



CARVER COUNTY PLANNING COMMISSION

Regular Meeting – **January 21, 2025, 7:00 PM**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

1. **Convene**

- 1.1. Call to Order by Zoning Official
- 1.2. Pledge of Allegiance
- 1.3. Attendance
- 1.4. Organization of the Board
- 1.4. Election of Chair
- 1.4. Election of Vice-Chair
- 1.4. Appointment of Land Management Staff as Secretary
- 1.4. Appointment of Representative to Board of Adjustment
- 1.5. Agenda review and adoption
- 1.6. Approve Minutes from October 15, 20243-12

2. **Agenda**

- 2.1. **File #PZ20240048-** Public hearing on application by Peter Daggett for an amended Conditional Use Permit.
(Public Equestrian Facility)
Hollywood Township13-28
- 2.2. **File #PZ20240050-** Public hearing on application by Michael & Colleen Klingelutz for a Conditional Use Permit.
(Additional Density - High Amenity Lot, One Building Eligibility Incentive)
Laketown Township29-40

2.3. File #PZ20240047- Public hearing on application by Michael Schonhardt for a Conditional Use Permit. (Home Extended Business Accessory Use) Waconia Township	41-53
2.4. File #PP-PZ20240049- Public hearing on application by John Zimmerman for a Preliminary Plat. (Zimmerman Subdivision) Waconia Township	54-68

3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

January 13, 2025

TO: Carver County Planning Commission & Hollywood Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Public Equestrian Facility)

FILE #: PZ20240048

APPLICANT: Peter & Wendy Daggett

OWNER: Peter & Wendy Daggett

SITE ADDRESS: 4010 Tacoma Ave, Mayer 55360

PERMIT TYPE: Public Equestrian Facility

PURSUANT TO: County Code, Chapter 152, Section 152.079 (C)(5)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-023-0800

BACKGROUND:

1. Peter and Wendy Daggett own, and homestead 20 acres located in the East Half (E½) of the Northeast Quarter (NE¼) of Section 23 of Hollywood Township. The property is improved with an existing home, a barn, an accessory structure with stalls and indoor riding arena, several small outbuildings, an outdoor riding arena and grazing pastures. The site is located within the Agriculture Zoning District, Shoreland Overlay District (a tributary watercourse), and the Carver County Water Management Organization (CCWMO) – Crow River watershed.
2. An existing Conditional Use Permit (CUP #PZ20100029, attached) was issued to the property to allow an equestrian facility with boarding and training for up to twelve (12) horses. The applicants wish to continue the horse boarding operation in the way the previous owners operated it and increase the total allowable horses to 19 animals. The applicant is requesting a Conditional Use Permit pursuant to Section 152.079 (C)(5) of the Carver County Zoning Code to operate an equestrian facility, 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.

(5) Equestrian facilities

- (a) This subsection is intended to provide for equestrian-related facilities, such as, a riding academy, stable, personal riding arena, or other similar use.
- (b) The use must be located on a minimum of ten acres. The number of animal units permitted will be regulated by the permit.
- (c) A facility having ten or more horses shall be required to obtain a feedlot certificate of compliance or as administered through the feedlot regulations.
- (d) A facility having nine or fewer horses shall provide evidence of acceptable manure management.
- (e) Permits involving personal riding arenas are exempt from the prohibition on permit issuance on AG preserve land provided the approved operation is accessory to the residence and there will be no commercial boarding, training, or other use for pay or similar remuneration.

STAFF ANALYSIS:

1. Peter and Wendy Daggett purchased the property to house their own three horses and utilize the property for commercial horse boarding in accordance with the existing CUP (#PZ20100029). The Daggett's wish to add the ability to board an additional 5 horses on the property, for a total of 19 horses at maximum capacity. The additional animal units prompt the amendment of the CUP, which follows the same submittal and review process as a new CUP application.
2. The applicant's letter (dated December 20, 2024) provides background information and operations plan for the application. They explain they previously boarded their own horses at the facility prior to purchasing the property in 2020. They currently have 14 horses at the farm – 10 boarded by 7 owners, and the Daggett's 4 horses. Since purchasing the property, they have not increased the size of any pastures and have added one outdoor shelter. There is no formal training on site, as the boarders are casual riders who come to the site 2-3 times per week and rarely trailer their horses off site. There are no other employees outside of the family. On an average day, 3-5 vehicles come and go (up to 10 trips total), The total maximum vehicles on site at any given time is 7, and the applicants have ample parking for any trucks and trailers being used at that time. While the hours are 9AM to 9PM, boarders come and go throughout the day as it meets their schedule.
3. The applicants submitted a site plan, dated December 20, 2024, showing the operational area and existing layout of the property. There are four large pastures, each with a paddock, and one dry lot in the center of the property. There is an outdoor riding arena and a larger indoor riding arena. The barn containing the indoor riding arena contains 3 stalls, and the barn to the north contains 6 stalls. The two north pastures are entirely within the Shoreland Overlay District (within 300' of the tributary watercourse), and the southern pastures are partially in Shoreland. Boarder parking, along with space for any associated trucks and horse trailers is to the north, west, and south of the riding arena barn as well as adjacent to the barn to the north.
4. One existing sign for "Daggett Farm", approximately 3' x 3' (9 square feet) is near the driveway entrance. The sign is below the maximum 32 square-foot sign size and complies with a maximum 36 square feet of signage allowed for the parcel. No additional signage is proposed as part of this request.

5. Matt Steele, Carver County Feedlot Officer, reviewed the application materials and in an email dated January 10, 2025, provided the following response:
 - *I performed a routine compliance inspection on October 4, 2024, and determined the site to be non-compliant with Minnesota Rules Chapter 7020.2005. Staff identified a total of 11 horses (11 animal units) in the shoreland district at the time of inspection. Mr. Daggett returned to compliance with Minnesota's Animal Feedlot Rules on November 22, 2024, by reducing the number of horses to 7 (7 animal units) in the shoreland district.*
 - *Minn. R. 7020.2005 subp. 1, prohibits new animal feedlots of 10 animal units or more from being built or established in the shoreland district, with certain exceptions. Notably, pastures and areas not classified as feedlot components are exempt from these location restrictions. However, these areas must still comply with Minnesota's Water Quality Rules (Minn. R. Ch. 7050 and 7060).*
 - *During the compliance inspection, staff discovered that there were 17 horses (17 animal units) on site, and the operation was non-compliant with a condition listed in Conditional Use Permit (CUP) No. PZ20100029. The CUP allows a maximum of 12 horses on site, and the follow-up inspection letter identified two corrective action options for returning to compliance. Mr. Daggett was required to either reduce the herd size to 12 horses (animal units) by January 1, 2025, or submit a CUP application to the Land Management Department by December 27, 2024, to amend the current CUP for an increase in the number of horses allowed on site.*
 - *The site consists of the following feedlot components: A 16,200 square foot indoor riding arena with 3 stalls, an approximate 3,700 square foot barn with 6 stalls, 5 partial confinement barns (run-in sheds), and 7 paddock areas (open lots). Additionally, the site includes non-feedlot components including 4 pastures for rotational grazing, a round pen, and an outdoor riding arena. The applicants are currently boarding 10 of the horses, while the remaining 4 animals are owned by Mr. and Mrs. Daggett.*
 - *It is recommended that fencing is installed in the north pasture near the creek to prohibit entry of horses to surface waters.*
6. This request was reviewed by Minnesota Department of Natural Resources, as it is in the shoreland area of a tributary river. Taylor Huinker, Area Hydrologist, stated in an email dated December 30, 2024, that the DNR has no comments or concerns regarding the request.
7. Jacob McLain, Senior Environmentalist in Environmental Services, reviewed the septic records of the property and in an email dated January 2, 2025, reported:
 - *Since this property is located in shoreland, we would need a compliance inspection for the existing systems on site (mound system for the house and holding tank for the riding arena).*
8. The Hollywood Town Board reviewed and recommended approval of the request at their December 9, 2024, Town Board meeting without any additional conditions and/or concerns.

BOARD CONSIDERATION:

If the Planning Commission recommends approval of the CUP application for a Public Equestrian Facility, the previous CUP (#PZ20100029) and any other prior permits, amendments, or renewals for an Equestrian Facility), would be terminated upon final approval (and recording) of the new CUP #PZ20240048. The following conditions should be attached to the new CUP:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
2. The Equestrian Facility shall operate in accordance with the applicant's letter (dated December 20, 2024) and site plan (dated: December 20, 2024). These plans shall be attached to and become part of this permit. This equestrian facility request allows for up to a total of 19 horses to be boarded and trained on site. Location of outdoor storage for horse trailers and boarder vehicles shall be on the existing gravel area north and west of the indoor riding arena. Changes in

the use of existing structures or the construction of new buildings or any plans to enlarge the facility or operational area in the future, would require the applicant to apply and receive a new Conditional Use Permit.

3. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence and/or property owner for agriculture, personal storage, hobbies, personal recreation and entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this Ordinance. All structures utilized as part of the operation in which public (boarding/employees/volunteers) have access shall meet the applicable State Building Code requirements.
4. The facility would continue to operate year-round, seven (7) days a week and maintain its current hours of operation open to the public (9AM-9PM) and otherwise would be present only in the case of a veterinary emergency. Changes to the days and/or hours of operation would require the submittal of a new CUP application.
5. Any Special Events “public activities” taking place on the property must be reviewed and approved by the Land Management Department prior to commencing the activities.
6. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Any site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
7. Carver County Environmental Services Department, Feedlot Officer, reviews sites with Conditional Use Permits annually and may conduct unannounced inspections at any time during the year to inventory the number of animals on site, as well as review the following:
 - In accordance with Minn. R. 7020.2005 subp. 1, the feedlot components, as defined above, shall not exceed a maximum of 9.99 animal units at any time and all remaining animals must be kept on pasture.
 - The owner shall establish, operate, and maintain the facility such that there is no discharge to surface waters in accordance with Minn. R. 7020.2003, subp. 3. The permittee shall operate the facility in full compliance with MPCA Feedlot Rules and the Carver County Feedlot Management Ordinance.
8. The Permittee shall comply with Hollywood Township access requirements, improvements and/or standards, if any. Parking along the township right-of-way shall be prohibited.
9. Permittee shall submit Certificate of Workers’ Compensation Insurance to the Land Management Department annually when there are additional employees beyond the owner/operator. The insurance shall be maintained for the duration of the CUP.
10. The Permittee shall at all times comply with the County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, Chapter 54 – Feedlot regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations.

OR

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

§ 152.251 REQUIRED FINDINGS.

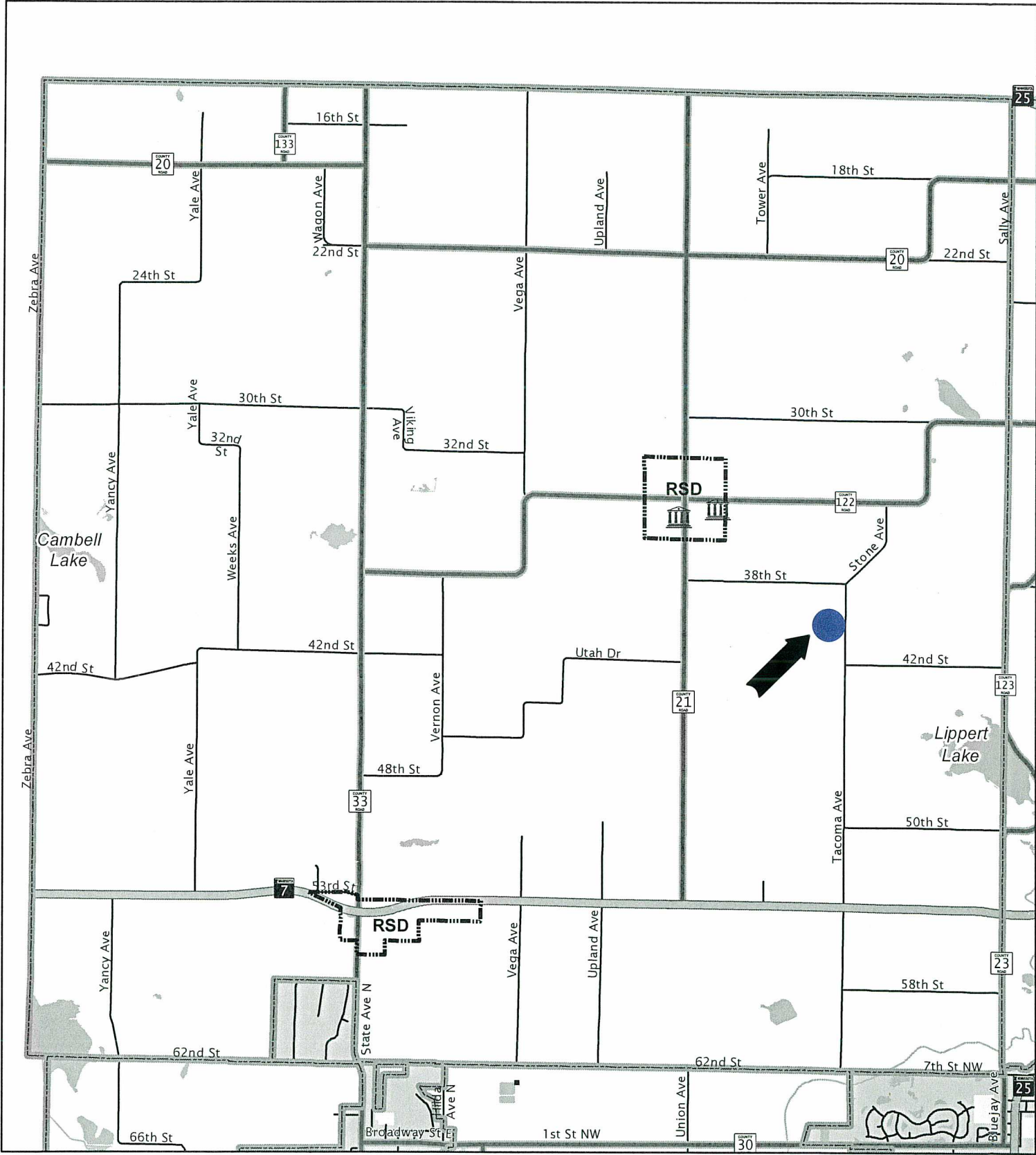
An order for the issuance of a CUP or IUP can be adopted only if all of the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

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

OR

If the current application fails, or it is withdrawn, the public Equestrian Facility CUP (#PZ20100029) would remain in full force and effect. The existing use (public equestrian facility) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

HOLLYWOOD TOWNSHIP



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

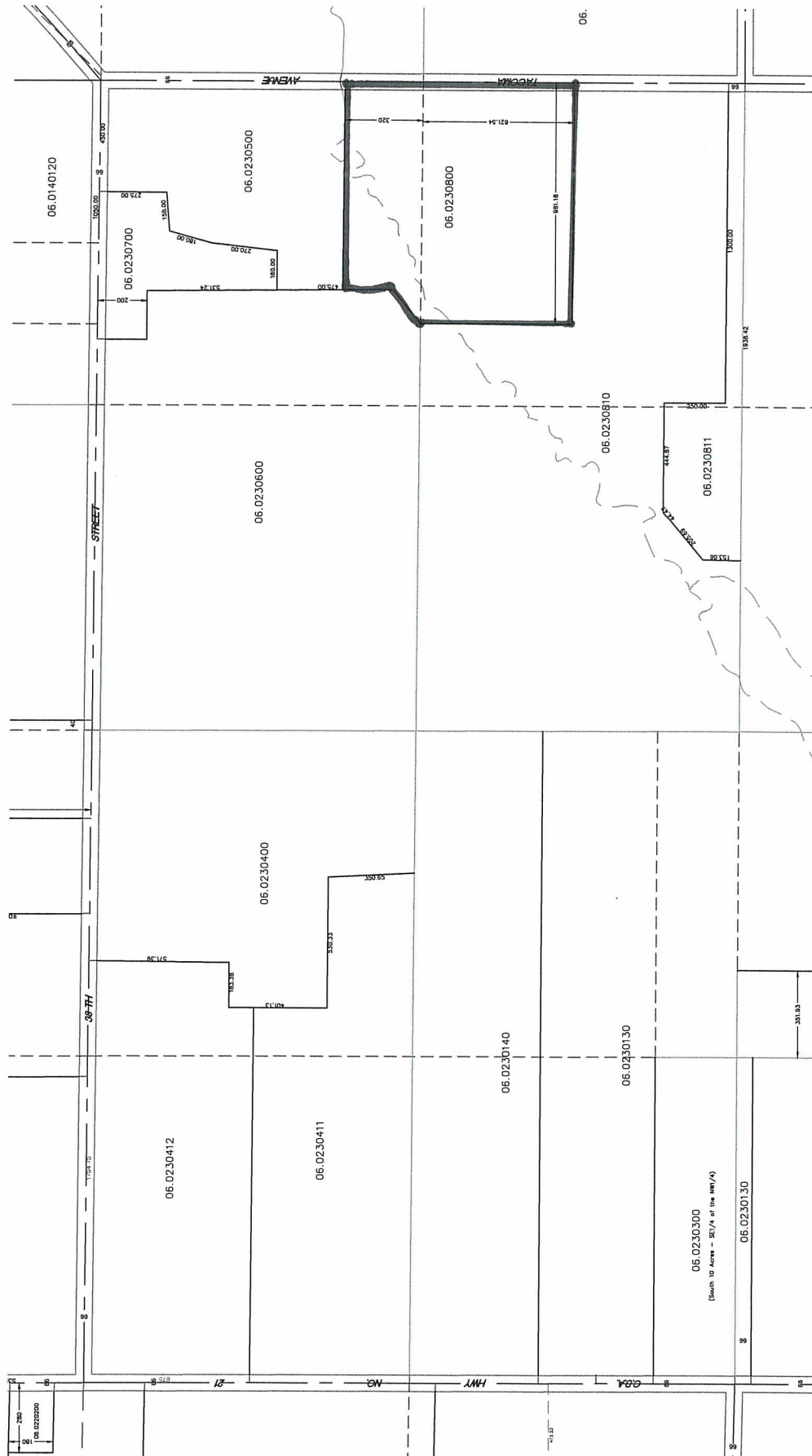
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Map Created by Carver County GIS

N 1/2 SEC. 23, T.117, R.26

THIS IS NOT A LEGALLY RECORDED P.L.T.
THIS MAP IS A COMPILATION OF RECORDS
FROM THE COUNTY RECORDS, THE COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
PURPOSES TO SHOW THE COUNTY AND ITS AGENTS
THE RECORDS CONTAINED THEREIN.



12/20/24

Dear Planning Commission

We have owned the property since October 16, 2020. Before purchasing the property, we boarded 3 horses at the facility for 5 years.

We are requesting an amendment to the current CUP #PZ20100029. The current permit states that the facility will be used for commercial boarding and training up to 12 horses. We are requesting that the total number of allowed horses be increased to 19. We currently have 14 horses at the farm, 10 boarded (7 owners) and 4 that we own.

We have not increased the size of pastures since we purchased the farm, and built one shelter.

We do not do any formal training of horses. Our boarders are casual riders, meaning they come out on average 2-3 times a week, and rarely trailer their horses off the farm.

My wife Wendy and I live on the property. Wendy works outside the home 2 days a week and I work full-time, two days at home and three days in the office. We do not have any employees.

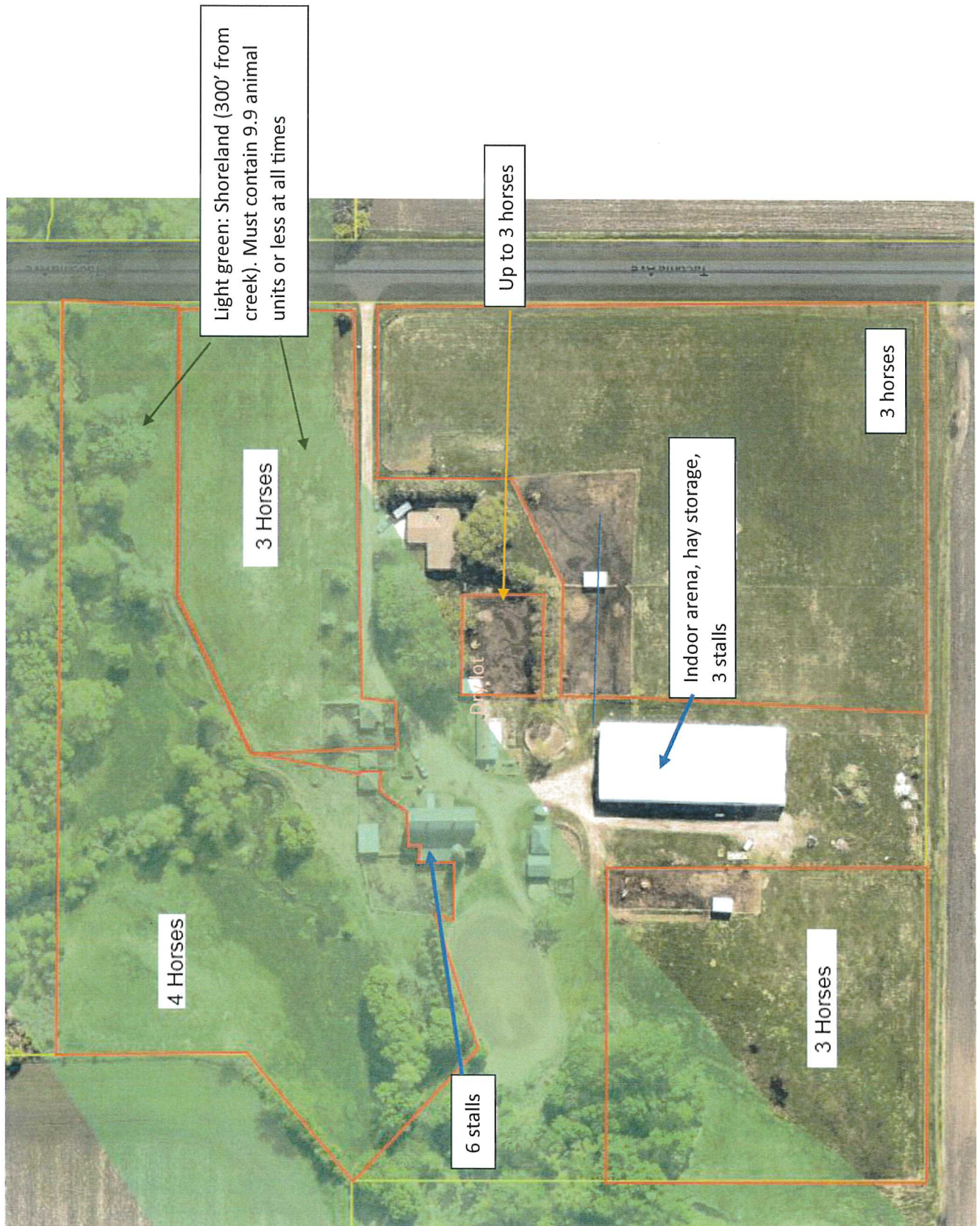
We do not have marked parking spaces, our boarders normally just park in front of the main barn. On an average day we may have 3-5 vehicles come and go at different times during the day. The only people that come to the farm are boarders, and occasionally their family and friends. On the day the farrier comes there will be the farrier's vehicle and all the boarders, which is around 7 vehicles total.

The facility is not our primary source of income, but for us to own this facility we do need to have boarders.

Sincerely

Peter & Wendy Daggett

4010 Tacoma Avenue
Mayer, MN 55360





Township Presentation & Recommendation Form

PARCEL # <u>060230800</u>	Permit # <u>P220100029</u>
Owner's Name: <u>Daggett, Peter</u>	Owner's Mailing Address: <u>4010 Tacoma Avenue</u>
City: <u>Mayer</u>	Owner State: <u>MN</u> Owner Zip: <u>55360</u>
Applicant (if other than owner): <u></u>	Site Address: <u>4010 Tacoma Ave, Mayer, MN 55360</u>

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

Description of Request:

I am requesting an amendment to the current CUP to increase the number of allowed horses from 12 to ~~18~~ 19.

Date of County Public Hearing: 1/21/25

Date of Township Meeting: 12/9/2024

Actions:

Township Action Taken:

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

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

Peter Daggett

Date 12/9/2024

Signature of Applicant

[Signature]

Date 12/9/2024

Signature of Township Official

November 1, 2024

Peter Daggett
4010 Tacoma Ave
Mayer, MN 55360

REF: Results of your Feedlot Inspection with Registration No. 019-116056

Dear Peter Daggett:

Carver County Environmental Services staff conducted a compliance inspection of your feedlot with Registration No. 019-116056 in Carver County on October 4, 2024. The purpose of the inspection was to evaluate the feedlot for compliance with applicable County and local ordinances, Minnesota Feedlot Rules chapter 7020, and Conditional Use Permit #PZ20100029.

County staff have determined that your feedlot was not in compliance with the following requirements listed below:

Minn. R. 7020.2005 – LOCATION RESTRICTIONS AND EXPANSION LIMITATIONS.

Subp. 1. Location restrictions.

A new animal feedlot or a manure storage area must not be constructed within a floodplain or within 300 feet of a sinkhole. A new animal feedlot or a manure storage area must not be constructed within the applicable isolation distance required by part 4725.4450 or 100 feet of a water supply well, whichever is greater. Except as provided in items A and B, a new animal feedlot or a manure storage area must not be constructed within shoreland or within 1,000 feet of a community water supply well or other wells serving a public school as defined under Minnesota Statutes, section 120A.05, a private school excluding home school sites, or a licensed child care center where the well is vulnerable according to part 4720.5550, subpart 2.

Violation: Eleven (11) horses were in the shoreland district during the feedlot inspection.

Conditional Use Permit #PZ20100029

Condition #3 – The Equestrian Facility shall operate in accordance with the operation and site plans (dated 12/22/10). These plans shall be attached to and become part of this permit. The applicants are requesting approval for commercial boarding and training up to twelve (12) horses and the proposed indoor riding arena. The proposed arena would have four (4) – six (6) stalls, hay storage and separate shop (approximate 35' x 80") for personal storage. Any future buildings will require discussion with Land Management for a determination as to whether an application for amendment or similar consideration is necessary.

Violation: Seventeen (17) horses were on site during the feedlot inspection.

To address the alleged violations cited, you must complete the following actions:

1. Move at least two of the horses on site out of the shoreland district by **November 15, 2024**.
2. Reduce the herd size to 12 horses by **January 1, 2025**, or
3. Submit a Conditional Use Permit (CUP) application to the Land Management Department by **December 27, 2024**, to amend the current CUP for an increase in the number of horses allowed on site.

This feedlot inspection constitutes your feedlot being re-registered. Carver County will notify you prior to the next registration update deadline.

If you have any questions regarding this letter or note any discrepancies in the factual data and information contained in the enclosed Feedlot Inspection Form, please do not hesitate to call me at (952) 361-1808.



Matt Steele
Carver County Feedlot Officer

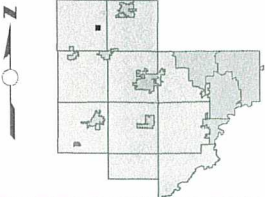
Enclosures

DAGGETT CREEK FARM



Date: 10/24/2024

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COUNTY OF CARVER
State of Minnesota

Document No.
A 534845

OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA

Fee: \$0

Receipt#: RA 2011000019

Certified Recorded on 3/7/2011

at 09:42 ☒ AM ☐ PM

534845



Mark Lundgren
County Recorder

FILE #: PZ20100029

APPLICANT: Linda J. Richmond & Rob C. Magers

OWNER: Richard B. Bury

SITE ADDRESS: 4010 Tacoma Avenue, Mayer

PERMIT TYPE: Equestrian Facility

PURSUANT TO: County Code, Chapter 152, Section(s) 152.079 C5

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-023-0800

Drafted by: Land Management
Return to: Land Management

CONDITIONAL USE PERMIT #PZ20100029

PLANNING COMMISSION RESOLUTION #: 11-01

ORDER #: PZ20100029

DATE ISSUED: February 1, 2011

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

THE EQUESTRIAN FACILITY IS AUTHORIZED BY COUNTY BOARD ORDER #PZ20100029, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20100029. THIS PERMIT IS ISSUED PURSUANT TO CHAPTER 152 OF THE CARVER COUNTY CODE, SECTION 152.079 C5 FOR AN EQUESTRIAN FACILITY ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. The permit is subject to administrative review. A change in ownership, operations, operator, or occupancy of the residence shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners/operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Permittee shall obtain all necessary building and septic permits prior to the construction of the proposed building. All structures utilized as part of the operation in which public (boarders/employees/volunteers) have access shall meet the applicable State Building Code requirements.
3. The Equestrian Facility shall operate in accordance with the operation and site plans (dated 12/22/10). These plans shall be attached to and become part of this permit. The applicants are requesting approval for commercial boarding and training of up to twelve (12) horses and the proposed indoor riding arena. The proposed arena would have with four (4) – six (6) stalls, hay storage and a separate shop (approximate 35 x 80') for personal storage. Any future buildings will require discussion with Land Management for a determination as to whether an application for

amendment or similar consideration is necessary.

4. The Permittee shall comply at all times with the County standards as detailed in Chapter 54 – Feedlot Management requirements and/or appropriate permit(s) as well as the letter from Environmental Services dated 1/11/11.
5. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
6. The Permittee shall comply at all times with the County standards as detailed in Chapter 52 – Sewage Treatment Systems and submit a copy of the agreement annually for the placement and maintenance of one (1) handicapped accessible portable restroom facility.
7. Riding on private property would be prohibited unless written agreements are provided to Land Management.
8. The Permittee shall obtain homestead status on the property.
9. The Permittee shall submit an affidavit concerning Workers Compensation stating that they do not have any employees.



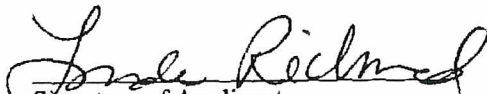
Steve Just
Land Management Department Manager

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT. FAILURE OF THE APPLICANT TO SIGN AND RETURN PERMIT WITHIN 90 DAYS OF THE BOARD'S ISSUANCE OF THE ORDER SHALL BE CAUSE FOR CANCELLATION OF THE PERMIT.

Applicant signature block

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

FAILURE OF THE APPLICANT TO SIGN AND RETURN THE PERMIT WITHIN 90 DAYS OF THE BOARD'S ISSUANCE OF THE ORDER SHALL BECAUSE FOR CANCELLATION OF THE PERMIT. I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.



Signature of Applicant

3-2-11
Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 06-023-0800

File# PZ20240048

APPLICANTS/OWNERS: Peter Daggett & Wendy Daggett

The South 320 feet of the following described land, to-wit: That part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 23, Township 117 North, Range 26 West of the Fifth Principal Meridian, described as follows: Beginning at the Northeast corner of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$); thence West along the North line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$), a distance of 450 feet; thence deflecting left 90 degrees, a distance of 275 feet; thence deflecting right 85 degrees, a distance of 158 feet; thence deflecting left 70 degrees, a distance of 180 feet; thence deflecting left 9 degrees, a distance of 270 feet; thence deflecting right 84 degrees, a distance of 160 feet; thence deflecting left 91 degrees, a distance of 475 feet; thence deflecting right 51 degrees to the South line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$); thence East along the South line to the East line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$); thence North to the point of beginning.

AND The North 621.54 feet of the East 981.18 feet of the South Half of the Northeast Quarter, (S $\frac{1}{2}$ of NE $\frac{1}{4}$), of Section 23, Township 117 North, Range 26, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

January 14, 2025

TO: Carver County Planning Commission & Laketown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (High Amenity - One B.E. Incentive).

FILE #: PZ20240050

APPLICANT: Michael Klingelhutz

PROPERTY OWNERS: Michael J & Colleen Klingelhutz

SITE ADDRESS: 7940 Airport Road, Waconia, 55387

PERMIT TYPE: Additional Density (High Amenity - One Building Eligibility Incentive)

PURSUANT TO: County Code, Chapter 152, Section(s) 152.078 (A) (C) & (E)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-021-1300

BACKGROUND:

1. Michael and Colleen Klingelhutz own an approximate 151.8-acre parcel located in the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) and the Southwest Quarter (SW¼) of Section 21, Laketown Township. The parcel consists of crop production land, wetlands, with a stand of trees adjacent to a single-family home, sheds, and agricultural buildings. The parcel is located in the Agricultural Zoning District, Shoreland Overlay District of Turbid Lake, and Carver County Water Management Organization (CCWMO) – Carver Creek Watershed.
2. Mr. & Mrs. Klingelhutz are requesting a Conditional Use Permit (CUP) to allow for the creation of one (1) High Amenity (Wooded) Lot with the One Lot Incentive option landowners who are willing to pursue only one building eligibility as a conditional use. The request is pursuant to Section 152.078 (A) (C) and (E) of the Carver County Zoning Code, which reads as follows:

§ 152.078 CONDITIONAL USES – ADDITIONAL DENSITY OPTIONS.

(A) General provisions.

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

of the comprehensive plan. Residential development pursuant to these options shall be subject to and limited by any additional criteria or standards contained in the township plan chapter. Applications for conditional use permits pursuant to this section shall not be considered complete unless a written statement is received from the affected township stating that the application complies with the township comprehensive plan chapter.

- (5) Road access requirement. All lots created under the additional density options shall have frontage on: a public road existing at the time of application; or the applicant must submit evidence that the township will accept the road as a township road at some point after it is constructed in accordance with township standards; or a road will be constructed that is privately maintained but with the right-of-way dedicated to the township. All roads shall be constructed to meet the standards in the comprehensive plan, the subdivision regulations, the standards manual, and the water plan.
- (6) Notice pertaining to agricultural uses. A notice or acknowledgment will be required regarding the “odors, dirt dust, insects, noises, long hours of operation and other factors associated with agriculture and feedlot activities.

C) High amenity areas

- (1) A maximum of three residential building lots may be subdivided from eligible high amenity land. This provision may be exercised only once for each parcel that was of record as of July 1, 1974. The parcel from which the lots are to be subdivided was a parcel of record of 40 acres or more, a complete quarter-quarter section or a complete government lot on July 1, 1974.
- (2) The maximum density in any area shall not exceed four single-family dwelling units per forty acres.
- (3) Only land within the amenity area shall be used to calculate additional density. In no case shall land currently enrolled in the agricultural preserve program be included in a density calculation that exceeds 1 per 40 (1 per $\frac{1}{4}$ - $\frac{1}{4}$). 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.
- (4) Eligible land:
 - (a) Wooded land. A contiguous area of land which has trees that are confirmed to be of a desirable species, healthy and mature, 20 years or older, shade or evergreen trees with a minimum height of 10 feet. The distribution of the trees is such that there are no areas greater than $\frac{1}{4}$ -acre in size not covered by canopy in the summer months.
- (5) General criteria:
 - (a) Eligible land considered wooded, wooded pasture, and areas consisting of a mixture of wooded land and native grasses shall not be in agricultural production for the past 20 years and shall include soils suitable for an SSTS (land enrolled in a state or federal program is in agricultural production).
 - (b) The Comprehensive Plan policy allowing for no more than four homes per 40 (4 homes per $\frac{1}{4}$ - $\frac{1}{4}$) shall not be violated.
 - (c) 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.
 - (d) The high amenity building sites are to be considered residential lots, not agricultural parcels. The minimum lot size shall be $2\frac{1}{2}$ 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. Although 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 individual lots as determined to be necessary during the permitting process. These lands shall not be counted as part of the two and one-half acres needed to qualify as a high amenity lot.
 - (e) Building sites shall be clustered in the amenity area as much as possible.
 - (f) 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.
 - (g) 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.

- (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.
- (6) Minimum conditions of high amenity lots:
 - (a) The keeping of animals, with the exception of dogs, cats, and similar animals kept as household pets, and fewer than 10 fowl, 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.
- (E) One building eligibility incentive.
 - (1) This section provides for flexibility under the conservation incentive, wooded and lakeshore, or high amenity area provisions of this chapter, to those landowners who are willing to pursue only one building eligibility as a conditional use. A maximum of one building eligibility may be granted under this provision.
 - (2) Building eligibility flexible standard. A building eligibility may be assigned to the qualifying wooded, lakeshore or amenity area, without a subdivision requirement or it may be subdivided as a single lot, primarily for mortgage purposes. The configuration and specific standards for the lot shall be evaluated and stipulated during the conditional use permit process. The criteria for issuance are as follows:
 - (a) The qualifying land could support two or more building site eligibilities. The applicant must demonstrate that he/she is proposing to eliminate at least one potential building site.
 - (b) There would not be a need to construct a new township road.
 - (c) The building site may be utilized without subdividing the subject property, or via a single lot split principally for mortgage purposes.
 - (d) The applicant submits an acceptable plan for preserving long-term agricultural land. An acceptable plan may include, but would not be limited to, the agricultural preserves covenant and/or a conservation easement.

STAFF ANALYSIS:

1. The applicants are pursuing one (1) building eligibility pursuant to 152.078 (C) “High Amenity” and (E) “one building eligibility incentive” which provides for flexibility and incentives for pursuing a single eligibility or lot split. The incentive avoids the platting process or having to construct a township road to meet the road frontage requirement for new lots.
2. In the 2040 Comprehensive Plan’s Laketown Township section, adopted Township Policy LU-3, allows for the utilization of Option 3 – High Amenity Lots and Option 4 – Conservation Incentive for property owners seeking additional residential density. The proposed lot would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼¼). The subject property is not enrolled in the Ag Preserve program, nor has a Conditional Use Permit for additional density been previously issued on this parcel. Also, the subject property has been a parcel of 40 acres or more as of July 1, 1974.

3. The proposed 9.8-acre lot, not within the Shoreland Overlay District, consists of the farmstead with an existing SSTS system, detached accessory structures, and approx. 4.5 acres of wooded area. The wooded area contains trees of over 20 years of age and are a desirable species. Therefore, the proposal lot contains more than the 2.5-acre minimum amount of eligible acreage.
4. The “one building eligibility incentive” density option requires that two building sites be identified, then the property owner forgoes the ability to create two lots, in order to create a single lot and not undergo the more expensive and time-consuming platting process to create two lots. Since the location of the second building site (i.e., conservation incentive option) could be almost anywhere along the property approximate 2/3-mile of eligible public frontage the 151-acre property possesses. Staff from Environmental Services and the Land Management Departments are confident an eligible building site exists within the parcel, therefore are not requiring a soils report to confirm the existence of the second eligible building site.
5. The applicants’ letter, dated December 5, 2024, states their request for a CUP for an additional density with a high amenity lot by utilizing the one building eligibility incentive option. The letter references the Township Chapter of the Comprehensive Plan and identifies the 9.8-acre farmstead lot as the amenity lot. The Klingelhutzes describe the history of planting about 4.5 acres of coniferous and deciduous trees 27 years ago so that now most trees measure over 30 feet tall, thus creating eligible amenity acreage. The qualifying land could support two or more building site eligibilities. However, the applicants state that they are proposing to eliminate at least one potential building site in order to pursue only one building eligibility as a conditional use.
6. The proposed amenity lot is shown in the site plan, dated December 5, 2024. With the existing driveway access to Airport Road, the proposed parcel meets the minimum requirements for a residential lot. The existing structures and SSTS system meet applicable setbacks from the proposed parcel lines. The proposed high amenity lot would not need to be platted, but an administrative Minor Subdivision application and approval would be required. Section 152.078 states that the CUP provision may be exercised only once for each parcel that was of record as of July 1, 1974. If the CUP is approved, then the “1 per 40” building eligibility from the existing home would be available to be placed on the remnant parcel or placed on a conforming lot subdivided from the large remnant parcel.
7. In an email dated December 31, 2024, Tim Sundby, Water Resources Supervisor with the Carver County Water Management Organization (CCWMO), wrote that since no grading activities are proposed, no review comment is needed. Any newly created lot would be required to comply with the Carver County Water Management Organization (CCWMO) Water Rules Standards pursuant to Chapter 153.
8. This request was reviewed by Jacob McLain, Senior Environmentalist with Carver County Environmental Services. In an email dated January 2, 2025, Mr. McLain stated: “...as mentioned in their narrative, they will need to assess whether the existing system meets county standards (we currently have no information on the system). Therefore, a compliance inspection must be conducted on the existing system. If it fails, they will need to install a new system and identify an alternative site on the lot.”
9. The Laketown Town Board reviewed the request and recommended approval at their December 23, 2024, Town Board meeting with the comment: “Applicants attended 12-23-24 Board of Supervisors meeting at Laketown Township and presented their purpose of seeking Additional Density CUP Request per Section 152.078 High Amenity. Photos and surveys were observed, and a motion was made and passed to approve recommendation for approval.”

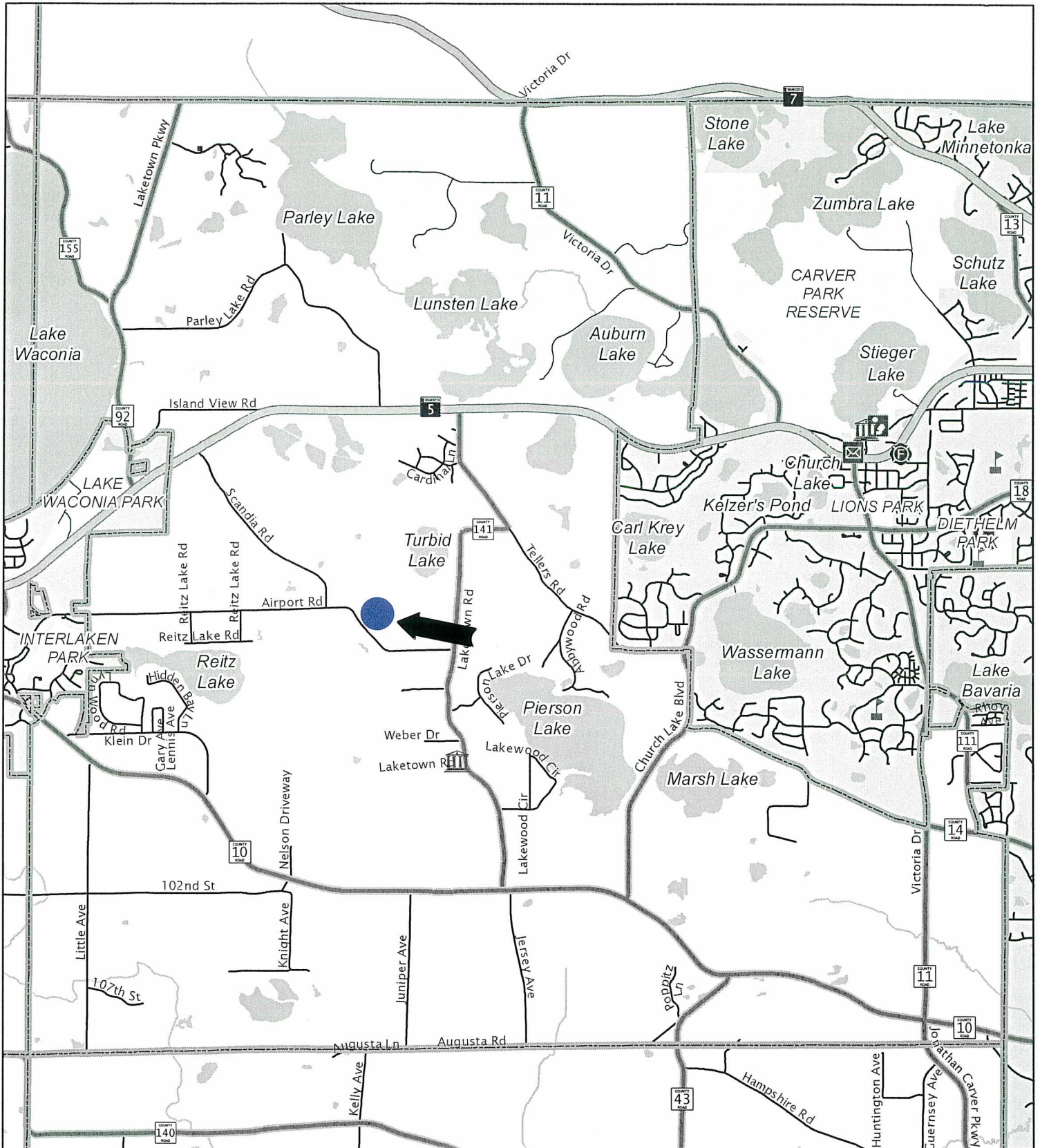
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the permit application to utilize the one building eligibility incentive (High Amenity – Wooded Lot) provision in the Carver County Zoning Code to create a building eligibility on the subject property, the following conditions should be considered part of the permit:

1. One (1) High Amenity Wooded Lot building eligibility shall be available, pursuant to the approved site plan. Additional lots (eligibilities) shall not be granted as a conditional use. The proposed lot shall be subdivided in accordance with the Minor Subdivision requirements including but not limited to, a survey, current septic compliance, and an alternate SSTS location.

2. If the applicant elects to create a residential lot for the “1 per 40” building eligibility, a Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code application requirements including by not limited to, a completed Minor Subdivision Application, Survey, and SSTS Compliance, if applicable.
3. Prior to any construction activities, appropriate building permits shall be obtained for a single-family house and any accessory buildings, garage, or other structures.
4. The access permit to Airport Road must be approved by Laketown Township, or if the driveway access is to Co Rd 141, by Carver County Public Works, prior to the issuance of a building permit, or creation of a new residential lot for the “1 per 40” building eligibility. Whichever applicable, a Laketown Township or Carver County permit is required prior to any work occurring within the road right-of-way.
5. Notice pursuant to Section 152.078 (C) (5) is hereby provided stating the following:
 - (a) The keeping of animals, with the exception of dogs, cats, similar animals kept as household pets, and fewer than 10 fowl, is prohibited on any residential lot.
 - (b) All conditional use permit activities shall be prohibited on any residential lot. Agricultural parcels (i.e. 20 acres or more) and/or lots shall be subject to the “A” District regulations.
 - (c) 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 enforced. The protections shall include restrictions on clear cutting or vegetation removal; erosion control plan to control erosion during and after building construction; and designation of specific building sites or areas with buildings prohibited.

LAKETOWN TOWNSHIP

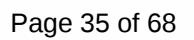


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

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



December 5, 2024

To Members of the Carver County Planning Commission:

We respectfully request consideration for a Conditional Use Permit for a High Amenity Lot per Carver County Zoning rules 152.078 CONDITIONAL USES – ADDITIONAL DENSITY OPTIONS.

Our request complies with the Laketown Township chapter of the comprehensive plan. Section (A)(4). *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.*

The lot has access to Airport Road. Section (A)(5). *Road Access Requirement.*

We have 150 acres of land with a farmstead in Laketown Township. We lived on and farmed the land ourselves until now. In 1997, with the help of our three young children, we planted approximately 4.5 acres of trees including spruce, black walnut, red oak, sugar maple, and flowering crab apple. These trees have matured into a beautiful, wild-life friendly woods. Section (C)(4)(b). *A contiguous area of land which has trees that are confirmed to be of a desirable species, healthy and mature, 20 years or older, shade or evergreen trees with a minimum height of ten feet.* These trees cover a contiguous area of land and are healthy, most are well over 30 feet tall, a nice mix of deciduous and ever-green trees, native to Minnesota. It is really enjoyable to walk between the long rows of trees.

Chip Hentges, septic designer, came out to do a preliminary investigation and he says there are several good areas for replacing the septic system on the 9.8 acres if the existing system does not meet County standards. (C)(5)(d) *The minimum lot size shall be two and one-half 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 lot as shown has less than 2 acres of farm land according to Jason Mielke, Craver County Land Management which complies with Section (C)(5)(f). *There may be no more than two acres of long term agricultural crop production land included in any residential lot.*

The high amenity lot will include the farmstead with the 100 plus year old home that was extensively remodeled in 1995. Our son and his family wish to purchase the home and 9.8 acres including the majority of the trees, the driveway and outbuildings. *See the map provided.* Previously we had considered trying to earn a building eligibility through a permanent conservation easement but it chopped up the fields too much. Using the tree acreage for the high amenity lot option means the trees will remain as is and continue to be enjoyed by people passing by and another generation. Dividing off the farmstead this way means the trees will be preserved in their entirety with one building eligibility for the remaining 120 acres north of Airport Road. Section (E) *A maximum of one building eligibility may be granted under this provision.*

Jason Mielke, Senior Planner at Carver County Land Management says this meets all County requirements with no variances required.

Thank you for your consideration,

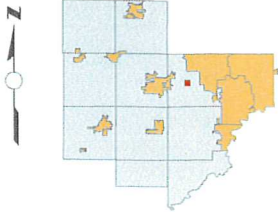
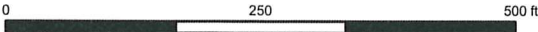
Respectfully,

Michael J. Klingelhutz, Colleen M. Klingelhutz

KLINGELHUTZ HIGH AMENITY LOT



Date: 12/5/2024
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 #	070211300	Permit #	PZ20240050
Owner's Name:	KLINGELHUTZ	Owner's Mailing Address:	6945 ABBYWOOD LN
City:	CHASKA	Owner State:	MN
		Owner Zip:	55318
Applicant (If other than owner):		Site Address:	7940 AIRPORT ROAD

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:	Additional Density CUP (High Amenity)					

Date of County Public Hearing:	01-21-25	Date of Township Meeting:	12-23-24
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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:	
Applicants attended 12-23-24 Board of Supervisors meeting at Laketown Township & presented their purpose of seeking Additional Density CUP Request per Section 152.078 High Amenity. Photos & surveys were observed and a motion was made & passed to approve recommendation for approval.	

****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	12-23-24

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-021-1300

File# PZ-20240050

APPLICANTS/OWNERS: Michael J Klingelhutz & Colleen M Klingelhutz

* * * * *

The Northwest Quarter of the Northwest Quarter of Section 21, Township 116, Range 24, Carver County, Minnesota.

AND

The South 44.00 feet of the Northeast Quarter of the Northwest Quarter of Section 21, Township 116, Range 24, Carver County, Minnesota.

AND

The South Half of the Northwest Quarter of Section 21, Township 116, Range 24, Carver County, Minnesota, EXCEPTING THEREFROM the following three (3) parcels:

Exception No. 1: That part of the South Half of the Northwest Quarter of Section 21, Township 116, Range 24, Carver County, Minnesota, described as follows: Commencing at the southwest corner of said South Half of the Northwest Quarter; thence on an assumed bearing of North 88 degrees 19 minutes 26 seconds East along the south line of said South Half of the Northwest Quarter, a distance of 120.00 feet to the point of beginning; thence return South 88 degrees 19 minutes 26 seconds West to said southwest corner of the South Half of the Northwest Quarter; thence North 01 degree 57 minutes 52 seconds West, along the west line of said South Half of the Northwest Quarter, a distance of 367.24 feet; thence North 71 degrees 02 minutes 43 seconds East to the centerline of Airport Road according to the town road survey thereof; thence southeasterly along said centerline to the intersection of a line which bears North 39 degrees 13 minutes 26 seconds East from the point of beginning; thence South 39 degrees 13 minutes 26 seconds West along said line to the point of beginning.

Exception No. 2: That part of the South Half of the Northwest Quarter of Section 21, Township 116, Range 24, Carver County, Minnesota, described as follows: Commencing at the southwest corner of said South Half of the Northwest Quarter; thence North 01 degree 57 minutes 52 seconds West, along the west line of said South Half of the Northwest Quarter, assuming the south line of said South Half of the Northwest Quarter bears North 88 degrees 19 minutes 26 seconds East, a distance of 367.24 feet to the point of beginning; thence Northwesterly along said centerline to the west line of said South Half of the Northwest Quarter; thence Southerly along said line to the point of beginning.

Exception No. 3: That part of the South Half of the Northwest Quarter of Section 21, Township 116, Range 24, Carver County, Minnesota, described as follows: Commencing at the Southwest corner of said South Half of the Northwest Quarter, thence on an assumed bearing of North 88 degrees 19 minutes 26 seconds East, along the South line of said South Half of the Northwest Quarter, a distance of 120.00 feet to the point of beginning; thence continue North 88 degrees, 19 minutes 26 seconds East along said south line, a distance of 291.06 feet; thence North 39 degrees, 13 minutes 26 seconds East, to the centerline of Airport Road, according to the town road survey thereof; thence Northwesterly along said centerline to the intersection of a line which bears North 39 degrees 13 minutes 26 seconds East from the point of beginning; thence

South 39 degrees 13 minutes 26 seconds West along said line, a distance of 392.98 feet to the point of beginning.

AND

The North Half of the Northwest Quarter of the Southwest Quarter of Section 21, Township 116, Range 24, Carver County, Minnesota, EXCEPTING THEREFROM the East 33.00 feet of said North Half of the Northwest Quarter of the Southwest Quarter.

Also EXCEPTING THEREFROM the following described parcel:

That part of the North Half of the Northwest Quarter of the Southwest Quarter of Section 21, Township 116, Range 24, Carver County, Minnesota described as follows: Beginning at the Northwest corner of said North Half of the Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 19 minutes 26 seconds East along the north line of said North Half of the Northwest Quarter of the Southwest Quarter, a distance of 411.06 feet; thence South 39 degrees 13 minutes 26 seconds West to the west line of said North Half of the Northwest Quarter of the Southwest Quarter; thence Northerly along said west line to the point of beginning.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

January 13, 2025

TO: Carver County Planning Commission & Waconia Town Board

FROM: Land Management Department

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

FILE #: PZ2024047

APPLICANT: Mike Schonhardt

OWNER: Michael & Teresa Schonhardt

SITE ADDRESS: 9325 Highway 25, Cologne 55322

PERMIT TYPE: Home Extended Business Accessory Use

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-030-0340

BACKGROUND:

1. Michael and Teresa Schonhardt homestead and own an approximate 7.36-acre parcel located in the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section 30, Waconia Township. The property is improved with a single-family residence with an attached garage and several accessory structures. The parcel is located in the Agricultural Zoning District, Shoreland Overlay District (Lake Patterson) and Carver County Water Management Organization (CCWMO) - Carver Creek watershed.
2. The applicant is requesting a Conditional Use Permit (CUP) for a Home Extended Business Accessory Use (HEBAU) to operate a deck construction business, pursuant to Section 152.079 (C)(9) of the Carver County Zoning Code, which reads as follows:

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

(A) Minimum criteria for issuance of permit:

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

(B) Minimum conditions:

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

(C) Activities:

(9) Home extended business accessory use.

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

STAFF ANALYSIS:

1. The applicant has submitted an operational plan (dated November 4, 2024) outlining the details of the proposed business (New Image Deck Construction). The operational plan lists three employees who arrive to the site to pick up equipment and drive work vehicles to job sites each day, then return in the evening. Work hours extend from 8:00AM to 6:00PM from late March through early December. Three employees and the owner make 2-4 trips per day from the site, and employees park in a designated location on the property. There are four work vehicles stored on site, a combination of trucks and trailers used to haul equipment for the decking business.
2. The public hearing notice was not sent to the official county newspaper by the deadline, and the request was delayed one month, to be reviewed at the January Planning Commission meeting. The Land Management Department staff sent the applicant a "60-day Law Letter" dated December 10, 2024.

3. The applicant has submitted a site plan (dated November 27, 2024) showing the operational area with existing structures and outdoor areas to be utilized for the seasonal business. The applicant has identified several buildings that are used for personal storage and a personal hobby shop, as well as an outdoor area to be used for storing personal vehicles. The approximate 4,400-square foot accessory structure on the south side of the property will be used to store some personal lawncare equipment (tractor and attachments), as well as seasonal cold storage for the deck business, to keep vehicles and materials out of the elements. No additional buildings, structures, or signage is proposed at this time. The operations plan and site plan appear to meet the standards of the Zoning Code.
4. This request was reviewed by Justin Broughman, Transportation Planner at Carver County Public Works. In a memo dated December 2, 2024, Public Works stated,
 - *Given the limited amounts of traffic this business is expected to generate, as well as the large size of the existing driveway, Public Works sees no issue with this request and recommends its approval. In the expected event that Highway 25 is eventually taken over by Carver County, any future site changes at this location must not encroach on the 160-foot width needed for the two-lane rural highway right-of-way, as specified by the Carver County 2040 Comprehensive Plan.*
5. The application materials were reviewed by Carver County Soil and Water Conservation District. Mike Wanous, District Manager, commented in an email on December 2, 2024:
 - *The adjacent parcel is enrolled in the Conservation Reserve Enhancement Program (CREP) and has a permanent conservation easement requiring perennial vegetation of native grasses. No equipment, supplies, or personal storage shall be placed over the property line and into the conservation easement.*
6. The request was reviewed by Taylor Huinker, Area Hydrologist at Minnesota Department of Natural Resources. She stated that there are no concerns or comments regarding the Home Extended Business Accessory Use.
7. On November 27, 2024, Jacob McLain, Senior Environmentalist - Carver County Environmental Services Department, reviewed the application and commented in an email:
 - *Since the property is in Shoreland, they will need a compliance inspection. The COC for the site expired 10/17/2020.*
8. The subject property is located within the CCWMO jurisdiction. Tim Sundby, Water Resources Supervisor commented in an email on November 27, 2024, that the applicant's site plan shows less than one acre of new impervious surface and less than one acre of total disturbance, so no permit is needed at this time.
9. The Waconia Township Board reviewed the application request at their November 25, 2024, meeting. The Township Board recommended approval with no additional conditions.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Conditional Use Permit application for a Home Extended Business Accessory Use on the parcel described in Exhibit A, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. An owner of the business shall homestead and occupy the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
2. The operation shall be substantially in accordance with the submitted operational plan (dated November 4, 2024) and site plan (dated November 27, 2024). These plans shall be attached to and become part of this permit. The hours of the operation shall be within the hours of 8:00AM – 6:00PM (as described), with no customers coming to the site at any time.

3. All business-related trucks, equipment and supplies shall be stored within the approved operational area. Any expansion of the approved operational area shall constitute an expansion of the use and may require a review by Land Management for determination as to an amended Conditional Use Permit will be required.
 4. All structures, utilized as part of the business, shall meet the applicable requirements of the County Zoning Code and MN State Building Code. Any required building permit(s) shall be applied for and issued prior to using the structure(s). Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP is necessary.
 5. Any structure(s), not utilized for the business, shall be used only by the property owner for agriculture, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by the County Zoning Code and shall meet State Building Code, if applicable.
 6. A maximum of four (4) business vehicles (including but not limited to: pickup trucks and trailers utilized to transport materials to and from job sites) may be stored and/or permitted on site.
 7. The permittee shall comply with the road authority's (Carver County Public Works) access requirements, improvements and/or standards, if any.
 8. No equipment, vehicles, supplies, materials, or personal storage of items shall be placed on the adjacent property or any conservation easements.
 9. Any grading and/or filling activity on the property shall be completed in accordance with CCWMO Water Resource Management standards and the Wetland Conservation Act (WCA), if applicable. All site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
 10. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 51 – Hazardous Waste Management, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations. No signage shall be allowed within the public road right-of-way.
 11. The Permittee shall submit Certificate of Workers' Compensation Insurance to the Land Management Department annually when there are additional employees beyond the owner/operator. The insurance shall be maintained for the duration of the CUP.
- If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

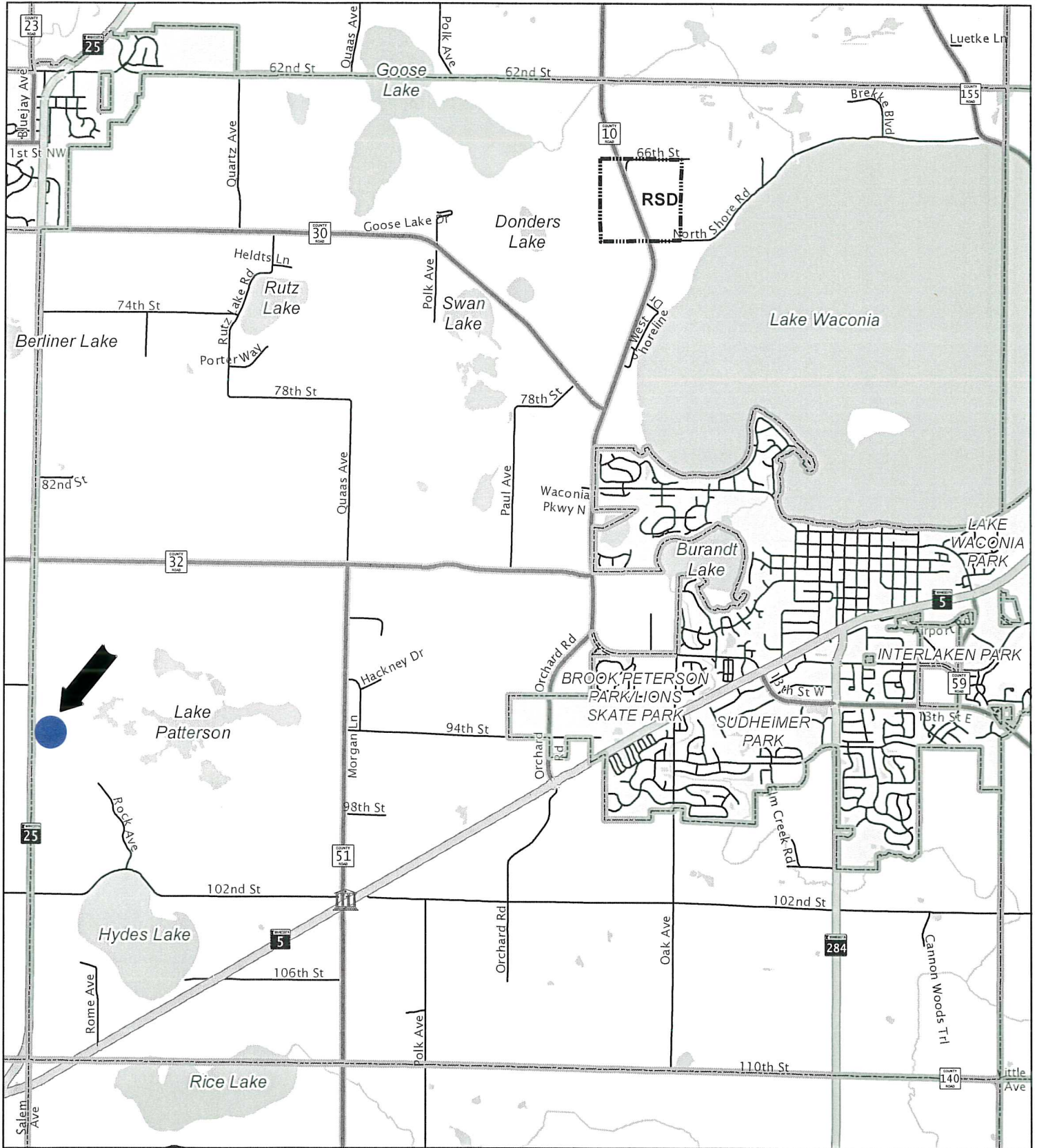
§ 152.251 REQUIRED FINDINGS.

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

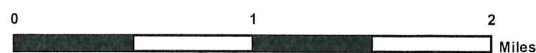
- (A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules, or regulations.
- (B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- (C) The establishment of a conditional or interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- (D) The effects of the proposed use will not be detrimental to the health, safety, and welfare of Carver County or to the occupants of the immediate neighborhood.
- (E) That adequate utilities, access roads, drainage and other facilities have been or are being provided.

- (F) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use if these measures are applicable.
- (G) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance if these measures are applicable.
- (H) The use or development conforms to the County Comprehensive Plan.
- (I) The use or development is compatible with the land uses in the neighborhood.
- (J) A public hearing was held pursuant to § [152.285](#) and M.S. § 394.26, as it may be amended from time to time.

WACONIA TOWNSHIP



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



Map Created by Carver County GIS

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
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.



11/4/24

Carver County of Land Management,

- I wish to have a place to store my trucks & trailers for my deck building business
 - *New Images Deck Construction, Inc
- Hours of operation are 8:00AM to 6PM
 1. There are three employees who drive trucks to the job sites
 2. Business is from late March to early December
 3. There are no family members currently
- Employees make two to four trips per day in and out
- I have four work vehicles and three personal vehicles
- Possibly have twenty parking spaces
 1. My employees park on a 34'X98' paved lot, with room for about ten vehicles
- I also have storage to keep old cedar, treated composite, and aluminum railing parts
- My water is a well and my sewage is a drain field. There is also a mini biff on site. I utilize SWS for my garbage, and Waconia roll off for my dumpster for wood disposal.
- There is no signage on my property stating my business name
- Three employees park at the shop
- All the material is delivered to the job site by Mayer Lumber



11/27/24



Yellow outline – employee parking

Blue and yellow barns – personal storage only

Purple – Business storage during winter, contains mini-biff indoors

Orange: Business vehicle parking and outdoor equipment (during peak season only)

Light green- Personal hobby shop

Blue outline: personal outdoor storage (vehicles and trailers)

Red outline: reclaimed wood, will be moved off property line



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL # <u>09-030-0340</u>	Permit # <u>220240947</u>	
Owner's Name: <u>Mike Schonhardt</u>	Owner's Mailing Address: <u>9325 Hwy 25</u>	
City: <u>Cologne</u>	Owner State: <u>Minn</u>	Owner Zip: <u>55322</u>
Applicant (if other than owner): 	Site Address: 	

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal
Description of Request: <u>CUP for a Deck building Bushi</u>
Date of County Public Hearing: <u>12/17/24</u> Date of Township Meeting: <u>11/25/24</u>

Actions:

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

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

[Signature]

Date 11-26-24

Signature of Applicant

[Signature]

Date 11-25-24

Signature of Township Official

December 10, 2024

MIKE SCHONHARDT
9325 HIGHWAY 25
COLOGNE, MN 55322

RE: LAND USE APPLICATION #PZ20240042
PID# 09-030-0340

Dear Mike Schonhardt:

I'm writing in reference to the requirement that the County Board of Commissioners must make decisions on planning & zoning requests within 60 days of the 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 (i.e. 120 days total) unless approved by the applicant.

I want to take this opportunity to inform you of a 60-day extension for the decision on your request (File #PZ20240047) for a Conditional Use Permit for a Home Extended Business Accessory Use. This extension is based on the date your application was considered complete November 13, 2024. The initial 60-day deadline for a final decision on your request was January 12, 2025.

However, due to the fact that a public hearing notice was not sent to the county newspaper for publication by the deadline, the December 17, 2024 Planning Commission meeting is cancelled. Your request is on the January 21, 2025 agenda.

This letter shall serve as the written notice of a 60-day extension (120 days), reflecting a March 13, 2025, County Board deadline for a final decision on your request. The 120-day time period will not be extended in the future without your approval.

Thanks for your time. If you have any questions, please feel free to contact me at 952-361-1820.

Sincerely,

Christina Neel
Land Management Planner

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-030-0340

File# PZ20240047

**APPLICANTS/OWNERS: Michael P Schonhardt & Teresa A
Schonhardt**

* * * * *

The North 446.57 feet of the West 735.76 feet of Government Lot Number 6, Section 30, Township 116, Range 25, Carver County, Minnesota, as measured along and parallel with the North and West lines of said Government Lot Number 6, EXCEPT the North 40.00 feet of the West 193.00 feet thereof.



COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

PRELIMINARY PLAT – ZIMMERMAN SUBDIVISION

January 13, 2025

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

FILE: PP-PZ20240049

APPLICANT: John Zimmerman

OWNERS: John M. & Barbara I. Zimmerman

SITE ADDRESS: 10850 110th Street, Cologne, 55322

PURSUANT TO: County Code, Chapters 151 & 152

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 09-035-0400

STAFF FINDINGS:

1. John and Barbara Zimmerman own an approximately 30-acre parcel located in the East Half (E½) of the Southwest Quarter (SW¼) of Section 35, Waconia Township. The property includes a large wooded area, wetlands, and is improved with a single-family residence with an attached garage. The property is also improved with Mr. Zimmerman's woodworking business (CUP #PZ20230045), consisting of a sawmill complex and accompanying wood and equipment storage buildings. The site is located in the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO) - Carver Creek watershed.
2. On May 7, 2024, Conditional Use Permit (CUP) #PZ20240011 (see attached) was issued to the subject property allowing for the creation of two (2) residential lots pursuant to the additional density provision (Section 152.078 B – Wooded Lots) of the Carver County Zoning Code. With the approval of the CUP, the applicant is now requesting an approval of the "Zimmerman Subdivision" Preliminary Plat. The request would consist of two residential lots (Lots 1 & 2, Block 1) for single-family homes.
3. Copies of the preliminary plat (signed date January 10, 2025) have been sent to the Waconia Township Clerk (Sue Goede), CCWMO (Abigail Ernst), Carver County Soil & Water Conservation District (SWCD), Carver County Environmental Services (Jacob McLain), City of Cologne (Michelle Morrison), City of Waconia (Lane Braaten), Waconia Schools District 110 (Finance & Operations Office), CenterPoint Energy (natural gas utility company serving the area), and Xcel Energy (electric utility company serving the area). As of this report, Environmental Services, City of Waconia, and the CCWMO have submitted comments. Other comments may be available at the time of the public hearing.
4. The additional density, wooded lots, are laid out in such a manner that there are no more than four (4) homes per quarter-quarter as permitted by the density regulations of the Carver County Zoning Code. The residential lot sizes are approximately 2.9 acres and 3.1 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. Said homes shall be set to allow for positive drainage on the property without impacting adjacent properties.

5. The preliminary plat shows 10-foot utility & drainage easements around each of the two (2) lots. There are wetlands identified on the subject property; therefore, wetland “drainage” easements, along with wetland buffers, are being provided as part of the platting process. No obstructions shall be permitted in any of the drainage and utility easements located around the perimeter of each lot. The covenants should address the preservation of the easements and that no obstructions shall be permitted within those areas.
6. The Zimmerman Subdivision plat does not involve the construction of an interior road (i.e. township road). Each of the subject lots would be provided access from the existing township road (i.e. 110th Street). Therefore, there would not be a development contract agreement as part of this platting process. Each proposed driveway access would be reviewed and approved by the road authority (Waconia Township) prior to driveway access permits and prior to building permit approvals.
7. The Carver County Environmental Services Department has received a report from a licensed SSTS professional identifying the primary and alternate Subsurface Sewage Treatment System (SSTS) locations. Environmental Services has reviewed the material and conducted a site visit. In an email dated January 2, 2025, Senior Environmentalist Jacob McLain reported: “New system was installed for 10850 110th Street in 2023, and borings have been completed for the two new lots. Everything is good!” No changes to primary and alternate SSTS sites have been proposed since the original submittal. All of the SSTS system locations would need to be fenced off and protected prior to any land alteration for driveway or house construction, etc.
8. The approximate 6-acre plat is located within the CCWMO jurisdiction. Stormwater management, and erosion control measures would need to be addressed pursuant to Chapter 153 of the County Code (i.e. Water Management Rules). In an email dated December 31, 2024, Tim Sundby, Water Resources Supervisor with the Carver County Planning and Water Department, confirmed that 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. In the email, Mr. Sundby also noted that the buffer width of the wetland in Lot 2 would need to be increased due to the adjacent slope of the land.
9. In an email dated December 10, 2024, Abigail Ernst, Water Resources Program Analyst with the Carver County Water Management Organization, confirmed that she reviewed and approved the wetland boundaries shown in the submitted Zimmerman Property Wetland Investigation report (dated July 19, 2024).
10. The Carver Soil & Water Conservation District typically reviews the project with regard to the CCWMO “Water Management Rules”. All lots shall be reviewed for erosion/sediment control measures during the building permit process. The Carver SWCD would also be involved in the review and approval of the plans as they relate to the Water Rules, Wetland Conservation Act (WCA), and the Stormwater Pollution Prevention Plan (SWPPP), if applicable.
11. Lane Braaten, City of Waconia Community Development Director, reviewed the proposed Preliminary Plat and indicated in an email dated December 31, 2024, that he had no comments.
12. Draft covenants, as required by Conditional Use Permit #PZ20240011, have been submitted. Staff has reviewed the draft covenants and minor amendments to include text to prohibit mass grading of platted property and prohibition of impairment of drainage in the drainage and utility easements will be required. Subdivision covenants would need to be reviewed and approved by Carver County prior to final plat approval. The covenants shall be filed with the final plat and include minimum requirements as identified in the CUP.
13. The plat substantially meets the requirements of applicable County Zoning Code sections except where noted. The areas of deficiency would need to be addressed through conditions placed on the preliminary plat approval that must be complied with prior to acceptance of the final plat.

14. The Waconia Town Board reviewed and recommended approval of the Zimmerman Subdivision Preliminary Plat Revisions during their November 25, 2024, meeting with the comment: “No objections.”

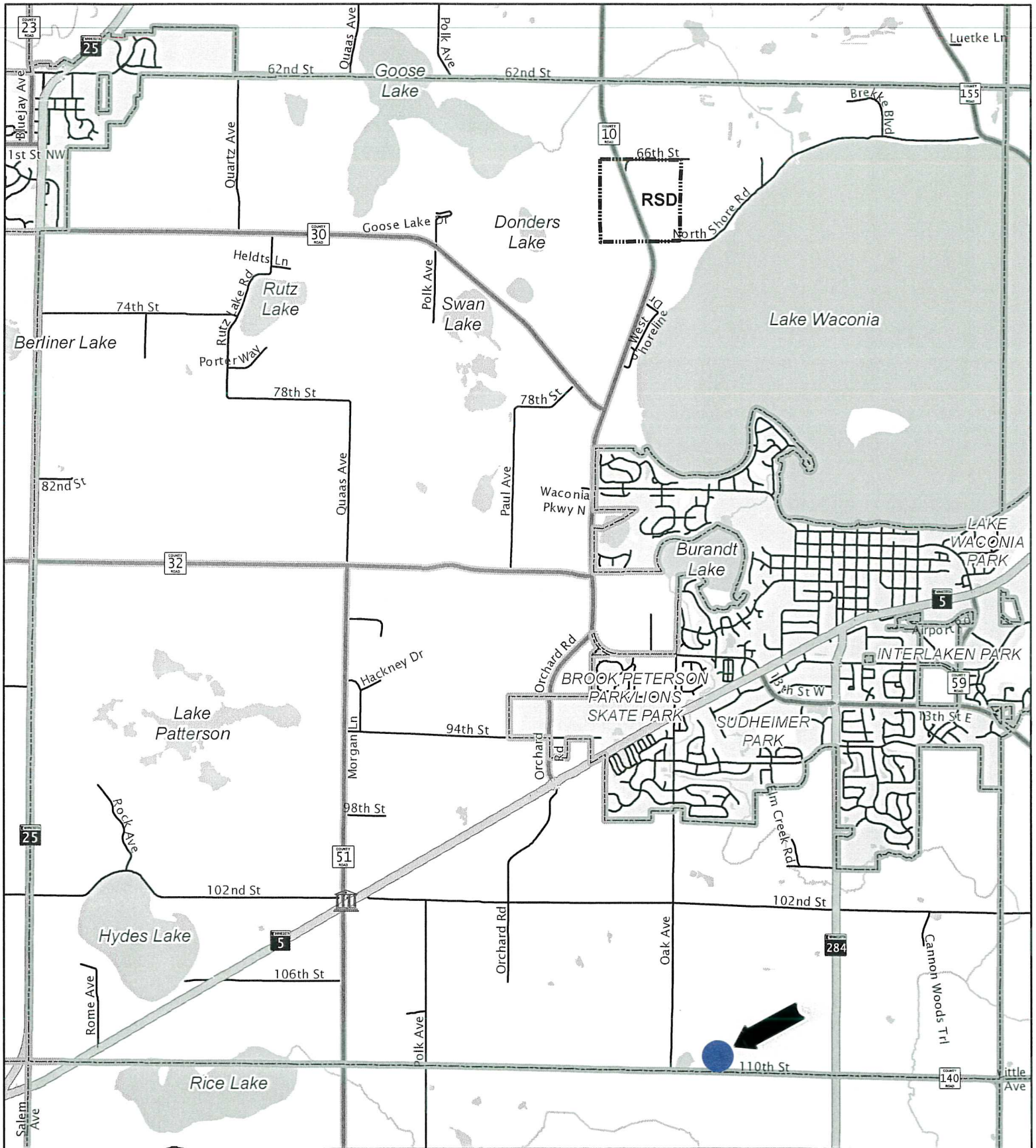
PLANNING COMMISSION CONSIDERATION:

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

1. A total of two (2) residential wooded lots are permitted. The property shall be platted in accordance with M.S. Chapter 505, Carver County Zoning Subdivision Code 151, and the Carver County Zoning Code 152.
2. The layout of the final plat must substantially conform to the preliminary plat. Any significant departure from the preliminary plat must be approved by the Planning Commission before final plat consideration. As part of the preliminary plat approval, each lot shall document a suitable one (1) acre building site including a house location and primary & alternate septic site locations. All conditions of CUP #PZ20240011 shall be satisfied prior to the recording of the final plat.
3. The Covenants as required by CUP #PZ20240011 shall be reviewed and approved by Carver County prior to final plat consideration by the County Board. The Assistant County Attorney shall review and approve the covenants and County Surveyor shall review and approve any title work. The covenants shall address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats, and similar animals kept as household pets, and fewer than 10 fowl, is prohibited on any residential lot.
 - 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, mass grading, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, they would have to submit soil borings for another site before any building permit will be issued.
 - E. A covenant must be added requiring the preservation of the easements and that no obstructions shall be permitted within any easement areas.
4. The above-required Covenants shall become part of the plat approval.
5. Each lot must be reviewed in the field prior to the issuance of any building permit and/or SSTS permit. All septic system locations (i.e. primary & alternate) shall be marked and protected (rope, fencing, etc.) to prohibit any disturbance to those areas. Furthermore, prior to the commencement of any construction related activity, the primary and alternate septic locations for each lot shall be protected.

6. Each lot shall be reviewed and approved by CCWMO pursuant to Chapter 153 of the Zoning Code. Specific details for each lot must be submitted to the CCWMO for approval prior to issuance of building permit(s) on individual lots.
7. The driveway for each lot shall conform to the Carver County Land Management Department and CCWMO requirements. The applicant shall comply with any and/or all requirements established by the appropriate road authority (i.e. Waconia Township). An access permit for each driveway from 110th Street shall be obtained from the Township prior to issuance of an access permit or new home building permit(s).
8. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property.
9. As per Section 151.163 of the Carver County Code, all utility facilities are to be located underground. The access and drainage ways will be designed so that public utilities can be installed at a later date.

WACONIA TOWNSHIP



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John Zimmerman
10850 110th St
Cologne, Mn 55322
December 2, 2024

To Whom It May Concern:

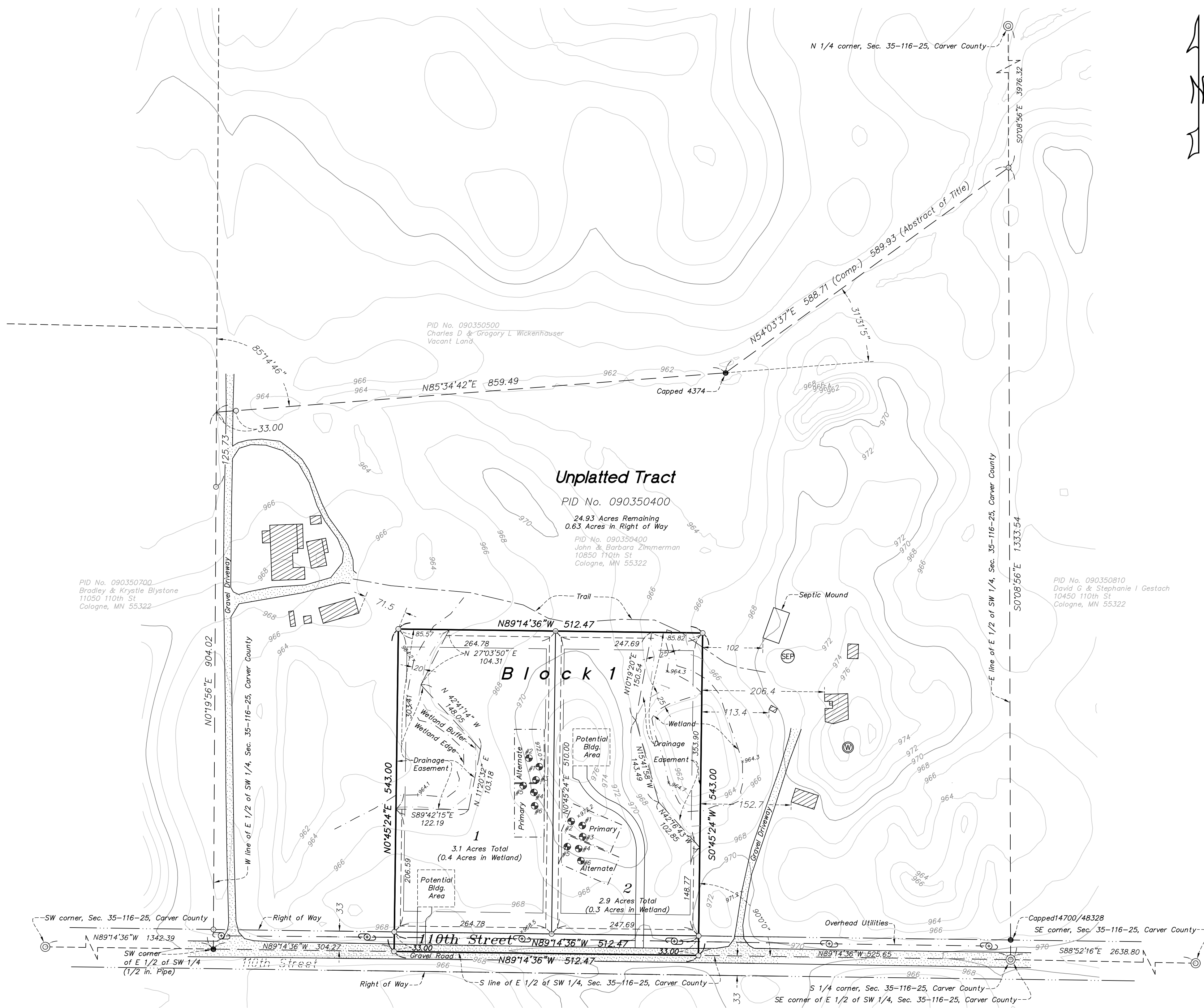
It is my intention to separate two amenity lots from my 30 acre parcel. The ability to create two wooded amenity lots was achieved through obtaining CU-PZ-2024011. These lots each have one building site with two identified areas that soil borings show are adequate for placement of septic systems. The separation and platting of these two lots leaves my current home and sawmill area on a 25 acre parcel which is about 70% covered with mature trees. I understand there can be no further residential development of this property unless and until there are zoning changes made by Carver County.

John M. Zimmerman

A handwritten signature in dark ink, appearing to read 'John M. Zimmerman', with a long horizontal flourish extending to the right.

ZIMMERMAN SUBDIVISION

PRELIMINARY PLAT



EXISTING DESCRIPTION OF PARENT TRACT (PARCEL ID NUMBER 090350400)
Real Estate situated in Carver County, Minnesota

That part of the East Half of the Southwest Quarter (E1/2 of SW1/4) of Section 35, Township 116 North, Range 25 West of the 5th Principal Meridian, which lies Southerly of a line described as follows:

Commencing at the Southwest corner of said East half of the Southwest Quarter (E1/2 of SW1/4); thence Northerly along the West line of said East half of Southwest Quarter, a distance of 904.02 feet to the beginning of the line to be described; thence Easterly, deflecting to the right 85°14'16" a distance of 859.49 feet; thence Northeasterly, deflecting to the left 31°31'05" a distance of 589.93 feet to the East line of said East Half of the Southwest Quarter and said line there terminating.

DESCRIPTION FOR TRACT OF LAND TO BE INCLUDED IN PROPOSED PLAT
That part of the East Half of the Southwest Quarter of Section 35, Township 116, Range 25, Carver County, Minnesota, described as follows:

Commencing at the southeast corner of said Southwest Quarter; thence on an assumed bearing of North 89 degrees 14 minutes 36 seconds West, along the south line thereof, 525.65 feet to the point of beginning of the tract of land to be described; thence North 0 degrees 45 minutes 24 seconds East, 543.00 feet; thence North 89 degrees 14 minutes 36 seconds West, 512.47 feet; thence South 0 degrees 45 minutes 24 seconds West, 543.00 feet to said south line of the Southwest Quarter; thence South 89 degrees 14 minutes 36 seconds East, along said south line, 512.47 feet to the point of beginning and there terminating.

DESCRIPTION FOR REMAINING LAND NOT TO BE INCLUDED IN PROPOSED PLAT
That part of the East Half of the Southwest Quarter of Section 35, Township 116, Range 25, Carver County, Minnesota, which lies Southerly of a line described as follows:

Commencing at the Southwest corner of said East half of the Southwest Quarter (E1/2 of SW1/4); thence Northerly along the West line of said East half of Southwest Quarter, a distance of 904.02 feet to the beginning of the line to be described; thence Easterly, deflecting to the right 85°14'16" a distance of 859.49 feet; thence Northeasterly, deflecting to the left 31°31'05" a distance of 589.93 feet to the East line of said East Half of the Southwest Quarter and said line there terminating.

EXCEPTING THEREFROM That part of the East Half of the Southwest Quarter of Section 35, Township 116, Range 25, Carver County, Minnesota, described as follows:

Commencing at the southeast corner of said Southwest Quarter; thence on an assumed bearing of North 89 degrees 14 minutes 36 seconds West, along the south line thereof, 525.65 feet to the point of beginning of the tract of land to be described; thence North 0 degrees 45 minutes 24 seconds East, 543.00 feet; thence North 89 degrees 14 minutes 36 seconds West, 512.47 feet; thence South 0 degrees 45 minutes 24 seconds West, 543.00 feet to said south line of the Southwest Quarter; thence South 89 degrees 14 minutes 36 seconds East, along said south line, 512.47 feet to the point of beginning and there terminating.

OWNER/DEVELOPER

John Zimmerman
10850 110th St
Cologne, MN 55322

SEPTIC DESIGNER

Chip's Septic Services, LLC
16762 Babcock Ave
Lester Prairie, MN 55354

SURVEYOR

Schoborg Land Services, Inc.
8997 County Road 13 SE
Delano, MN 55328

WETLAND DELINEATOR

Anderson Engineering of Minnesota, LLC
13605 1st Avenue North, Suite 100
Plymouth, MN 55441

TOWNSHIP/DISTRICT INFORMATION

Waconia Township
School District No. 110
Carver County Watershed Management Organization

PARCEL ID NUMBER:

090350400

PROJECT BENCHMARK:

MNDOT Geodetic Monument "1014 F"
Elevation = 958.56 (NAVD88)

LOT/SIZE INFORMATION

Existing Zoning: Agricultural
Proposed Zoning: Agricultural
Plot Area = 6.39 acres (0.39 acres in right of way)

SETBACKS

Front= 68 feet from center line
Side = 15 feet
Rear = 30 feet

PROPOSED LOT AREAS

Lot 1 = 3.1 acres (135,036 sq. ft.)
Lot 2 = 2.9 acres (126,324 sq. ft.)

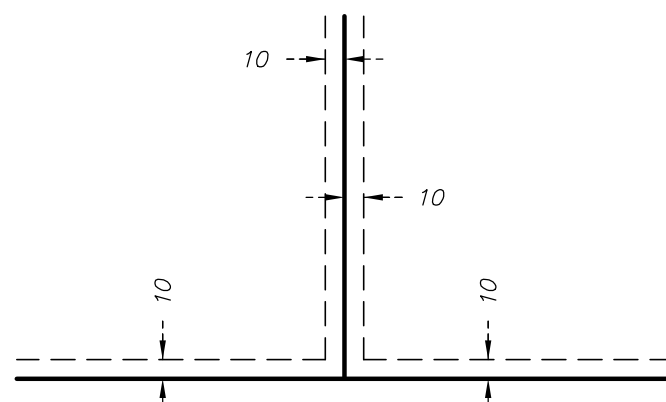
BUILDABLE AREAS (OUTSIDE SEPTIC EASEMENTS AND SETBACKS)

Lot 1 = 1.68 acres (72,972 sq. ft.)
Lot 2 = 1.55 acres (67,405 sq. ft.)

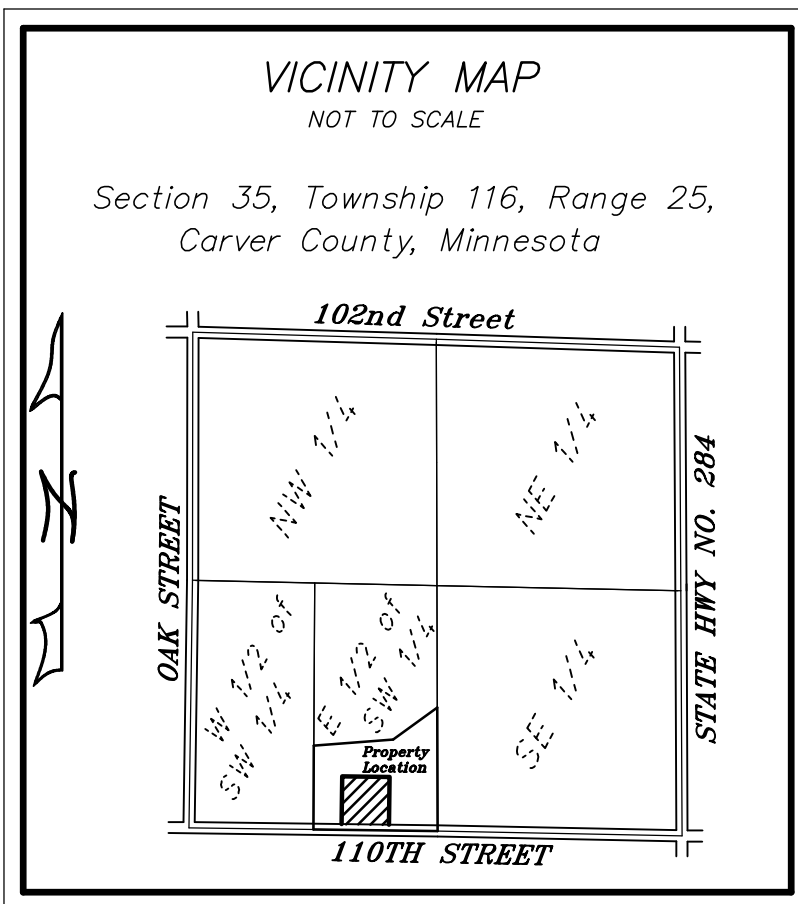
BASIS OF BEARING

The south line of the Southwest Quarter of Section 35, Township 116, Range 25, Carver County, Minnesota, is assumed to bear North 89 degrees 14 minutes 36 seconds West.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN AS THUS:



Drainage and Utility Easements being 10 feet in width and adjoining right-of-way lines, and being 10 feet in width and adjoining lot lines, unless otherwise indicated.



**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. Brower
Kelly L. Brower

Date: January 10, 2025 Registration No. 48328

Job Number: 9813
Survey Date: 9/9/24, 9/10/24
Drawing Name: Zimmerman.dwg
Drawn by: SKH
Revisions:

Prepared for:
John Zimmerman

Bearings based on Carver County Coordinate system. Elevations based on NAVD88 datum.



Township Presentation & Recommendation Form

PARCEL # 09-035-0400	Permit # DZ20240049	
Owner's Name: John Zimmerman	Owner's Mailing Address: 10850-110th St	
City: Coleraine	Owner State: MN	Owner Zip: 55322
Applicant (if other than owner): 	Site Address: Same	

Type of Request: ☐ CUP ☐ IUP ☒ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: Request of Preliminary Plats of 2 parcels, split off of my 30 acre homestead.	
Date of County Public Hearing: 11-21-25	Date of Township Meeting: 11-25-24

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:	
No objections	

****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 11-25-24 Date 11-25-24
Signature of Township Official	

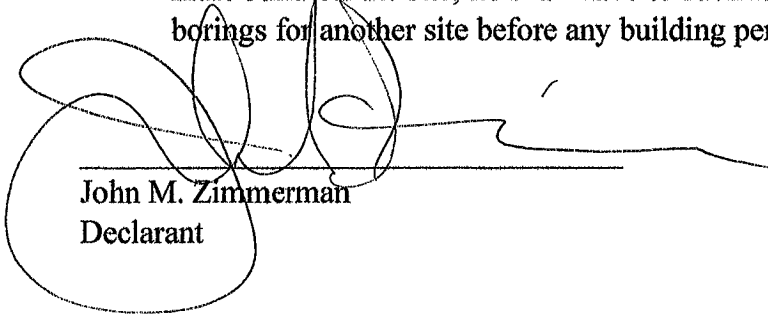
DECLARATION OF COVENANTS FOR
JOHN ZIMMERMAN SUBDIVISION
CARVER COUNTY

LOTS 1, 2 BLOCK 1

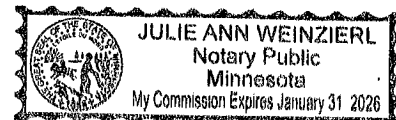
Legally described in Exhibit A (attached)

This **DECLARATION OF COVENANTS FOR JOHN ZIMMERMAN SUBDIVISION** (this "**Declaration**") is made and executed on this 11th day of December, 2021, by John Zimmerman, a married person, hereafter referred to as "**Declarant**."

1. All lots must receive a building and driveway permit before any construction starts now and in the future.
2. One building eligibility exists on each lot in the development. The keeping of animals, with the exception of dogs, cats, and similar animals kept as household pets, and fewer than 10 fowl, is prohibited on any residential lot.
3. This area is rural in nature and commercial agriculture and other rural land use activities will likely be occurring in the area. A notification must be provided regarding "odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities". Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the "A" district.
4. No clear cutting of land or mass vegetation removal is allowed. The development and implementation of an erosion control plan to control erosion during and after building construction is mandatory.
5. 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.



John M. Zimmerman
Declarant



STATE OF MINNESOTA)
)
COUNTY OF CARVER)

The foregoing instrument was acknowledged before me this 11th day of December, 2021 by John Zimmerman, a married person.

Julie Ann Weinzierl
Notary Public



THIS INSTRUMENT WAS DRAFTED BY:
John Zimmerman
10850 110th Street
Cologne, MN 55322

**COUNTY OF CARVER
BOARD OF COMMISSIONERS**

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

DATE: May 7, 2024

ORDER #: PZ20240011

FILE #: PZ20240011

APPLICANT: John Zimmerman

OWNER: John M & Barbara I Zimmerman

SITE ADDRESS: 10850 110th Street, Cologne, 55322

PERMIT TYPE: Additional Density (Wooded Lots)

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-035-0400

A public hearing was held on this matter on April 16, 2024, 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. John and Barbara Zimmerman own an approximate 30-acre parcel located in the East Half (E½) of the Southwest Quarter (SW¼) of Section 35, Waconia Township. The property includes a large wooded area, wetlands, and is improved with a single-family residence with an attached garage. The property is also improved with Mr. Zimmerman's woodworking business (CUP #PZ20230045) consisting of a sawmill complex and accompanying wood and equipment storage buildings. The site is located in the Agricultural Zoning District and the Carver County Water Management Organization - CCWMO (Carver Creek watershed).
2. Mr. Zimmerman is proposing to develop two (2) residential parcels on the subject property. The proposed development would result in a total of two (2) building sites (single family dwellings) along an existing township road (110th Street). The applicant is requesting a Conditional Use Permit (CUP) pursuant to the "Additional Density Options" in Sections 152.078 (A) and (B) of the Carver County Zoning Code.
3. Waconia Township has provided for the Wooded Lot additional density option in its chapter of the 2040 Comprehensive Plan. The Wooded Lot provision may only be exercised once for each parcel that was of record as of July 1, 1974. The subject property consists of wooded area not in agricultural production and is considered eligible land. The proposed development would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼¼) based on the configuration of the parcel on July 1, 1974. Also, a Conditional Use Permit (CUP) has not been previously issued for additional density on the subject parcel.
4. As shown in the submitted concept plan (dated January 17, 2024), the applicant is proposing two (2) residential lots, each meeting the 2.5-acre minimum lot size required by the Zoning Code. A total of two (2) buildable lots would be proposed, each lot approximately 3 acres in area. Each lot would meet the requirements for public road frontage along 110th Street; therefore, no additional township roadway design or construction is being proposed. All future driveway access point locations serving each building site would need to be reviewed and approved by the Waconia Town Board as the road authority. Since 110th Street is the boundary between Waconia and Benton Townships, the townships share maintenance duties. Waconia Township maintains the road during the summer and Benton Township during the winter.

5. During the preliminary platting process, the applicant must document a suitable one (1) acre building site for each lot. A licensed SSTS professional has provided appropriate soils reports for the County's review. Environmental Services has reviewed the material and conducted a site visit. In an email dated March 28, 2024, Senior Environmentalist, Lori Brinkman reported, *"All lots include suitable areas for primary and alternative sites. Soils have been reviewed and approved."*
6. Mike Wanous, District Manager of the Carver Soil & Water Conservation District, reviewed the proposed parcel subdivision and in an email dated March 28, 2024, had the following comments: *"I see no issues with the proposed wooded lots. However, it appears that the proposed lots could contain areas that may be considered wetlands. At some point during the permitting process (either now, or when building permit applications are submitted) the wetland areas should be identified. Any land disturbing activities that impact wetlands will need to follow Minnesota Wetland Conservation Act (WCA) statutes and rules."*
7. The development falls under the CCWMO Water Rules provisions. The individual lot owner(s) would be required to comply with the CCWMO Water Rules Standards. Each lot would be subject to review and approval by Carver County Planning and Water Management Department pursuant to Chapter 153. More specific details for each lot would need to be submitted to Carver County Planning & Water Management at the time of design for review and approval prior to the issuance of building permit(s) on individual lots. Abigail Ernst of the CCWMO reviewed the CUP application and reported in an email dated March 26, 2024, that she had no comments.
8. The entire layout as proposed will properly be addressed during the preliminary plat process.
9. The Waconia Town Board reviewed and recommended approval of the request during their February 12, 2024, meeting with the comment: *"Null & void if there is no secondary septic system site!"*
10. The County Board has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20240011. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY ZONING CODE SECTION 152.078 (B) TO ALLOW FOR THE ADDITIONAL DENSITY OPTION (WOODED LOTS) ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THE FOLLOWING CONDITIONS SHOULD BE CONSIDERED PART OF THE PERMIT:

1. Two (2) residential lots are permitted, provided the building site requirements and minimum lot standards are satisfied. The entire subject property shall be platted in accordance with M.S. Chapter 505 and the Carver County Code. A total of two (2) buildable lots (building eligibilities) shall be properly addressed as part of the platting process.
2. The proposed lots must have a one-acre building site, which shall be reviewed as a part of the platting process. Primary and alternate SSTS locations for each building site must be submitted with the application for preliminary plat. SSTS locations must be identified by a licensed SSTS contractor, for review/approval by the Environmental Services Department. It shall be the responsibility of the property owner to preserve and protect the soil treatment and dispersal areas from compaction, building, or other activities which could conceivably limit the use of the sites for sewage treatment and dispersal. The building sites must be located so that all buildings and SSTS systems shall meet County Code setback requirements.
3. The lots shall be laid out on the preliminary plat substantially as agreed upon by the Township, the County, and the developer during the Conditional Use Permit (CUP) process. The preliminary plat shall stipulate, at a minimum, the building eligibility status for each parcel, a statement regarding agricultural uses in the area, and the protection of environmentally sensitive land(s). The potential for future easement(s) shall be evaluated during the preliminary platting process.
4. Access permits must be approved by Waconia Township (road authority) prior to any work occurring within the proposed interior road right-of-way.

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


Gayle Degler (May 7, 2024 13:34 CDT)

Gayle Degler, Chairman 05/07/24
Carver County Board of Commissioners


Dave Hemze (May 7, 2024 11:54 CDT)

Dave Hemze 05/07/24
County Administrator

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-035-0400

File# PP-PZ20240049

**APPLICANTS/OWNERS: John M Zimmerman & Barbara I
Zimmerman**

That part of the East Half of the Southwest Quarter ($E\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 35, Township 116 North, Range 25 West of the 5th Principal Meridian, which lies southerly of a line described as follows: Commencing at the Southwest corner of said East Half of the Southwest Quarter ($E\frac{1}{2}$ of $SW\frac{1}{4}$); thence Northerly along the West line of said East Half of the Southwest Quarter, a distance of 904.02 feet to the beginning of the line to be described; thence Easterly deflecting to the right 85 degrees 14 minutes 46 seconds, a distance of 859.49 feet; thence Northeasterly, deflecting to the left 31 degrees 31 minutes 5 seconds, a distance of 589.93 feet to the East line of said East Half of the Southwest Quarter and said line there terminating.