrees 44 minutes 59 seconds West along the West line, 350.00 feet; thence North 88 degrees 57 minutes 54 seconds East, 600.00 feet; thence South 00 degrees 44 minutes 59 seconds East, 350.00 feet; thence South 88 degrees 57 minutes 54 seconds West, 600.00 feet to the point of beginning.

AND ALSO EXCEPTING that part of the Southeast Quarter of the Southwest Quarter of Section 36, Township 115, Range 24, Carver County, Minnesota, lying easterly of the following described line: Commencing at the southeast corner of said Southeast Quarter; thence South 88 degrees 57 minutes 54 seconds West, assumed bearing along the south line of said Southeast Quarter, a distance of 901.48 feet to the point of beginning of the line to be described; thence North 01 degree 01 minutes 58 seconds West, a distance of 114.47 feet; thence northeasterly, a distance of 154.68 feet along a tangential curve concave to the east having a radius of 633.00 feet and a central angle of 14 degrees 00 minutes 04 seconds; thence North 12 degrees 58 minutes 06 seconds East, tangent to said curve, a distance of 870.58 feet; thence northerly, a distance of 177.82 feet along a tangential curve concave to the west having a radius of 767.00 feet and a central angle of 13 degrees 17 minutes 00 seconds; thence North 00 degrees 18 minutes 54 seconds West, tangent to said curve, a distance of 24.29 feet to the northwest corner of the East Half of said Southeast Quarter of the Southwest Quarter and said line there terminating.