



CARVER COUNTY

minnesota

Carver County Board of Commissioners August 2, 2022 Board Meeting

The County Board Room is open to the public.

Individuals who are not able to attend in person and wish to provide public comments can do so by email at admin-contact@co.carver.mn.us or by leaving a voicemail at (952) 361-1516. Public comments received in writing such as those received by e-mail will be summarized during the meeting and posted on the County website at <https://www.co.carver.mn.us/government/county-board-of-commissioners/county-board-meetings-and-agendas> following the meeting. Voicemail public comments will be played during the meeting. If you would like to join the Regular Session videoconference please send an e-mail, no later than noon on the Monday prior to the scheduled meeting date, to Carver County Administration at admin-contact@co.carver.mn.us to receive a WebEx invitation.

Public comments that relate to an item on the agenda will be heard when that agenda item is discussed. Please limit your public comments to five minutes or less.

The Regular Session portion of the meeting will be webcast live at: <https://www.youtube.com/user/CarverCountyMN/live>

- 9:00 a.m. 1. a) **CONVENE**
- b) **Pledge of allegiance**
- c) **Public comments submitted via email/voice mail**
- 2. Agenda review and adoption
- 3. Approve minutes of July 19, 2022, Regular Session 1-3
- 4. Community Announcements
- 9:20 a.m. 5. **CONSENT AGENDA**
- Communities: Create and maintain safe, healthy, and livable communities*
- 5.1 FTE Increase for Veterans Treatment Court Coordinator..... 4-5
- 5.2 Authorization for Use Permit(s) Issuance: ISD 108 Central Schools & United Healthcare Childrens Foundation 6
- 5.3 Professional Services Agreement with Stonebrooke Engineering for 2022 Bridge Safety Inspections 7
- 5.4 Change Order 1 & 2 for the 2022 Highway Preservation Program 8

Connections: Develop strong public partnerships and connect people to services and information

5.5 Encore Donation Acceptance 9
5.6 Application for 1 day to 4 day temporary on-sale liquor license for the Justin Kukowski Foundation 10

Growth: Manage the challenges and opportunities resulting from growth and development

5.7 Dawn Thostenson - Request for Commercial Equestrian Facility (CUP) 11-16
5.8 Superior Lawn & Landscape - Contractor's Yard (CUP)..... 17-22
5.9 Serenity Place - Preliminary Plat 23-36

Finances: Improve the County's financial health and economic profile

5.10 Citizen monetary donation (\$200) to Sheriff's Office 37
5.11 Review Health & Human Services and Commissioner Warrants..... NO ATT

- 9:20 a.m. **6. CONNECTIONS: Develop strong public partnerships and connect people to services and information**
6.1 Minnehaha Creek Watershed District Presentation..... 38
- 9:45 a.m. **7. COMMUNITIES: Create and maintain safe, healthy, and livable communities**
7.1 Annual Report from Local Advisory Committee (LAC) on Mental Health 39
- 10:15 a.m. **8. County Administrator Report**
- 10:20 a.m. **ADJOURN REGULAR SESSION**

David Hemze
County Administrator

UPCOMING MEETINGS

August 9, 2022	No Board Meeting
August 9, 2022	9:30 a.m. Connect Up Carver Groundbreaking Zion Lutheran School, 14735 County Road 153, Cologne, MN
August 16, 2022	9:00 a.m. Board Meeting
August 23, 2022	9:00 a.m. Board Work Session
August 30, 2022	No Board Meeting
September 6, 2022	9:00 a.m. Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on July 19, 2022. Chair Gayle Degler convened the session at 9:20 a.m.

Members present: Gayle Degler, Chair, John P. Fahey, Vice Chair, Tim Lynch and Matt Udermann. Tom Workman participated remotely from 2100 Arrowood Lane NW, Alexandria, lower conference room.

Members absent: None.

Chair Degler clarified Commissioner Workman was participating remotely and roll call votes would be taken. He explained the work session would be held after the closed session and asked citizens, if they could wait, to hold their comments related to the work session until that time.

Under public comments, Paul Haik, Chanhassen, followed up on written comments he sent to the Board. He stated the issue is not about the details of the work session. He stressed the important piece was rebuilding democratic skills of people and to encourage citizens to learn and participate.

Rick Weible requested the Board move the work session for the election update to today's regular agenda to allow the Board to make decisions and make changes. He pointed out technology issues related to voting that should be addressed.

Shannon Bruce, Minnetrista, stressed the importance of constituents having confidence in election outcomes and pointed out the increase in absentee voting. She stated they had the opportunity to establish a ballot board and need to have safeguards in order for people to trust the election outcomes.

Fahey moved, Udermann seconded, to approve the agenda. On a roll call vote, Degler, Fahey, Lynch, Udermann, Workman voted aye. Motion carried unanimously.

Lynch moved, Udermann seconded, to approve the minutes of the July 12, 2022, Regular Session. On a roll call vote, Fahey, Lynch, Udermann, Workman, Degler voted aye. Motion carried unanimously.

Fahey moved, Lynch seconded, to approve the following consent agenda items:

Contract with Eastern Carver County schools for Intercultural Specialist services pending finalization of contract review process.

Approved acceptance of donations to Carver County Drug Treatment Court.

Grant agreement SG-10782 with the Metropolitan Council and authorized the Chair and County Administrator to sign upon the completion of the contract review process, Resolution #65-22.

Approved Memorandum of Understanding with the Carver County Community Development Agency for the purchase and conveyance of PID 650070800, pending finalization of the contract review process.

Approved adding a Land Records & Vitals 1.0 FTE and eliminating a permanent part time Land Records and Vitals 0.60 FTE and 0.94 FTS STOC positions and related budget amendment.

Authorized acceptance of citizen donation to the Sheriff's Office.

Reviewed July 19, 2022, Community Social Services' actions/Commissioners' warrants in the amount of \$271,621.24.

On a roll call vote, Lynch, Udermann, Workman, Degler, Fahey voted aye. Motion carried unanimously.

Lynch moved, Fahey seconded, to open the public hearing on Ordinance No. 101-2022 amending he County Feedlot Management Ordinance. On a roll call vote, Udermann, Workman, Degler, Fahey, Lynch voted aye. Motion carried unanimously.

Matt Steele, Environmental Services, entered into the record the proof of publication, Planning Commissioner Resolution, draft Ordinance 101-2022 and draft County Board Resolution. He explained the purpose of the Ordinance is to regulate feedlots and livestock wastes and maintain the agricultural economy and community. He stated the last amendments took place in 2003 and proposed amendments are necessary to align with Minnesota Rules.

He identified proposed changes that included definitions, text modifications, additional tables for animal units, the addition of text from MN Rules Chapter 7020 and increased setbacks for manure stockpiles and proposed repeals. Steele stated letters were sent to the townships and registered feedlots. A public hearing was held by the Planning Commission in June and they recommended approval. Steel indicated no public comments were received at the Planning Commission and he had received two calls asking for clarification.

No public testimony was received.

Fahey moved, Udermann seconded, to close the public hearing. On a roll call vote, Udermann, Workman, Degler, Fahey, Lynch voted aye. Motion carried unanimously.

Lynch offered the following Resolution, seconded by Fahey:

Resolution #64-22
Adopting Ordinance No. 101-2022
Amending Chapter 54 of the County Code

On vote taken, Workman, Degler, Fahey, Lynch, Udermann voted aye. Motion carried unanimously.

The following is a summary of the essential elements of Ordinance No. 101-2022 for the purpose of publication as required by M.S. Section 375.51. A printed official copy of the ordinance is available for inspection by any person during regular business hours at the office of the Carver County Recorder, or a copy may be obtained from the Carver County Environmental Services Department.

Ordinance No. 101-2022 includes the adoption of numerous definitions, setback and location requirements, and other minor modifications to be consistent with Minnesota Rules Chapter 7020 and the Carver County Zoning Code. Tables identifying animal unit calculations and manure application setbacks are included as well. The amendments also include the adoption of the following sections from Minnesota Rules Chapter 7020; Construction Short-Form Permits and Interim Permits (§ 54.32), Feedlot Registration (§ 54.33), Short-term Manure Stockpiling Sites (§ 54.61), and Animal Feedlot or Manure Storage Area Closure (§ 54.65). Conditional Use Permit requirements for new feedlots on a parcel of less than 40 acres are incorporated from the Zoning Code. The amendment repeals several definitions, § 54.33, Education, and § 54.62, Steel Manure Holding Tanks. It also includes the removal of Conditional Use Permit requirements for transition areas and specific townships identified in the 2040 Comprehensive Plan. The definition of a “New Animal Feedlot” is modified to match Minnesota Rules Chapter 7020.0300. The setback for a manure stockpile is increased from 200 feet to 300 feet from residences and public establishments. § 54.19, Appeals, is updated to match the County Zoning Code and § 54.63, Commercial Manure Pumpers and Applicators, is modified to accurately reflect registration requirements.

Lynch moved, Fahey seconded, to go into closed session to discuss labor negotiation strategy. On a roll call vote, Degler, Fahey, Lynch, Udermann, Workman voted aye. Motion carried unanimously.

The Board adjourned the closed and Regular Session at 11:10 a.m. and went into a work session for an election update.

David Hemze
County Administrator

(These proceedings contain summaries of resolutions/claims reviewed. The full text of the resolutions and claims reviewed are available for public inspection in the office of the county administrator.)

Carver County Board of Commissioners Request for Board Action



Agenda Item:

FTE Increase for Veterans Treatment Court Coordinator

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Currently, the Veterans Treatment Court Coordinator operates at a .7 FTE. The FTE for this position has typically been dictated by our level of grant funding, as well as a business need for additional hours. Our current grant contract provides full funding for this FTE and program. We receive \$89,000 from the MN State Court (via the 1st Judicial District), and given our census number averages, we should receive this level of funding for the next 2 state fiscal years. We are currently recruiting for this position, as we accepted a resignation on 7/18/22. Given the fact that this position is the main gatekeeper of the Vets Court Team, and must collect and enter a copious amount of data to the State of MN, we have concluded that 0.70 FTE is not enough hours to complete the necessary tasks. Given that our funding level is adequate to maintain a 0.80 FTE, even considering the additional benefits to potentially be paid out, we believe this is the appropriate FTE level for this position.

ACTION REQUESTED:

Motion to approve increase in Veterans Court Coordinator from 0.70 to 0.80 FTE.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =	\$0.00
State Court Grant	\$11,238.00
Total	\$11,238.00

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

This FTE is 100% grant funded. Total grant funding is \$89,000. The amount above reflects the increase in salary and benefits for the FTE increase.

No additional levy dollars will be needed for this FTE change.

Summary of FTEs (does not include Temporary/STOC positions):

2022 Budget Board approved FTEs - 1/1/22:	744.40
RBA7772 FTE increase expired 12/31/21	(0.30)
Non-levy funded Board Approved net FTE changes so far in 2022:	2.00
Aug 2nd RBAs non-levy funded net FTE changes:	<u>0.10</u>
2022 Total FTE - 8/2/22	746.20

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: FTE Increase for Veterans Treatment Court Coordinator

Department:

Meeting Date:

Fund:

- 01 - General
- 02 - Reserve
- 03 - Public Works
- 11 - CSS
- 15 - CCRRA
- 30 - Building CIP
- 32 - Road/Bridge CIP
- 34 - Parks & Trails
- 35 - Debt Service

Requested By:

DEBIT		
Description of Accounts	Acct #	Amount
Sal/Ben costs	01-252-259.5320	\$11,238.00
TOTAL		\$11,238.00

CREDIT		
Description of Accounts	Acct #	Amount
Veterans Treatment Court Grant	01-252-259.5320	\$11,238.00
TOTAL		\$11,238.00

Reason for Request:

Increase FTE to 0.80, funded by Veterans Treatment Court Grant.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Authorization for Use Permit(s) Issuance: ISD 108 Central Schools & United Healthcare Childrens Foundation

Primary Originating Division/Dept: <input type="text" value="Public Works - Parks"/>	Meeting Date: <input type="text" value="8/2/2022"/>
Contact: <input type="text" value="Sam Pertz"/> Title: <input type="text" value="Parks and Trails Supervisor"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The organizations of ISD108 Norwood Young America Central Schools and United Healthcare Children's Foundation have started the process to obtaining a Use Permit to conduct special activities on County park/trail property.

By County Ordinance, Chapter 91; issuance of a special event use permits is required.

ISD108 NYA Central Schools

- (3) HS Athletics Cross Country running events: 8/27, 9/13, 10/27
- Location of Baylor Regional Park
- County permitting requirements accomplished/in-process.
- 22+ years of successful event operations.
- Additional Information: road shoulder parking for the 9/13 and 10/27 events along CR33 both north and south of the park will be substantial as historically these events attract 2,500+ people (each) to include athletes/coaches/spectators. The permit will be issued with a condition of electronic signage on CR33 placed in both directions on event day to advance warn motorist of the road shoulder parking and patrons walking to/from the park.
- Use fees and permit application fees applied per the 2022 County Fee schedule.
- Park Commission heard and made recommendation of permit issuance on June 15th, 2022.

United Healthcare Children's Foundation

- Non-competitive bike ride event, operated as a fund raiser.
- 62-mile route utilizes the Dakota Rail Regional Trail between CR 155 and Hwy 10 in Waconia.
- Event date of 8/13.
- (100) participants maximum anticipated.
- County permitting requirements accomplished.
- 1st time the event has sought use of County park & trail property.
- FYIs: Signage will be placed prior to the event to inform other trail users of the events presence. In past, some private property owners adjacent to the CCRRA property have been sensitive to special events on the trail corridor. The property owners along the segment requested, have not previously raised this concern.
- Use fees and permit application fees applied per the 2022 County Fee schedule.

Park Commission heard and made recommendation of permit issuance on July 13th, 2022.

ACTION REQUESTED:

Motion to authorize Park staff to issue Use Permits to ISD108 Central Schools and United Healthcare Children's Foundation for the special events planned on County park & trail properties.

FISCAL IMPACT: <input type="text" value="None"/> <i>if "Other", specify:</i> <input type="text"/>	FUNDING County Dollars = <input type="text" value="\$0.00"/> <hr/> Total <input type="text" value="\$0.00"/>
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Insert additional funding source

Related Financial/FTE Comments:

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Professional Services Agreement with Stonebrooke Engineering for 2022 Bridge Safety Inspections

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Carver County Public Works is the responsible agency for completing annual bridge inspections on bridges located on County, Township and City Streets (cities under 5000 population) throughout the County. The consultant engineer, Ron Benson of Stonebrooke Engineering, has completed these inspections since 2007 for the County and has been selected to provide this required bridge inspection service again in 2022. This agreement with Stonebrooke Engineering provides for completion of these annual bridge inspection services.

Public Works did not seek additional proposals for this work as Ron Benson from Stonebrook has institutional knowledge of our bridge system and has trained our staff as well. Other consultants would not provide the same level of service at the proposed fee.

ACTION REQUESTED:

Motion to approve a professional services agreement with Stonebrooke Engineering in the amount of \$67,720 for 2022 Bridge Safety Inspections, pending finalization of the contract review process.

FISCAL IMPACT:
If "Other", specify:

FUNDING

County Dollars =	\$67,720.00
Total	\$67,720.00

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2022 - 8521

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Change Order 1 & 2 for the 2022 Highway Preservation Program

Primary Originating Division/Dept: <u>Public Works - Program Delivery</u>	Meeting Date: <u>8/2/2022</u>
Contact: <u>Shelby Sovell</u> Title: <u>Construction Supervisor</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

The County's annual highway preservation program is critical in maintaining and preserving the County's highway system. The 2022 County Highway Preservation Program (HPP) is being completed in two contracts. The first contract includes Highway 10 (Territorial St.) from Highway 27 to State Highway 25 in Watertown and Highway 127 from Highway 24 to Highway 20 in Watertown Township. The second contract includes Highway 14 (Pioneer Trail) from Highway 17 (Powers Blvd.) to Highway 101, Highway 59 (Main Street) from Highway 10 to Highway 5, and Highway 33 from Highway 52 to Highway 50. The HPP work includes pavement milling, paving, spot curb replacements, pedestrian ramp improvements to ADA standards, and pavement markings. The first contract for the 2022 HPP was awarded to Valley Paving Inc. from Shakopee on March 1, 2022 for \$411,567. The second contract was awarded to GMH Asphalt Corporation from Chaska on May 24, 2022 for \$1,272,384. Both contracts allow the county to add or subtract work.

Public Works is recommending entering into two change orders with GMH Asphalt Corps. to perform additional work on Highway 10. Change Order 1 is for proposed repair work on highway 10 at several locations between just west of State Highway 284 in Waconia to just east of Highway 43 (Church Lake Blvd) south of Victoria. Localized areas of the highway have deteriorated and settled since the original construction of the highway and maintenance is needed to improve the ride experience for users until the highway can be resurfaced in 2026. Major items of work will include replacement of curb and gutter, replacement of concrete median, milling, pavement patching, and traffic control. The total cost of Change Order #1 is \$151,320.00. Change Order 2 is for proposed repair work on Highway 10 between Community Drive and Waconia Parkway South in Waconia. A localized area of the highway has settled since original construction in 2018 and is creating a drainage issue on the highway. Major items of work include replacement of curb and gutter, installation of additional storm sewer, milling, pavement patching, and traffic control. The total cost of Change Order #2 is \$66,445.90.

When the County Board awarded the HPP contracts they also authorized the County Engineer, or his designee, to sign contract changes up to \$75,000 per occurrence and an aggregate total of \$175,000.00. These change orders bring the total contract change amounts to \$217,765.90., so need formal board approval.

ACTION REQUESTED:

Motion to authorize the Carver County Engineer, or his designee, to approve Change Orders 1-2 to Contract # 22-168 with GMH Asphalt Corporation for \$217,765.90 for the 2022 Highway Preservation Program.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars =	\$217,765.90
Total	\$217,765.90

FTE IMPACT: None

Related Financial/FTE Comments:

Total budget for 2022 Highway Preservation Program is \$2,390,000. Both contracts for highway resurfacing including these change orders equal \$1,901,717. Remaining funds are carried over to future preservation projects.

Carver County Board of Commissioners Request for Board Action

**Agenda Item:****Encore Donation Acceptance**

Primary Originating Division/Dept: Health & Human Services

Meeting Date: 8/2/2022

Contact: Jill Willems Title: HCBC Supervisor

Item Type:
Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No**Strategic Initiative:**

Connections: Develop strong public partnerships and connect people to services and information

BACKGROUND/JUSTIFICATION:

Encore has received 2 monetary donations for a total of \$65 during Quarter 2, 2022. Encore would like to accept these funds and use them for program enrichment.

ACTION REQUESTED:

Motion to approve receipt of second quarter donations to the Encore program.

FISCAL IMPACT: None*If "Other", specify:***FUNDING**

County Dollars =

FTE IMPACT: None**Total** \$0.00 Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2022 - 8516

Carver County Board of Commissioners Request for Board Action



Agenda Item:

On-Sale Liquor License Application

Application for 1 day to 4 day temporary

on-sale liquor license for the Justin Kukowski Foundation

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The Justin Kukowski Foundation, 1776 Stieger Lake Ln Victoria, has applied for a 1 Day to 4 Day Temporary On-Sale Liquor License. They are planning an event for Saturday, October 1, 2022. The event will be held at Solseng Farm, 16315 Jonathan Carver Pkwy Carver MN 55315. The officers are Robert Dale Rehbein (President); Kyle Donald Kukowski (Vice-President); Kathleen Mary Rehbein (Secretary); Donald August Kukowski (Treasurer). there are no delinquent taxes owing on this property.

ACTION REQUESTED:

Motion to approve the 1 Day to 4 Day Temporary On-Sale Liquor License application for the Justin Kikowski Foundation for Saturday October 1, 2022.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total **\$0.00**

Insert additional funding source

Related Financial/FTE Comments:

1 Day to 4 Day Temporary On Sale Liquor License fee: \$100.00 per event.

Office use only:

RBA 2022 - 8518

Carver County Board of Commissioners

Request for Board Action



Agenda Item:

Dawn Thostenson - Request for Commercial Equestrian Facility (CUP)

Primary Originating Division/Dept: <input type="text" value="Public Services - Land Mgmt."/>	Meeting Date: <input type="text" value="8/2/2022"/>
Contact: <input type="text" value="Christina Neel"/> Title: <input type="text" value="Land Management Planner"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

BACKGROUND/JUSTIFICATION:

File #PZ20220029. On June 19, 2022, the Planning Commission voted 7-0 to recommended approval of Dawn Thostenson's Conditional Use Permit (CUP) for a Commercial Equestrian Facility and feedlot, on her 205-acre parcel located in Section 8, Dahlgren Township. The property consists of agricultural production land, wooded areas, and the existing commercial equestrian facility barns, riding arena, and pastures.

Dawn Thostenson received a Conditonal Use Permit (CUP) for a Public Equestrian Facility (Cross Creek Stables) in 1996 (CUP #10481). She is requesting a Conditional Use Permit (CUP) to replace the existing CUP in order to expand upon the existing equestrian boarding business by increasing the permitted maximum animal units from 70 to 88 horses. No additional structures are proposed at this time, the applicant will utilize the 3 existing barns, indoor and outdoor riding arenas, grooming areas, and riding trails on site.

The primary hours of of operation, open to the public, would be 7 days a week, 7am-10pm. Ms. Thostenson will not require additional staff for the additional 18 horses. The site plan shows sufficient parking for the anticipated 2-3 additional car trips per day. The operation appears to meet the standards of the Zoning Code.

The Carver County Environmental Services Department has reviewed the request and stated the site passed an SSTS compliance inspection in September 2021.

MnDOT reviewed this request and determined that the existing access on Highway 212 is sufficient, with no additional comments or concerns.

The Dahlgren Town Board supports the request.

The Planning Commission Resolution is attached for the Board's consideration.

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20220029 for the issuance of a Conditional Use Permit.

FISCAL IMPACT: <input type="text" value="None"/>	FUNDING
<i>If "Other", specify:</i> <input type="text"/>	County Dollars = <input type="text"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$0.00"/>

Insert additional funding source

Related Financial/FTE Comments:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20220029

RESOLUTION #: 22-11

WHEREAS, the following application for a Conditional Use Permit has been submitted and accepted:

FILE #: PZ20220029

APPLICANT: Dawn Thostenson

OWNER: Dawn K. Thostenson Revocable Trust (Dawn Thostenson, trustee)

SITE ADDRESS: 8570 Highway 212, Cologne MN 55322

PERMIT TYPE: Public Equestrian Facility

PURSUANT TO: County Code, Chapter 152, Sections 152.071 (B) & 152.079 (C)(5)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-008-0300, 04-008-0710, 04-008-0711

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of July 19, 2022; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Dawn K Thostenson Revocable Trust owns approximately 205 acres located in the East Half (E½) Southwest Quarter (SW¼) and the East Half (E½) of the Northwest Quarter (NW¼) of Section 8, Dahlgren Township. The properties consist of agricultural production land, wooded area, wetlands, and lakebed. Ms. Thostenson has owned the majority of these properties since 1996. She currently resides at the residence located to the northwest (8572 Hwy 212 Cologne, MN 55322), and owns and operates the public boarding equestrian facility and feedlot permitted by Conditional Use Permit (#10481) at 8570 Hwy 212 Cologne, MN 55322. The properties are located in the Agricultural Zoning District, Shoreland Overlay District of Miller Lake (i.e. DNR Natural Environment Lake), and the CCWMO (Carver Creek watershed).
2. Ms. Thostenson is requesting authorization to amend the existing Conditional Use Permit (CUP) to expand the permitted maximum animal unit (A.U.) numbers from 70 to 88 in order to accommodate growth as part of the Public Equestrian Facility (i.e. Cross Creek Stables). The original public stable CUP was issued to the property (125.73 acres) in October of 1996 (CUP #10481). The proposed expansion to the commercial activity would allow the operation to grow and continue to operate as a Public Equestrian Facility pursuant to Section 152.071 (B) and 152.079 (C)(5) of the Carver County Zoning Code.
3. The Carver County Zoning Code requires a Conditional Use Permit to allow for the expansion beyond an approved operational area or expanded use as described within the previously approved permit. Additionally, any existing feedlots in the Shoreland Overlay District require an updated CUP for additional animal units. Any future plans to expand the facility, would require the applicant to apply for and receive a new CUP.
4. Ms. Thostenson's letter (dated June 24, 2022) and site plan (dated July 10, 2022) describes her plans to expand the public equestrian facility, listed as Phase I, while maintaining three (3) existing barns for boarding clients (a 90' x 200' outdoor riding arena, a 72' x 144' indoor arena, a viewing room, tack lockers, grooming areas), as well as multiple 3-sided leans for shelter. The operations area also includes approximately 3 miles of trails that extend to Miller Lake for clients to ride and enjoy. Ms. Thostenson commented, "*in recent years, many local horse barns have closed or sold to development. In addition, covid increased the popularity of horseback riding due to its ability to be enjoyed outside and for the proven therapeutic benefits. In response to this growing demand, I am requesting an increase in animal units allowed under the Conditional Use Permit as explained in Phase I.*" Changes in the use of existing structures or the construction of new buildings would require the submittal of a new CUP application.

5. The facility would continue to operate year-round, seven (7) days a week and maintain its current hours of operation open to the public (7:00AM to 10:00PM). Staff arrives to the site to start morning chores at 6:00AM. The number of employees would consist of ten, a blend of full time and part time staff. In her letter, Ms. Thostenson states, “*the morning shift is from 6:00AM-10:00PM and requires five staff. The evening shift is from 4:00PM-6:00PM and requires three staff.*” The addition of 18 horses would not require a change to staffing; however, it may require changes to morning and evening shifts. Changes to the months, days and/or hours of operation would require the submittal of a new CUP application.
6. Ms. Thostenson estimates no significant impacts or increases to traffic to the site. Client visits vary from once a month to 3-4 times per week. On average, 8-10 clients visit the property per day. Farrier and vet visits occur on average 1-2 times per week. The applicant anticipates the number of cars increasing by 2-3 per day once the facility is at full capacity. The current parking areas appear to be adequate to accommodate the change in number of trips. All parking can be provided on the subject property during a normal day.
7. Ms. Thostenson recently expanded the arena barn lots 1 and 2 by approximately 6,500 square feet and converted approximately 22,000 square feet from feedlot to pasture, which is a net reduction of 15,500 square feet of feedlot area. The applicant also converted approximately 7,000 square feet to feedlot in the Red Barn lot and approximately 35,000 square feet to pasture, which equates to a net reduction of 28,000 square feet of feedlot area. The reconfiguration of feedlot and pasture areas were conducted to remain setback 1,000 feet from the residence to the east and pursuant to the Carver County Feedlot Ordinance – Chapter 54.
8. According to the applicant’s operational plan, Phase II of the expansion would include a new barn and indoor arena, as well as dry lot areas to accommodate an additional 35 horses. This would expand the feedlot by approximately 80,000 square feet, to the west. The expansion would meet the required setback of 1,000 feet from neighboring homes. Business operations would not change, but two additional employees would be needed. The applicant estimated that Phase II would add an additional 5-7 trips per day, so a new parking area would be included in the future site plan. The applicant understands that proceeding with Phase II would require a new Conditional Use Permit application submittal, public hearing and county approval.
9. Matt Steele, Carver County Feedlot Officer, has discussed animal unit (AU) standards with the applicant. A routine compliance inspection conducted by Environmental Services staff on September 27, 2021, determined the feedlot to be compliant with County Ordinances and Minnesota Rules Chapter 7020. MinnFARM evaluations to determine a pollution rating for the animal unit density increase have recently been conducted for the arena barn lots and the training barn lots. Evaluations were also completed for the red barn lot and the isolation lots. The MinnFARM results indicated compliance with open lot runoff standards. If the request is approved, the feedlot registration would be updated to reflect the increase in animal unit numbers.
10. The Ordinary High Water Level (OHWL) of Miller Lake is located approximately 410 feet north of the closest feedlot component, which is separated by the Twin Cities and Western (TC&W) railroad line. Any manure or manure contaminated runoff does not have the capability of reaching Miller Lake. Stalls are cleaned daily; paddocks are scraped bi-monthly, and manure is hauled off site in partnership with several local vendors.
11. On September 11, 2021, a licensed Subsurface Sewage Treatment System (SSTS) Professional conducted a compliance inspection on the stable barn holding tanks, of which received a Certificate of Compliance. A copy of the maintenance contract should be updated and submitted on file with the Carver County Environmental Services Department. The same licensed professional conducted a compliance inspection for the house located at 8570 Hwy 212, which also received a Certificate of Compliance.
12. The current equestrian facility (public use) request is accessed via Hwy. 212 from a single driveway. On July 14, 2022, Jake Schutt, Minnesota Department of Transportation (MNDOT) Principal Transportation Planner, provided a statement indicating “*The Minnesota Department of Transportation (MnDOT) has reviewed the above-referenced site plan, and has no comments.*”

13. The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, site stabilization requirements, and Best Management Practices (BMP's) are typically reviewed as part of any site improvements pursuant to Chapter 153 of the County Code (Water Management Rules). The overall area of disturbance and the proposed operational area may trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or beginning any excavation activity. Any wetlands on the property would be reviewed pursuant to the Wetland Conservation Act (WCA).
14. There is currently a sign measuring approximately 32 square feet adjacent to Hwy. 212. All signage is required to meet the standards of Chapter 154 – Sign Regulations of the County Code; not to exceed 32 square feet of surface area. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush. No additional signage is being proposed at this time.
15. The Dahlgren Town Board reviewed and recommended approval of the request during their July 11, 2022, Town Board meeting with no further comments or conditions.
16. The Planning Commission 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.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the approval of Conditional Use Permit #PZ20220029, for a Public Equestrian Facility and Feedlot, on the land described in Exhibit “A” of the permit application. The previous CUP #10481 (Document Number 205911) would be terminated upon final approval (and recording) of the new CUP #PZ20220029. Therefore, CUP #PZ20220029 would supersede any prior approvals, and the following conditions should be considered part of the permit:

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 on in the timeline of the proposed change as possible.
2. The Public Equestrian Facility, Cross Creek Stables, shall operate in accordance with the operational plan (dated: June 24, 2022) and site plan (dated: July 10, 2022). These plans shall be attached to and become part of this permit. This Equestrian Facility request only allows for up to 88 animal units (A.U.) (public and/or private), and the use of the existing barns as part of the activity described as part of the “Phase 1”. Changes in the use of existing structures or the construction of new buildings or any future plans to enlarge the facility, would require the applicant to apply and receive a new Conditional Use Permit. Phase 2 of the expansion would require an amendment as the size and scope of the operation intensifies.
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.
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 (7:00AM to 10:00PM). Changes to the months, 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.

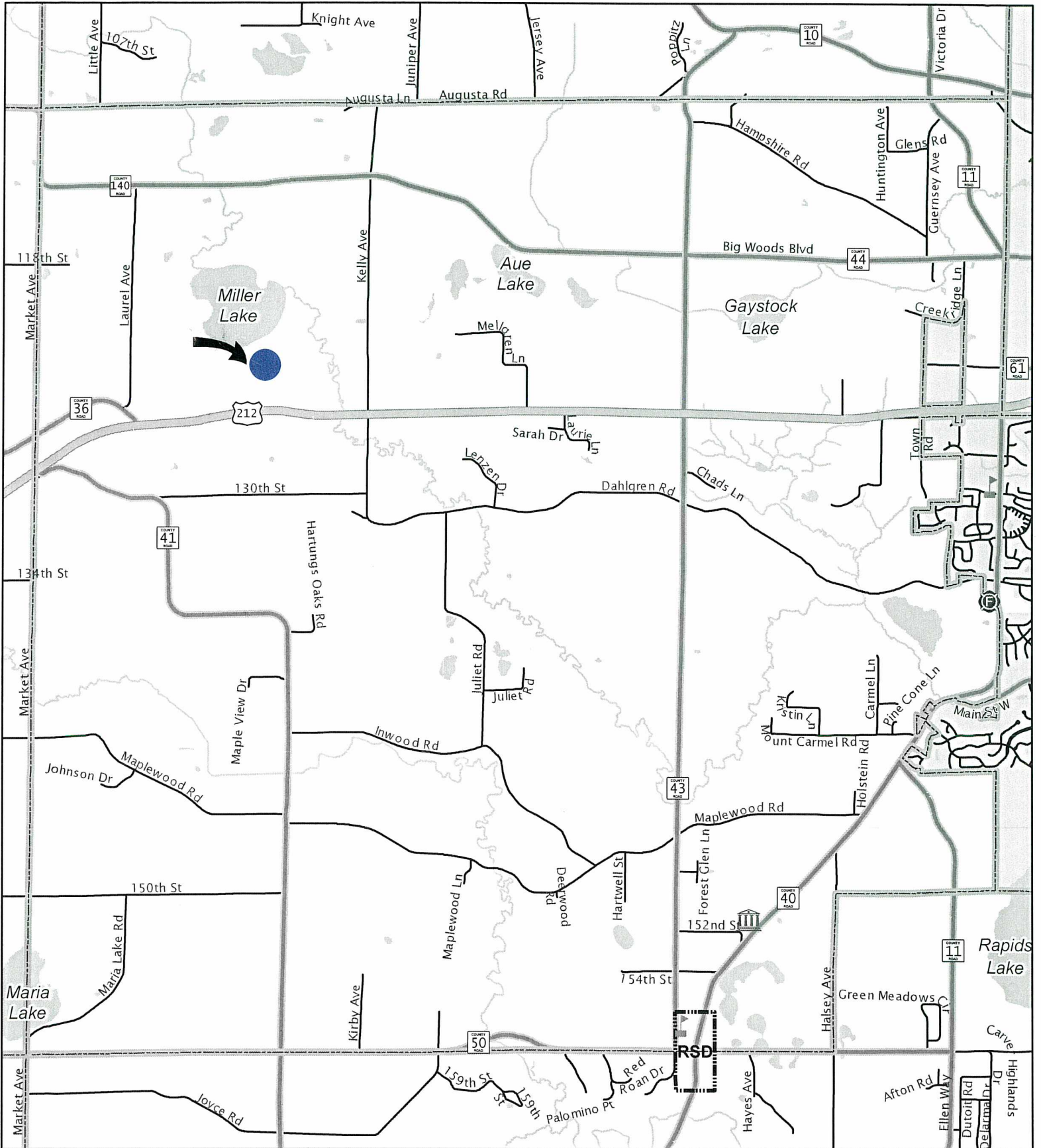
6. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
7. The Permittee shall comply with the road authority’s (MnDOT) access requirements and/or improvements, if any. Parking along Highway 212 or within MnDOT right-of-way shall be prohibited.
8. 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.
9. The permittee shall comply with all Carver County Shoreland Regulations and Feedlot Ordinance requirements. A manure management plan pursuant to Minn. Rules 7020.2225 Subp. 4 shall be prepared and submitted to the County Feedlot Officer, annually.
10. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 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.

ADOPTED by the Carver County Planning Commission this 19th day of July 2022.


Scott Wakefield (Jul 21, 2022 10:54 CDT)
Scott Wakefield, Chairman
Carver County Planning Commission

07/21/22

DAHLGREN TOWNSHIP



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



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Superior Lawn & Landscape - Contractor's Yard (CUP)

Primary Originating Division/Dept: <u>Public Services - Land Mgmt.</u>	Meeting Date: <u>8/2/2022</u>
Contact: <u>Donovan Hart</u> Title: <u>Senior Planner</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

File #PZ20220027. On July 19, 2022, the Planning Commission voted 7-0 to recommend approval of Eric Anderson's Conditional Use Permit (CUP), to expand an existing Contractor's Yard (Superior Lawn & Landscape) on his 20 acre parcel located in Section 35 of Waconia Township. The property is improved with a single-family dwelling, a 60' x 120' commercial accessory structure, a 30' x 90' hoop house, several other accessory structures containing commercial storage, and outdoor storage areas for material and vehicles.

Mr. Anderson is requesting a Conditional Use Permit to expand the operational area and construct a hoop house to accommodate storage of additional material and equipment, amend the operating hours, and include screening.

The request meets the standards of the Carver County Zoning Code Chapter 152, Section 152.079 (C)(10). The current business has been in operation at this location for 16 years. The operation has 13 year-round employees with up to 20 additional seasonal summer employees. No customers visit the property. The proposed hours of operation are Monday-Friday 7am-6pm from April-November and winter hours to be variable depending on snow removal needs. A maximum of 9 business vehicles may be stored on site at any time. All outdoor storage shall be screened from neighboring properties and the public road with vegetation. Carver County Environmental Services reviewed this request and recommended a portable restroom facility to be maintained on site for employee use, and a contract for said portable restroom shall be submitted to Carver County Environmental Services annually.

MnDOT reviewed this request and determined that the existing access on Highway 284 is sufficient, with no additional comments or concerns. The Waconia Township Town Board recommended approval of the request. The Planning Commission Resolution is attached for the Board's consideration.

ACTION REQUESTED:

A Motion to adopt the Findings of Fact and issue Order # PZ20220027 for the issuance of a Conditional Use Permit.

FISCAL IMPACT: None

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
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Total

\$0.00

Related Financial/FTE Comments:

Office use only:

RBA 2022 - 8525

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20220027

RESOLUTION #: 22-10

WHEREAS, the following application for a Conditional Use Permit has been submitted and accepted:

FILE #: PZ20220027

APPLICANT: Eric Anderson

OWNERS: Eric Anderson, Craig Frick & Jeffrey Roland Wood

SITE ADDRESS: 10480 Highway 284 Cologne, MN 55322

PERMIT TYPE: Conditional Use Permit - Contractor's Yard

PURSUANT TO: County Code, Chapter 152, Section 152.079 (C)(10)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-035-0900

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of July 19, 2022; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. The applicant and owners of Superior Lawn & Landscape own an approximate 20-acre parcel in South Half (S½) of the Northeast Quarter (NE¼) of Section 35 of Waconia Township. The parcel is improved with a single-family dwelling, a 60' x 120' commercial accessory structure (CUP #PZ20060019), a 30' x 90' hoop house, and several other accessory structures that contain commercial storage. The property is located in the Agricultural Zoning District and the CCWMO (Carver Creek watershed).
2. The applicant is requesting authorization to expand the operational area, amend the operating hours, and add a hoop house structure to accommodate Superior Lawn and Landscapes growth. The original Contractor's Yard Conditional Use Permit (CUP) was issued to the property in May of 2006 (CUP #PZ20060019). The proposed expansion to the commercial activity would allow the operation to continue to operate as a Contractor's Yard pursuant to Section 152.079 (C)(10) of the Carver County Zoning Code.
3. Superior Lawn & Landscape has operated from this property for the past 28 years. As the business has grown, the areas of outside storage have increased, and the owners have identified a need to have a hoop house to store materials and equipment on the site. As was the case in 2006, the subject property still meets the basic CUP standards in §152.079 (C)(10) as a Contractor's Yard.
4. Superior Lawn & Landscape has 13 full-time year-round employees, with that number increasing up to an additional 20 more summer season "college labor" employees. The summer season employees generally report directly to the work site. No customers or members of the public come to the property to conduct business.
5. The submitted narrative (dated June 22, 2022) describes the proposed changes to the existing CUP. The applicant seeks to adjust the work seasons (i.e. the proposed winter operating season starts two weeks later in November), reduce the operating hours (i.e. the weekday operating hours ends at 6pm), and eliminate Saturday as an operating workday. The existing CUP's summer work season runs from April 1st to November 1st with operating hours of Monday-Friday 7am-7pm and Saturday 7am-2pm. The winter work season last from November 1st to April 1st with no regular hours of operation since the demand for snow removal is dependent on the snowfall. The CUP operating plan does note that "*most employees keep their plow trucks at their house over the winter for easier access.*" The proposed summer work season lasts from April 1st to November 15th, with Monday to Friday 7am-6pm operating hours. The proposed winter work season lasts from November 15th to April 1st with variable operating hours based on the demand for snow removal.

6. The submitted site plan (dated May 27, 2022) shows the existing improvements (i.e. commercial pole building, residence, accessory structures) along with the proposed hoop house south of the pole building. Storage areas for trailers, “misc. tree debris”, building materials, boulders, mulch, and compost are designated in areas north and west of the pole building with the exception of the compost area which is southeast of the pole building. There are two areas north and east of the pole building that are dedicated for employee parking.
7. The applicants screening plan (dated June 21, 2022) indicates new tree plantings and shrubbery to be placed along the north property line to augment the existing screening and obscure the view from a residence several hundred feet away to the northeast. The planting plan would need to be submitted to the Land Management Department for review prior to installing improvements. The plan would need to comply with the screening standards found in Section 152.041 of the County Zoning Code.
8. The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, site stabilization requirements, and Best Management Practices (BMP’s) are typically reviewed as part of any site improvements pursuant to Chapter 153 of the County Code (Water Management Rules). The overall area of disturbance and the proposed operational area may trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or beginning any excavation activity. Any wetlands on the property would be reviewed pursuant to the Wetland Conservation Act (WCA).
9. The contractor’s yard operation is accessed via Hwy. 284 from a single driveway. The Minnesota Department of Transportation (MNDOT) did not provide comments regarding this application request; however, applicant has received an access permit from MNDOT, whom is the road authority for this roadway. Also, prior land use comments received from MNDOT for other requests included a comment stating, “the property owner should periodically remove any excess gravel from the shoulder by their driveway for the safety of cyclists and drivers.”
10. Superior Lawn & Landscape has operated from this property for the past 28 years. As the business has grown, the areas of outside storage have increased, and the owners have identified a need to have a hoop house to store materials and equipment on the site. As was the case in 2006, the subject property still meets the basic CUP standards in §152.079 (C)(10) as a Contractor’s Yard.
11. Superior Lawn & Landscape has 13 full-time year-round employees, with that number increasing up to an additional 20 more summer season “college labor” employees. The summer season employees generally report directly to the work site. No customers or members of the public come to the property to conduct business.
12. The submitted narrative (dated June 22, 2022) describes the proposed changes to the existing CUP. The applicant seeks to adjust the work seasons (i.e. the proposed winter operating season starts two weeks later in November), reduce the operating hours (i.e. the weekday operating hours ends at 6pm), and eliminate Saturday as an operating workday. The existing CUP’s summer work season runs from April 1st to November 1st with operating hours of Monday-Friday 7am-7pm and Saturday 7am-2pm. The winter work season lasts from November 1st to April 1st with no regular hours of operation since the demand for snow removal is dependent on the snowfall. The CUP operating plan does note that “*most employees keep their plow trucks at their house over the winter for easier access.*” The proposed summer work season lasts from April 1st to November 15th, with Monday to Friday 7am-6pm operating hours. The proposed winter work season lasts from November 15th to April 1st with variable operating hours based on the demand for snow removal.
13. The submitted site plan (dated May 27, 2022) shows the existing improvements (i.e. commercial pole building, residence, accessory structures) along with the proposed hoop house south of the pole building. Storage areas for trailers, “misc. tree debris”, building materials, boulders, mulch, and compost are designated in areas north and west of the pole building with the exception of the compost area which is southeast of the pole building. There are two areas north and east of the pole building that are dedicated for employee parking.

14. The applicants screening plan (dated June 21, 2022) indicates new tree plantings and shrubbery to be placed along the north property line to augment the existing screening and obscure the view from a residence several hundred feet away to the northeast. The planting plan would need to be submitted to the Land Management Department for review prior to installing improvements. The plan would need to comply with the screening standards found in Section 152.041 of the County Zoning Code.
15. The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, site stabilization requirements, and Best Management Practices (BMP's) are typically reviewed as part of any site improvements pursuant to Chapter 153 of the County Code (Water Management Rules). The overall area of disturbance and the proposed operational area may trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or beginning any excavation activity. Any wetlands on the property would be reviewed pursuant to the Wetland Conservation Act (WCA).
16. The contractor's yard operation is accessed via Hwy. 284 from a single driveway. On July 14, 2022, Jake Schutt, Minnesota Department of Transportation (MNDOT) Principal Transportation Planner, provided a statement indicating "*The Minnesota Department of Transportation (MnDOT) has reviewed the above-referenced site plan, and has no comments.*"
17. There is currently a sign measuring about 3' x 5' on the accessory structure adjacent to Hwy. 284. All signage is required to meet the standards of Chapter 154 – Sign Regulations of the County Code; not to exceed 32 square feet of surface area. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush. No additional signage is being proposed at this time.
18. On July 8, 2022, Lori Brinkman, Senior Environmentalist - Carver County Environmental Services Department, reviewed the application request. Ms. Brinkman stated that a contract for a portable toilet on the property would be a requirement of the permit to ensure adequate restroom facilities are available. A portable toilet contract must be submitted to Land Management. All future contracts must be submitted to the Land Management and Environmental Services Departments.
19. The Waconia Town Board reviewed and recommended approval of the request during their June 27, 2022, Town Board meeting. The recommended included a restriction that "*When Waconia Township approves a policy policing gun ranges/shooting ranges – Mr. Anderson agrees to comply with the policy.*"
20. The Planning Commission 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.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the approval of CUP #PZ20220027 for the Contractor's Yard Business. The previous CUP #PZ20060019 (Document Number A441060) would be terminated upon final approval (and recording) of the new CUP #PZ20220027. Therefore, CUP #PZ20220027 would supersede any prior approvals, and the following conditions should be considered part of the permit:

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 on in the timeline of the proposed change as possible.
2. The operation shall be in accordance with the submitted operational plan (dated June 22, 2022) and site plan (dated: May 27, 2022). These plans shall be attached to and become part of this permit. Any proposed expansion of the submitted site plan shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary.
3. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence and/or property owner for 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.

4. The proposed summer work season lasts from April 1st to November 15th, with Monday to Friday 7am-6pm operating hours. The proposed winter work season lasts from November 15th to April 1st with variable operating hours based on the demand for snow removal.
5. Permittee shall obtain the appropriate building permit(s) and on-site sewer permits (if required) for the construction of the hoop house. All structures used in conjunction with the contractor's yard operation shall meet the requirements of the Minnesota State Building Code. Any future remodeling or improvements to any structures shall require Carver County Building Official review and permit approval. Future construction of any new structure to be utilized as part of the business, shall be permitted upon review and issuance of appropriate building permit(s) prior to construction.
6. A maximum of nine (9) business vehicles (including, but not limited to: pickups and commercial trucks utilized to supply the service) may be stored and/or permitted on the site. All outside storage shall be screened from neighboring properties and the public road and all business-related trucks, equipment and supplies shall be stored within existing structures and/or the approved operational area.
7. The vegetation screening shall be installed according to the approved planting plan and in accordance with Section 152.041 of the County Zoning Code. An escrow, in the amount determined by the County Fee Schedule, shall be deposited with the County to ensure establishment of the vegetation. No landscaping shall be installed in the public right-of-way.
8. The Permittee shall maintain a portable restroom facility on site for employees. The Permittee shall submit current and future contracts for the portable restroom facility to the Land Management and Environmental Services Departments.
9. 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 and 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. Permittee shall comply with all road authority (MNDOT) access requirements. There shall be no parking within the State Right-of-Way.
11. Permittee shall maintain the Non-generator's Certificate or contact the Environmental Services (E.S.) Department to determine if a Hazardous Waste Generator License is required.
12. All solid waste materials generated by the operation shall be done by contract with a licensed company. All future contracts must be submitted to the Land Management and Environmental Services Departments annually.
13. 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.
14. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations.

ADOPTED by the Carver County Planning Commission this 19th day of July 2022.



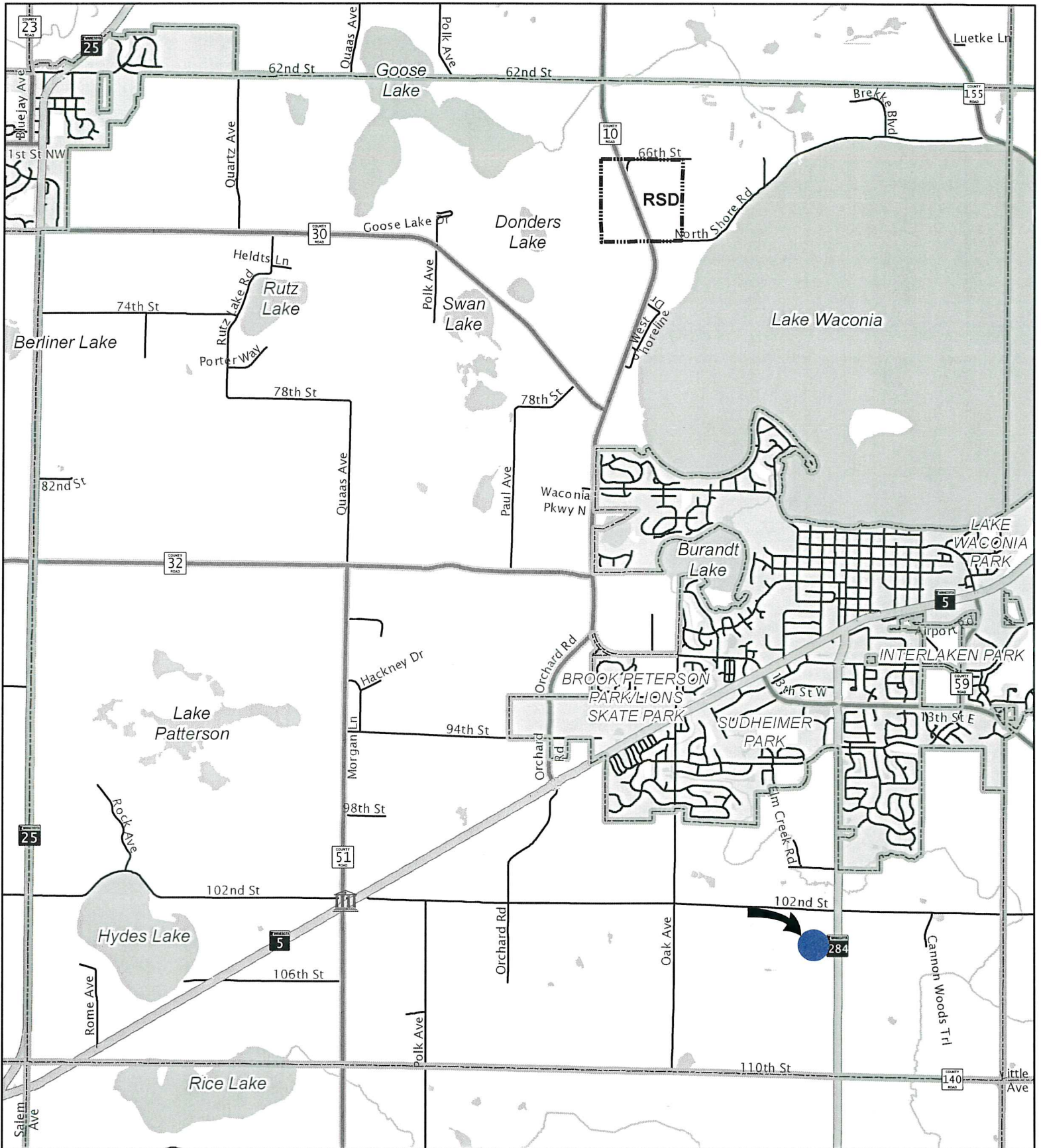
[Scott Wakefield \(Jul 21, 2022 10:54 CDT\)](#)

Scott Wakefield, Chairman

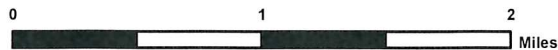
Carver County Planning Commission

07/21/22

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.



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Serenity Place - Preliminary Plat

Primary Originating Division/Dept: <u>Public Services - Land Mgmt.</u>	Meeting Date: <u>8/2/2022</u>
Contact: <u>Jason Mielke</u> Title: <u>Land Use Manager</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

File #PP-PZ20220031. The Planning Commission voted 7-0 to recommended approval of the Preliminary Plat "Serenity Place" Subdivision during their July 19, 2022, meeting. Roger Falkenstein is requesting approval of the preliminary plat on 76.7 acres located in Section 36, San Francisco Township.

The development would result in platting a total of five (5) new lots (Lots 1-5, Block 1) ranging in size from 3.41 to 59.76 acres. The plat would consist of three (3) conservation incentive lots (Lot 1, agricultural and Lots 4 & 5 – residential), one (1) high amenity lot (Lot 2 – residential), and the re-configuration of the existing 1 per 40 (Lot 3 - residential) all pursuant to the High Amenity and Conservation Incentive additional density provisions (Section 152.078 C and D) of the Carver County Zoning Code. San Francisco Township has provided for the High Amenity and Conservation Incentive options in its chapter of the 2040 Comprehensive Plan.

Acceptable soil being Subsurface Sewage Treatment System (SSTS) locations for the primary and alternate septic sites on the Four (4) undeveloped lots have been submitted, reviewed, and approved by the Carver County Environmental Services Department. A new township road would not be necessary, because the proposed lots have frontage on the existing Halsey Avenue which would provide for individual driveway accesses. The San Francisco Town Board (i.e. road authority for this portion of Halsey Avenue) would be reviewing and issuing any access permits as part of a building permit process.

The draft covenants, as required by Conditional Use Permit #PZ20220009, have been submitted with the application and would need to be approved by the County Attorney's office prior to final plat approval. A draft Conservation Easement (w/Maintenance Agreement) that identifies the preservation, establishment, monitoring and enforcement responsibilities of the conservation amenity areas on Lot 1, Block 1 has been submitted with the application. The conservation easement is required as part of the additional density option under the Conservation Incentive section of the County Code. Said easement must be recorded simultaneously with the final plat. The San Francisco Town Board supports the request. The preliminary plat plans and draft resolution are attached for the Board's consideration.

ACTION REQUESTED:

A motion to adopt a Resolution approving the Preliminary Plat of Serenity Place.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

<input type="text"/>	<input type="text"/>
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Total

\$0.00

FTE IMPACT: None

Related Financial/FTE Comments:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PP-PZ20220031

RESOLUTION #: 22-12

WHEREAS, the following application for a Conditional Use Permit has been submitted and accepted:

FILE #: PP-PZ20220031

APPLICANT: Roger Falkenstein

PROPERTY OWNER: Roger W. Falkenstein and Julie W. Falkenstein

SITE ADDRESS: 15255 Halsey Ave, Carver, MN 55315

PURSUANT TO: County Code, Chapter 151 & 152

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS: #08-036-0100

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of July 19, 2022; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Mr. and Mrs. Falkenstein own the subject 76.7-acre parcel located in the West Half (W½) of the Northwest Quarter (NW¼) of Section 36, San Francisco Township. The property is improved with a house, attached garage and two (2) detached accessory structures. The land consists of vegetated prairie, trees, wetlands, bluff and tillable crop production areas. The property is located within the Agricultural Zoning District, and the Carver County Water Management Organization (CCWMO) – Carver Creek Watershed.
2. On April 12, 2022, Conditional Use Permit (CUP) #PZ20220009 (see attached) was issued to the subject property in order to create four additional density (4) lots (one (1) high amenity lot and three (3) conservation incentive lots) and the reconfiguration of one (1) existing 1 per 40 residential lot pursuant to the additional density provisions (Section 152.078 C – High Amenity and D – Conservation Incentive) of the Carver County Zoning Code. With the approval of the CUP, the applicant is now requesting the approval of the Preliminary Plat “Serenity Place” Subdivision. The request would result in platting a total of five (5) new lots (Lots 1-5, Block 1). The plat would consist of three (3) conservation incentive lots (Lot 1, agricultural and Lots 4 & 5 – residential), one (1) high amenity lot (Lot 2 – residential), and the re-configuration of the existing 1 per 40 (Lot 3 - residential). Lot 1, Block 1 would have two (2) separate conservation easement areas recorded on the plat which is required as part of the additional density option under the Conservation Incentive section of the County Code.
3. Copies of the plat have been sent to the San Francisco Township Clerk (Heidi Schmidt), Carver County Attorney’s Office (Jennifer Tichey), Carver County Water Management Organization (CCWMO) (Kristen Larson), Carver County Soil & Water Conservation District (SWCD) (Tom Genelin), Independent School District #112 (Finance & Operations Office), Center Point Energy (natural gas utility company serving the area), and Minnesota Valley Electric Cooperative (electric utility company serving the area).
4. The high amenity lot, conservation lots, and 1 per 40 building eligibilities are laid out in such a manner that there are no more than four (4) homes per ¼ ¼ (40 acres) as permitted by the density regulations of the Carver County Zoning Code. The residential lot sizes range from 3.41 acres to 4.57 acres, and the agricultural lot size would consist of 59.76 acres with the conservation easements. Any proposed house location for Lot 1, Block 1, would need to be located in the North Quarter (N¼) section in order to comply with the density requirements of the Comprehensive Plan and County Zoning Code. Each lot identifies a defined building site that conforms to code requirements, and any home constructed within this platted area would meet the zoning code setback requirements.

5. 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 on the four (4) undeveloped lots. This report is considered a preliminary report to identify two possible SSTS locations per lot. The existing house lot (Lot 3, Block 1) is required to have a compliance inspection completed and an alternate SSTS location identified. The Environmental Service Department is waiting for the SSTS compliance information. At the time of application for a new home on each lot, an SSTS design would need to be submitted, reviewed and approved by the Carver County Environmental Services Department. All of the SSTS system locations would need to be fenced off and protected prior to any land alteration for driveway or house construction, etc.
6. The preliminary plat shows 10-foot drainage & utility easements around each of the five (5) lots. An appropriate drainage easement of 30 feet has been provided for wetlands as part of the preliminary plat. The wetland buffer would need to be identified on the final plat. The preliminary plat also references a 50-foot wide pipeline easement running through Lots 1 and 2 of the Serenity Place plat. This utility easement is described pursuant to a recorded Document No. 96722. No obstructions shall be permitted in any of the drainage, utility, and/or wetland easements. The covenants should address the preservation of the easements and that no obstructions shall be permitted within those areas.
7. The property has been analyzed by a professional wetland delineator to determine if wetlands exist. Wetlands are present on the site and have been identified in the Wetland Delineation Report. The wetland delineation report was submitted to the CCWMO in May of 2022; however, the Notice of Decision and Technical Evaluation Panel (TEP) findings will be completed in the near future (July 15, 2022), in order to concur with the findings of the professional delineator hired by the applicant. Appropriate easements for the wetlands and drainage/utilities have been included on the plat. Avoidance of delineated wetlands has been incorporated into the development.
8. The 76.7-acre plat is located within the CCWMO jurisdiction. Stormwater management, wetland buffers, and erosion control measures will need to be addressed pursuant to Chapter 153 of the County Code (Water Management Rules). A combined erosion and sediment control and stormwater permit from the Planning and Water Management Department will be required if the total impervious surface constructed on each lot (drive, house pad, garage, other outbuildings, etc.) is greater than 1 acre. This permit requires the use of management practices that prevent erosion and sediment from leaving the site during construction as well as management practices that treat stormwater runoff from impervious surfaces once construction is completed.
9. The Carver SWCD has reviewed the project with regard to the Carver County Water Management Rules as well. 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, WCA, and the stormwater pollution prevention plan (SWPPP).
10. The proposed preliminary plat includes conservation incentive opportunities to protect, preserve, enhance, or restore natural resources by means of creating permanent preservation and restoration of prairie, woodlands and wetlands. County staff (i.e. Land Management, CCWMO, Carver SWCD) and the developer have worked together to develop a draft Conservation Easement (w/Maintenance Agreement) that identifies the preservation, establishment, monitoring and enforcement responsibilities of the amenity areas (see attached). Said easement must be recorded simultaneously with the final plat.
11. The draft covenants, as required by Conditional Use Permit #PZ20220009, have been submitted with the application and would need to be approved by the County Attorney's office prior to final plat approval. The covenants shall address the preservation of the drainage, utility, and/or wetland easements and that no obstructions shall be permitted within those areas. The plat indicates the outside boundary of the delineated wetlands, which impacts three (3) of the five (5) lots. The required covenants shall address that each lot would be reviewed in the field prior to issuance of any grading activity and building permits. The covenants shall be filed with the final plat and include minimum requirements as identified in the approved CUP.

12. The Serenity Place 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. Halsey Avenue). 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.
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 San Francisco Town Board has reviewed the preliminary plat for the subdivision, Serenity Place, during their June 20, 2022, Town Board meeting. The San Francisco Town Board is in support of the development request.
15. The Planning Commission 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.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the approval of the Preliminary Plat of Serenity Place on the land described in Exhibit “A” of the permit application. The Planning Commission further recommends that the following conditions be attached to the Preliminary Plat approval:

1. A total of five (5) lots to be platted; three (3) conservation incentive lots (two residential and one agricultural), one (1) high amenity lot (residential), and the reconfiguration of an existing 1 per 40 lot (residential) are permitted. The property shall be platted in accordance with M.S. Chapter 505, Carver County Zoning Subdivision Code, Chapter 151, and the Carver County Zoning Code, Chapter 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 #PZ20220009 shall be satisfied prior to the recording of the final plat.
3. The Covenants as required by CUP #PZ20220009 must be approved prior to final plat consideration. The County Attorney Office shall approve the Covenants and title work prior to the final plat consideration by the County Board. As a part of the platting process the applicant will develop covenants to be filed with the final plat. The Covenants, at minimum, shall 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 (i.e. Lots 2-5).
 - B. A covenant stating that the area is rural 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 with certain conditional use(s) listed in the “A” district.
 - C. If the home sites include any environmentally sensitive land, 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 septic site must be preserved for a future septic 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 submit percolation tests and soil borings for another site before any building permit will be issued.
 - E. A covenant must be included to provide notice and restrictions pertaining to the conservation easement on the existing wooded bluff area, existing wetland area, and proposed prairie restoration areas.

4. The above-required Covenants shall be become part of the plat approval.
5. The approved Conservation Easement areas shall be shown on the final plat and the Conservation Easement document (w/Maintenance Agreement) shall be recorded simultaneously with the final plat.
6. Each lot shall be reviewed in the field prior to the issuance of any driveway permit, building permit and/or SSTS permit. All SSTS locations shall be fenced off prior to any land alterations.
7. Specific construction plan details for each lot shall be submitted to the CCWMO for review and approval prior to issuance of building permit(s) and/or an administrative driveway permit. Each lot shall conform to the standards of the County Code, Chapter 153 – Water Management Standards.
8. The proposed lots shall conform to the Carver County Land Management Department, CCWMO, Wetland Conservation Act (WCA), and San Francisco Township requirements.
9. The applicant shall comply with any and/or all requirements established by the appropriate road authority. An access permit for each driveway from Halsey Avenue shall be obtained prior to issuance of new home building permit(s) and administrative driveway permit.
10. As per Section 151.163 of the Carver County Subdivision Code, all utility facilities are to be located underground. The access and drainage ways shall be designed so that public utilities can be installed at a later date.

ADOPTED by the Carver County Planning Commission this 19th day of July 2022.



[Scott Wakefield \(Jul 21, 2022 10:54 CDT\)](#)

Scott Wakefield, Chairman
Carver County Planning Commission

07/21/22

SERENITY PLACE

PRELIMINARY PLAT

SEE SHEETS 2 AND 3 FOR EXISTING CONDITIONS & PROPOSED INFORMATION

LEGAL DESCRIPTION

The West Half of the Northwest Quarter of Section 36, Township 115, Range 24, Carver County, Minnesota, except the North 420.83 feet of the West 420.00 feet thereof.

OWNER

ROGER & JULIE FALKENSTEIN
15255 HALSEY AVE.
CARVER, MN 55315

ENGINEER/SURVEYOR

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

WETLAND DELINEATOR

JACOBSON ENVIRONMENTAL
PO BOX 497
NEVIS, MN 56467
CONTACT: WAYNE JACOBSON
877-346-3474

SEPTIC DESIGNER

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

TOWNSHIP/DISTRICT INFORMATION

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

LOT/SITE INFORMATION

EXISTING ZONING: AGRICULTURAL
PROPOSED ZONING: AGRICULTURAL W/HIGH AMENITY OVERLAY
PLAT AREA = 76.7 acres

SETBACKS

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

PROPOSED R/W AREA = 1.71 acres

PROPOSED LOT AREAS	BUILDABLE AREAS (NON-SETBACK, EASEMENT, OR SEPTIC)
LOT 1 = 59.76 ACRES	LOT 1 = 19.64 ACRES
LOT 2 = 4.57 ACRES	LOT 2 = 2.56 ACRES
LOT 3 = 3.86 ACRES	LOT 3 = 2.46 ACRES
LOT 4 = 3.41 ACRES	LOT 4 = 2.44 ACRES
LOT 5 = 3.41 ACRES	LOT 5 = 2.44 ACRES

POTENTIAL BUILDING AREAS

POTENTIAL BUILDING AREAS ARE SHOWN. NO BUILDING PADS WILL BE CONSTRUCTED AS PART OF THIS PROJECT. MINIMUM LOW OPENING ELEVATIONS AS SHOWN BASED ON A 2 FEET MINIMUM SEPARATION FROM A BACK TO BACK 100 YEAR STORM EVENT HWL. IF THE BUILDING AREA IS MOVED SIGNIFICANTLY, THE MIN. LOW OPENING ELEVATIONS SHOULD BE RE-EVALUATED.

SOILS

THE MAJORITY OF THE SOILS ON SITE ARE SANDY. NO SOIL BORINGS OTHER THAN SEPTIC SITES SOIL TESTS HAVE BEEN PERFORMED.

STORMWATER MANAGEMENT

NO STORMWATER MANAGEMENT TREATMENT PROPOSED. ALL RUNOFF FROM PROPOSED IMPROVEMENT AREAS DRAINS TO NATURAL DEPRESSIONS ON SITE.

EXISTING COVENANTS, LIENS, OR ENCUMBRANCES

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

100-YR FLOOD ELEVATIONS

THERE ARE NO WATERWAYS, WATERCOURSES, OR LAKES WITH 100-YEAR FLOOD ELEVATIONS ON THIS PROPERTY. WETLANDS AND DEPRESSIONAL AREAS WITH COMPUTED 100-YEAR FLOOD ELEVATIONS ARE SHOWN.

CONSERVATION EASEMENT

LOT 1 HAS PROPOSED CONSERVATION EASEMENTS AS SHOWN.



EXISTING DRAIN TILE

THERE ARE NO KNOWN DRAINTILE LOCATIONS WITHIN THE PROPOSED PLAT.

SEPTIC SITES

SEPTIC SITES HAVE BEEN EVALUATED AND SUBMITTED TO CARVER COUNTY.

EXISTING WOODED AREAS

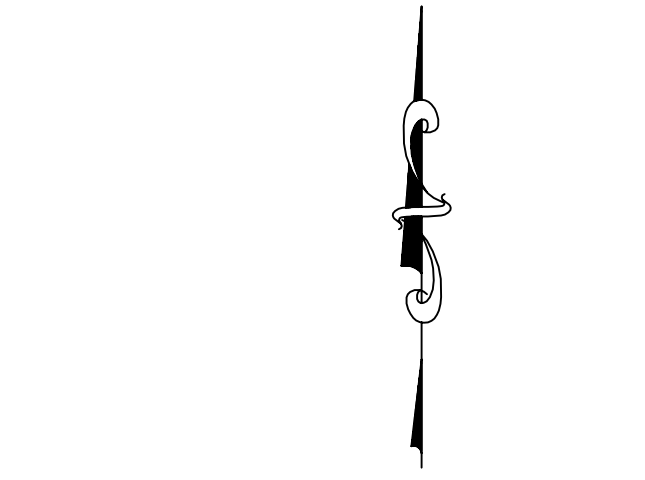
EXISTING WOODED AREAS ARE SHOWN ON SHEETS 2 AND 3. A TREE INVENTORY HAS NOT BEEN PERFORMED.

BLUFF AREAS

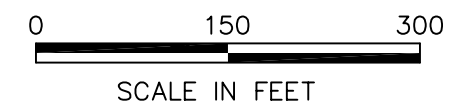
THERE ARE NO BLUFF AREAS WITHIN THE PROJECT LIMITS.

WETLANDS

TWO WETLANDS HAVE BEEN IDENTIFIED AS SHOWN. 30 FT. MINIMUM WETLAND BUFFERS ARE SHOWN. BUFFER SIGNAGE IS SHOWN ON SHEETS 2 AND 3.

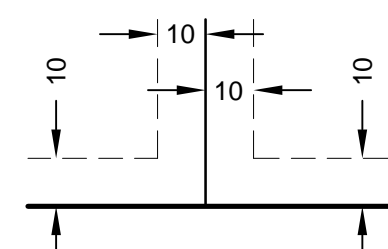


THE NORTH LINE OF THE NE 1/4 OF THE NW 1/4 OF SEC. 36, T.115, R.24 IS ASSUMED TO BEAR S88°47'48"W.

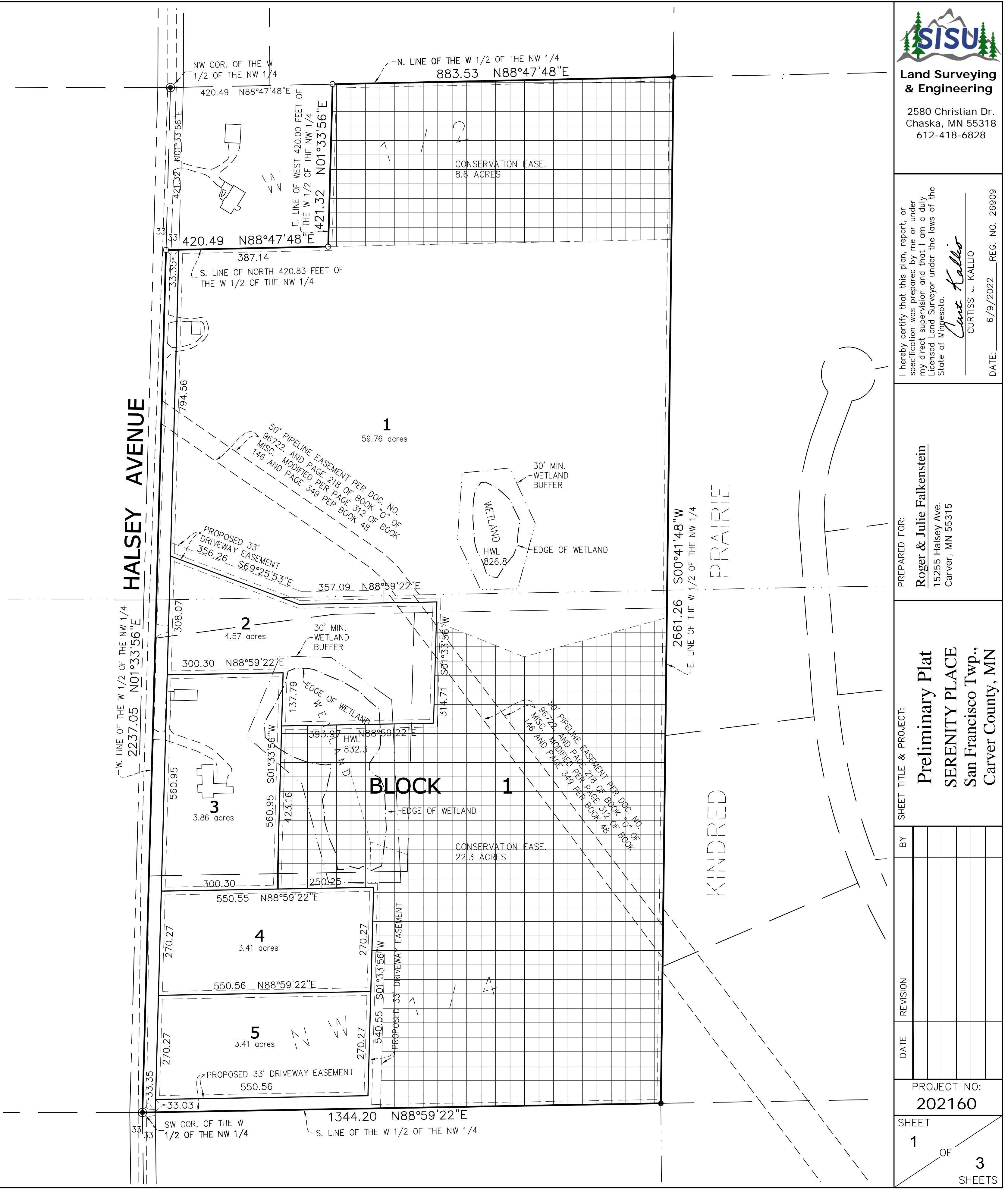
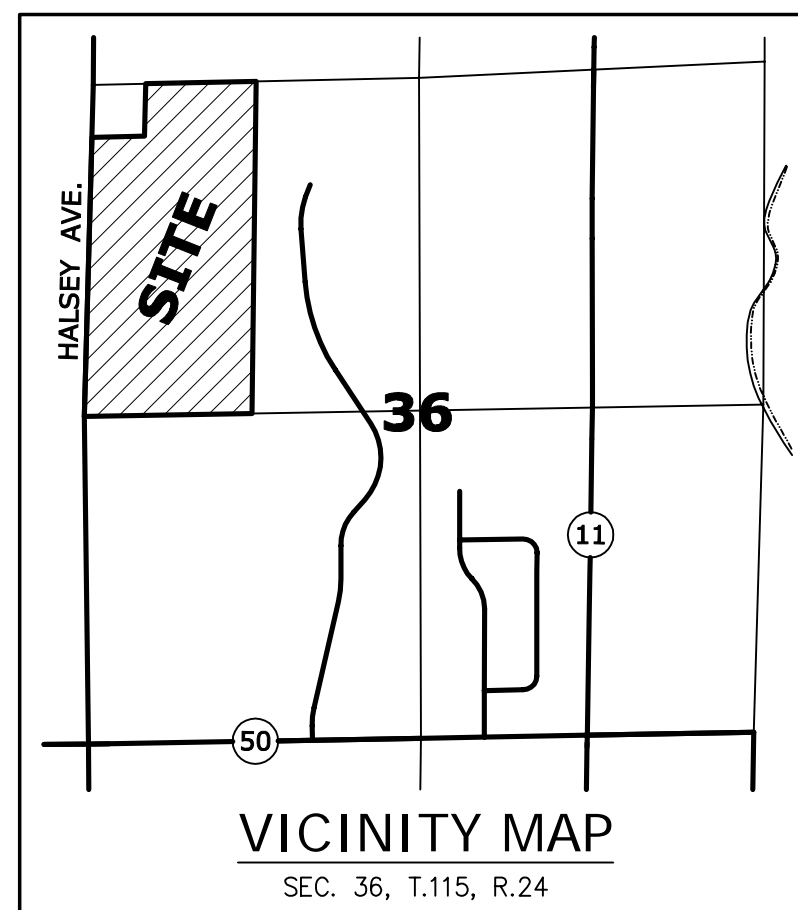


- DENOTES COUNTY MONUMENT FOUND
- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



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



Land Surveying & Engineering

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

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

Curt Kallio
CURTISS J. KALLIO

DATE: 6/9/2022 REG. NO. 26909

PREPARED FOR:
Roger & Julie Falkenstein
15255 Halsey Ave.
Carver, MN 55315

SHEET TITLE & PROJECT:
**Preliminary Plat
SERENITY PLACE
San Francisco Twp.,
Carver County, MN**

DATE	REVISION	BY

PROJECT NO:
202160

SHEET
1 OF **3**
SHEETS

SERENITY PLACE

PRELIMINARY PLAT

DRAINTILE NOTE

THERE IS A DRAINTILE EASEMENT SHOWN SOUTH OF THE WETLAND IN PROPOSED LOT 1. THE EASEMENT ONLY DEFINES A LINE, NOT AN AREA, AND DOES NOT INCLUDE RIGHTS IN FAVOR OF THE EASEMENT HOLDER. PER THE OWNER, THERE IS NO DRAIN TILE INSTALLED AT THAT LOCATION.

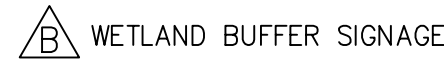
CONSERVATION EASEMENT

LOT 1 HAS A PROPOSED CONSERVATION EASEMENTS AS SHOWN.



WETLAND BUFFERS

PROPOSED 30 FEET WETLAND BUFFERS AND SIGNAGE ARE SHOWN. THERE ARE NO PROPOSED IMPACTS TO WETLANDS OR WETLAND BUFFERS.

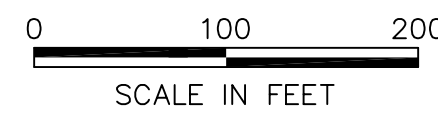


LEGEND

- BLDG SETBACK
- EASEMENT
- WETLAND
- EX. CONTOUR
- TREELINE
- EXISTING/POTENTIAL SEPTIC SITE
- EXISTING/POTENTIAL WELL
- PROPOSED SHARED DRIVEWAY
- 12% TO 18% SLOPES
- >18% SLOPES

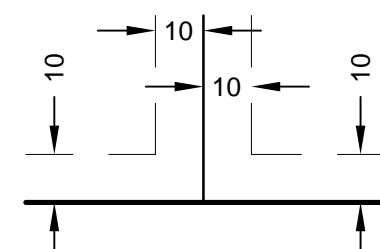


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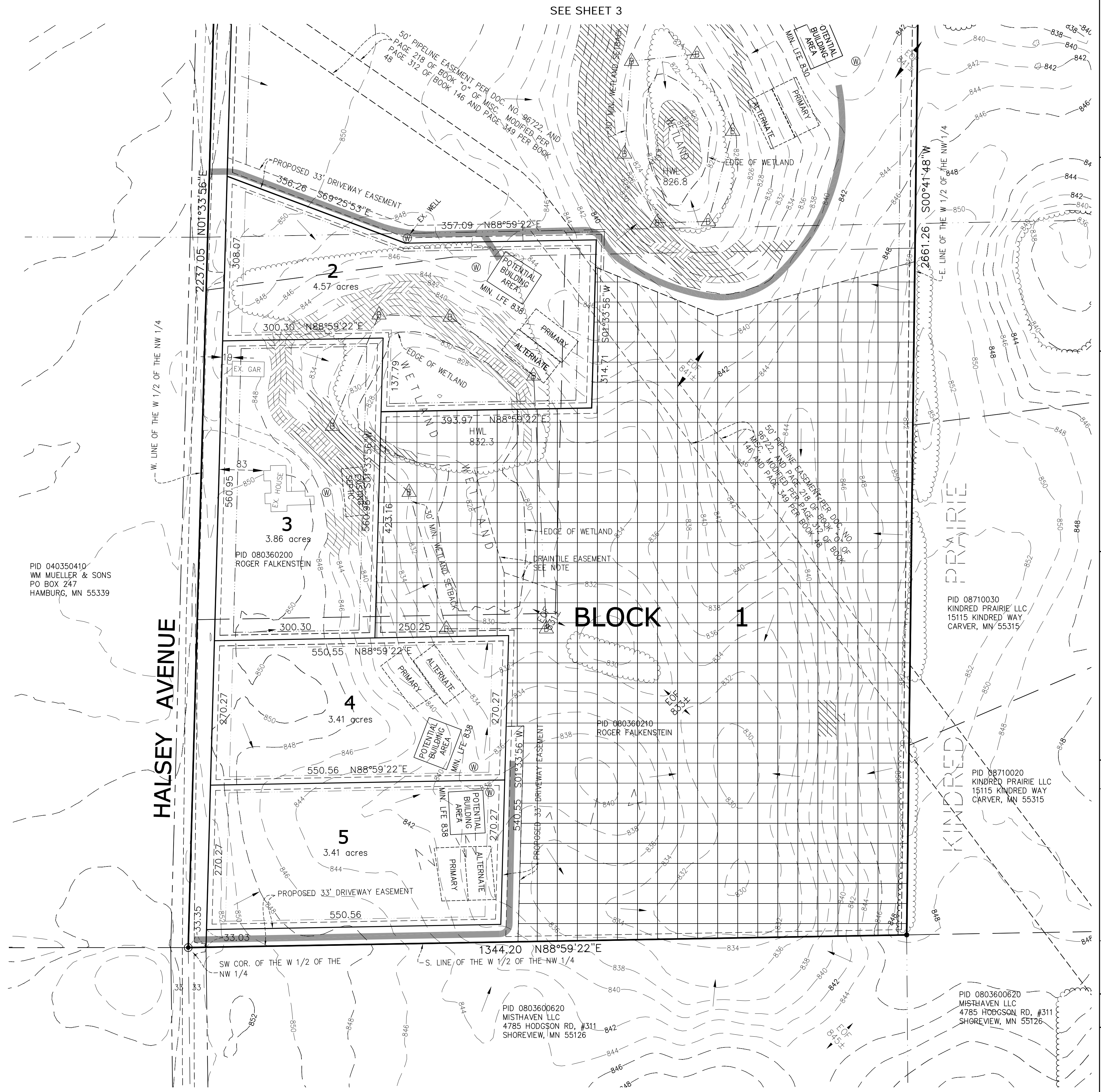


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- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

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



SEE SHEET 3



Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I hereby certify that this plan, report, or specification was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.
Curt Kallio
CURTISS J. KALLIO
DATE: 6/9/2022 REG. NO. 26909

PREPARED FOR:
Roger & Julie Falkenstein
15255 Halsey Ave.
Carver, MN 55315

SHEET TITLE & PROJECT:
**Preliminary Plat
SERENITY PLACE
San Francisco Twp.,
Carver County, MN**

DATE	REVISION

PROJECT NO:
202160

SHEET
2 OF **3**
SHEETS

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

DATE: _____ RESOLUTION #: _____
MOTION BY COMMISSIONER: _____ SECONDED BY COMMISSIONER: _____

A RESOLUTION APPROVING THE PRELIMINARY PLAT OF *SERENITY PLACE*

WHEREAS, the following application for a Preliminary Plat has been submitted and accepted:

FILE #: PP-PZ20220031

APPLICANT: Roger Falkenstein

PROPERTY OWNER: Roger W. Falkenstein and Julie W. Falkenstein

SITE ADDRESS: 15255 Halsey Ave, Carver, MN 55315

PURSUANT TO: County Code, Chapter 151 & 152

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS: #08-036-0100

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meetings of July 19, 2022, and forwarded to the Carver County Board of Commissioners for action; and

WHEREAS, the County Board has reviewed the recommendations and proposed conditions put forward by the Planning Commission after the public hearings on the matter and concurs with the findings, recommendations and conditions of the Planning Commission; and

WHEREAS, the plat substantially meets the requirements of applicable county ordinances except where noted by Planning Commission Resolution No. 22-12 and the areas of deficiency can be addressed through conditions placed on the preliminary plat that must be complied with prior to acceptance of the Final Plat.

1. Mr. and Mrs. Falkenstein own the subject 76.7-acre parcel located in the West Half (W½) of the Northwest Quarter (NW¼) of Section 36, San Francisco Township. The property is improved with a house, attached garage and two (2) detached accessory structures. The land consists of vegetated prairie, trees, wetlands, bluff and tillable crop production areas. The property is located within the Agricultural Zoning District, and the Carver County Water Management Organization (CCWMO) – Carver Creek Watershed.
2. On April 12, 2022, Conditional Use Permit (CUP) #PZ20220009 was issued to the subject property in order to create four additional density (4) lots (one (1) high amenity lot and three (3) conservation incentive lots) and the reconfiguration of one (1) existing 1 per 40 residential lot pursuant to the additional density provisions (Section 152.078 C – High Amenity and D – Conservation Incentive) of the Carver County Zoning Code. With the approval of the CUP, the applicant is now requesting the approval of the Preliminary Plat “Serenity Place” Subdivision. The request would result in platting a total of five (5) new lots (Lots 1-5, Block 1). The plat would consist of three (3) conservation incentive lots (Lot 1, agricultural and Lots 4 & 5 – residential), one (1) high amenity lot (Lot 2 – residential), and the re-configuration of the existing 1 per 40 (Lot 3 - residential). Lot 1, Block 1 would have two (2) separate conservation easement areas recorded on the plat which is required as part of the additional density option under the Conservation Incentive section of the County Code.

3. Copies of the plat have been sent to the San Francisco Township Clerk (Heidi Schmidt), Carver County Attorney's Office (Jennifer Tichey), Carver County Water Management Organization (CCWMO) (Kristen Larson), Carver County Soil & Water Conservation District (SWCD) (Tom Genelin), Independent School District #112 (Finance & Operations Office), Center Point Energy (natural gas utility company serving the area), and Minnesota Valley Electric Cooperative (electric utility company serving the area).
4. The high amenity lot, conservation lots, and 1 per 40 building eligibilities are laid out in such a manner that there are no more than four (4) homes per $\frac{1}{4}$ $\frac{1}{4}$ (40 acres) as permitted by the density regulations of the Carver County Zoning Code. The residential lot sizes range from 3.41 acres to 4.57 acres, and the agricultural lot size would consist of 59.76 acres with the conservation easements. Any proposed house location for Lot 1, Block 1, would need to be located in the North Quarter (N $\frac{1}{4}$) section in order to comply with the density requirements of the Comprehensive Plan and County Zoning Code. Each lot identifies a defined building site that conforms to code requirements, and any home constructed within this platted area would meet the zoning code setback requirements.
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12. The Serenity Place 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. Halsey Avenue). 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.
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 San Francisco Town Board has reviewed the preliminary plat for the subdivision, Serenity Place, during their June 20, 2022, Town Board meeting. The San Francisco Town Board is in support of the development request.
15. 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.

THEREFORE, BE IT RESOLVED, THAT the Carver County Board of Commissioners hereby approves the Preliminary Plat of Serenity Place on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the Preliminary Plat approval:

1. A total of five (5) lots to be platted; three (3) conservation incentive lots (two residential and one agricultural), one (1) high amenity lot (residential), and the reconfiguration of an existing 1 per 40 lot (residential) are permitted. The property shall be platted in accordance with M.S. Chapter 505, Carver County Zoning Subdivision Code, Chapter 151, and the Carver County Zoning Code, Chapter 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 #PZ20220009 shall be satisfied prior to the recording of the final plat.
3. The Covenants as required by CUP #PZ20220009 must be approved prior to final plat consideration. The County Attorney Office shall approve the Covenants and title work prior to the final plat consideration by the County Board. As a part of the platting process the applicant will develop covenants to be filed with the final plat. The Covenants, at minimum, shall 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 (i.e. Lots 2-5).
 - B. A covenant stating that the area is rural 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 with certain conditional use(s) listed in the “A” district.
 - C. If the home sites include any environmentally sensitive land, 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 septic site must be preserved for a future septic 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 submit percolation tests and soil borings for another site before any building permit will be issued.
 - E. A covenant must be included to provide notice and restrictions pertaining to the conservation easement on the existing wooded bluff area, existing wetland area, and proposed prairie restoration areas.
4. The above-required Covenants shall be become part of the plat approval.
 5. The approved Conservation Easement areas shall be shown on the final plat and the Conservation Easement document (w/Maintenance Agreement) shall be recorded simultaneously with the final plat.
 6. Each lot shall be reviewed in the field prior to the issuance of any driveway permit, building permit and/or SSTS permit. All SSTS locations shall be fenced off prior to any land alterations.
 7. Specific construction plan details for each lot shall be submitted to the CCWMO for review and approval prior to issuance of building permit(s) and/or an administrative driveway permit. Each lot shall conform to the standards of the County Code, Chapter 153 – Water Management Standards.
 8. The proposed lots shall conform to the Carver County Land Management Department, CCWMO, Wetland Conservation Act (WCA), and San Francisco Township requirements.
 9. The applicant shall comply with any and/or all requirements established by the appropriate road authority. An access permit for each driveway from Halsey Avenue shall be obtained prior to issuance of new home building permit(s) and administrative driveway permit.
 10. As per Section 151.163 of the Carver County Subdivision Code, all utility facilities are to be located underground. The access and drainage ways shall be designed so that public utilities can be installed at a later date.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

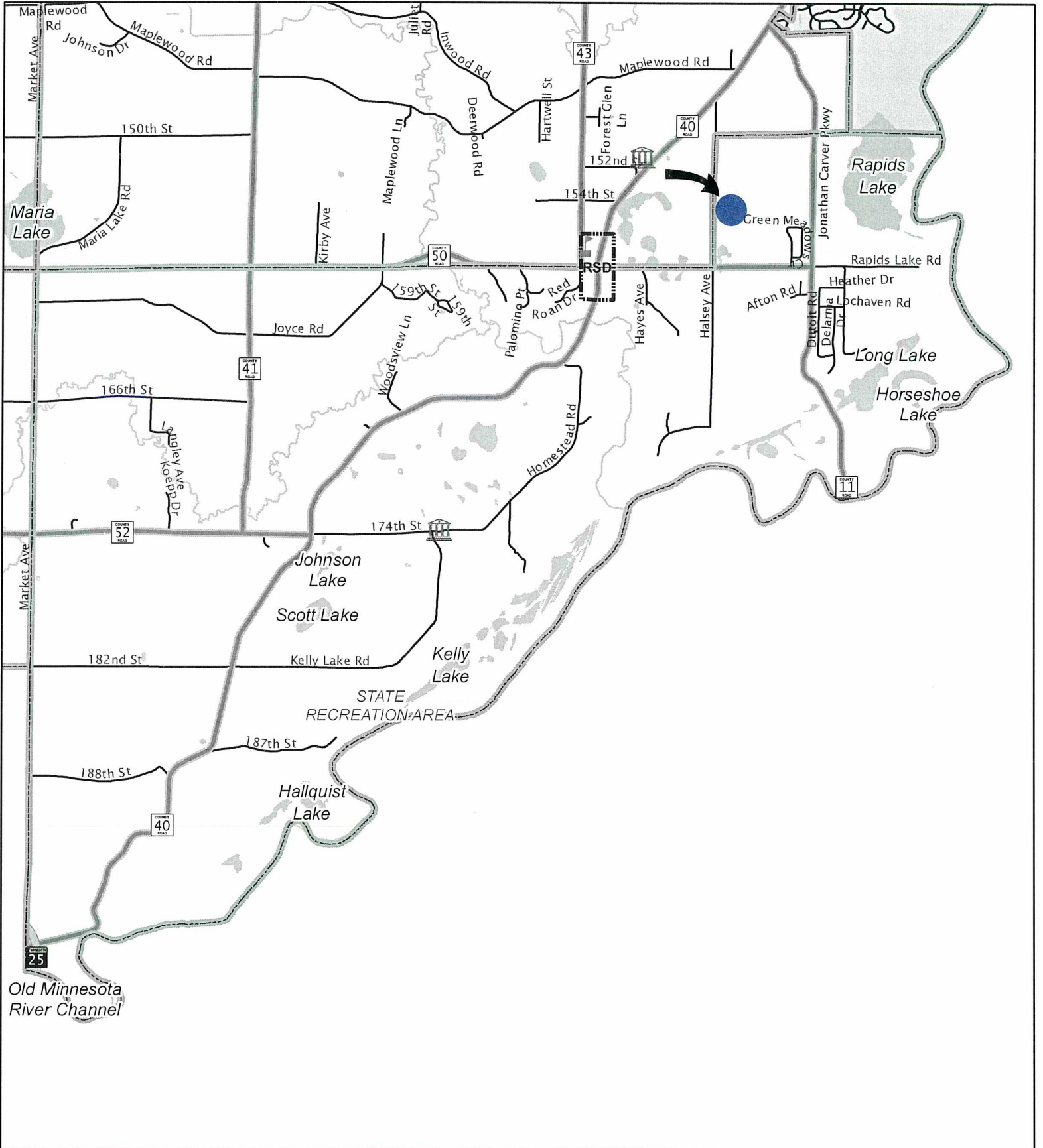
STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 2nd day of August 2022, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

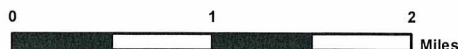
Dated this _____ day of _____, 2022.

County Administrator

SAN FRANCISCO TOWNSHIP



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



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Citizen monetary donation (\$200) to Sheriff's Office

Primary Originating Division/Dept: Sheriff - Administrative Services	Meeting Date: 8/2/2022
Contact: Kate Miner Title: Admin Services Manager	Item Type: Consent
Amount of Time Requested: [] minutes Presenter: [] Title: []	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No

Strategic Initiative:
 Finances: Improve the County's financial health and economic profile

BACKGROUND/JUSTIFICATION:

Board approval for receipt of citizen monetary donation of \$200 to the Sheriff's Office

ACTION REQUESTED:

Review and authorize citizen donation of \$200 to the Sheriff's Office

FISCAL IMPACT: Other If "Other", specify: \$200 Revenue	FUNDING County Dollars = [] [] Total \$0.00
FTE IMPACT: None	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:
 \$200 to be deposited into Community Outreach (01-201-243-1604-6455)

Office use only:

RBA 2022 - 8515

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Minnehaha Creek Watershed District Presentation

Primary Originating Division/Dept: Administration (County)

Meeting Date: 8/2/2022

Contact: Dave Hemze Title: County Administrator

Item Type:
Regular Session

Amount of Time Requested: 25 minutes

Attachments: Yes No

Presenter: Anna Rose Brown Title: Planner - Project Manager

Strategic Initiative:

Connections: Develop strong public partnerships and connect people to services and information

BACKGROUND/JUSTIFICATION:

Anna Rose Brown, Minnehaha Creek Watershed District Planner-Project Manager, would like to provide an update to the County Board on the status of their work in the Six Mile Creek-Halsted Bay Subwatershed.

ACTION REQUESTED:

Information only.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2022 - 8434

Carver County Board of Commissioners Request for Board Action



Agenda Item:
Annual Report from Local Advisory Committee (LAC) on Mental Health

Primary Originating Division/Dept: Health & Human Services - Behavioral Health

Meeting Date: 8/2/2022

Contact: Richard Scott Title: Deputy Division Director

Item Type:
Regular Session

Amount of Time Requested: 20 minutes

Attachments: Yes No

Presenter: Derek Gunderson Title: Chairperson, Carver County LAC

Strategic Initiative:
Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

The Chairperson of the Carver County LAC for Mental Health, would like to give an official annual update to the Board of Commissioners regarding the LAC's activities and recommendations regarding mental health services. After giving his report, Chairperson Gunderson can take questions from County Commissioners.

ACTION REQUESTED:

Receive report from the Carver County Local Advisory Committee on Mental Health.

FISCAL IMPACT: None
If "Other", specify:

FUNDING
County Dollars =
Total \$0.00

FTE IMPACT: None

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2022-