

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – June 17, 2025
Minutes

Members Present: Scott Hoese, Frank Mendez, Matthew Kerber, Scott Wakefield, Andy Steinhagen, John P Fahey

Members Late: None

Members Absent: Greg Grazzini

Staff Present: Jason Mielke, Donovan Hart

Pursuant to due call and published notice thereof, the June 17, 2025, regular meeting of the Carver County Planning Commission was called to order by Chairman Scott Hoese at 7:00 p.m.

Chairman Hoese acknowledged six of the board members are present, with Greg Grazzini being absent.

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

Minutes – A motion was made by Fahey and seconded by Wakefield to approve the minutes from the May 20, 2025, regular meeting. Chairman Hoese noted one correction to the minutes, identifying Mendez as being absent from the May meeting. Fahey made a friendly amendment to his motion to include the correction on the members in attendance. Wakefield agreed to second the amended motion. Chairman Hoese called for a vote on the amended motion. All voted aye. Motion carried.

File #PZ20250027 – Charles Levine – Chairman Hoese called the public hearing to order at 7:03 p.m. to consider a request by Charles Levine. The purpose of the public hearing was to consider a request for an Interim Use Permit for a cannabis business pursuant to Chapter 152 of the County Code. The property is located in Section 29 of Laketown Township.

The following was present: Charles Levine, Eliot King, Peter Parris, Joan Carlson

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated May 13, 2025

Exhibit F – Staff Report addressed to the Planning Commission and Laketown Township dated June 9, 2025, and all attachments.

Hart stated the applicant owns and resides on an approximate 178.2-acre parcel improved with a residence, several accessory and agricultural building, as well as a structure used for manufacturing hemp cannabinoid and ingredient manufacturing. The applicant is seeking to obtain an Interim Use Permit to operate a cannabis microbusiness on the property. He currently operates a hemp cultivation and processing business on the property, made legal under the Mn Legislative Farm Bill of 2018. This business includes an extraction lab for manufacturing hemp-derived cannabinoids and ingredients and is

recognized as a farming activity needing no additional permits (CUP/IUP). The requested IUP will reflect the cannabis cultivation, extraction, concentration, production, and manufacturing activities. On June 4, 2025, Mr. Levine received variances to allow operation of a cannabis business within the Shoreland Overlay District and on a parcel enrolled in the Ag Preserve program. The Office of Cannabis Management (OCM) requires approval from the local land use authority before Mr. Levine can receive his license from the State. OCM maintains strict oversight of cannabis businesses through State regulations, with enforcement authority across all areas of operation. These requirements encompass a wide range of standards, including general operation, recordkeeping, security protocols and transportation procedures. The applicant submitted approximately 130 pages of application materials required by OCM for his licensure. Mr. Levine's proposed business will engage in the cultivation, extraction and concentration, and production of adult-use cannabis products. No retail operations are proposed at this site. He has been operating a licensed industrial hemp operation for approximately eight years within a 1,600-square foot structure on the property. The proposed cannabis production would take place within the same structure, to include a proposed expansion. Mr. Levine explained an entry vestibule will need to be added to the existing facility to comply with OCM rules and regulations. Hart used an aerial photo of the property to illustrate the proposed operational area for the cannabis business. The hours of operation would be Monday through Saturday, from 7:00 AM to 6:00 PM. Staffing would vary seasonally with between two and eight employees on site. There is no public access to the facility and no exterior storage. The operational area would be screen by existing trees, additional proposed vegetation, and the site's natural distance from neighboring properties and public view. The property would also have controlled access. There are no work vehicles dedicated to the business and vehicle traffic is estimated at 2-3 employee vehicles per day and 0-1 delivery vehicles per week. No signage is proposed for the business. The applicant also supplied the materials for his State microbusiness license application which includes standards for inventory tracking, secure storage of plants, products, and waste, as required for all cannabis licensees. The narrative includes measures to prevent unauthorized access to areas where cannabis is grown or stored, restrict access to product sample displays, define video surveillance retention periods, and establish protocols for employee training and accountability. Age verification will also be required for all cannabis product orders to ensure sales are limited to individuals 21 years of age or older. Regarding wastewater management, the application states: *"The existing septic and mound system provides a compliant, self-sufficient wastewater solution that meets both operational needs and Minnesota regulatory standards for cannabis manufacturing facilities."* Water service is provided by a well on-site. A carbon filter exhaust system will be installed to help manage odors and improve overall air quality within the cannabis processing structure. Lori Brinkman, Carver County Senior Environmentalist, reviewed the application materials and stated, *"the wastewater at the property is currently serviced by 3 different systems. A design has been submitted to condense wastewater management into one mound treatment system. Further evaluation is required by Carver County SSTS staff to gather information regarding wastewater flows from the business including gallons per day for proper system sizing, and waste strength. Process wastewater is generally high strength and therefore should not be dispersed into soil treatment areas designed for residential strength waste."* Tim Sundby, Water Resources Supervisor, reviewed the proposal and commented the disturbed area appears to be less than one acre so a stormwater permit is not required. The Laketown Town Board reviewed the application at their May 12, 2025, meeting and unanimously recommended approval, stating, *"The Board supports the applicant's ability to expand the existing hemp operation (manufacturing and cultivation) by adding one acre for cannabis cultivation on their 178-acre property. The applicant is currently in the licensing process under the new State of Minnesota cannabis rules. The Board supports the proposed plan."* Hart read the proposed conditions for consideration if the permit is recommended for approval. If the Planning Commission recommends denial of the request, the deficiencies found should be clearly referenced.

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

Charles Levine, 8420 County Rd 10 E, acknowledged the report was thorough and that he agrees with the proposed conditions of the permit.

Pete Parris, Laketown Township supervisor, stated the applicant appeared at their meeting and the board voted unanimously to recommend approval of the request.

There was no public comment provided on the request.

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

Wakefield referred to the applicant's letter received May 13, 2025, and asked for more specific information to describe the proposed fencing around the outdoor cultivation area.

Mr. Levine stated the fencing requirements from OCM are for six-foot security fencing, which he interprets to be six-foot high chain-link fence with the fabric screening.

Wakefield asked if any barbed wire at the top will be used.

Mr. Levine replied he would not use barbed wire, but if OCM required additional security, he would consider a hot wire around the top perimeter.

Wakefield continued by asking for explanation of the existing security measures at the site.

Mr. Levine stated the current system consists of a residential camera system watching the entry points of the property. OCM standards will require installation of a much higher level of security which will require a third-party system to monitor activity. Each employee will have a key fob that will track their access. The outdoor growing area will also have secure access which will be tracked by the system monitoring.

Wakefield stressed adequate security will be important for the operation.

Mielke commented about the ordinance requirements for a commercial-grade fence. He stated the security aspects, lighting, surveillance monitoring and storing information, and fencing standards for this business will have more stringent requirements from OCM than the County.

Steinhagen, speaking as the representative from the Board of Adjustment, stated the consensus was that Mr. Levine is currently operating a well-run business and being a good neighbor. There were people who spoke in favor of his current business and one who was opposed. The Board also recognized the detailed OCM requirements and the application process he is currently working through.

Mielke explained the need for the variance prior to this request for the benefit of those attending this meeting.

Fahey asked if the applicant had an anticipated date for issuance of his license from OCM.

Mr. Levine stated the variance and IUP processes needed to be completed at the local level before OCM would conduct their final inspection of his operation and grant their permit. He stated his application materials have been sent to OCM and he needed to get the local approval so he could notify OCM that his local process is complete.

Mielke confirmed he received an email from the State OCM about Mr. Levine's local government decision. Mielke will respond to the email after the County Board makes a decision on this request to notify them of the local government decisions so they can proceed with finalizing the OCM permit process with Mr. Levine.

Fahey asked about the process if Mr. Levine's business is successful and he wishes to expand the operations.

Mielke stated he would likely need to contact OCM and begin a new application process, which will also trigger applying for a new IUP at the local level. The application materials and description of operations for this request is the same information that he has submitted to OCM for approval.

A motion was made by Wakefield to **approve and adopt Resolution #25-12** incorporating the findings of fact and staff recommendations approving the mining/land reclamation operation. Steinhagen seconded the motion for approval. All voted aye. Motion carried.

Adjournment

A motion was made by Kerber and seconded by Hoese to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:28 p.m.