

Carver County Planning Commission
Regular Meeting - **Tuesday, January 19, 2021**
Via WebEx Conference Call

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 15, 2020 regular meeting
Pages 1-1 through 1-5
- 2.) **File #20200057** – Public hearing on application by Jeffrey & Alina Muonio
(continued) for a Conditional Use Permit. (Additional Density)
Watertown Township Pages 2-1 through 2-19
- 3.) **File #20200061** – Public hearing on application by Kyle Decker for a
Conditional Use Permit. (Contractor's Yard)
Dahlgren Township Pages 2-1 through 2-10

Other Business

Work Session - Continue discussion of Zoning Code updates/changes after the regular meeting of the January 19, 2021, Planning Commission has been adjourned.

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – December 15, 2020
Minutes

Members Present: John P Fahey, Mark Willems, Jim Ische, Jim Burns, Scott Smith, Gabrielle Theis

Members Late: Frank Mendez (technical difficulties)

Staff Present: Jason Mielke, Aaron Stubbs, Adrianna Acheson, Jennifer Tichey

Pursuant to due call and published notice thereof, the December 15, 2020, regular meeting of the Carver County Planning Commission was called to order by Chairman Fahey at 7:00 p.m.

Agenda – Chairman Fahey called for a motion to approve the agenda. Motion was made by Burns and seconded by Theis to approve the agenda. Chairman Fahey conducted a roll call vote on the motion. All voted aye. Motion carried.

Minutes – Chairman Fahey asked for any additions or corrections in the minutes from the November 17th meeting. A motion was made by Willems and seconded by Burns to approve the minutes of the November 17, 2020, meeting as written. Chairman Fahey conducted a roll call vote on the motion. All voted aye. Motion carried.

File #PZ20200057 – Jeffrey & Alina Muonio (continued) – Chairman Fahey called the continued public hearing to order at 7:03 p.m. to consider a request by Jeffrey & Alina Muonio. The purpose of the public hearing was to consider a request for additional density/high amenity lots pursuant to Chapter 152 of the County Code. The property is located in Section 6 of Watertown Township.

The following were present on the virtual meeting: Jeffrey Muonio, Scott Hoese, Gerald Bruner, Jenna Johnson, Angela Gabrelcik,

The following items were entered into the record:

Exhibit G – Letter to the Planning Commission and Watertown Township dated December 7, 2020, and attachments

Stubbs stated at the public hearing on November 17th, it was determined that Hollywood Township was the road authority for this segment of Sally Ave. The Planning Commission then directed the applicant to meet with the Hollywood Township Board to discuss their proposal and get a recommendation. This public hearing was continued to the December meeting to allow the Township time to review the request. Staff sent an email to the Hollywood Township clerk on November 17th informing the Township that this request had been continued to the December 15th meeting to allow the Township time to review the request. A copy of the staff report, survey and soil boring locations, a site map, and a Township Recommendation Form to be completed by the Township after their meeting. The applicants attended the Township meeting on December 14th and discussed their request. At the conclusion of that meeting, the Township voted to table the request to allow the board members time to view the site and consider the request.

Chairman Fahey stated without any recommendation from Hollywood Township, it appears that the public hearing will need to be continued to the January 19, 2021, Planning Commission Meeting in order to allow for the Township's recommendation.

No one representing Hollywood Township was present at this meeting.

Scott Hoes, representing Watertown Township, stated the Board discussed the request and supported it. He explained the traffic count numbers noted at the previous meeting and stated Sally Ave is used as a 'cut-through' road and handles some heavy equipment traffic which inflates the numbers a little bit.

Gerald Bruner, Watertown Township supervisor, confirmed Hoes's acknowledgement of the Township support of the request.

Chairman Fahey asked if it is recommended that this public hearing be continued until the January 19, 2021, meeting.

Stubbs stated the reason it was continued from the previous meeting was to allow Hollywood Township to review and comment on the request since they are the road authority for Sally Ave. The Township tabled the request until their January 2021 meeting. The Planning Commission has the authority to act on the request or to continue it until January 2021. A 60-day Law letter was sent to the applicant which states a deadline of February 6, 2021, for a decision to be made. This deadline would allow for continuation until the January 19, 2021, Planning Commission meeting.

Burns indicated the Township expressed needing more time to review the site and continuing the hearing to January 19th will allow a decision within the 60-Day Law deadline, he made a motion to continue the public hearing until the January 19th meeting. Smith seconded the motion. Fahey conducted a roll call vote. All voted aye. Motion carried. The public hearing was continued until the January 19th Planning Commission meeting.

File PZ20200051 – Mark Eklo – Chairman Fahey called the public hearing to order at 7:11 p.m. to consider a request by Mark Eklo. The purpose of the public hearing was to consider a request for additional density/high amenity lots pursuant to Chapter 152 of the County Code. The property is located in Section 34 of Watertown Township.

The following were present on the virtual meeting: Scott Hoes, Gerald Bruner, Mark Stangret, Bob Dressen

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 November 24, 2020

Exhibit F – Letter to the Planning Commission and Watertown Township dated December 8, 2020, and attachments

Mielke stated the applicant has a purchase agreement on a 53.26-acre improved with an existing building site consisting of a house and outbuildings. The applicant is proposing to develop three (3) High Amenity residential parcels, ranging in size from 5 to 5.7 acres in size on the westerly end of the parcel and one (1) agricultural parcel with the existing house and outbuildings. A newly constructed Township road is proposed along the northerly side of the parcel. Watertown Township allows for the High Amenity option in its chapter of the 2040 Comprehensive Plan. The proposed development would comply with the provision limiting 4 homes per 40 acres. Each newly created lot would meet the required minimum lot size as determined by the Zoning Code. Mielke used an aerial sketch of the proposed lots and explained that proposed Lot 2 would be required to reduce the amount of tillable land included in that lot. During the preliminary platting process, a suitable one-acre building site must be identified for each parcel. Each lot would meet the public road frontage requirements with the newly created Township road. The road right-of-way would be extended to the south line of the property as required in the Minor Subdivision standards. Due to pocket wetlands in the wooded area and to ensure identifying possible primary and alternate septic locations on the lots, the applicant has contacted a licensed Subsurface Sewage Treatment Systems (SSTS) professional, which is usually a part of the preliminary platting process. The newly created Township road must meet the Township standards with a 66' right of way and will be shared with the adjacent parcel to the north for possible future high amenity lots on that parcel. A minor subdivision of the 33-foot piece of the adjacent parcel to be used for road construction would also be a part of this development request. Carver County Public Works has submitted a letter addressing their concerns and recommended conditions of approval for the new public road with access from County Rd 10 N. These requirements will be incorporated along with the preliminary platting process. This development is also regulated by the CCWMO Water Rules provision and must be subject to review and approved by the Carver County Planning and Water Management Department. The Carver County Feedlot Officer confirmed that the proposed lots meet the 1,000-foot setback buffer from the feedlot to the south. Watertown Township board heard and reviewed the request at their November 13, 2020 meeting and recommended approval. They also recommended that the existing field approach will need to be abandoned and the adjacent field on the north property be accessed from the newly created Township road. Mielke read the proposed conditions for consideration if the request is approved.

Chairman Fahey asked if the applicant was present at the meeting.

Mielke stated he did not see Mr. Eklo attending the meeting but stated he and the engineer who helped develop the concept development plan were notified with the meeting information.

Chairman Fahey repeated his call for the applicant or anyone representing the applicant to comment. Hearing none, he called for comments from Watertown Township.

Scott Hoese, Watertown Township Supervisor, confirmed the request meets the requirements for High Amenity lots which are an approved additional density development option of the Township.

Gerald Bruner, Watertown Township Supervisor, had no additional information and agreed that the best place to construct the new road is along north property line.

Mark Stangret, 733 Old Beach Ln, is owner of the adjacent property north of the subject property and has no objection to the proposed road location for construction.

Bob Dressen, 6150 Polk Av, asked if the house locations identified on the residential lots were exact or if they could be repositioned and are outbuildings allowed on the lots.

Mielke stated the concept plan identified locations where a house would meet the building site standards. However, this does not mean it is the only location on the lots that may be acceptable. The one-acre building site requirements include locations for the house, and primary and alternate septic site locations which meet all of the property line setbacks. Mielke stated accessory structure size is determined by the lot size and follows the standards established in the Zoning Code.

Mr. Dressen asked if there is a setback from the wetlands.

Mielke stated the wetlands issues are addressed as a part of the stormwater management plan in the platting process. The Zoning Code does not address setbacks from these wetlands pockets. The CCWMO administers the stormwater guidelines and also the Wetland Conservation Act, which may have wetland buffers. All of the wetlands issues will be addressed as a part of the platting process.

Mr. Dressen confirmed his questions had been answered satisfactorily.

Chairman Fahey called for any other public comment.

Scott Hoese asked for confirmation that the adjacent property owner is agreeable to share the proposed new Township road.

Mr. Stangret confirmed they are willing to share the new Township road.

Mielke clarified that the Public Works Department would have to address any access location from the County Road.

A motion was made by Burns and seconded by Smith to close the public hearing. Chairman Fahey conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 7:38 p.m.

A motion was made by Willems and seconded by Ische to **approve and adopt Resolution #20-22** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for three (3) residential and one (1) agricultural High Amenity lots. Chairman Fahey conducted a roll call vote on the motion. All voted aye. Motion carried.

Other Business

Chairman Fahey recognized and thanked Jim Burns and Jim Ische for their years of service and leadership on the Planning Commission. Other Planning Commission members also echoed their expressions of thanks for the dedication and service provided by Mr. Burns and Mr. Ische.

Mielke also acknowledged and thanked Mr. Burns and Mr. Ische for everything they had contributed over their many years of service and recalled some of the unique experiences during that time. Mielke also clarified that Mark Willems has finished his service on the Township Board and would no longer be able to be the Township representative on the Planning Commission but will continue his services until the Township Association names another appointee.

Commissioner Ische stated this meeting was the end of 30 years of service on the Planning Commission. He stated it was his pleasure to serve on the board and he enjoyed working with many different people during that time.

Adjournment

A motion was made by Ische and seconded by Burns to adjourn the regular meeting. Chairman Fahey conducted a roll call vote. All voted aye. Meeting was adjourned at 7:48 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

January 12, 2021

TO: Carver County Planning Commission & Watertown and Hollywood Town Boards

FROM: The Land Management Department

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

FILE #: PZ20200057

OWNERS: Jeffrey & Alina Muonio

APPLICANTS: Jeffrey & Alina Muonio

SITE ADDRESS: 1535 Sally Avenue, 55388

PERMIT TYPE: Additional Density – High Amenity Lots

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-006-1300

STAFF ANALYSIS:

1. Jeffrey & Alina Muonio own an approximate 56.00-acre parcel located in part of the Northern Half (N½) of the Northwest Quarter (NW¼) of Section 6, Watertown Township. The property is primarily undeveloped wooded areas and wetland but does include a single-family dwelling with an attached garage. The property is located in the Agricultural Zoning District and the CCWMO (Crow River Watershed).
2. The Planning Commission continued the public hearing from the November 17, 2020, meeting to the December 15, 2020, meeting to allow the applicant to attend a Hollywood Township meeting to discuss the proposed request and its potential impact on Sally Ave, which is a township road and maintained by Hollywood Township. A “60-Day Law” letter was sent to the applicant on November 18, 2020, extending the County Board of Commissioners deadline for a final decision until February 6, 2021, at the latest.
3. The Planning Commission again continued the public hearing from the December 15, 2020, meeting to the January 19, 2021, meeting to provide additional review time for the Hollywood Town Board to physically view the site. The extension that was provided by the “60-Day Law” letter that was sent in November of 2020, remains in effect.
4. The applicants are proposing to develop two residential parcels (approx. 2.5 acres each) in the southwestern portion of the subject property. The proposed development would result in a total of two additional building sites (for single-family dwellings) without the need to construct a Township Road. The applicant is requesting a Conditional Use Permit (CUP) pursuant to the “Additional Density Options” in Section 152.078 (A) and (C) of the Carver County Zoning Code, which reads as follows:

152.078 CONDITIONAL USES—ADDITIONAL DENSITY OPTIONS.

(A) General provisions.

- (1) *Effect on 1/40 or lot of record building eligibility.* Residential building eligibilities pursuant to this provision are in addition to and shall have no impact on residential building eligibilities available as a permitted use. This provision shall not prohibit the transfer of 1/40 building eligibilities pursuant to the provisions of this chapter.

- (2) *Limitation on density.* No more than four homes shall be located on a quarter-quarter section (40-acre parcel) based on the configuration of the parcel on July 1, 1974; homes subdivided from a parcel prior to July 1, 1974 shall not be considered in this calculation. In cases where the land does not follow the quarter-quarter section configuration, the shape most nearly approximating a quarter-quarter section containing 40 acres shall be used. The conservation incentive, pursuant to division (E) of this section, shall allow for flexibility in the four homes per 40-acre parcel determination.
- (3) *Limitation on use of density options.* The issuance of a conditional use permit pursuant to “wooded and lakeshore lots”, “high amenity” or “conservation incentive” provisions is prohibited on any parcel that was of record as of July 1, 1974 or any parcels derived therefrom, if at any time since December 7, 1982 a conditional use permit was issued or a rezoning occurred which provided residential density greater than that provided by the basic one per 40 or one per quarter-quarter section provisions of this chapter.
- (4) *Compliance with township chapter of the comprehensive plan.* The additional density options provided in this section shall be available only in townships which specifically provide for the option in their township chapter of the comprehensive plan. Residential development pursuant to these options shall be subject to and limited by any additional criteria or standards contained in the township plan chapter. Applications for conditional use permits pursuant to this section shall not be considered complete unless a written statement is received from the affected township stating that the application complies with the township comprehensive plan chapter.
- (5) *Road access requirement.* All lots created under the additional density options shall have frontage on: a public road existing at the time of application; or the applicant must submit evidence that the township will accept the road as a township road at some point after it is constructed in accordance with township standards; or a road will be constructed that is privately maintained but with the right-of-way dedicated to the township. All roads shall be constructed to meet the standards in the comprehensive plan, the subdivision regulations, the standards manual, and the water plan.
- (6) *Notice pertaining to agricultural uses.* A notice or acknowledgment will be required regarding the “odors, dirt dust, insects, noises, long hours of operation and other factors associated with agriculture and feedlot activities.”

(C) High amenity areas.

- (1) The maximum density in any area shall not exceed one single-family dwelling unit per ten acres; four per 40 acres. This provision may be exercised only once for each parcel, from which the lots are to be subdivided, that was of record (30 acres or more) as of July 1, 1974. Only land within the amenity area shall be used to calculate additional density. In no case shall agricultural preserve land be included in a density calculation that exceeds 1 per 40 (1 per $\frac{1}{4}$). Any residential lots that have been subdivided after July 1, 1974, and/or existing homes on the parcel shall be considered 1 per 40-acre (or lot of record) eligibilities and shall be included in the density calculations. Remnant pieces not included in the additional density calculations shall have building eligibilities based on the applicable regulations of the “A” District.
- (2) Eligible land:
 - a) Land considered wooded, wooded pasture and similar areas not in agricultural production with soils suitable for an SSTS (land that is not in production because of a state or federal program is considered production land); or
 - b) Areas immediately adjacent to lakes as designated in the Comprehensive Plan or as further specified in a township’s chapter. $\frac{1}{4}$ - $\frac{1}{4}$ sections adjacent to a lake shall be considered amenity areas with potential for additional residential development; or
 - c) Bluff areas (buildable areas on top of bluffs) closely associated with the Minnesota River, Bevens/Silver Creek, Chaska Creek, Carver Creek. Townships that have land that may be eligible under this provision should further define bluff areas in their chapter of this plan.
- (3) General criteria:
 - a) The Comprehensive Plan policy allowing for no more than four homes per 40 (4 homes per $\frac{1}{4}$) shall not be violated.
 - b) All building lots created must meet the general criteria and the criteria specific to the lot eligibility type (wooded and/or lakeshore). Inability to meet one or more of those criteria shall negate the eligibility for additional lots under this provision.
 - c) Each lot shall contain at least two and one-half acres of land that meets the criteria for eligible land. Wetlands and/or non-wooded steep slope (12% and over) land may be added to the lot. These lands shall not be counted as part of the two and one-half acres needed to qualify as a high amenity lot.

- d) Building sites shall be clustered in the amenity area as much as possible.
 - e) There may be no more than two acres of long-term agricultural crop production land included in any residential lot. The road right-of-way setback as required by this chapter shall not be included in the calculation nor shall any required setbacks be included in this calculation.
 - f) The maximum amount of long-term agricultural land shall be preserved for continued agricultural use. The long-term agricultural land shall be retained in a large parcel(s) suitable for agricultural purposes. The long-term agricultural land shall not be split up and attached to each residential sized parcel unless the amount of agricultural land is so small that it is not reasonably farmable. One of the residential sites and the agricultural land may be combined to form a 20+ acre farm.
 - g) The high amenity building sites are to be considered residential lots, not agricultural parcels. The minimum lot size shall be 2½ acres and able to accommodate a minimum one-acre building site having at least two SSTS (primary and alternate), a house, garage and detached storage structure, while maintaining all required setbacks. The maximum lot size shall be five acres except for unusable lands being attached to individual lots, as determined to be necessary during the permitting process.
 - h) All lots that contain a building eligibility shall include a building site as defined by this chapter. No remnant parcels of less than 20 acres shall be created as a stand-alone parcel.
 - i) High amenity areas shall be located to provide the most effective buffering from through roads, agricultural areas and feedlots within the context of the other requirements and general criteria.
 - j) A road to serve the lots may be constructed over production land as defined by this chapter.
- (4) Minimum conditions of high amenity lots:
- a) The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any residential lot.
 - b) All conditional use permit activities shall be prohibited on any residential lot. Agricultural parcels and/or lots shall be subject to the “A” District regulations.
 - c) A statement that the area is rural, and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notice should be provided regarding the odors, dirt, dust, insects, noises, long hours of operation and other factors associated with agriculture and feedlot activities. Complaints relating to these activities shall be considered unwarranted so long as the activities are being conducted in accordance with existing standards.
 - d) The protection of environmentally sensitive land shall be addressed in the conditions. Protections can include, but are not limited to, restrictions on clear cutting or vegetation removal; erosion control plan to control erosion during and after building construction; designation of specific building sites or areas with buildings prohibited; requiring certain management practices.
5. Watertown 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.
6. The applicants are proposing two (2) residential lots that would both be approximately 2.5 acres in size. Each newly created lot would meet the required minimum lot size as allowed by the Zoning Code. A total of two (2) buildable lots are proposed as part of the development (plat).
7. 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 would need to provide appropriate soils reports for the County’s review.
8. Each lot would meet the requirements for public road frontage, which is proposed off of Sally Avenue. Access would be to each lot individually (two accesses off of the Township Road). The Hollywood Town Board (i.e. road authority for this portion of Sally Ave) would be reviewing the proposed access locations during the preliminary platting process.

9. 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.
10. A wetland delineation would be needed as part of the platting process. No roadway is proposed as part of the platting process; however, with the creation of new driveways there may be potential low-lying areas "wetlands" within the tree canopy that may need to be avoided.
11. The entire layout as proposed will be properly addressed during the preliminary platting process.
12. The proposed lots would meet all the criteria for High Amenity Lots. Al Langseth, the Carver County Feedlot Officer, confirmed that the feedlot setback buffer is accurate for the feedlots southwest of the subject property. Given the feedlot buffer, the new lots would more than exceed the required 1,000-foot feedlot setback.
13. Prior to the November 17, 2020, Planning Commission meeting, staff received three letters in opposition of the request. All three letters cited concerns of noise and for additional traffic along Sally Avenue. In addition, one of the letters listed environmental concerns related to the nearby Tamarack swamp and a possible draw down on existing water wells in the area. All letters were entered into the November 17, 2020, public hearing record.
14. The Watertown Town Board reviewed and recommended approval the request during their September 8, 2020 Town Board Meeting. The request for the additional density lots is allowed pursuant to their chapter of the Carver County Comprehensive Plan.
15. During the November 17, 2020, Planning Commission meeting, it was determined that Hollywood Township is the road authority responsible for the maintenance of Sally Avenue at this location even though the applicants live in Watertown Township. The Planning Commission directed the applicants to meet with the Hollywood Town Board and discuss their proposal. This request was continued to the December Planning Commission meeting to further allow the Hollywood Town Board to review the proposal.
16. On November 17, 2020, staff emailed the Hollywood Township Clerk to inform the Township Board that the Muonio request was tabled by the Planning Commission in order to provide the Township an opportunity to review the proposal. Attached to that email were copies of the survey and soil boring locations, a site map, and a Township Recommendation form to be completed by the Township after their meeting.
17. On December 14, 2020, the applicants attended the Hollywood Township meeting and discussed their request. At the conclusion of the meeting, the Town Board voted to table the request until they can have time to review and look at the site. The Town Board has indicated a decision would be made at their regularly scheduled meeting on January 11, 2021.
18. On January 11, 2021, the applicants attended the Hollywood Township meeting and discussed their request. At the conclusion of the meeting, the Town Board made a recommendation of approval of the request and for the use of the Township road. The Township also expressed some concern with where the driveways would be located.

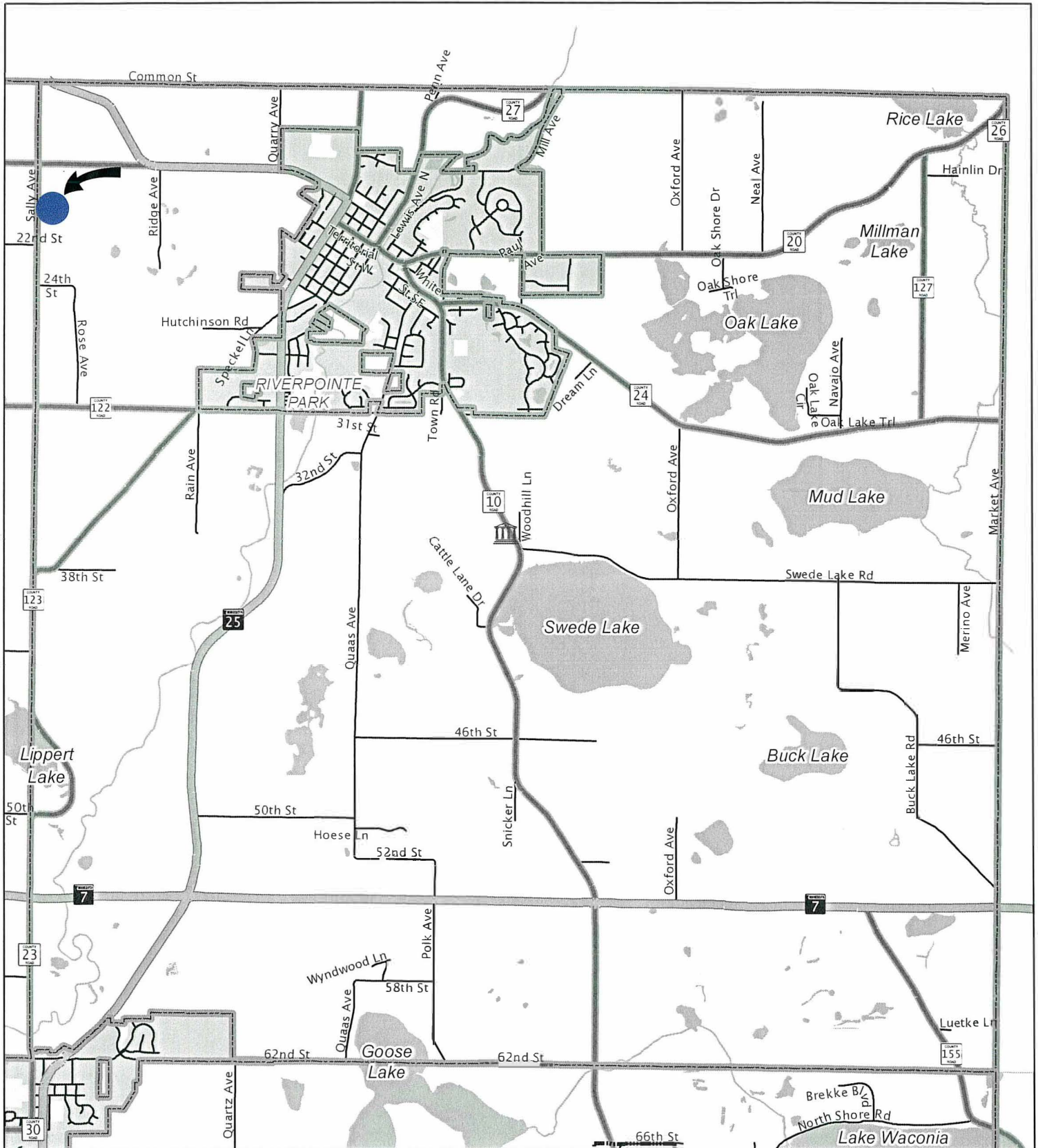
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the 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 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 Hollywood 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.
 - 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.
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.

WATERTOWN TOWNSHIP



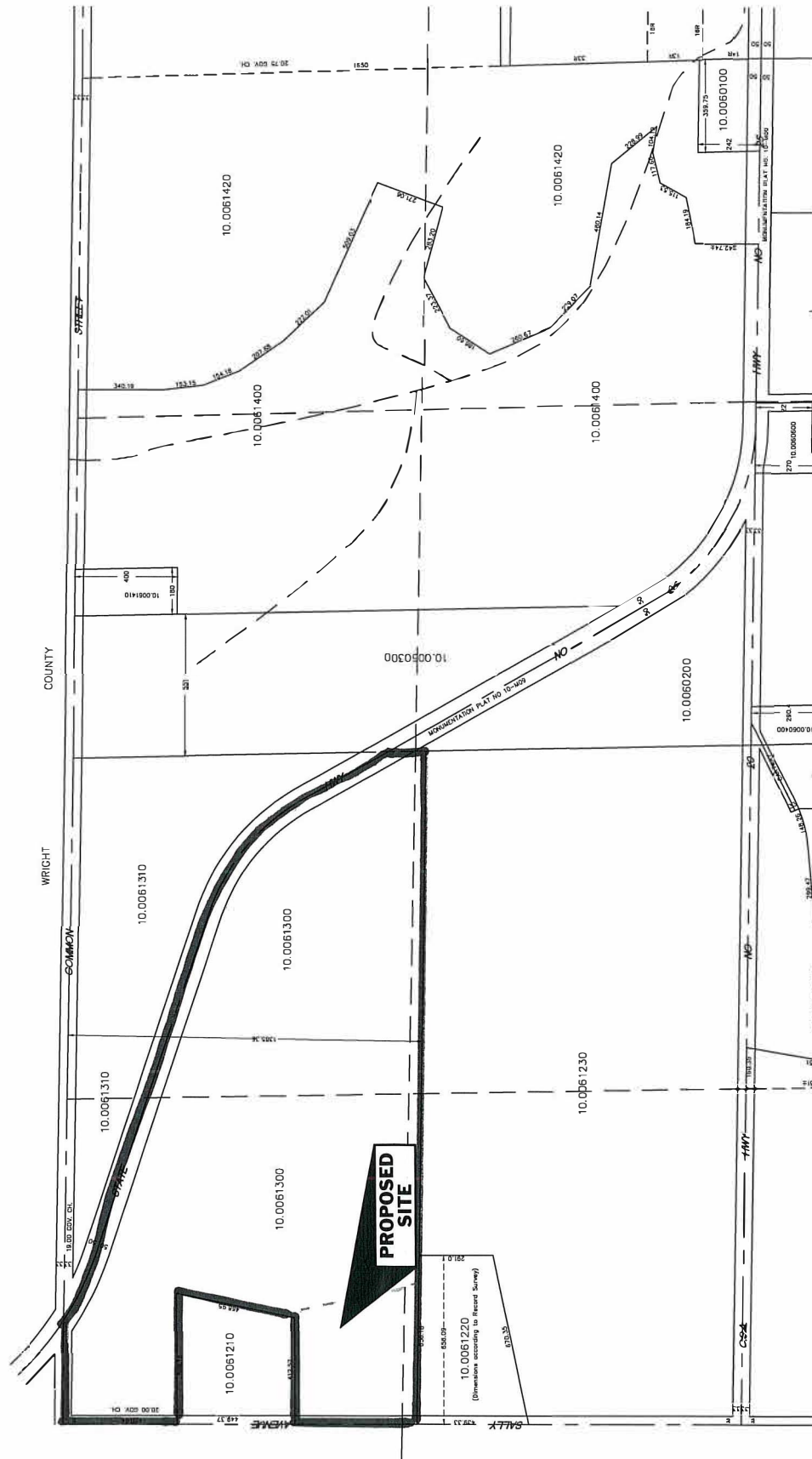
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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

0 1 2 Miles



Map Created by Carver County GIS

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



10-1-2020

Carver County Planning Commission

RE: Part of PID #100061300

Approximate Address: 1535 Sally Ave, Watertown MN. 55388

We are requesting the platting of approximately 5 acres that is the south west part of 56-acre Muonio parcel along Sally Ave. The 5 acres is thickly wooded with many mature oak, maple and aspen trees covering almost the entire portion of the 5 acres. We are requesting to do additional density through the high amenity lot process. We would like to do two 2.5 acre lots, split from the original 56-acre parcel. Leaving 51-acre on the original parcel that we would like to place into the prime ag program. All of this is in Watertown Township TWP 117, RNG 025, SEC 06. We have included a Survey sketch of our intentions, an application and the approval of Watertown Township.

Thanks for your consideration. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. D. Muonio', with a stylized flourish at the end.

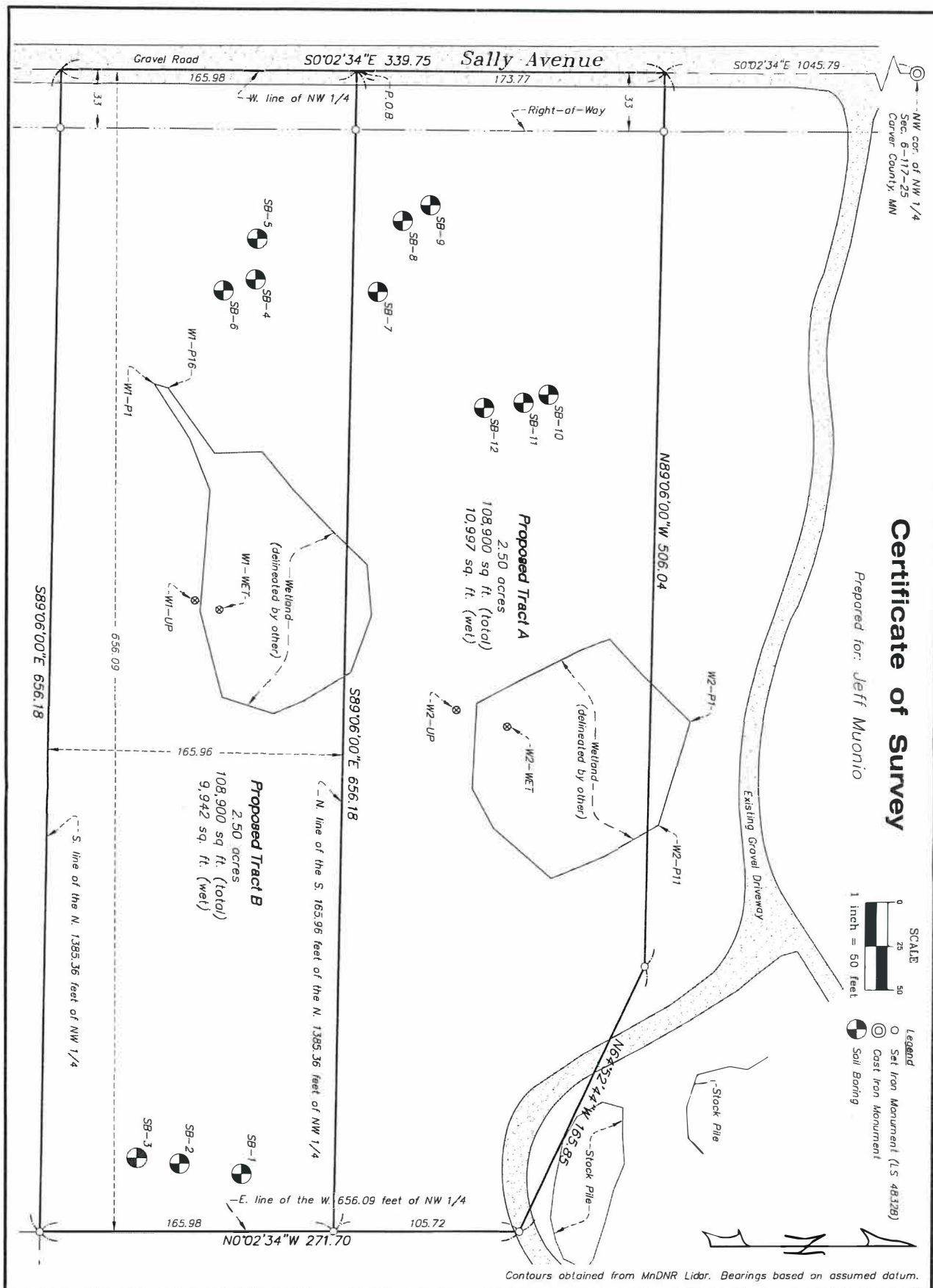
Jeffrey D Muonio

Alina K Muonio

Owners of the Property.

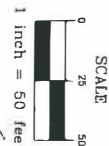
Jeffrey 952-955-3048

Alina 952-292-0851



Certificate of Survey

Prepared for: Jeff Muonio



- Legend
- Set Iron Monument (1S 4B32B)
 - Cast Iron Monument
 - Soil Boring

SCHOBORG
LAND SERVICES
INC.

763-972-3221
www.SchoborgLand.com

8997 Co. Rd. 13 SE
Delano, MN 55328

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Kelly L. Brouwer
Kelly L. Brouwer

Date: August 20, 2020 Registration No. 14700

Job Number: 8533
Survey Date: 8/3/20
Drawing Name: muonio.dwg
Drawn by: DMS
Revisions:

Sheet 1 of 2

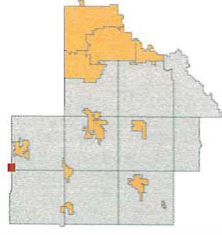
2-9

10.006.1300 - PROPOSED SITE MAP



Date: 10/28/2020

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.



Carver County GIS



Township Presentation & Recommendation Form

PARCEL #	PID- 100061300	Permit #	PZ20200057
Owner's Name:	Owner's Mailing Address:		
Jeffrey & Alina Muonio	1535 Sally Ave		
City:	Owner State:	Owner Zip:	
Watertown	MN	55388	
Applicant (if other than owner):	Site Address:		

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal	
Description of Request:	We are requesting to divide two 2.5 acre parcels off of our existing 56 acre parcel, using the wooded lot amenity						
Date of County Public Hearing:		11/17/2020		Date of Township Meeting:		09/08/2020	

Actions:

Township Action Taken:

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

OK as submitted

****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

Jeffrey & Alina Muonio

Signature of Township Official

WATERTOWN TOWNSHIP

Date

Date

9-8-20

9-8



Township Presentation & Recommendation Form

PARCEL # 10.006.1300	Permit # PZ20200057	
Owner's Name: Jeff & Alina Muonio	Owner's Mailing Address: 1535 Sally Avenue	
City: Watertown	Owner State: MN	Owner Zip: 55388
Applicant (if other than owner):	Site Address: 1535 Sally Avenue	

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: Conditional Use Permit to create two, 2.5 acre, Wooded Lots.	
Date of County Public Hearing: 12/15/2020	Date of Township Meeting: 12/14/2020

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:

There was concern where the driveways will be located.

****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]
Signature of Applicant

Date 1/11/2021

[Signature]
Signature of Township Official

Date 1/11/2021

November 18, 2020

Jeff & Alina Muonio
1535 Sally Avenue
Watertown, MN 55388

Dear Mr. and Mrs. Muonio,

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

I want to take this opportunity to confirm a 60-day extension for the decision on your Conditional Use Permit application (File #PZ20200057, application date 10/09/2020). On November 17, 2020, the Planning Commission voted to table your request for a Conditional Use Permit to create two residential High Amenity Lots on your property in Watertown Township. The reason for the continuance was to provide Hollywood Township an opportunity to review your request and then provide comments and a recommendation to the Planning Commission. Although your request is located in Watertown Township, Hollywood Township is responsible for the road maintenance on the portion of Sally Avenue that would serve as access to your proposed lots. I anticipate the final decision coming from the County's Board of Commissioners on January 5, 2021, but please be advised that this extension does allow for a decision to come as late as February 6, 2021.

This letter shall serve as the final written notice of a timeline extension, reflecting a February 6, 2021 deadline for a final decision on your request. The deadline will not be extended in the future unless you approve it at that time. Again, the reason for the extension is allow the road authority time to review the request and then provide comments and a recommendation to the Carver County Planning Commission.

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

Sincerely,



Aaron Stubbs
Senior Planner

Land Management Department
Carver County Government Center
600 East 4th St
Chaska, MN 55318

Carver County Planning Commission
Jason Mielke
Land Use Manager

November 1, 2020

Re: Conditional Use Permit, 1535 Sally Ave Watertown

Dear Carver County Planning Commission,

We are writing this letter to oppose the CUP for 1535 Sally Ave, Watertown.

Our family lives on the original homestead property on 1675 Sally Ave. At one point, the previous owner of our home owned all the land on Sally Ave between CR25 and CR20.

Our property would be most affected by the proposed CUP as we are the neighbors closest to the potential new houses and we share the woods where the houses would be built.

We oppose this request and respectfully ask the Planning Commission to deny the CUP based on the below reasons:

- Adding two additional homes on Sally Ave will greatly increase traffic to an unsafe level. Sally Ave is a gravel road used by kids and adults for walking, running, and biking. Traffic is already high with vehicles and farm equipment and requires extraordinary yearly managing for upkeep due to the high level of usage.
- The addition of two homes on Sally Ave will significantly reduce property value. When we bought our home in 2014, there was one other house on Sally Ave. Since then, the property to the north of us was divided, allowing the owners of 1535 Sally Ave to purchase agricultural land and purchase a building permit to build their home. Further division of Sally Ave will reduce property values for all neighbors.
- Per the Carver County Comprehensive plan, this area is 1 dwelling per 40 acres. The landowner currently has 56 acres which did not have an eligibility. Was a CUP needed for the development of the original property? if so, this would be the 2nd CUP. This property has 56 acres of which, much is deemed permanent saturated wetland and not buildable. Approval of this CUP would arguably put 3 buildings on less than 40 acres when factoring in buildable land.
- When we considered buying our home 6 years ago, we did our due diligence regarding the adjacent properties. We discovered there was only one building eligibility which is owned by

the neighbor to the south of our property (not the parcel in question). In buying our home, we were confident there was only a potential for 3 homes on Sally Ave. Since that time, the property to the north of us was divided, allowing 1535 Sally to be created. With further subdivision, in less than 6 years our neighborhood will go from 2 houses to 5 within relatively close proximity.

- The owners of the agricultural property to the south have a building eligibility and plan to build a house on that parcel someday. Please consider the impact on the watershed, wetlands and aesthetics of Sally Ave knowing there will be a home on that parcel as well. If this CUP is approved, we would then have 6 houses on Sally Ave, up from 2 when we bought 6 years ago.
- The owners of 1535 Sally mentioned that their family members would be buying this land. How many additional people will this bring to Sally Ave and what impact will this have on the watershed? How many people will be drawing water from these two additional wells?
- These two additional wells in proximity to our well will negatively impact our well and ground water levels.
- Adding these homes will greatly increase the noise on Sally Ave. It will increase the number of dirt bikes and ATV's on the road which negatively impacts the peace and quiet of our rural setting.
- Subdividing the woods and building two additional homes would damage the wetlands in the fully mature woods that we share. Our woods is home to many animals including deer, pheasants, racoons, owls, bats, bumble bees and turkeys. By adding two additional homes, we would be pushing these animals out.
- The homes on Sally Ave overlook arguably the largest native Tamarack wetland in Carver County PFO2Dg, registered with the National Wetland Inventory as a continuously saturated wetland. The impact and/or drawdown to the native tamarack wetland needs to be analyzed.
- The area in question is home to many beautiful trees, some over 100 years old. By clearing this land for a driveway, home, and yard area, a natural preserve will be destroyed including dwelling for bats and ground nests of bees which quite possibly could be endangered.
- It will be aesthetically displeasing to force two additional houses into this pristine property at the expense of the safety of the neighbors.
- Will these additional homes be built by the home owners themselves? If so, that means the building will be done at all hours throughout the week and will create noise nuisance for all neighbors.

We request an Environmental Assessment Worksheet and Environmental Impact Statement be done to assess impacts on the wetland in the woods and Tamarack wetland at the bottom of the hill

registered with the National Wetland Inventory. The addition of 2 wells in an area where wells are anywhere from 150 to 181 feet in depth will certainly extend into the continuously saturated wetland. This coupled with the loss of habitat for potential endangered bumble bees and bats, not to mention safety aspects and increased traffic lead to this as a reasonable conclusion of opposing the CUP.

If the Planning Commission were to grant this CUP, it would be setting a precedent that Watertown Township is up for subdivision by the highest bidder whether building eligibilities are available or not. Township property laws, ordinances and rules were set in place for a reason, to take into account neighbors and the greater good. We do not believe granting this CUP is for the greater good of the neighborhood.

Sally Ave is a beautiful rural countryside that is to be treasured and preserved. Further subdivision of Sally Ave is not progress, it is a loss. We take great pride in being positive stewards of our treasured land and resources and preserving the natural beauty of our property.

Have you visited Sally Ave? Have you walked the trails through the woods? Have you looked at the Tamarack wetland from the view on the hill? This area needs to be treasured and conserved because once it's gone, it's gone forever.

Thank you for your consideration

Dave and Sara Ostlie
1675 Sally Ave



Carver County Planning Commission,

I, Jenna Johnson, residing at 1495 Sally Ave Watertown am writing to express concerns regarding the proposed Conditional Use Permit (CUP) at 1535 Sally Ave. Areas of concern are as follows.

Per the 2040 Carver County Comprehensive Plan, all of Sally Ave and the immediate surrounding area continues to be planned for future use as entirely agricultural, thus placing the norm of the area now and going forward at 1 dwelling per 40 acres. If this CUP is approved as proposed, the dwelling density on the NE portion of Sally Ave will be at 6 dwellings in just 66 acres. I believe this will have consequences beyond appearing out of place visually and esthetically; namely a decrease in property values for this portion of Sally Ave.

In addition to be concerned about our property and neighboring properties no longer looking and feeling like a rural agricultural area, I am concerned about the impact two additional dwellings would have on noise pollution in the area. Despite only currently having only three homes on this portion of Sally Ave there are times during which a large amount of noise created by recreational vehicles, home/lawn maintenance equipment, and traffic. With Watertown Township having no formal noise ordinance there are no regulations on the hours of day in which such vehicles and equipment allowed to operate. Beyond the obvious additional noise involved in initial construction of two new dwellings, I feel that ongoing daily life and traffic noise generated by two additional families is something to be considered. If the planning commission chooses to approve this CUP I would request, at a minimum, that reasonable set hours for all phases of construction and/or white noise back-up alarms on equipment be implemented as conditions of approval.

Respectfully, my family and I moved to a rural area to enjoy the benefits of a rural area. We invested in our home with the hopes of enjoying peace, quiet, views, nature, and space. Whatever the planning commission decides, we sincerely hope these same sentiments can be protected and enjoyed by all current and future residents of Sally Ave.

Thank you,
Jenna & Patrick Johnson
1495 Sally Ave
Watertown, MN 55388

Aaron Stubbs

From: Nicole Sutter <nicolesutter19@hotmail.com>
Sent: Tuesday, November 10, 2020 4:02 PM
To: Land Management
Cc: Brett Sutter
Subject: 1535 Sally Ave

This email was received from outside of Carver County

Hello - I am writing about the CUP for the 1535 Sally Av property we received in the mail. We have several concerns that the neighbors directly to the north and south of this property pose as well around noise, safety on the road, three close homes in very close proximity that was originally not suppose to have any additional residents. This is very concerning b/c what kind of precedent is this setting for the future land in our area if this goes through?

Please send us information on the November 17 meeting.

Thank You
Brett and Nicole Sutter
11920 Hwy 25 SE
Watertown, MN 55388

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-006-1300

File# PZ20200057

APPLICANT/OWNER: Jeffrey & Alina Muonio

* * * * *

That part of the North 1385.36 feet of the Northwest Quarter of Section 6, Township 117, Range 25 West, which lies southwesterly of the centerline of Minnesota State Highway No. 25, as depicted on the recorded plat of Minnesota Department of Transportation Plat No. 10-M 09, EXCEPTING THEREFROM the following described land: All that part of the Northwest Quarter of Section 6, Township 117, Range 25, Carver County, Minnesota, described as follows:
Commencing at the northwest corner of said Northwest Quarter, thence on an assumed bearing of South along the west line of said Northwest Quarter, a distance of 450.64 feet to the point of beginning of the tract to be described; thence on a bearing of East, a distance of 508.16 feet, thence South 11 degrees 45 minutes 00 seconds West, a distance of 468.95 feet; thence on a bearing of West, a distance of 412.57 feet to the west line of said Northwest Quarter; thence on a bearing of North along said west line, a distance of 449.37 feet to the point of beginning and there terminating.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

January 12, 2021

TO: Carver County Planning Commission & Dahlgren Town Board
FROM: The Land Management Department
SUBJECT: Application for a Conditional Use Permit (Contractor's Yard)

FILE #: PZ20200061
APPLICANT: Kyle Decker
OWNERS: Kyle & Julie Decker
SITE ADDRESS: 11650 Laurel Avenue, 55322
PERMIT TYPE: Conditional Use Permit - Contractor's Yard
PURSUANT TO: County Code, Chapter 152, Section 152.079 C (10)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 04-006-1040

STAFF ANALYSIS:

1. Kyle & Julie Decker own an approximate 5-acre parcel in the Eastern Half (E½) of the Southwest Quarter (SW¼) of Section 6, Dahlgren Township. The parcel is improved with a single-family dwelling, a 10' x 10' garden shed, and a 60' x 15' quonset building. This property is located in the Agricultural Zoning District and the CCWMO (Carver Creek watershed).
2. The applicant is requesting a Conditional Use Permit (CUP) to operate a Contractor's Yard pursuant to Section 152.079 C (10) 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.

(10) Contractor's yards.

- (a) This subsection is intended to provide for contractor's yards established after January 1, 1989. A contractor's yard is a site used for storage of equipment and supplies by a contractor in the operation of his or her business. For purposes of this subsection a contractor is a person whose business is contracting work in any of the building trades, landscaping, road building, sewer installation, or has at least two trucks, but fewer than ten used to supply a service to local communities.
- (b) 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.
- (c) Site shall not be located within the Shoreland Overlay District or the Floodplain Overlay District.
- (d) Employees, except office personnel, report to the site only for the purpose of picking up equipment and supplies, necessary fabrication and general maintenance.

3. In 2020, Mr. & Mrs. Decker purchased the subject property. They have indicated that their intentions are to tear down the existing house and the 10' x 10' garden shed. In 2021, they intend to construct a new single-family dwelling with an attached garage. If this request is approved, they would also construct a 60' x 80' (4,800 sq. ft.) detached accessory structure. A portion of the proposed accessory structure would be used for personal storage (1,000 sq. ft.) and the remainder (3,800 sq. ft.) would be used for the Contractor's Yard business.
4. They are requesting to use the subject property for a Contractor's Yard (i.e. Decker's Roll-Off Service) with the potential for outside storage. The applicant's business currently operates from a lot in the City of Chaska. The applicant has stated that the business will continue to operate out of that location. On occasion, the subject parcel would be used for overnight storage of a dumpster that is scheduled for morning delivery when the delivery location is closer to the subject parcel than the main location in Chaska. In addition, a proposed 60' x 80' accessory structure would also be used for the occasional maintenance of the roll-off dumpsters. The applicant has stated that in addition to himself, there is one other employee of the business. That employee drives their work truck home with them every evening so there would only be one work related vehicle stored at the subject location. The applicant has stated that all business vehicles (i.e. 2-4 trips per day) would access the property from Laurel Avenue via County Road 140 to minimize impacts to the Township Road.
5. The submitted site plan identifies an area east of the proposed building for temporary outside storage of materials. In addition to this storage area, one vehicle associated with this business would also be kept outside. Because there are only two vehicles related to the business and no customers would visit the subject location, no additional parking areas have been included in this proposal. Additionally, the applicant has indicated he plans to place trees (i.e. screening) along the south property line at the location of the outside storage area. The applicant appears to meet the minimum standards for a Contractor's Yard CUP.
6. Signage would be required to meet the standards of Chapter 154 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.

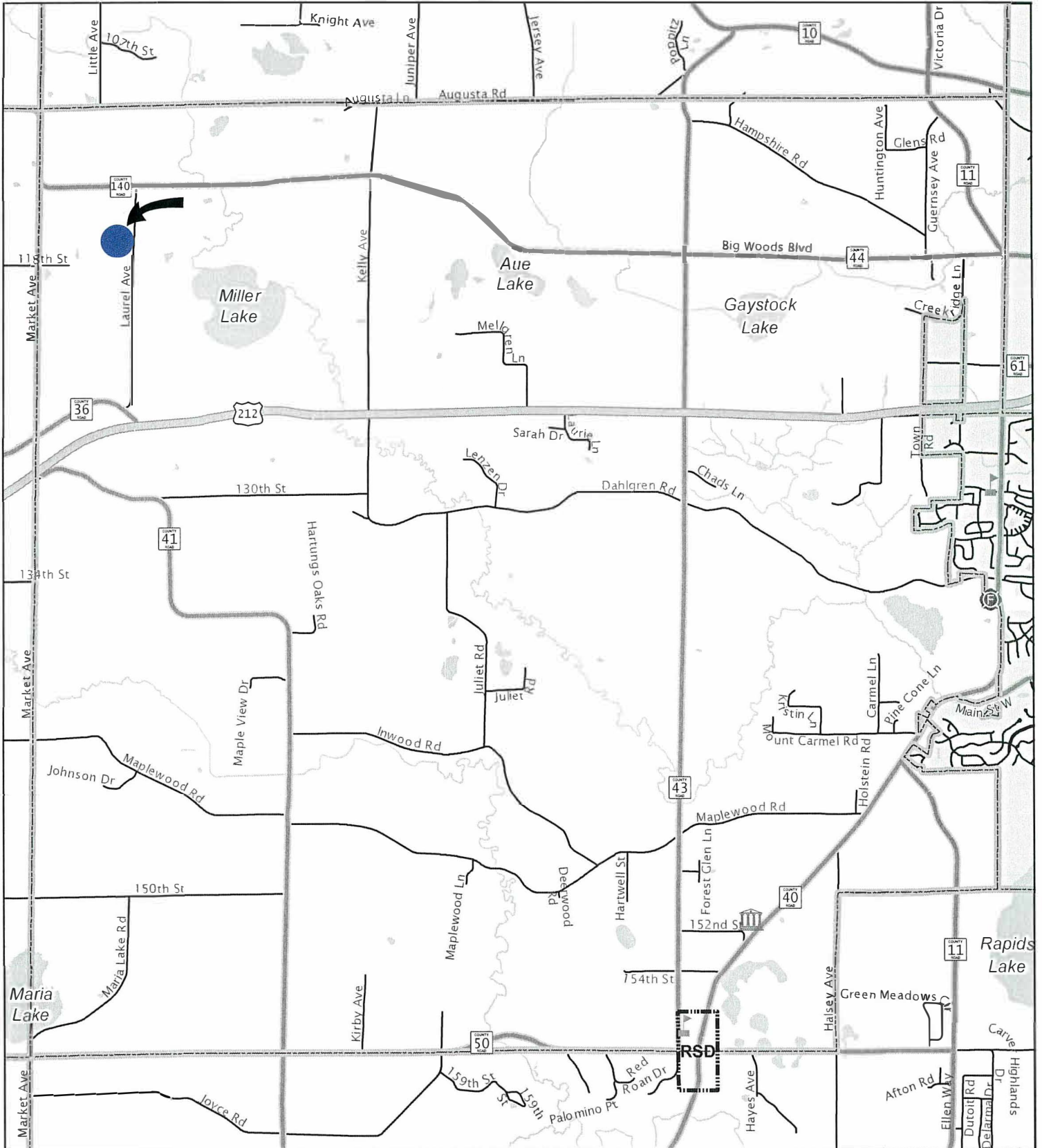
7. This request has been reviewed by Senior Environmentalist, Joe Enfield. Mr. Enfield stated that because no restroom facility is being proposed inside of the new structure, there are no SSTS related issues with this request. He also stated that there are no SSTS related concerns with the proposed location of the new building or the driveway.
8. The Dahlgren Town Board reviewed the request at their January 11, 2021, Town Board meeting and recommended approval with no additional conditions being requested.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Conditional Use Permit application for a Contractor's Yard, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The Permittee shall maintain homestead status 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 and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible. NOTE: No business activity may occur prior to the subject parcel being homesteaded and occupied by the principle of the proposed activity.
2. The operation shall be substantially in accordance with the submitted operational plan and site plan (dated: 12/28/2020). These plans shall be requirements 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. Building permits for the proposed accessory structure shall not be issued prior to the issuance of the required permits for a single-family dwelling.
4. Any future remodeling or improvements of the proposed accessory structure shall require staff review and possible CUP review by the Carver County Planning Commission and Board of Commissioner's. Future construction of any new structure(s) to be utilized as part of the business, shall require a review of the CUP by the Carver County Planning Commission and Board of Commissioner's.
5. The Contractor's Yard must comply with the Subsurface Sewage Treatment System requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances.
6. Permittee shall comply with all road authority (Dahlgren Township) requirements.
7. A maximum of two (2) business vehicles (including, but not limited to: commercial trucks utilized to supply the service) may be stored and/or permitted on the site. All outside storage shall be screened from neighboring properties and the public road and all business-related trucks, equipment and supplies shall be stored within existing structures and/or the approved operational area.
8. The permittee shall obtain and maintain a Non-generator's Certificate or contact the Environmental Services Department to obtain a Hazardous Waste Generator's License, if required.
9. The permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit to the Land Management Department.
10. The entire operation shall comply with all local, state and federal regulations.

DAHLGREN TOWNSHIP



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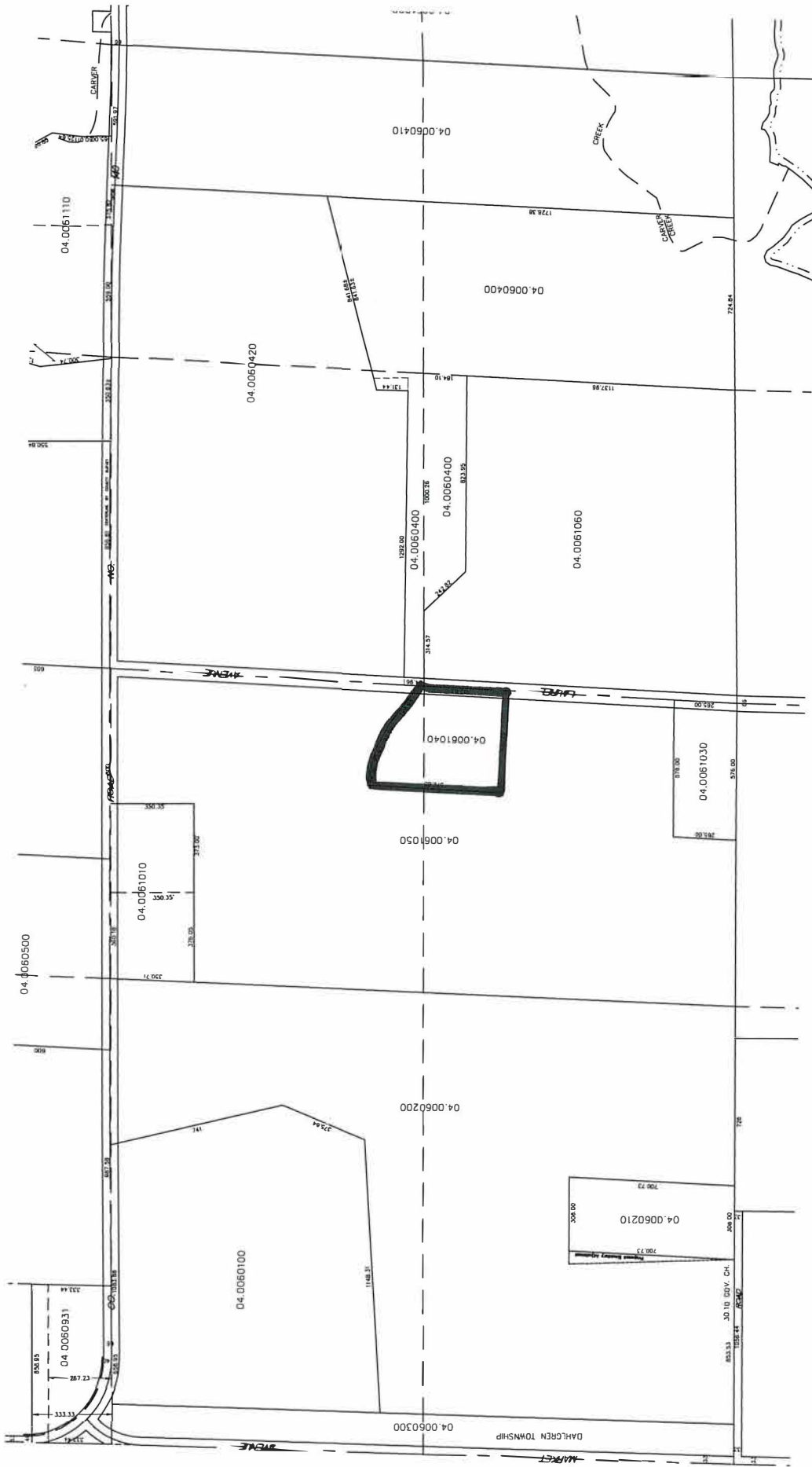
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Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY.
 IT IS NOT TO BE USED FOR REFERENCE.
 THE CARVER COUNTY GOV. CENTER
 600 EAST FOURTH STREET
 CARVER, MN 55318

S 1/2 SEC. 6, T.115, R.24



December 28, 2020

Dear Planning Commission,

I am the owner of Decker's Roll-off Service. I am requesting a Conditional Use Permit to build a shop on my property and have some outside storage. The shop will be used to store my 1 commercial vehicle, perform maintenance on said vehicle and to occasionally preform repairs on my dumpsters. My family will also store some personal items in the shop as well.

I am proposing to build a 60' x 80' shop space (4800sqft). All 60' x 80' will be heated with a concrete floor. The house we are building in the spring will have a 35' x 30' attached 3-stall garage. Currently on the property is a 60' x 15' shed I would also like to keep. No more than 1000 sq. ft. of the proposed building will be used as personal storage space keeping my total personal storage space on the property at 3000 sq. ft. The remaining 3800 sq. ft. of space in the proposed shop will be for my business.

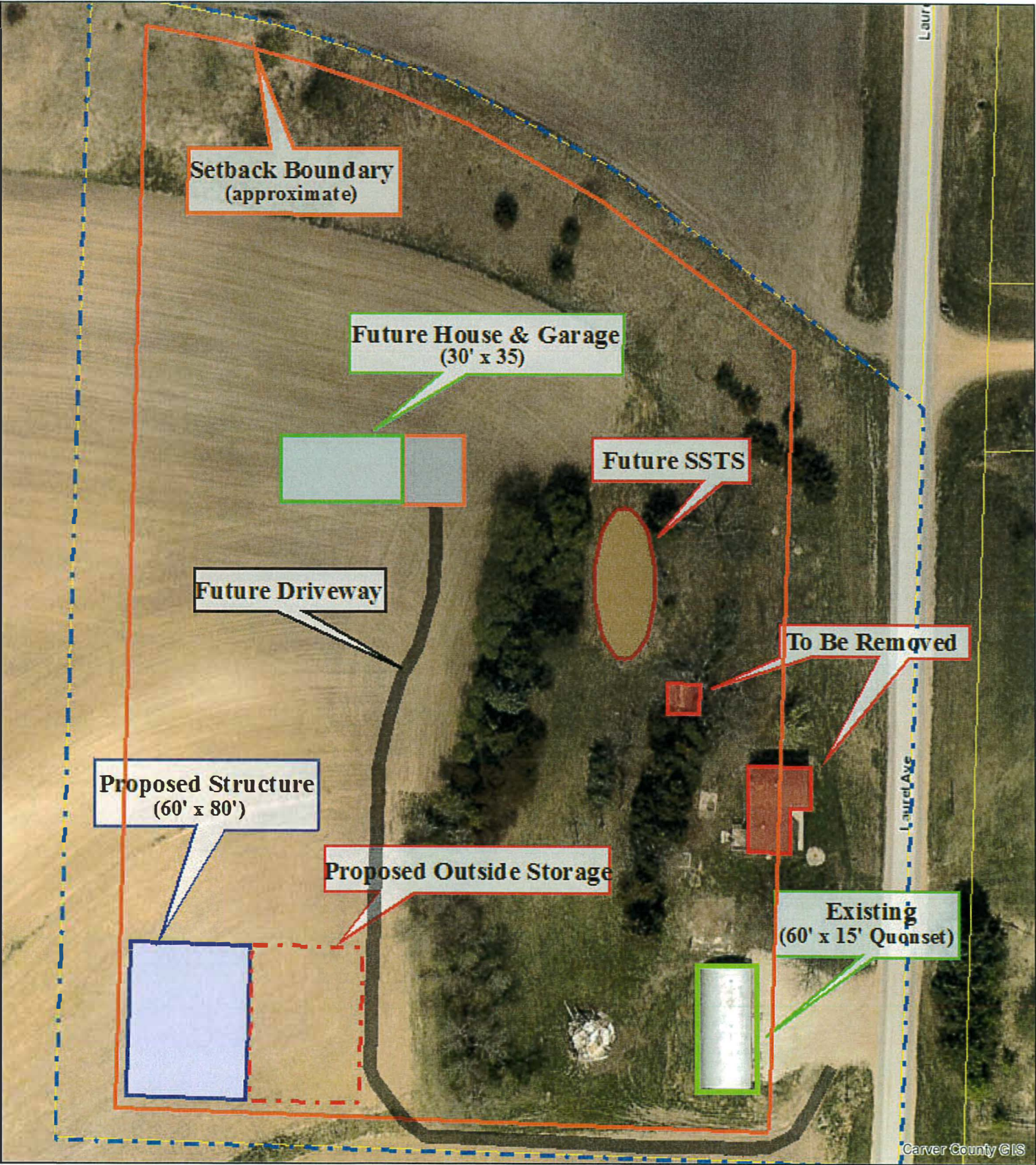
The Conditional Use Permit is to have a contractor's yard. I was really on the fence about needing this in the first place as I only have 1 commercial vehicle which is allowed without a conditional use permit from what I read. With that being said, I think it would be wise to proceed with getting this for the rare instances I will need to have a dumpster on the site. I own a roll-off dumpster rental company and am the Owner and Operator. I have a lot in Chaska that I use to store my dumpsters. On occasion I may need to set a dumpster down at the proposed shop to perform repairs or to temporarily store overnight before delivering early the next day. I plan on planting trees on the south property line as screening. My 1 commercial vehicle would make 2-4 trips in or out each day, mostly just in the morning and at night unless I have the rare opportunity to eat lunch at home. The only employee of the business is myself. I would access my property mostly from Big Woods Blvd. with the commercial vehicle to minimize use of the dirt road. During spring road restrictions, I can keep my truck at a shop off 43 and 140 if needed.

I plan on building a very nice shop. At night there will be no lights as my family and I moved to the country for quiet nights and star filled sky's. I have planned the location of the shop in the best interest of my neighbors around me (neighbors are close friends of ours). Besides needing a place indoors for my commercial vehicle, I want to keep my family's personal stuff inside. This will keep our things out of the elements and out of view of neighbors or passersby.

Please consider allowing this permit for my family on our new property. Appreciate your time!

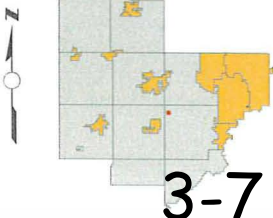
Kyle, Julie, Weston and Sadie Decker
11650 Laurel Avenue, Cologne, MN 55322

04.006.1040 - PROPOSED SITE PLAN



Date: 1/6/2021

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





Township Presentation & Recommendation Form

PARCEL #	04.006.1040	Permit #	PZ20200061	
Owner's Name:	Kyle Decker	Owner's Mailing Address:	11650 Laurel Avenue	
City:	Cologne	Owner State:	MN	Owner Zip:
			55322	
Applicant (if other than owner):		Site Address:		

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:	Requesting a Conditional Use Permit to construct an Accessory Structure, use approx. 1000 sq. ft. for personal storage, and the remainder as a shop to be used in conjunction with a Contractor's Yard.					
Date of County Public Hearing:	Jan. 19, 2021	Date of Township Meeting:	Jan. 11, 2021			

Actions:

Township Action Taken:

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

SEE ATTACHED EMAIL FOR APPROVAL. (1-12-21 JM)

****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

Signature of Township Official

Date

From: Dahlgren township <clerk@dahlgrentownship.com>
Sent: Tuesday, January 12, 2021 10:20 AM
To: Aaron Stubbs
Subject: Re: Kyle Decker request...

This email was received from outside of Carver County

No comments or changes, the shed was approved.

Sent from my iPhone

On Jan 12, 2021, at 9:57 AM, Aaron Stubbs <astubbs@co.carver.mn.us> wrote:

Good morning Mary,
I'm checking in to see if Kyle Decker attended the Township meeting last night. If so, does the Township have any comments and/or a recommendation on his request?
Thank you,
Aaron

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 04-006-1040

File# PZ20200061

APPLICANT/OWNER: Kyle R & Julie M Decker

That part of the East Half of the Southwest Quarter of Section 6, Township 115 North, Range 24 West, Carver County, Minnesota, described as follows: Commencing at the South Quarter Corner of said Section 6; thence North 01 degree 51 minutes 20 seconds East (bearings based on Carver County Coordinate System NAD83, 1986 Adjustment) on the east line of said East Half of the Southwest Quarter, a distance of 965.82 feet to the point of beginning; thence continuing North 01 degree 51 minutes 20 seconds East on said East line, a distance of 382.63 feet; thence North 53 degrees 06 minutes 45 seconds West, a distance of 199.93 feet; thence North 62 degrees 24 minutes 58 seconds West, a distance of 92.99 feet; thence North 72 degrees 23 minutes 20 seconds West, a distance of 92.92 feet; thence North 79 degrees 42 minutes 11 seconds West, a distance of 94.36 feet; thence South 01 degree 51 minutes 20 seconds West, a distance of 576.85 feet; thence South 88 degrees 08 minutes 40 seconds East, a distance of 430.25 feet to the point of beginning. Said parcel contains 5.00 acre of land.