



CARVER COUNTY PLANNING COMMISSION

Regular Meeting – **December 16, 2025, 7:00 PM**

Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

1. **Convene**

- 1.1. Call to Order
- 1.2. Pledge of Allegiance
- 1.3. Attendance
- 1.4. Agenda review and adoption
- 1.5. Approve Minutes from November 18, 2025.....**2-11**

2. **Agenda**

- 2.1. File PZ-20250051 - Public Hearing on application
by Karl Gerber for a Conditional Use Permit.
(Essential Service - Wireless Communications Monopole)
Waconia Township.....**12-36**
- 2.2. File PZ-20250052 - Public Hearing on application
by Brooks Ellingson (Timber Creek Golf Course)
for a Conditional Use Permit.
(Large Scale Activity - Golf Course)
Watertown Township.....**37-61**

3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

December 8, 2025

TO: Carver County Planning Commission & Waconia Township Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Essential Service - Wireless Communications Monopole)

FILE #: PZ20250051

APPLICANT: Karl Gerber (on behalf of Vertical Bridge The Towers, LLC)

OWNERS: Patrick A. Butler and Jayne M. Butler

SITE ADDRESS: 9975 Orchard Road, Cologne, MN 55322

PERMIT TYPE: Essential Service - Wireless Communications Monopole

PURSUANT TO: County Code, Chapter 152, Sections § 152.050, 152.052, and 152.056

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-685-0080

BACKGROUND:

1. Patrick Butler and Jayne Butler own an approximately 17.38-acre parcel (Northwood Park Outlots A and B) located in the West Half (W½) of the Southwest Quarter (SW¼) in Section 27, Waconia Township. The property is currently improved with an existing home and two accessory structures. The site is in the Agriculture Zoning District and within the Carver County Water Management Organization (CCWMO) - Carver Creek Watershed.
2. The applicant, Karl Gerber, is requesting a Conditional Use Permit (CUP) to construct a 199-foot-tall private telecommunications monopole for Verizon Wireless and two future carriers on the subject property. This request is made pursuant to Sections 152.050, 152.052, and 152.056 of the Carver County Zoning Code, which provide the regulatory framework as follows:

§ 152.010 DEFINITIONS

ESSENTIAL SERVICE. Public, quasi-public, limited private uses, and uses that serve a community purpose such as utilities, transportation, government operations, communication, energy production, water management, waste treatment or disposal, public parks and similar uses that serve a public need, or are deemed beneficial or essential to the public health and safety, welfare, or serving a public good of the community as determined by the County Board.

ESSENTIAL SERVICES

§ 152.050 SCOPE.

(A) Land uses that serve a public need or are deemed beneficial or essential to the public health and safety, welfare, or serving a public good of the community as determined by the County Board. These land uses, being necessary for the public health, safety, and welfare, and serving a public good, may be located in any area where it is essential to perform their function, provided the applicant demonstrates that the location is essential to perform the function and an appropriate siting process is utilized. The factors to be considered in the siting process include those set forth in the comprehensive plan and other factors applicable to the nature of the activity being proposed. The provisions of the zoning and overlay districts may be given consideration when considering an application for a conditional use permit when one is required, but the provisions shall not prohibit the location of essential services in any district.

- (B) An essential service would typically fall into one or more of the following categories of activities:
- (1) (3) Public or private utility accessory uses. Underground or overhead electrical, gas, steam or water distribution systems, collection, communications, supply or disposal system, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories; but not including buildings or transmission services.
- (Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 97-2021, passed 7-20-21)

§ 152.052 CONDITIONAL USE PERMIT REQUIRED.

- (A) Unless specifically exempted herein, all activities in this section shall be conducted only under a conditional use permit issued pursuant to this chapter. A conditional use permit is not needed under this section to maintain, reconstruct, or relocate existing lines or facilities where the general line and confirmation thereof remains essentially the same unless the construction is within the traveled roadway. When the proposed activity is within the traveled roadway, a permit or other authorization shall be obtained from the responsible road authority. Emergency work otherwise requiring a filing or application shall be accomplished provided filing or application is made as soon thereafter as possible.
- (B) A pre-application meeting with county land management staff is required prior to submitting an application for all activities in this section that requires a public hearing.
- (C) Any application for a conditional use permit shall outline the siting process that was utilized to select the site and shall address the relationship of the site to the following factors:
- (1) Site requirements for the facility;
 - (2) Use of prime agricultural land and environmentally sensitive areas;
 - (3) Traffic generation, road access;
 - (4) Adverse effects on the environment, especially those that cannot be mitigated and/or reversed;
 - (5) Potential for the pollution of air, groundwater, surface water;
 - (6) Agricultural preserve status of the land. Agricultural preserve land may be used for essential services only if no other alternatives exist, and then only after an eminent domain proceeding ordering the land removed from agricultural preserve. When ten or more acres of agricultural preserve land will be used, the procedure in the statute will be followed in making the determination. In cases where the Environmental Quality Board review provisions of the statute do not apply (the land is less than ten acres), the need shall be considered as part of the consideration of the conditional use permit or other approval process. Release from agricultural preserve will be accomplished by the filing of the appropriate court documents indicating that the use is in fact a public purpose and ordering termination of the preserve;
 - (7) Effects on existing and planned land uses in the area;
 - (8) Need for services and infrastructure;
 - (9) Any additional information specified under a particular provision in this section.
- (Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

§ 152.056 WIRELESS COMMUNICATIONS FACILITIES AND TOWERS OR ANTENNAS.

- (A) *Conditional use permit required.* Towers and antennas less than 200 feet in height above ground level (AGL), including appurtenances, (as defined by Part 77 of Federal Aviation Regulations as revised) for wireless communications facilities are permitted upon the issuance of a conditional use permit pursuant to this section.
- (B) *General requirements.*
- (1) The structure/facility shall not be located on agricultural preserve land unless eminent domain action establishes a public purpose as required by the comprehensive plan.
 - (2) The structure/facility shall not be located within any transition area (as identified in the comprehensive plan) unless the affected municipality adopts a resolution in support of the location.
 - (3) In situations where there is an existing home or available building eligibility, the location of the structure/facility shall not deprive the subject property of a building site as defined in this chapter.
 - (4) The structure/facility shall be located on publicly held land and/or land within a Rural Service District, if the land is available, and the location is feasible, within the applicant's search area.
- (C) *Requirements for conditional use permit application in addition to those required pursuant to other appropriate sections of this chapter or as otherwise requested by the Department.*
- (1) Documentation illustrating compliance or pending compliance with FAA and FCC authorization procedures.

- (2) Documentation of the area to be served including a search area for the antenna location. A narrative describing a search area (with not less than a 1½-mile radius) for the request clearly explaining why the site was selected, any environmental review that was conducted including a summary of relevant conclusions, and what existing structures were available and why they are not suitable as locations or co-locations.
 - (3) Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search area due to one or more of the following reasons:
 - (a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost;
 - (b) The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost;
 - (c) No existing or approved towers or commercial/industrial buildings within a 1½-mile radius meet the radio frequency (RF) design criteria;
 - (d) Existing or approved towers and commercial/industrial buildings within a 1½-mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency (RF) engineer;
 - (e) The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a 1½-mile radius was made, but an agreement could not be reached.
 - (4) An agreement stating that the site will be designed for not less than three tenants with applicant and property owner commitment to co-location, whereby, any prohibition of compatible additional tenants on a tower will be considered a violation of the permit. The agreement shall also include a statement that an unused or obsolete tower shall be removed, within six months of cessation of use, by the property owner and/or applicant. The agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.
 - (5) An escrow account, based on the county fee schedule, shall be established from applicants for requests including, but not limited to, locations within 1½ miles of an adjacent jurisdiction or existing structure which is over 100 feet in height. The applicant shall be required to increase the escrow if the county's cost exceeds the initial required amount. The escrow shall be established to reimburse the county for technical services typically provided by a qualified communications engineer, selected by the county, to verify compliance with the co-location and documentation requirements stated above.
- (D) *Standards for the issuance and continuation of a conditional use permit.*
- (1) An agreement providing for co-location and prompt removal of unused and/or obsolete towers shall be attached and become part of the permit.
 - (2) The tower and all associated structures (wireless communication facility), excluding guy wires and anchors, must have a 50-foot minimum setback from all property lines. Towers shall not be located closer than the tower height plus 10 feet from any structure, located on adjacent properties, existing at the time of application.
 - (3) Tower and antenna plans shall be signed by a qualified and licensed professional engineer and constructed to conform to the approved plans, the latest structural standards of the Uniform Building Code, provisions of the Electronic Industries Association and all other applicable reviewing agencies.
 - (4) Permittee must obtain FAA approval and/or provide documentation that FAA approval is not needed.
 - (5) Permittee must obtain FCC licensure and approval as required for various communications applications. Permittee shall follow FCC regulations regarding the correction and/or prevention of any radio frequency interference problems.
 - (6) All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower (measured from ground level to 12 feet above ground level) shall be designed in a manner to preclude unauthorized climbing and shall be enclosed with a minimum of a 6-foot high fence or barrier with a locked gate.
 - (7) Wireless communications facilities shall utilize building materials, colors, textures, screening and landscaping that effectively blend within the surrounding environment to the greatest extent possible.
 - (8) No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.
 - (9) Wireless communications facilities shall not be illuminated by artificial means, except for camouflage purposes (such as, designed as a lighted tower, for a parking lot, or a ball field), security purposes or when illumination is specifically required by the Federal Aviation Administration or other authority.

- (10) No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, or sidewalk, without approval by the county through the building permit approval process.
 - (11) Permittee must submit proof of liability and worker's compensation insurance. All communication towers, their antennas, and associated equipment shall be adequately insured for injury or property damage caused by structural failure of the tower or associated equipment.
 - (12) The permit will be subject to administrative review.
 - (13) Towers and antennas existing or approved as of September 9, 1997. Structures allowed under a previous ordinance or conditional use permit may continue to be used as they were built provided they are in compliance with the conditions of the permit.
- (E) *Location or co-location of antennas and associated equipment.* Location or co-location of antennas and associated equipment on any existing structure is permitted upon the issuance of a building permit (if required) provided the placement of the antennas and appurtenances are in compliance with any federal, state and county regulations.
(Ord. 47, passed 7-23-02; Am. Ord. 58-2007, passed 3-27-07; Am. Ord. 97-2021, passed 7-20-21)

STAFF ANALYSIS:

1. The submitted project narrative (dated November 13, 2025) states that the purpose of the monopole and its proposed location is to:
"...help provide better cell coverage to the area's residents" and "In addition, the proposed site is ideal for a cell tower because it does not infringe on the adjacent parcels' homes, yet it is close enough to residential areas to provide enhanced service to substantial numbers of area residents. Additionally, the tower will also provide better coverage for people traveling on Highway 5 and other roads in the area."
2. The Overall Site Plan, Tower Elevation, Enlarged Site Plan, and Construction Details Plans (all dated August 14, 2025) illustrate the proposed 199-foot monopole, to be located northwest of Orchard Road within a 100-foot x 100-foot lease area. The plan includes a 12-foot-wide gravel drive and parking area. The proposed fenced area would be 50 feet x 50 feet. In addition to the monopole, the site would include a Verizon Wireless generator and equipment cabinets. The tower elevation indicates that Verizon antennas would be mounted, with space reserved for two additional future carrier antennas and equipment, in conformance with County Zoning Code requirements that the site be designed to accommodate at least tenants.

The monopole would be set back 110 feet from the eastern side property line, which complies with zoning standards requiring a minimum 50-foot setback from all property lines. Additionally, the tower meets the required 209-foot setback (tower height plus 10 feet) from structures on adjacent properties.
3. The Site Grading, Erosion, and Landscape Plan (dated August 14, 2025) illustrates 25 proposed Black Hills Spruce trees, each to be planted at a height of six feet, located outside of the fenced leased area. This planting plan complies with the Zoning Code requirement 152.056(D)(7), which states that screening and landscaping shall be utilized to blend within the surrounding environment.
4. The Fence Details Plan (dated August 14, 2025) depicts a six-foot-tall chain-link fence with fabric, topped by a one-foot section of barbed wire, and includes a locked gate. This design conforms with Zoning Code regulations, which require a minimum six-foot-high fence or barrier with a locked gate.
5. The Site Signage Details Plan (dated August 14, 2025) shows six signs and their locations on the fence. Warning and equipment information signage, as required by the manufacturer or by federal, state, or local authorities, is permitted in accordance with Zoning Code regulations.
6. The MIN Sparrow Before and After Plots (dated October 8, 2025) illustrate wireless coverage within 1.5 miles and 5 miles of the site before and after installation of the monopole. On the maps, blue areas indicate strong signal strength, yellow areas indicate moderate signal, and red areas indicate weak signal. As noted in the applicant's narrative, there is a significant coverage gap in this area, and no existing approved towers or structures within 1.5 miles of the proposed site.

7. The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:
 - Structure: Antenna Tower US-MN-5159 SPARROW
 - Location: cologne, MN
 - Latitude: 44-49-27.49N NAD 83
 - Longitude: 93-49-37.19W
 - Heights: 981 feet site elevation (SE)
 - 199 feet above ground level (AGL)
 - 1180 feet above mean sea level (AMSL)

In a letter received from the FAA (dated December 12, 2024), the Aeronautical Study No. 2024-AGL-15275-OE revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

- *“Emissions from this site must be in compliance with the parameters set by collaboration between the FAA and telecommunications companies and reflected in the FAA 5G C band compatibility evaluation process (such as power, frequencies, and tilt angle). Operational use of this frequency band is not objectionable provided the Wireless Providers (WP) obtain and adhere to the parameters established by the FAA 5G C band compatibility evaluation process. **Failure to comply with this condition will void this determination of no hazard.**”*
 - *“Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M Change I.”*
8. The application materials were forwarded to Abigail Ernst, Water Resources Program Analyst, with Carver County Water Management Organization for review. In an email dated November 25, 2025, she stated that an Erosion and Sediment Control Permit would be required because the monopole project area is located within 50 feet of the wetland.
 9. The submitted CUP materials were sent to the City of Waconia for review. As of the date of this staff report, the City of Waconia has not provided any comments on the application.
 10. The Waconia Township Board reviewed the request at their November 24, 2025, meeting and recommended approval. As of the date of this staff report, the Land Management Department has not received a signed Township Recommendation Form; however, staff received a voicemail from Waconia Township Board Supervisor John Zimmerman on December 4, 2025, confirming that the Board did recommend approval of the application.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Conditional Use Permit application for a 199-foot-tall private telecommunications monopole on the parcel legally described in Exhibit A, the following conditions should be included as part of the permit:

1. The permit is subject to administrative review. Any change in ownership, operations, or operator shall trigger a review by the Land Management Department to determine whether an amendment or similar action is necessary. Proposed owners and/or operators are encouraged to contact the Land Management Department as early as possible in the timeline of the proposed change.
2. All structures used in conjunction with telecommunications operations shall meet the applicable requirements of the Carver County Zoning Code, the State Building Code, and Telecommunications Industry Association standards (TIA-222, as amended). All required building permits shall be obtained prior to construction. The tower shall be designed and located in accordance with the approved site plans. The construction of any new structures may require an amendment to the permit.

3. Any stormwater management, grading, or filling activity on the property shall comply with the regulations of the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Required reviews and approvals must be obtained prior to issuance of construction and/or building permits. The applicant must apply for an Erosion and Sediment Control Permit.
4. The permittee shall comply with all applicable Federal Aviation Administration (FAA) requirements and stipulations.
5. The permittee shall obtain all required Federal Communications Commission (FCC) licenses and approvals.
6. No advertising or identification intended to be visible from the ground or other structures is permitted, except for warning signs and equipment information required by the manufacturer or by Federal, State, or local authorities.
7. The permittee is responsible for complying with all applicable Federal, State, and local rules, regulations, and permitting requirements.

OR

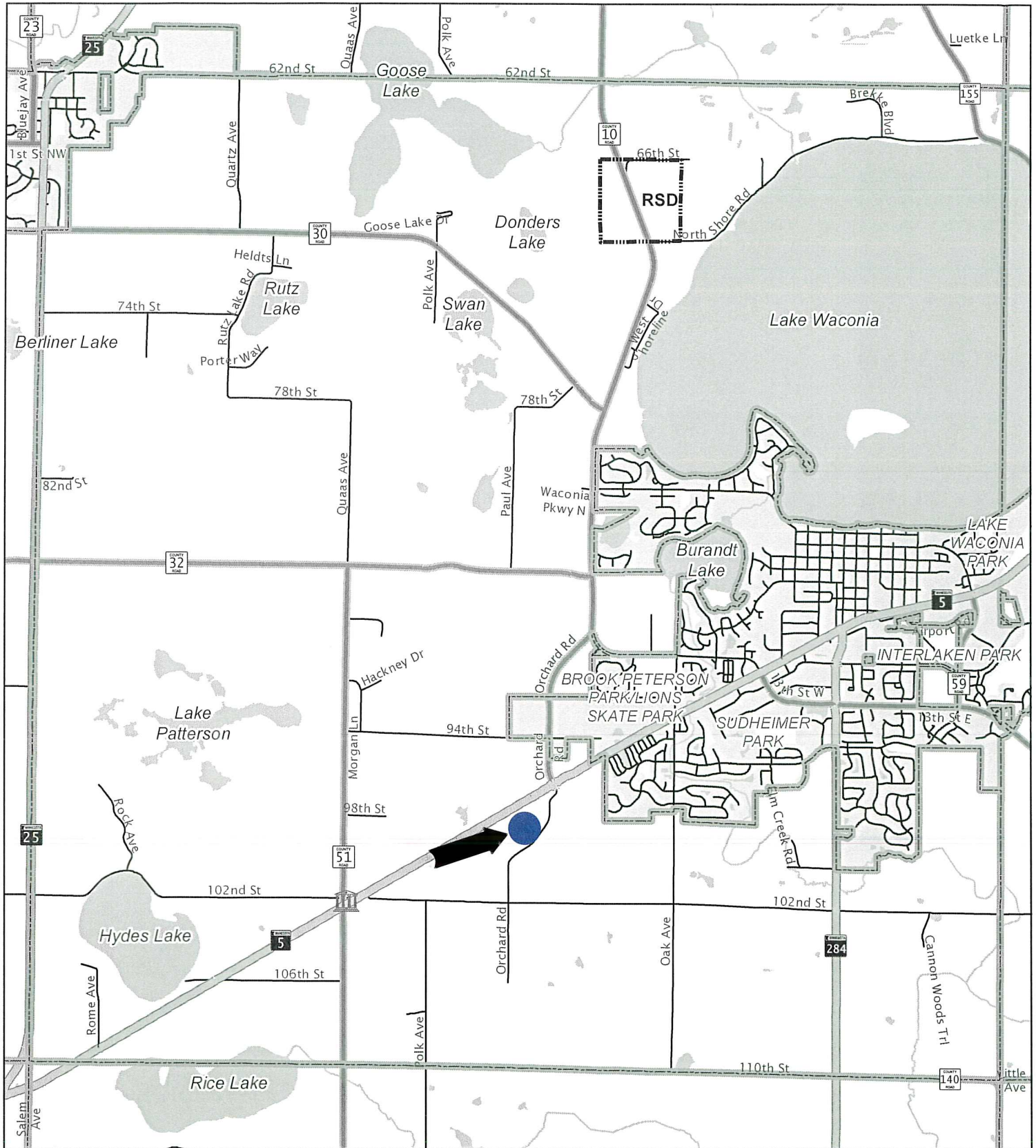
If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

§ 152.251 REQUIRED FINDINGS.

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

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

WACONIA TOWNSHIP



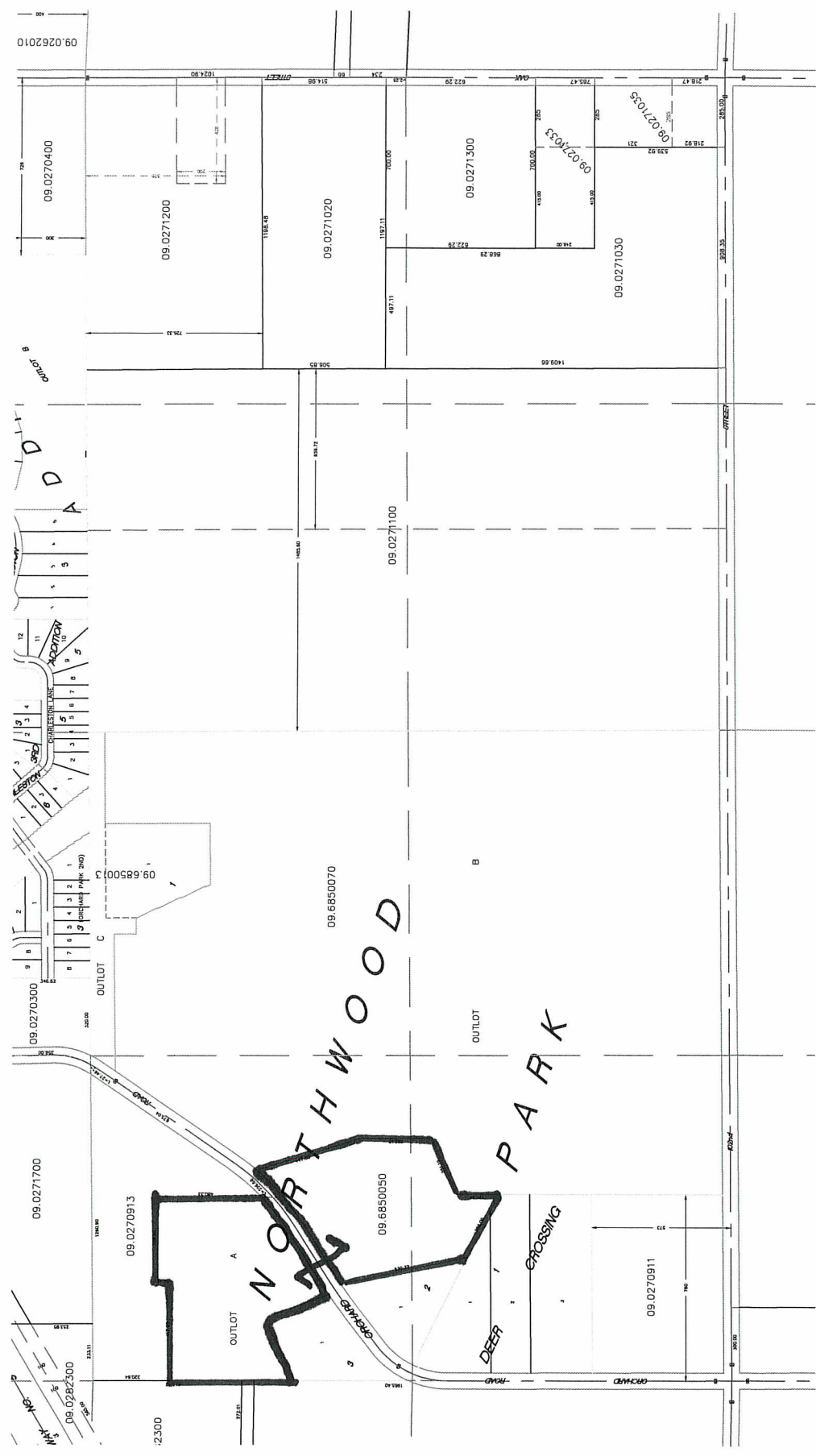
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 IT IS A PRELIMINARY SURVEY MAP.
 AS SUCH, IT IS NOT TO BE USED FOR RECORDING.
 IT IS TO BE USED FOR INFORMATIONAL PURPOSES ONLY.
 ANY REVISIONS TO THIS MAP MUST BE MADE BY THE SURVEYOR.
 ANY REVISIONS TO THIS MAP MUST BE MADE BY THE SURVEYOR.
 ANY REVISIONS TO THIS MAP MUST BE MADE BY THE SURVEYOR.

S 1/2 SEC. 27, T.116, R.25





BUELL CONSULTING, INC.
9973 Valley View Rd
Eden Prairie, MN 55344
(651) 361-8110
www.buellconsulting.com

Thursday, November 13, 2025

Carver County, MN, Department of Land Management
Attn: Mr. Jason Mielke, Land Use
Manager

600 East 4th Street
Chaska, Minnesota 55318

RE: CUP Application for New Tower Site – Vertical Bridge The Towers, LLC, ref. US-MN-5159 / Sparrow /
Patrick A. Butler Property: Carver County PID 096850080, of Section 27, Township 116, Range 25 East.

Dear Mr. Mielke, and the Carver County Planning Commission,

On behalf of Vertical Bridge The Towers, LLC, Buell Consulting, Inc. hereby submits a Conditional Use
Application for a Communications Tower on a property within Carver County PID 096850080 owned by
Patrick & Jayne Butler.

Enclosed with this letter are the following items:

- Zoning Narrative (see immediately following pages) explaining how our proposed project complies with the
County of Carver Zoning Ordinance
- CUP application fee in the amount \$600 (paid over the phone)
- CUP application form completed and signed by me, on behalf of the applicant, Vertical Bridge The Towers, LLC,
and by the property owner
- Site Plans by Design 1. Dated 08/14/2025
- FAA pre-check showing no hazard
- Certificate of insurance
- Bond of \$75,000
- Fall zone letter
- Minnesota Wetland Conservation Act - Notice of Decision
- Collocation letter

**Please do not hesitate to call for any clarifications or additional questions related to any of the CUP application
materials. So that we can monitor various internal and external deadlines. Also, please confirm that this application is
complete or, if it is not complete, please provide a detailed description of the required information that is incomplete
so we can address it properly and correctly.**

Sincerely,

Karl Gerber

Site Development Agent on behalf of Vertical Bridge The
Towers, LLC
Phone: 715-415-4528
Email: kgerber@buellconsulting.com

Encl.

Zoning Narrative

Conditional Use Permit Application for a New Communication Tower

Carver County PID 096850080

This zoning narrative is included to state how our application complies with the County of Carver Zoning Ordinance (cited ordinance language is in *blue italics*, our responses are in normal font).

We are proposing to build a 199-foot monopole communication tower on parcel 096850080 to help provide better cell coverage to the area's residents. The proposed tower is setback 110-feet from the nearest property line with the tower having a fall zone radius of 75-feet. The proposed compound of the tower is 75-feet away from the nearest property line. If approved the proposed communication tower is set to be built in late spring / early summer of 2026. Typical construction timeline is less than month. Typically, there is a crane to build the tower along with an additional service vehicle or two. Additionally (not always on the same days) there will be a vehicle or two for installing the utilities (fiber & electrical). Once the tower is built vehicle traffic will be minimal, typically once or twice per year for general maintenance unless more visits are required by the jurisdiction.

Communication Tower Use:

Our proposed use is located on a parcel zoned as AG – Agriculture within Waconia Township in Carver County. According to the Carver County Zoning Ordinance, Section 152.056 WIRELESS COMMUNICATIONS FACILITIES AND TOWERS OR ANTENNAS, Communication Towers are permitted with the issuance of a conditional use permit by County Board. In addition, the proposed site is ideal for a cell tower because it does not infringe on the adjacent parcels' homes, yet it is close enough to residential areas to provide enhanced service to substantial numbers of area residents. Additionally, the tower will also provide better coverage for people traveling on Highway 5 and other roads in the area. We feel our proposed use is appropriate at the proposed location from both a zoning and practical perspective.

(B) General requirements:

1. The structure/facility shall not be located on agricultural preserve land unless eminent domain action establishes a public purpose as required by the comprehensive plan.

Our proposed tower is located on a parcel zoned AG – Agriculture, not on land enrolled in the Agricultural Preserve program.

2. The structure/facility shall not be located within any transition area (as identified in the comprehensive plan) unless the affected municipality adopts a resolution in support of the location.

Our proposed tower is not located within any transition area.

3. In situations where there is an existing home or available building eligibility, the location of the structure/facility shall not deprive the subject property of a building site as defined in this chapter.

Due to the makeup of the parcel and where we are proposing the tower to be built, we do not believe we are depriving the subject property of available building eligibility.

4. The structure/facility shall be located on publicly held land and/or land within a Rural Service District, if the land is available, and the location is feasible, within the applicant's search area.

No land in the Rural Service District was available / feasible.

(C) Requirements for conditional use permit application in addition to those required pursuant to other appropriate sections of this chapter or as otherwise requested by the Department.

1. Documentation illustrating compliance or pending compliance with FAA and FCC authorization procedures.

Please see attached no hazard letter from the FAA. Towers under 200' do not need to be registered with the FCC. Our proposed tower is 199'.

2. Documentation of the area to be served including a search area for the antenna location. A narrative describing a search area (with not less than a 1½-mile radius) for the request clearly explaining why the site was selected, any environmental review that was conducted including a summary of relevant conclusions, and what existing structures were available and why they are not suitable as locations or co-locations.

Please see attached RF mapping showing the coverage of the area before and after the tower is added. The mapping shows how there is a significant gap in coverage in the area. With the City of Waconia continuing to grow and expand, the addition of this tower will help alleviate the stress and bottle necking of data on the current network. Also, please see attached Minnesota Wetland Conservation Act notice of decision letter attached.

3. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search area due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost;

Not applicable since there is no existing or approved tower /structure within a 1.5 miles radius of our proposed location. Additionally, no building within 1.5-mile radius of our proposed tower meets the height need for RF's coverage goals.

(b) The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost;

Not applicable since there is no existing or approved tower /structure within a 1.5 miles radius of our proposed location. Additionally, no building within 1.5-mile radius of our proposed tower meets the height need for RF's coverage goals.

(c) No existing or approved towers or commercial/industrial buildings within a 1½-mile radius meet the radio frequency (RF) design criteria;

This is the reason for our proposed tower because there are no existing or approved towers or commercial/industrial buildings within a 1½-mile radius meet the radio frequency (RF) design criteria

(d) Existing or approved towers and commercial/industrial buildings within a 1½-mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency (RF) engineer;

Not applicable since there is no existing or approved tower /structure within a 1.5 miles radius of our proposed location. Additionally, no building within 1.5-mile radius of our proposed tower meets the height need for RF's coverage goals.

(e) The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a 1½-mile radius was made, but an agreement could not be reached.

Not applicable since there is no existing or approved tower /structure within a 1.5 miles radius of our proposed location. Additionally, no building within 1.5-mile radius of our proposed tower meets the height need for RF's coverage goals.

4. An agreement stating that the site will be designed for not less than three tenants with applicant and property owner commitment to co-location, whereby, any prohibition of compatible additional tenants on a tower will be considered a violation of the permit. The agreement shall also include a statement that an unused or obsolete tower shall be removed, within six months of cessation of use, by the property owner and/or applicant. The agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

Please see the attached lease agreement signed by Vertical Bridge and the property owner. Section 8 ASSIGNMENT AND SUBLEASE. States how Vertical Bridge has the right to sublease space on the tower to additional users. Also, please see attached site plans that show the tower is designed to hold Verizon and at least two other future users.

5. An escrow account, based on the county fee schedule, shall be established from applicants for requests including, but not limited to, locations within 1½ miles of an adjacent jurisdiction or existing structure which is over 100 feet in height. The applicant shall be required to increase the escrow if the county's cost exceeds the initial required amount. The escrow shall be established to reimburse the county for technical services typically provided by a qualified communications engineer, selected by the county, to verify compliance with the co-location and documentation requirements stated above.

Please see the attached \$75,000 bond.

(D) Standards for the issuance and continuation of a conditional use permit.

1. An agreement providing for co-location and prompt removal of unused and/or obsolete towers shall be attached and become part of the permit.

Please see the attached lease agreement signed by Vertical Bridge and the property owner. Section 8 ASSIGNMENT AND SUBLEASE. States how Vertical Bridge has the right to sublease space on the tower to additional users. Section 7 EQUIPMENT, FIXTURES AND REMOVAL. States how Vertical Bridge must restore the tower premise two feet below grade level within 90 days if the lease expires or the tower is no longer needed.

2. The tower and all associated structures (wireless communication facility), excluding guy wires and anchors, must have a 50-foot minimum setback from all property lines. Towers shall not be located closer than the tower height plus 10 feet from any structure, located on adjacent properties, existing at the time of application.

Please see page A-1 of the attached site plans showing the tower compound is set back 75 feet from the nearest property line. The nearest structure on any of the adjacent parcels is approximately 580 feet away from tower center. Additionally, please see attached fall zone letter stating how the tower in the rare circumstance that it does collapse will fall past the property lines.

3. Tower and antenna plans shall be signed by a qualified and licensed professional engineer and constructed to conform to the approved plans, the latest structural standards of the Uniform Building Code, provisions of the Electronic Industries Association and all other applicable reviewing agencies.

Once / if approved in zoning the current tower drawings will be stamped by a state licensed engineer for approval for construction. If any changes are needed / required during the zoning phase those changes will be made to the plans prior to them being stamped by a state licensed engineer.

4. Permittee must obtain FAA approval and/or provide documentation that FAA approval is not needed.

Please see the attached no hazard letter from the FAA.

5. Permittee must obtain FCC licensure and approval as required for various communications applications. Permittee shall follow FCC regulations regarding the correction and/or prevention of any radio frequency interference problems.

Towers under 200' do not need to be registered with the FCC. Our proposed tower is 199'.

6. All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower (measured from ground level to 12 feet above ground level) shall be designed in a manner to preclude unauthorized climbing and shall be enclosed with a minimum of a 6-foot high fence or barrier with a locked gate.

Please see pages A-4 to A-6 of the attached site plans showing the fence details along with no trespassing signs to unauthorized personnel.

7. Wireless communications facilities shall utilize building materials, colors, textures, screening and landscaping that effectively blend within the surrounding environment to the greatest extent possible.

Please see page A-2.1 of the attached site plans showing the proposed landscape plan.

8. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.

No advertising or signs will be posted other than the site, safety, and no trespassing ones listed on page A-6 of the attached site plans.

9. Wireless communications facilities shall not be illuminated by artificial means, except for camouflage purposes (such as, designed as a lighted tower, for a parking lot, or a ball field), security purposes or when illumination is specifically required by the Federal Aviation Administration or other authority.

Due to the proposed tower being under 200 feet tall and not being near any airports lighting is not required.

10. No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, or sidewalk, without approval by the county through the building permit approval process.

The attached site plans show that no part of the tower or any antennas, lines, cable, equipment, wires, or braces extend across or over any part of the right-of-way, public street, highway, or sidewalk.

11. Permittee must submit proof of liability and worker's compensation insurance. All communication towers, their antennas, and associated equipment shall be adequately insured for injury or property damage caused by structural failure of the tower or associated equipment.

Please see the attached certificate of insurance.

12. The permit will be subject to administrative review.

13. Towers and antennas existing or approved as of September 9, 1997. Structures allowed under a previous ordinance or conditional use permit may continue to be used as they were built provided they are in compliance with the conditions of the permit.

Not applicable.

(E) Location or co-location of antennas and associated equipment. Location or co-location of antennas and associated equipment on any existing structure is permitted upon the issuance of a building permit (if required) provided the placement of the antennas and appurtenances are in compliance with any federal, state and county regulations.

We shall be filing for a building permit upon approval of the CUP or earlier if allowed to do so.

Thank you for considering our proposed Conditional Use Permit Application and Submittal Package for Vertical Bridge The Towers, LLC's proposed tower facility. We believe we satisfy all requirements for the proposed cell tower facility, and we welcome any questions and comments as you review this application.

Please feel free to call me with any questions.

Sincerely,

Karl Gerber

Site Development Agent on Behalf of Vertical Bridge The
Towers, LLC Buell Consulting, Inc.

720 Main Street, Suite 200

Saint Paul, MN 55118

Office/Cell: 715-415-4528

Email: kgerber@buellconsulting.com

August 28, 2025

Pete Ryner
The Towers, LLC
22 West Atlantic Avenue, Suite 310
Delray Beach, FL 33444

RE: Proposed 195' Sabre Self-Supporting Tower for US-MN-5159 Sparrow, MN

Dear Mr. Ryner,

Upon receipt of order, we propose to design and supply a tower for the above referenced project for a Basic Wind Speed of 110 mph with no ice and 50 mph with 1.5" radial ice, Risk Category II, Exposure Category C, and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-H, "Structural Standard for Antenna Supporting Structures, Antennas and Small Wind Turbine Support Structures".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one or more of the tower members in the upper portion. This would result in a buckling failure mode, where the loaded member would bend beyond its elastic limit (beyond the point where the member would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of such an extreme wind event would be localized buckling of a tower section. Assuming that the wind pressure profile is similar to that used to design the tower, the tower is most likely to buckle at the location of the highest combined stress ratio in the upper portion of the tower. This would result in the portion of the tower above the failure location "folding over" onto the portion of the tower below the failure location.

Please note that this letter only applies to the above referenced tower designed and manufactured by Sabre Industries. In the unlikely event of total separation, this would result in a fall radius within 75' feet at ground level. **PROFESSIONAL ENGINEER**

Sincerely,

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

Thomas T. Wilson, P.E.
Design Engineer

Print Name **THOMAS T. WILSON**

Signature *Thomas T. Wilson*

Date 8/28/2025 License **#60302**



August 26, 2025

Carver County
Zoning Department
ATTN: Jason Mielke – Carver County Land Use Manager
600 E. 4th Street
Chaska, MN 55318

Re: Written Statement demonstrating the wireless support structure/facility allows co-location of additional future tenants

Address: 9975 Orchard Rd., Cologne, MN 55322
Parcel #: 096850080
Site Name: Sparrow
Site ID: US-MN-5159
Site Number: 15294385

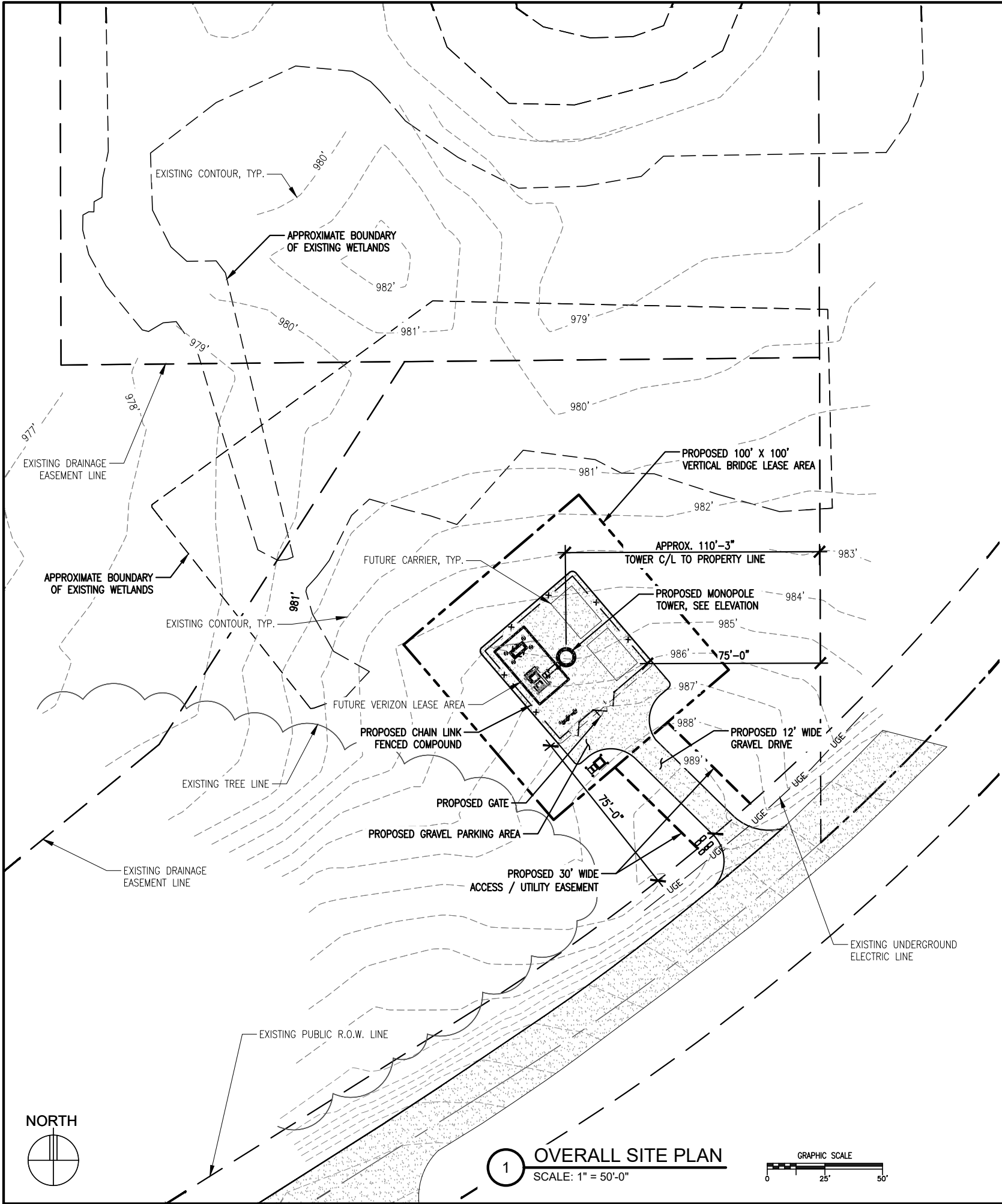
Dear Mr. Mielke,

Buell Site Acquisition, as Agent to The Towers, LLC, AKA Vertical Bridge VBTS, LLC. has submitted the Carver County Zoning Application for the Construction of New Wireless Service Support Structure, Facilities at the above-mentioned location.

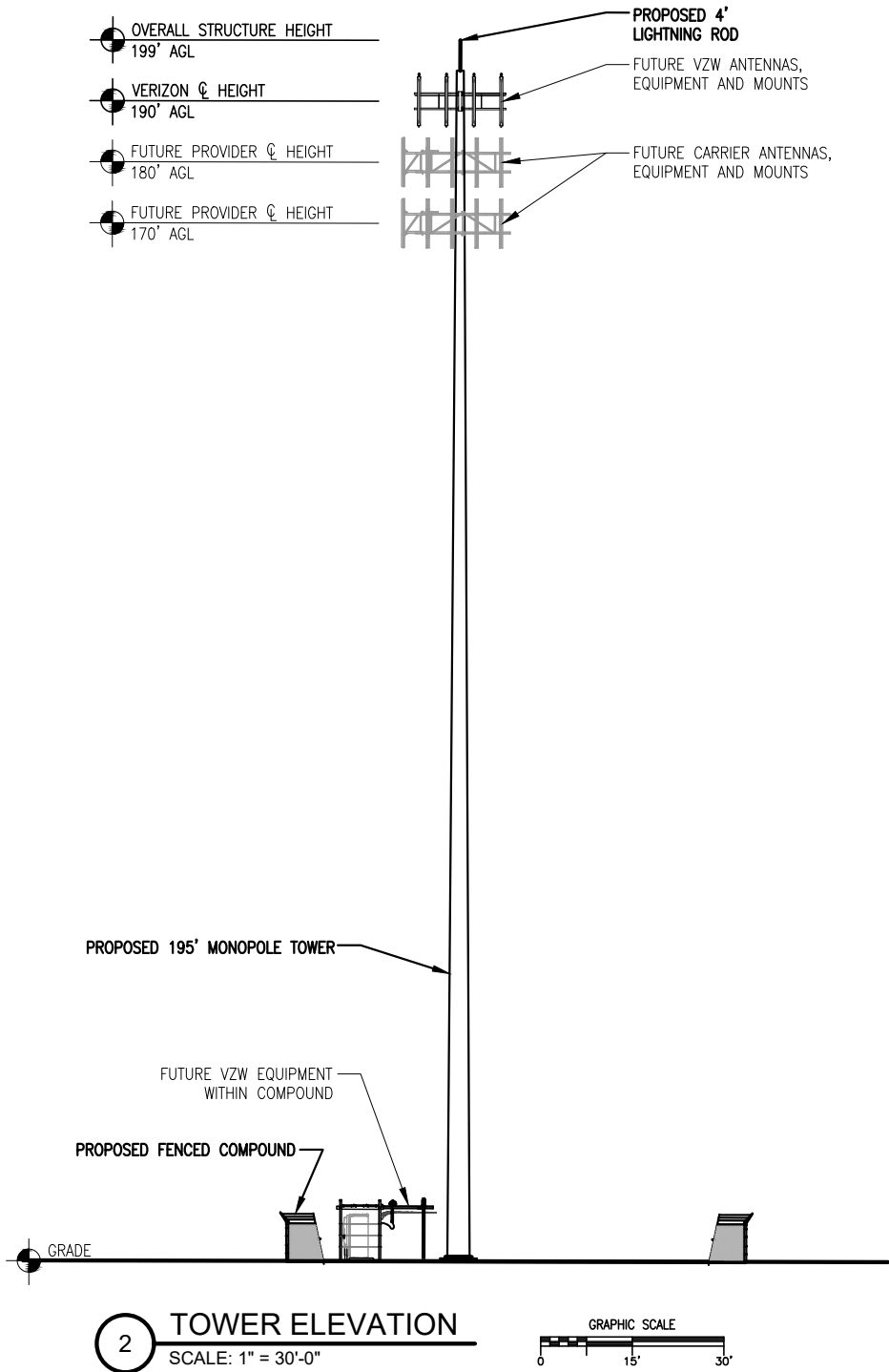
The Towers, LLC, AKA Vertical Bridge VBTS, LLC. confirms the wireless support structure/facility are designed to allow for co-location of additional future tenants. The Towers, LLC, AKA Vertical Bridge VBTS, LLC. also confirms the lease agreement by and between the lessor and lessee does not preclude the lessee from entering into leases on the site with other provider(s) and no other lease provision shall operate as a bar to co-location of other providers. Please accept this Written Statement fulfilling the plan review requirements.

Hereby submitted this _26 day of _August 2025

John Stevens
Vice President, Development



- NOTES:
1. THESE DRAWINGS DO NOT CONSTITUTE A WARRANTY, EXPRESSED OR IMPLIED, OF THE ACCURACY OF THE STRUCTURAL ANALYSES AND THE PERFORMANCE OF THE COMPLETED CONSTRUCTION AS SHOWN ON THESE DOCUMENTS AND THE STRUCTURAL ANALYSES.
 2. NO STRUCTURAL ANALYSIS FOR THE TOWER OR FOUNDATION HAVE BEEN PERFORMED AS PART OF THESE DRAWINGS. THE STRUCTURAL ANALYSIS FOR THE TOWER AND FOUNDATION ARE BY THE TOWER SUPPLIER AND SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF THE PROJECT.
 3. PLEASE COORDINATE ANY STRUCTURAL CONCERNS/MATTERS OR ANY LOADING MODIFICATIONS TO THE CONSULTANT WHO AUTHORED THE ANALYSIS AND NOTIFY DESIGN 1 IMMEDIATELY OF THE ISSUE.
 4. TOWER FOUNDATION AND THE ACCESS DRIVE TO BE EXCAVATED AND CONSTRUCTED IN ACCORDANCE WITH RECOMMENDATIONS AND SPECIFICATIONS OF THE GEOTECHNICAL REPORT WHICH IS NOT INCLUDED IN THIS PACKAGE. DISCREPANCIES BETWEEN THE REPORT AND THE OTHER DOCUMENTS TO BE IMMEDIATELY REPORTED TO THE DESIGNER.
 5. TOWER TO BE ERECTED AND INSTALLED IN ACCORDANCE WITH TOWER MANUFACTURER'S DRAWINGS NOT INCLUDED WITH THIS PACKAGE. DISCREPANCIES BETWEEN TOWER DRAWINGS AND DESIGNER DRAWINGS TO BE REPORTED THE DESIGNER IMMEDIATELY.
 6. CONTRACTOR TO ENSURE TIP OF ANTENNAS DO NOT EXCEED TOWER HEIGHT.
 7. ELEVATION IS SHOWN FOR GENERAL DIAGRAMMATIC PURPOSES ONLY. DO NOT SCALE.



PREPARED FOR:

verticalbridge

THE TOWERS, LLC
750 PARK OF COMMERCE DR.
SUITE 200
BOCA RATON, FL 33487

NOT FOR CONSTRUCTION

DESIGN 1

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

PROJECT
US-MN-5159

SPARROW

9975 ORCHARD RD
COLOGNE, MN 55322

SHEET CONTENTS:
OVERALL SITE PLAN
TOWER ELEVATION

DRAWN BY:	SJD
CHECKED BY:	TAB
REV. A	11-15-24
REV. B	07-31-25
REV. C	08-14-25

A-1

SEE SHEET G-1 FOR ADDITIONAL NOTES.

PREPARED FOR:



THE TOWERS, LLC
750 PARK OF COMMERCE DR.
SUITE 200
BOCA RATON, FL 33487

NOT FOR
CONSTRUCTION

DESIGN₁

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

PROJECT
US-MN-5159

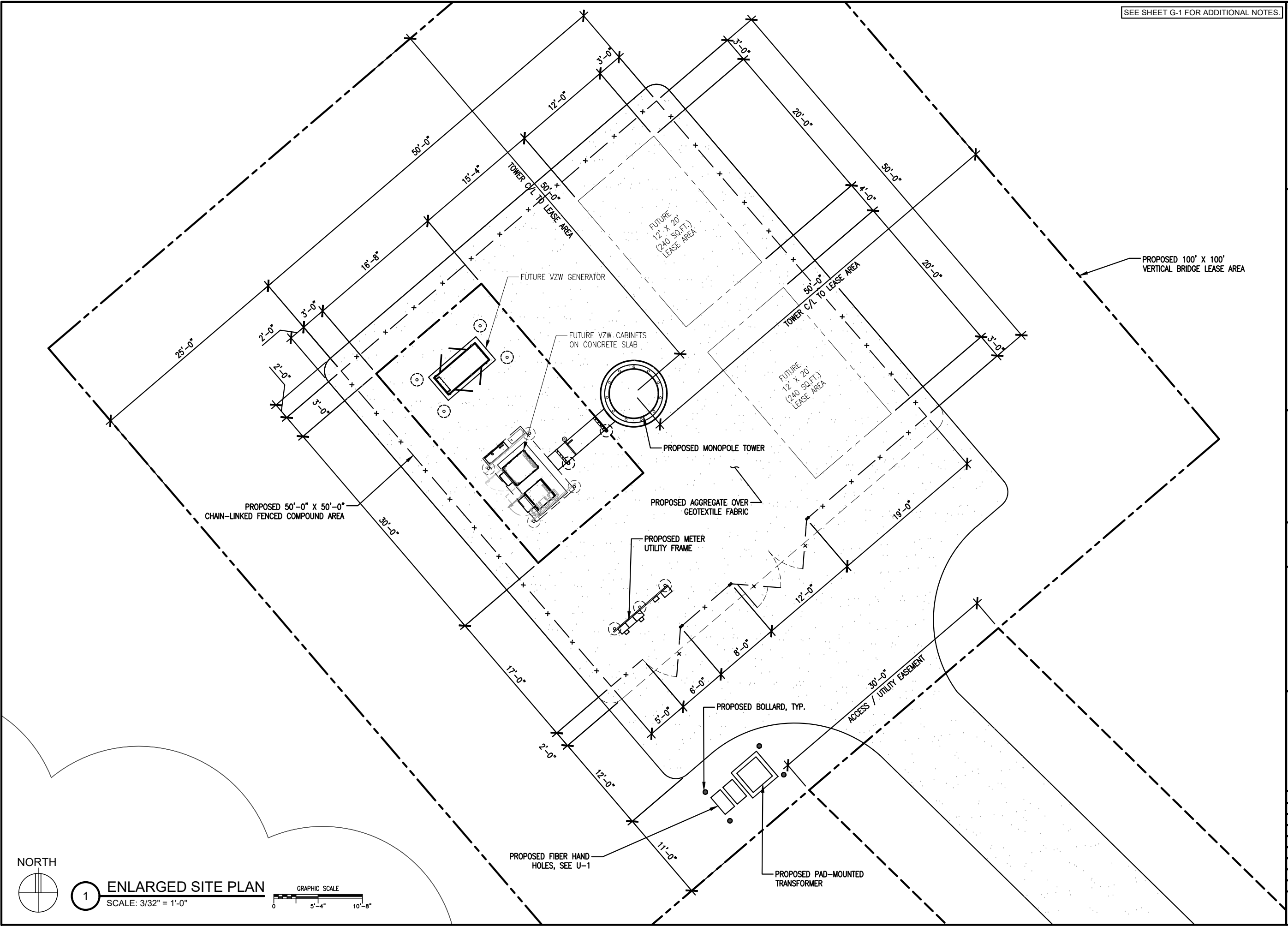
SPARROW

9975 ORCHARD RD
COLOGNE, MN 55322

SHEET CONTENTS:
ENLARGED SITE PLAN

DRAWN BY:	SJD
CHECKED BY:	TAB
REV. A	11-15-24
REV. B	07-31-25
REV. C	08-14-25

A-2



NORTH

1

ENLARGED SITE PLAN

SCALE: 3/32" = 1'-0"

GRAPHIC SCALE
0 5'-4" 10'-8"

NOTE:
CONTRACTOR TO INSTALL NUTS
ON ALL BOLTS TOWARDS THE
INTERIOR OF THE COMPOUND

PREPARED FOR:



vertical bridge

THE TOWERS, LLC
750 PARK OF COMMERCE DR.
SUITE 200
BOCA RATON, FL 33487

NOT FOR
CONSTRUCTION

DESIGN 1

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

PROJECT
US-MN-5159

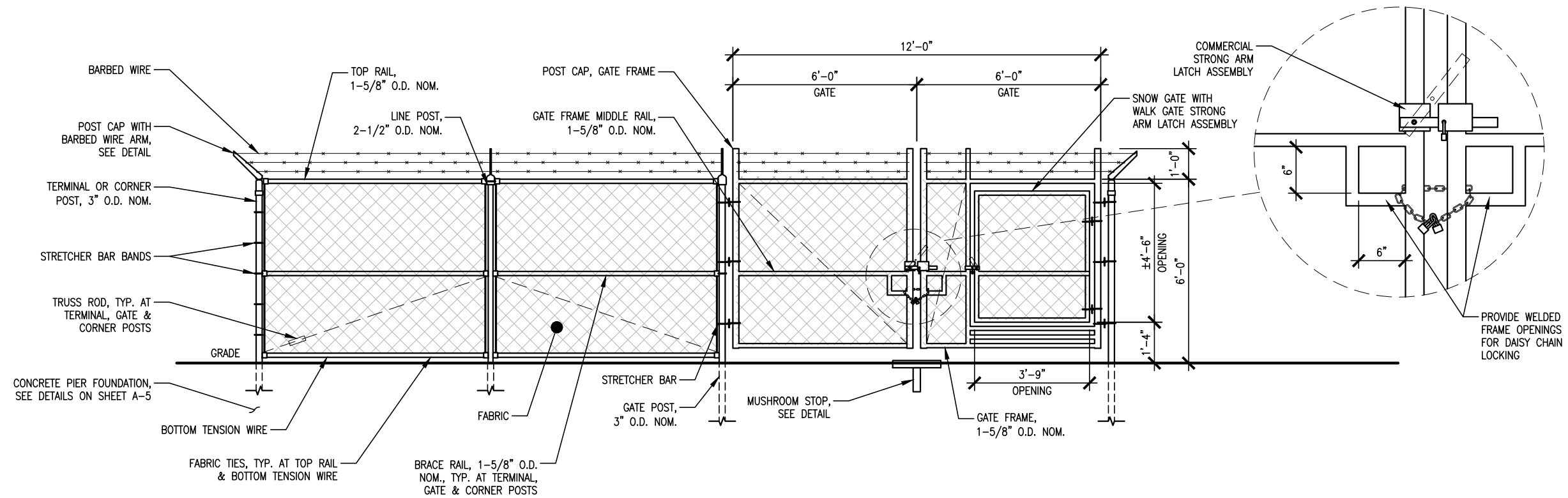
SPARROW

9975 ORCHARD RD
COLOGNE, MN 55322

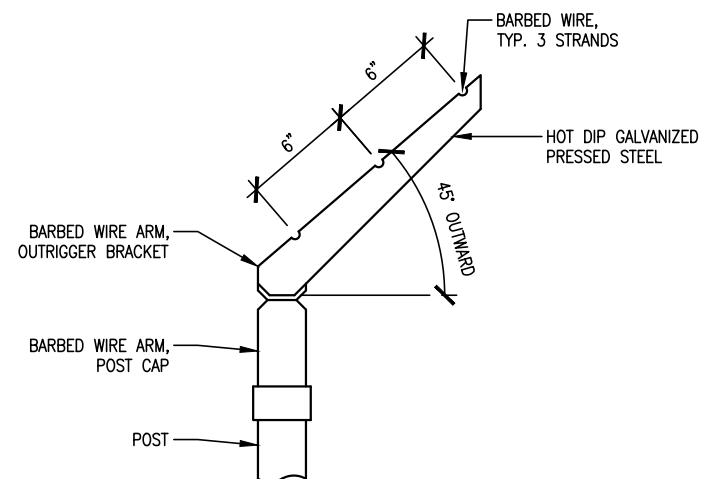
SHEET CONTENTS:
FENCE DETAILS

DRAWN BY:	SJD
CHECKED BY:	TAB
REV. A	11-15-24
REV. B	07-31-25
REV. C	08-14-25

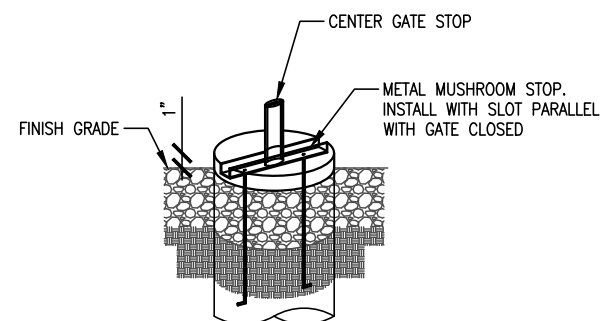
A-4



1 FENCE DETAIL
SCALE: 1/4" = 1'-0"



2 BARBED WIRE ARM DETAIL



3 MUSHROOM STOP DETAIL



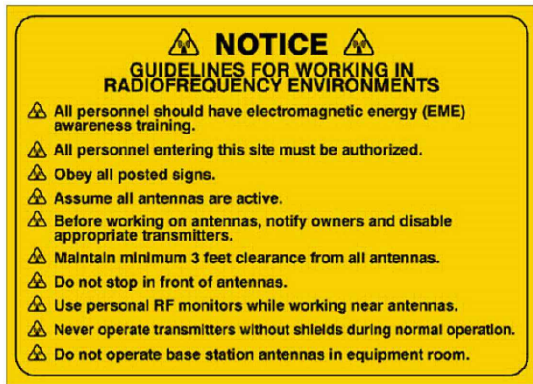
A | OWNER CONTACT SIGN
18" HIGH X 24" WIDE
WHITE BACKGROUND, BLACK LETTERING
MOUNTING LOCATION: LEFT GATE
QUANTITY: 1



B | FCC REGISTRATION SIGN
8" HIGH X 12" WIDE
WHITE/GREEN BACKGROUND, WHITE/BLACK LETTERING
MOUNTING LOCATION: RIGHT GATE & BASE OF TOWER
QUANTITY: 2



C | NO TRESPASSING
10" HIGH X 14" WIDE
WHITE/BLACK/RED BACKGROUND, BLACK/WHITE LETTERING
MOUNTING LOCATION: ADJACENT TO LEFT GATE &
CENTERED ON OTHER THREE FENCED SIDES (QTY. 4)



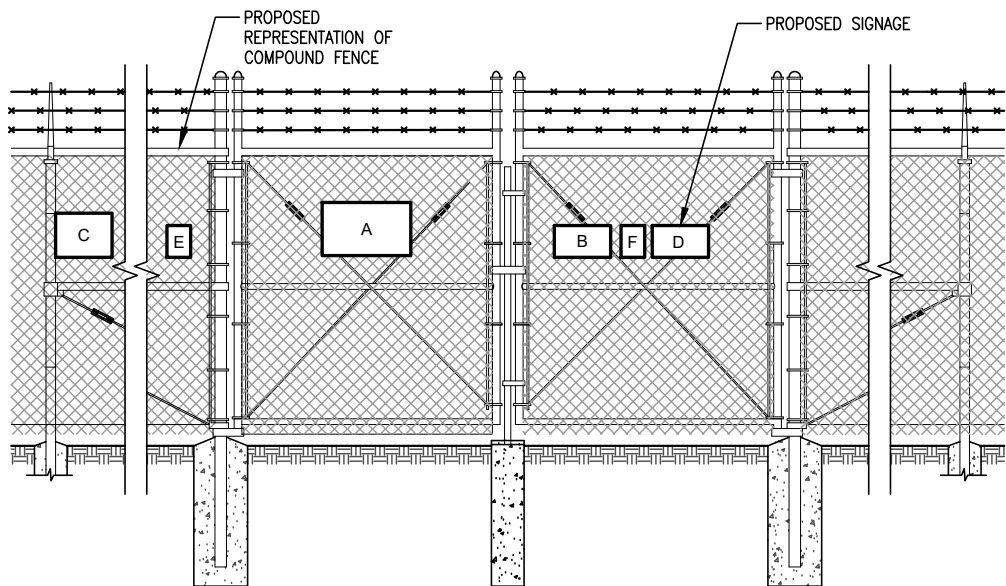
D | RF GUIDELINES SIGN
8" HIGH X 12" WIDE
YELLOW BACKGROUND, BLACK LETTERING
MOUNTING LOCATION: RIGHT GATE & BASE OF TOWER
QUANTITY: 2



E | NOTICE RF SIGN (BLUE)
12" HIGH X 8" WIDE
WHITE/BLUE BACKGROUND, WHITE/BLACK LETTERING
MOUNTING LOCATION: ADJACENT TO LEFT GATE
QUANTITY: 1

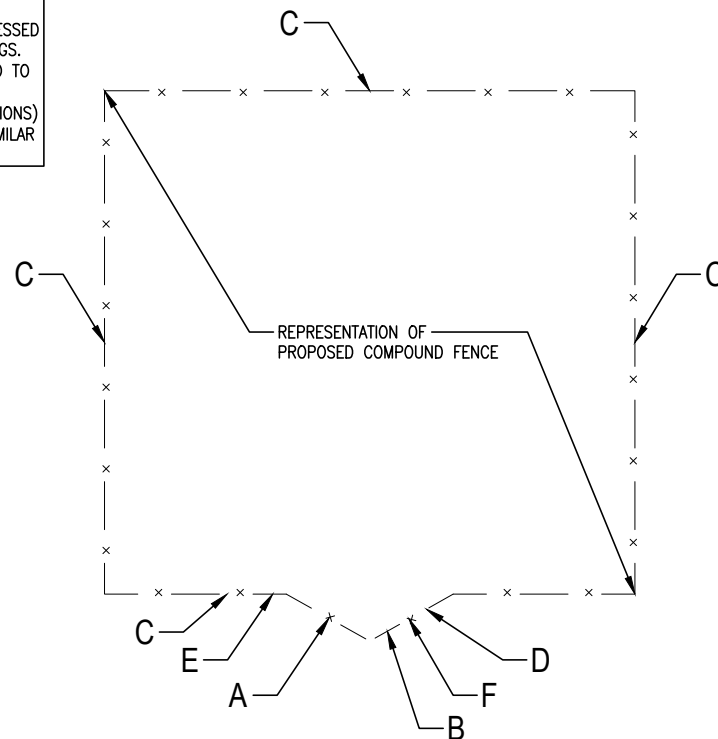


F | NOTICE RF SIGN (YELLOW)
12" HIGH X 8" WIDE
WHITE/YELLOW BACKGROUND, BLACK LETTERING
MOUNTING LOCATION: RIGHT GATE QUANTITY: 1



- NOTES:
- SIGNAGE, PLAN, & ELEVATION IS SHOWN FOR INFORMATION PURPOSES ONLY. CONTRACTOR TO VERIFY EXACT PLACEMENT WITH TOWER OWNER
 - SIGNS SHALL BE FABRICATED FROM CORROSION RESISTANT PRESSED METAL AND PAINTED WITH LONG LASTING UV RESISTANT COATINGS. SIGNS (EXCEPT WHERE NOTED OTHERWISE) SHALL BE MOUNTED TO THE TOWER, GATE, & FENCE USING A MINIMUM OF 9 GAUGE ALUMINUM WIRE, HOG RINGS (AS UTILIZED IN FENCE INSTALLATIONS) OR BRACKETS WHERE NECESSARY. BRACKETS SHALL BE OF SIMILAR METAL AS THE STRUCTURE TO AVOID GALVANIC CORROSION.

1 | SITE SIGNAGE



NOT FOR
CONSTRUCTION

DESIGN 1
9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

PROJECT
US-MN-5159

SPARROW

9975 ORCHARD RD
COLOGNE, MN 55322

SHEET CONTENTS:
SITE SIGNAGE DETAILS

DRAWN BY: SJD
CHECKED BY: TAB
REV. A 11-15-24
REV. B 07-31-25
REV. C 08-14-25

A-6

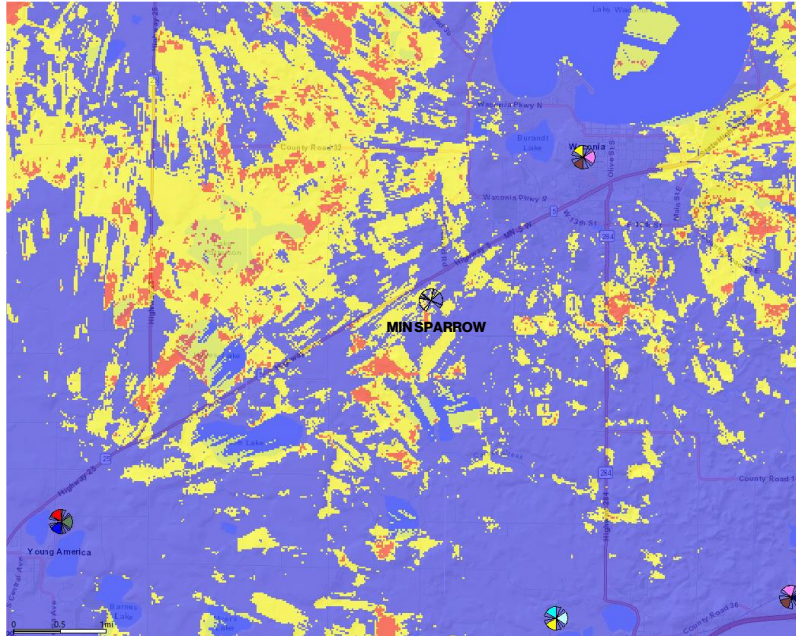
October 8, 2025

Attachment 1

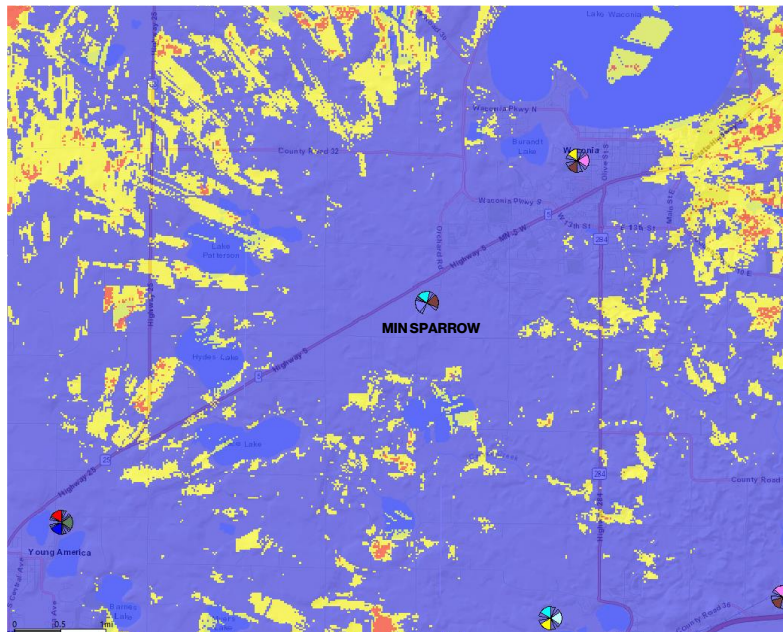
MIN SPARROW Before and After Plots

10-8-2025

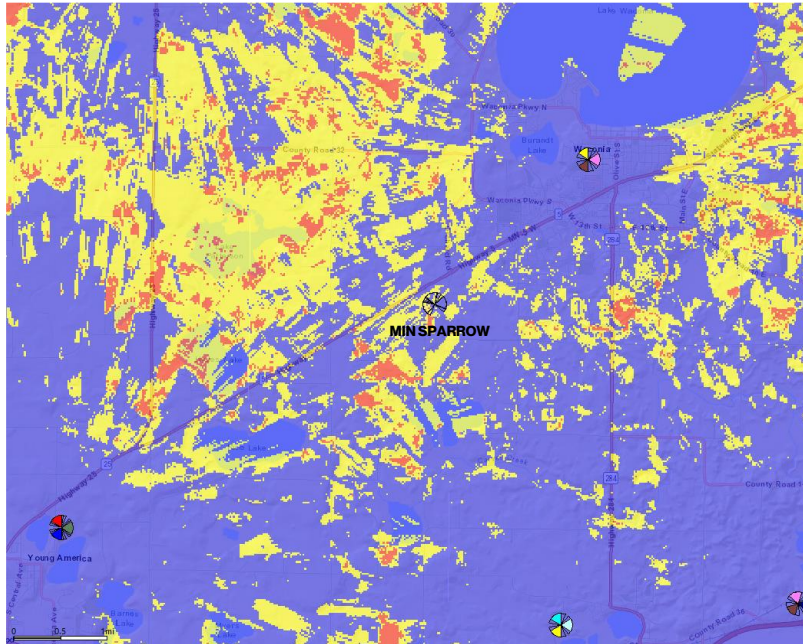
Jordan Alstad – RF Engineer, Verizon Wireless



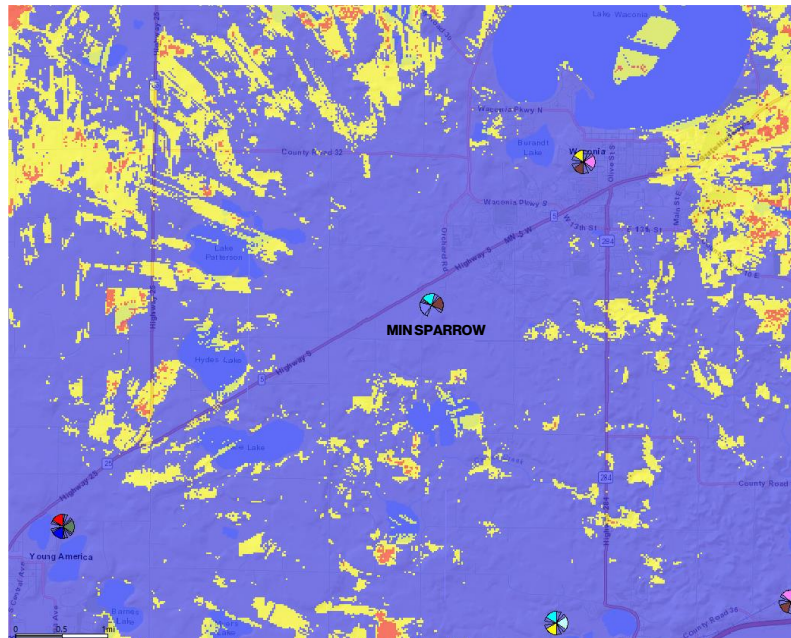
Current VZW Signal Level – 5 mi (BEFORE) View Surrounding Proposed Site



Proposed Signal Level – 5 mi (AFTER) View Surrounding Proposed Site



Current VZW Signal Level – 1.5 mi (BEFORE) View Surrounding Proposed Site



Proposed Signal Level – 1.5 mi (AFTER) View Surrounding Proposed Site

- **Blue** areas show where the signal is strong, and all connections are expected to be reliable.
- **Yellow** areas show where signal is moderate; most connections should be reliable, but may be somewhat compromised indoors or in the presence of significant “clutter” (e.g., foliage, buildings, etc) between the user and the cell towers.
- **Red** areas show where signal is weak, where reliability would greatly depend on lack of clutter and line of sight to the cell tower. Indoor reliability would be very compromised.



Township Presentation & Recommendation Form

PARCEL #	096850080	Permit #	PZ20250051
Owner's Name:		Owner's Mailing Address:	
Patrick A. Butler		9975 Orchard Road	
City:	Owner State:	Owner Zip:	
Cologne	MN	55322	
Applicant (if other than owner):		Site Address:	
Karl A. Gerber		9975 Orchard Road	

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: To build a 199' monopole tower to provide better cellphone coverage to the area residents and businesses. Tower is designed to hold multiple carriers' equipment to minimize the need of additional towers in the area.	
Date of County Public Hearing:	Date of Township Meeting:
12/16/2025	11/24/2025

Actions:

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

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

	Date
--	--

Signature of Applicant

Township recommended approval per voicemail from Waconia Township Board Supervisor John Zimmerman, received on 12/4/2025.

Signature of Township Official

Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-685-0080

File#PZ20250051

APPLICANT:Karl Gerber, representing Buell Consulting, Inc.

OWNER: Patrick A Butler & Jayne M Butler

Outlot A, Northwood Park, Carver County, Minnesota, and that part of Outlot B, Northwood Park, Carver county, Minnesota, described as follows: Commencing at the southwest corner of said Outlot B; thence on an assumed bearing of North 00 degrees 09 minutes 08 seconds West along the westerly line of said Outlot B, a distance of 923.00 feet to an angle point in the west line of said Outlot B and the point of beginning; thence north 00 degrees 09 minutes 08 seconds West, a distance of 171.34 feet; thence North 65 degrees 33 minutes 06 seconds East, a distance of 251.19 feet; thence North 00 degrees 22 minutes 21 seconds West, a distance of 292.10 feet; thence North 17 degrees 05 minutes 34 seconds West, a distance of 447.86 feet to the northwesterly line of said Outlot B; thence southwesterly along said northwesterly line of Outlot B to the northwest corner of said Outlot B; thence South 12 degrees 10 minutes 50 seconds East along the westerly line of said Outlot B, a distance of 530.22 feet to an angle point in said westerly line; thence South 63 degrees 08 minutes 40 seconds East along said westerly line, a distance of 288.09 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

December 8, 2025

TO: Carver County Planning Commission & Watertown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Large Scale Activity- Golf Course)

FILE #: PZ20250052

APPLICANT: Brooks Ellingson (WJVA Inc.)

OWNER: Brooks Ellingson (WJVA Inc.)

SITE ADDRESS: 9750 County Rd 24, Watertown MN 55388

PERMIT TYPE: Large Scale Activity (Golf Course)

PURSUANT TO: County Code, Chapter 152, Section 152.080 (C)(5)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 10-012-1200, 10-012-1250, 10-012-1400

BACKGROUND:

1. Brooks Ellingson (WJVA Inc.) owns approximately 146.44 acres of land located in the Southeast Quarter (SE¼) of Section 12, Watertown Township. The subject property is located at the intersection of County Roads 24 and 127. The property is improved with an 18-hole golf course (Conditional Use Permit – CUP #6088), a combination clubhouse/pro shop, a parking lot, and several large sheds for equipment storage, supplies, and repair activities. The site is located in the Agriculture Zoning District and within the Shoreland District of a DNR-protected watercourse, as well as the Carver County Water Management Organization (CCWMO) - Crow River Watershed. The golf course property currently includes three parcels with individual PID numbers.
2. Mr. Ellingson proposes to renovate the golf course property and expand the operational area. The proposal includes extending the golfing season and daily operating hours, increasing the maximum number of employees, expanding the parking lot, constructing a 6,000-square-foot shed to house electric golf carts, and conducting regular golf course maintenance and site improvements without the need for administrative grading/filling permits issued by the County Land Management Department. No change in use is proposed.
3. In 1985, Variance #7042 was issued to permit a Large-Scale Activity land use on an operational area characterized by an excessive amount of prime agricultural soils under till. Subsequently, CUP #6088 was approved to authorize the initial operation of the golf course, and CUP #7136 was later issued to modify the original site plan.
4. The application by Timber Creek Golf Course for a Conditional Use Permit (CUP) is pursuant to Sections 152.080 of the Zoning Code, which reads as follows:

§ 152.080 CONDITIONAL USES–LARGE SCALE ACTIVITIES WITH UNIQUE LAND OR LOCATION NEEDS.

(A) Minimum criteria for issuance.

- (1) The activity conforms to all other county ordinances, state, and federal regulations.
- (2) Minimum five-acre lot size, unless another size is specified under a particular provision.
- (3) Sewage can be managed in accordance with Chapter 52 of this code of ordinances. The county may require design by a registered engineer.

- (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.
- (5) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads or streets, can be accommodated within the context of the service levels available in the commercial agricultural area.
- (6) Land is not subject to the land use restrictions of an AG preserve covenant.
- (7) The operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs—traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal—that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions.

- (1) Permit shall be subject to administrative review or compliance review as set by the permit.
- (2) The operational plan and site plan shall become part of the permit.
- (3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.
- (4) The applicant must submit a copy of workers compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (5) All buildings used in the operation must meet the State Building Code.

(C) Activities.

(5) Golf courses subject to the following criteria:

- (a) Golf courses will be permitted only in those townships where the township comprehensive plan states that the use is a compatible and desirable use within the township and the town board forwards a resolution to the county stating that the proposal is in conformance with its comprehensive plan.
- (b) The course must be located on either a minor collector, a major collector, a minor arterial or major arterial road as identified in the current Public Works' Transportation Plan. The road must be hard surfaced.
- (c) A permanent club house must be constructed that is adequate in size as per the State Building Code to serve the proposed number of golfers.
- (d) The course must be a minimum of nine holes.
- (e) There must be adequate fencing to deter trespassing on adjacent property.
- (f) The applicant will submit information identifying wetlands, watercourses, water bodies and wooded areas. The applicant will also state how the proposal would affect the above natural features. The proposal will be reviewed to determine adverse impact on the above natural features and on areas or sites of historical or archaeological significance. Conditions may be imposed to limit or prevent adverse impact on the above stated or other natural features.
- (g) Any of the above requirements may be waived by the County Board for golf courses existing at the time of adoption of the subdivision or for golf courses that were once in existence and are being reactivated.
- (h) Appropriate uses accessory to a golf course includes but are not limited to a pro shop, a club house, locker room, restaurant and bar, private parties, tennis courts, racquetball, swimming pool, indoor track, exercise room, sauna or steam room, snowmobiling, snowshoeing, cross- country skiing.
- (i) These are uses generally or sometimes found in conjunction with golf courses. Those permitted under a particular conditional use permit will be dependent upon additional parking capacity, the capacity of the on-site sewer system and the water supply system.
- (j) If these uses are to be permitted they must be addressed in the operational plan. Any changes in use requires an amendment to the conditional use permit.
- (k) The front yard setback area may be utilized for parking purposes. A parking area located in a front yard setback may not be hard surfaced with asphalt, concrete or similar material. At no time shall a parking lot intrude upon or in any way utilize public right-of-way for parking purposes.

Ord. 47, passed 7-23-02; Am. Ord. 58-2007, passed 3-27-07; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 97-2021, passed 7-20-21; Am. Ord. 108-2024, passed 11-19-24)

STAFF ANALYSIS:

1. The existing CUP for the property (#6088) describes the permitted operations for the Timber Creek Golf Course. The approved golf course season extends from April 1 to November 15, with daily hours of 6:00 AM to 9:30 PM. Up to eight employees are permitted to oversee operations of the 18-hole golf course, pro shop, maintenance facilities and structures, the irrigation and water supply system, and the clubhouse with snack bar, along with other appurtenant activities. Proof of liability and workers' compensation insurance is required, and the permit is subject to annual review. The subsequent CUP amendment (#7136) reflects a revised site plan that includes a parking lot and club house surrounded by tees and greens.
2. The 2040 Comprehensive Plan identifies "Large-Scale Activities with Unique Land or Location Needs" (LU-21) as potential land uses. Golf courses are specifically cited as an example of a large-scale activity "that requires a relatively large area for low-intensity land uses." The Comprehensive Plan further notes that these types of land uses "are of a nature that substantial topographic changes are not required and structures are limited to clubhouses, maintenance buildings, and accessory structures."

According to the Carver County Zoning Code, golf courses "will be permitted only in those townships where the township comprehensive plan states that the use is a compatible and desirable use within the township." Consistent with this policy, the 2040 Comprehensive Plan, Watertown Township Policy LU-3, states: "Watertown Township recognizes golf courses as a compatible and desirable land use within the Township."

3. The submitted CUP narrative (dated November 21, 2025) includes a list of proposed permit changes:
 - *Expand the operational area to include an additional parcel for an improved driving range (PID 10-012-1250)*
 - *Extend the operating season (March 1 to December 15, with occasional winter golfing)*
 - *Extend the peak season daily operating hours (5:00AM to 10:00PM)*
 - *Increase the maximum number of peak season employees to 30*
 - *Allow for the future expansion of the parking area to accommodate a total of about 99 vehicles*
 - *Allow for the construction of an approx. 6,000 sq. ft. pole barn for golf cart storage*
 - *Pursue a green, tee, fairway and bunker renovation plan that will involve importing about 4,200 cubic yards of material to the property*
 - *Ability to do routine golf course maintenance and site improvements involving more than 400 cubic yards of material and less than 10,000 cubic yards without a Land Management Department administrative permit.*

The narrative also identifies the main improvements on the property as:

- A 4,500-square-foot clubhouse/pro shop.
- A 3,300-square-foot structure for cold storage.
- A 2,600-square-foot structure used for equipment repair.
- A 1,500-square-foot structure for storage of equipment and supplies.
- A 79-space parking lot.

Public vehicle access to the property is from Co Rd 24, with a separate worker vehicle entrance on Co Rd 127. During peak golf season, approximately 300-400 cars enter and exit the property daily. There are about two food deliveries and one beverage delivery per week. The operations plan does not include any scheduled special events.

4. The Site Plan (dated November 24, 2025) illustrates the existing golf course layout and the locations of the proposed golf cart storage, parking lot expansion, and clubhouse/pro shop. A bold blue line delineates the outer boundary of the three parcels that constitute Timber Creek's operational area.
5. In addition to the proposed golf cart storage shed and an approximately 60-foot by 135-foot parking lot expansion, the narrative describes construction activities for renovating the golf course playing area. Mr. Ellingson plans on relocating 8 to 10 greens; reshape, level, and re-grass tee boxes and fairways; replace old drain tile; and adjust eight golf holes to improve playability and golfer safety. The golf course would be closed to play during construction, which is expected to last four to six months. A wetland delineation for the property has already been approved. The Renovation Plan document (dated May 9, 2025) illustrates the changed locations of fairways and greens.

6. One of the conditions for a Large-Scale Activity golf course is that “there must be adequate fencing to deter trespassing on adjacent property.” The submitted narrative reports that only a small portion of the golf course boundary is fenced. The applicant notes that the fairways are designed, or are in the process of being renovated, to minimize golf ball intrusion onto the properties of three neighboring residences, thereby discouraging players from entering adjacent private property.

There have been no reported instances of golfer trespass on neighboring properties, indicating that the current fencing appears adequate. The Carver County Zoning Code also provides that “any of the above requirements may be waived by the County Board for golf courses existing at the time of adoption of the subdivision or for golf courses that were once in existence and are being reactivated.” The original CUP did not require fencing, and this situation appears to be an appropriate instance in which the requirement may be waived.

7. Because no existing or proposed structures are located in the shoreland area, the Environmental Services Department does not require a septic report to be conducted.
8. The subject property is located within the jurisdiction of the Carver County Water Management Organization (CCWMO). In an email dated December 2, 2025, Abigail Ernst, Water Resources Program Analyst, provided the following comments:

“The applicant will need to apply for an erosion control permit and we will need a final accounting of the impervious added. I don’t believe they will pass the acre threshold based on the pole barn and parking lot expansion, but we will need to document as they add on so if they do cross the acre threshold, stormwater treatment will be needed. It looks like the impervious on site currently was added pre-2002. Additionally, the ESC permit will help us understand the redesign more clearly so we can see if there are any impacts to any of the historical wetlands. Regardless of if there are impacts, we will request a no loss application if there are any changes to the incidental wetlands found during the delineation, for record keeping purposes.”

9. In an email dated December 4, 2025, Drew Pflaumer, Transportation Planner for Carver County Public Works, indicated that Public Works has no comments on the CUP proposal.
10. In an email dated November 26, 2025, Taylor Huinker, MN DNR Watershed Specialist, following review of the application, stated: “My only comment would be for the applicant to know that any work in the wetland or stream adjacent to the golf course would be subject to DNR regulation.”
11. Consistent with State Statute, which allows neighboring jurisdictions the opportunity to comment, the Land Management Department informed the City of Minnetrista of the land use application because the property is within the two-mile radius of the municipality. In an email dated December 1, 2025, David Abel, Community Development Director, wrote: “Thanks for sharing the information. All good from our standpoint!”
12. The Land Management Department received an email dated December 2, 2025, from Steve Washburn of 3186 Market Avenue expressing support for the Timber Creek application.
13. At their December 1, 2025, meeting, the Watertown Township Board reviewed the CUP request and recommended approval. In addition, consistent with county zoning code requirements, the Township Board approved Resolution #12/01/2025 affirming that Timber Creek Golf Course is in conformance with the Comprehensive Plan.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Timber Creek Golf Course Conditional Use Permit application for the operation and expansion of the golf course as a Large-Scale Activity (Golf Course) on the property described in the attached Exhibit A, the previous CUPs (#6088 and #7136) would be terminated upon final approval (and recording) of the new CUP (#PZ20250052). Accordingly, CUP #PZ20250052 would supersede any prior approvals. The following conditions should be considered as part of the permit:

1. The permit is subject to administrative review. Any change in ownership, operations, or operator shall trigger a review by the Land Management Department to determine whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact the Land Management Department as early as possible in the timeline of the proposed change.
2. Operations shall be substantially in accordance with the submitted CUP narrative (dated November 21, 2025), Site Plan (dated November 24, 2025), and Renovation Plan (dated May 9, 2025). In addition to the course improvements outlined in the Renovation Plan, only the expansion of the parking lot and the construction of the golf cart storage shed are allowed under this permit. Hours of operation are 5:00 AM to 10:00 PM daily from March 1 through December 15, with occasional winter golfing. The maximum number of employees during the peak golfing season is 30.
3. Due to ongoing maintenance and site improvements that regularly involve moving or importing materials in excess of 400 cubic yards, the permittee is allowed to conduct these activities without an administrative fill or grading permit from the Land Management Department. If the cumulative amount of material exceeds 10,000 cubic yards during a single construction season, a Conditional Use Permit is required prior to initiation of construction activities. All projects shall obtain any required CCWMO permits and comply with all CCWMO and DNR regulations.
4. Given the apparent adequacy of existing boundary fencing and fairway/green configuration, which appear to deter golfers from trespassing onto neighboring property, the permittee is not required to install additional fencing unless circumstances change and the Land Management Department determines fencing is necessary.
5. Any stormwater management, grading, and/or filling activity on the property shall be completed in accordance with the regulations of the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA). Review and approvals are required prior to the issuance of construction or building permits, if applicable.
6. All structures used in conjunction with the golf course operation shall meet the applicable requirements of the Carver County Zoning Code, State Building Code, and applicable Fire Code. Any required building permits shall be applied for and issued prior to construction.
7. Prior to the issuance of any building permits, the permittee shall submit and obtain approval of a subsurface sewage treatment system (SSTS) consistent with the proposed level of usage and in compliance with Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations.
8. The permittee shall comply with all access permits and any access improvements required by Carver County Public Works. No public parking shall be allowed along County Roads 24 and 127.
9. The permittee is responsible for obtaining and complying with all appropriate permits from the Department of Health, Department of Agriculture, and any required food service permits, if applicable.
10. The permittee shall comply with all conditions of Chapter 50: Solid Waste Management of the Carver County Code of Ordinances, including the storage and disposal of solid waste materials.
11. The permittee shall submit a Certificate of Workers' Compensation Insurance to the Land Management Department annually. The insurance shall be maintained for the duration of the CUP.
12. The permittee shall comply at all times with County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 52 – Subsurface Sewage Treatment System (SSTS) regulations, the Minnesota State Building Code, and all other applicable local, state, and federal regulations.

OR

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

§ 152.251 REQUIRED FINDINGS.

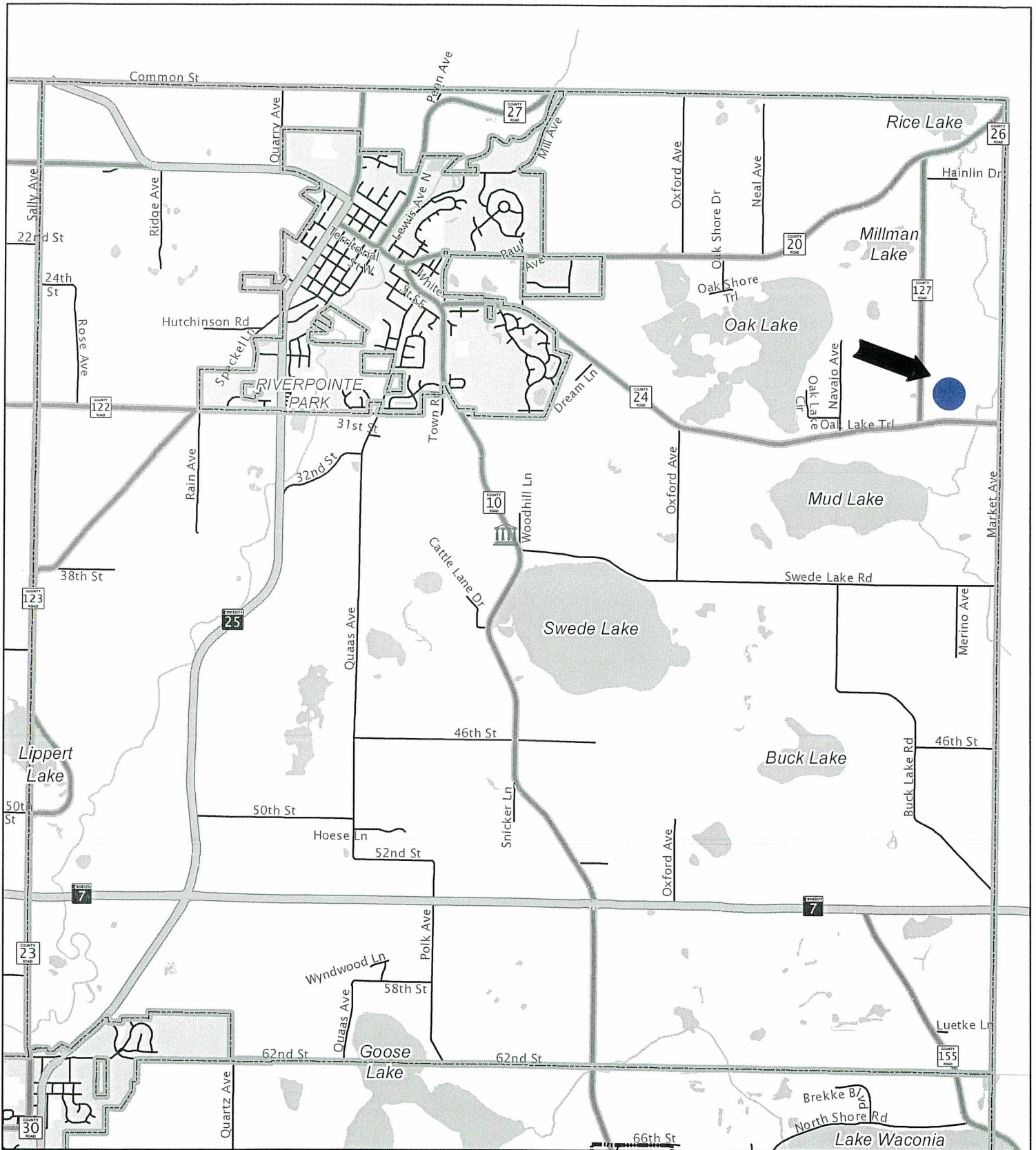
An order for the issuance of a CUP or IUP can be adopted only if all of the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

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

OR

If the current application is denied, or is withdrawn, the existing golf course CUPs (#6088 and #7136) would remain in full force and effect. The existing use (golf course with associated activities) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

WATERTOWN TOWNSHIP



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



Map Created by Carver County GIS

Date: November 21, 2025

To: The Carver County Planning Commission

From: Brooks Ellingson, owner/operator of Timber Creek Golf Course located in Carver County's Watertown Township. 9750 Co. Rd 24 Watertown MN 55388

Re: Conditional Use Permit Amendment for Golf Course

Introduction

I am requesting an amendment to Conditional Use Permit #6088. The original permit, issued in 1985, allowed for the development and operation of an 18-hole golf course and associated activities. The goals of the amendment are to improve course conditions, continue to provide a great place for people to play golf, and to stay competitive with other area courses.

The proposed permit amendments include:

- Expand the operational area to include an additional parcel for an improved driving range (PID 10-012-1250)
- Extend the operating season (March 1 to December 15, with occasional winter golfing)
- Extend the peak season daily operating hours (5:00AM to 10:00PM)
- Increase the maximum number of peak season employees to 30
- Allow for the future expansion of the parking area to accommodate a total of about 99 vehicles
- Allow for the construction of an approx. 6,000 sq. ft. pole barn for golf cart storage
- Pursue a green, tee, fairway and bunker renovation plan that will involve importing about 4,200 cubic yards of material to the property
- Ability to do routine golf course maintenance and site improvements involving more than 400 cubic yards of material and less than 10,000 cubic yards without a Land Management Department administrative permit.

Operations Plan

- The course property includes parcels 10-012-1400, 10-012-1200, and 10-012-1250.
- Permitted activities and site improvements consists of an 18-hole public golf course, pro shop, maintenance facilities and structures, irrigation and water supply system, clubhouse with snack bar, and appurtenant activities.
- The approx. 4,500 sq. ft. main club house/pro-shop is open to golfers, employees and visitors. Two pole buildings are used for equipment storage and equipment repair. The cold storage building is 3,300 sq. ft. The equipment repair building is 2,600 sq. ft. The club house and south pole building use the same well and septic system. The building adjacent to the driving range is used for storage of equipment and supplies and houses the ball-washing equipment for the driving range. The building size is about 1500 sq. ft.

- The course is open from approximately March 1st to December 15th, with occasional winter golfing as conditions allow. During peak season the operating hours are 5:00AM to 10:00PM.
- Employees number approximately 30 at peak season employment.
- The current parking area has spaces for 79 cars. We request permission to expand the parking lot at a later date. The location of the parking lot expansion, approx. 135' x 60' in size, is shown in the site plan and would add 14 - 20 additional spots. Currently, the overflow parking occurs along the driveway. The expanded parking lot will decrease the chance of golf balls hitting parked cars. No customer parking occurs in the public right-of-way.
- Access to the property will continue to be the current driveway off of County Road 24 and the road approach on County Road 127 on the west side of the course.
- Typically, two trucks deliver beverages and 1 truck delivers food (April - November)
- Weekly garbage and recycle (2 trucks) collection occurs January - December.
- In and out traffic from golfers is estimated at 300 to 400 cars per day on average during the peak golf season of April - November.
- During regular operations the only people allowed on the property are employees, the general public (golfers) and delivery vehicles.
- The current club house will continue to serve that purpose. Our current pole buildings will serve the same purposes they do now, equipment storage and equipment repair.
- At a future time we plan to remodel the current club house. There would be no change or expansion to the current footprint of the club house.
- Inherent in the operation of a golf course, there is ongoing maintenance and site improvement project. However, any project involving the movement of more than 400 cubic yards of material requires an administrative permit from the Land Management Department. Unless the movement of more than 10,000 cubic yards of material is proposed in a project, we would like to be able to perform the work without an administrative permit. We understand that any required Carver County Water Management Organization permits would still need to be obtained.

The Renovation Plan

- New/updated course irrigation to increase efficiency and be more environmentally conscious.
- Update our current gas golf car fleet to a new fully electric golf cart that will reduce noise and carbon emissions.
- Construct a new golf car storage building near our current maintenance buildings. The new building would be a roughly 60' x 100' pole barn. The site plan shows the proposed location of the cart storage building.
- Relocate 8 to 10+ of our current greens.
- Reshape, level, and re-grass some of the tee boxes (as needed).

- Reshape, level and re-grass some of the old fairways and build several new fairways and bunkers (as needed).
- Rebuild some new bunkers and replace the sand in the old bunkers. (Replacing and replenishing bunker sand is a normal part of golf course maintenance.)
- Change/adjust 8 of the current golf holes to improve playability and golfer safety.
- Repair/replace old drain tiles.
- Construction hours will be 7:00 a.m. and 9:00 p.m. on weekdays (Monday through Friday) and between 9:00 a.m. and 5:00 p.m. on Saturdays and Sundays.
- During our renovation project we estimate in and out traffic to be 20 to 40 worker vehicles per day. The people allowed on the property will be equipment operators, contractors, architects and employees of Timber Creek and delivery trucks.
- Our staff size will be smaller during the renovation process and increase to the regular staffing level after completion.
- The current estimation of imported materials: bunker sand, 400 - 600 cy; greens material, 2000 - 2500 cy; and tee material, 800 - 1000 cy. These materials would be delivered over a 4 to 6 month period.
- Material stored on site will be materials for the new irrigation system, erosion control products, and material for green and tee construction.
- Robert Bergstrom with Anderson engineering completed a wetland delineation. Abigail Ernst, Water Resources Program Analyst Carver of the County Water Management Organization, was on site in August 2025 to review the wetland delineation results.
- If the CUP is granted, we would start the project during the 2027 construction season. While under construction we would be closed for golf. This will greatly reduce the daily traffic entering and exiting the property.

The outer boundary of the golf property is not uniformly fenced. There is a tall fence erected on the north boundary to protect the neighbor's orchard from deer. There are a total of three homes adjacent to the fairways and there hasn't been a problem with neighbors and Timber Creek golfing activities. In fact, the renovation plan will result in a decreased chance of golf balls landing in one neighbor's yard.

In advance, thank you for consideration of this CUP amendment.

Best,
Brooks Ellingson

TIMBER CREEK GOLF COURSE - SITE PLAN



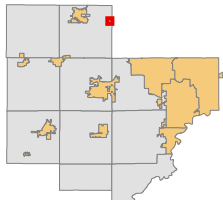
Date: 11/24/2025

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.

- Parcel
- City Township Boundary
- Sections - Half
- Fire Station
- Boat Landings

- County Service Centers
- City Halls
- Town Halls
- Libraries
- Post Office

- Hospitals
- Park and Ride Lots
- Mile Marker
- Carver Schools
- Recreation_Trails



Renovation Plan



Option 3
Timber Creek Golf Course
May 9, 2025



Township Presentation & Recommendation Form

PARCEL # 100121400, 100121200 100121250	Permit # PZ20250052
Owner's Name: WJVA Inc Brooks Ellingson	Owner's Mailing Address: 301 Division St East
City: Buffalo	Owner State: MN Owner Zip: 55313
Applicant (if other than owner): 	Site Address:

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: Amend Permit	
Date of County Public Hearing: 12-16-2025	Date of Township Meeting: 12/1/2025

Actions:

Township Action Taken:	
☒ Recommends approval and use of the Township Road (if applicable) with the following comments: ☐ Recommends denial for the following reasons: ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:	
Per the resolution # 12-01-2025	

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

Brooks Ellingson	Date 12-1-2025
Signature of Applicant	
[Signature]	Date 12-1-25
Signature of Township Official	

**BOARD OF SUPERVISORS
WATERTOWN TOWNSHIP, MINNESOTA**

Date: December 1, 2025

Resolution #

12/01/2025

Motion by Supervisor *Jerry Bruhn*

Seconded by Supervisor

Kathy McCann

**A RESOLUTION AFFIRMING CONFORMANCE OF TIMBER CREEK GOLF COURSE WITH THE
WATERTOWN COMPREHENSIVE PLAN**

WHEREAS, Timber Creek Golf Course has submitted a proposal to amend its existing Conditional Use Permit to operate an 18-hole golf course in Section 12, Watertown Township; and

WHEREAS, the Carver County Zoning Code contains the following provision: "Golf courses will be permitted only in those townships where the township comprehensive plan states that the use is a compatible and desirable use within the township and the town board forwards a resolution to the county stating that the proposal is in conformance with its comprehensive plan"; and

WHEREAS, the Watertown Township Policy Chapter of the 2040 Comprehensive Plan states, "Watertown Township recognizes golf courses as a compatible and desirable land use within the Township, as defined in the Carver County Land Use Element"; and

WHEREAS, Timber Creek Golf Course has for over 40 years provided fun and invigorating opportunities for golfing, a recreational activity appealing to people of all ages; and

WHEREAS, the Watertown Town Board has reviewed Timber Creek's CUP proposal and has determined it is consistent with the spirit and intent of the Comprehensive Plan;

THEREFORE, BE IT RESOLVED THAT THE Watertown Town Board hereby affirms conformance of Timber Creek's CUP proposal with the Township's land use policies in the Comprehensive Plan.

YES

NO

ABSENT

STATE OF MINNESOTA
COUNTY OF CARVER

I, Wayne Hubin, duly appointed and qualified Clerk of the Watertown Township, 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 Supervisors, Watertown Township, Minnesota, at its session held on the 1st day of December 2025, now on file in the Township Office, and have found the same to be a true and correct copy thereof.

Dated this 1st day of December 2025.

Wayne Hubin
Wayne Hubin, Town Clerk

Date: December 2, 2025

To: Land Management Dept.

From: Steve Washburn

Re: Request for Additional Information – Timber Creek CUP Public Hearing

Mr. Hart,

Thank you for providing the additional information regarding the Timber Creek CUP. I regret that I am out of town on business during the Public Hearing, but I wanted to submit this letter in strong support of this project.

Timber Creek is a wonderful golf course and a valuable amenity in Carver County. As an avid golfer, I am pleased to see Timber Creek taking proactive steps to maintain and enhance the course. I am especially supportive of the following improvements:

- **Expanded parking area:** The parking lot is frequently full, making it difficult to find available parking. The proposed expansion will greatly improve access and convenience for golfers and visitors.
- **Expanded driving range:** The current range is often at capacity, and additional space will significantly improve the experience for players practicing or warming up.
- **Course improvements for golfer safety:** I am most excited about the planned course redesign, particularly the elimination of blind shots that pose safety risks. These improvements will meaningfully enhance the quality and safety of play.

I strongly encourage the Planning Commission to approve this CUP so that Timber Creek can continue to remain competitive and serve as a premier destination for golfers in our area.

Sincerely,

Steve Washburn

3186 Market Ave

Watertown, MN 55388

FINDINGS OF FACT AND ORDER

BOARD OF ADJUSTMENT

County of Carver State of Minnesota

FILE #7042

APPLICANT: Tim & Peggy O'Connor

APPEAL/VARIANCE TYPE: Variance to prime ag land requirement

PURSUANT TO: Ordinance #24, 12.03, 3.0320

LEGAL DESCRIPTION: See attached Exhibit "A"

LAND DESCRIPTION: SE1/4 of Sec. 12, T117, R25

A public hearing was held on this matter on March 13, 1985 by the Carver County Board of Adjustment. Upon the evidence adduced at said hearing by the applicant and other persons named and all the files, records, and proceedings herein, the Board makes the following:

FINDINGS OF FACT: 1. Tim O'Connor has a purchase agreement for 161 acres in Section 12 of Watertown Township described in attached Exhibit A.

2. Mr. O'Connor proposes to develop an 18 hole golf course on approximately 125 acres of this land. A golf course is listed in the Zoning Ordinance as a Conditional Use in the Agricultural Zoning District.

3. It will be necessary for him to use approximately 39 acres of land that was under till in 1979 (about 31.2% of the 125 acres) to develop the golf course. The Zoning Ordinance permits conversion of only 20%. His proposal meets all the other criteria for a golf course.

4. Therefore, Mr. O'Connor is requesting a Variance to Section 3.0320 A.

5. Part of Section 3.0320 of Ordinance No. 24 reads:

3.0320 Golf Courses subject to the following criteria.

A. No more than 20% of the land proposed to be used for a golf course shall have been shown to be under till on the 1979 Carver County Half Section Aerial Photographs.

6. There are special circumstances and conditions affecting the land for the proposed golf course.

A. A report from the ASCS dated 11/15/84 states that 88.6 of the 161 acres or 55% was being actively farmed in 1980. County 1/2 section maps show that slightly more was farmed in 1979.

B. Approximately 36 of the 161 acres or 22% is prime ag land. The balance is mostly marginal land - either wet, eroded or slopes over 6%.

C. Approximately 29 acres will be retained in agriculture. Of this five acres is prime ag land.

692
V-7042

D. Therefore, 57% of the land farmed in 1980 will be used for the golf course, but only 19.25% of the land for the golf course is prime land.

E. The prime land is scattered throughout the site and not concentrated in one area.

7. The granting of the Variance will not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

a. The surrounding land is mostly farm land.

b. There will be increased traffic on C.S.A. No. 24 but this is a blacktop road and classified as a major collector.

8. The granting of the Variance which would then make the golf course eligible for consideration for a Conditional Use Permit would not conflict with the Comprehensive Plan as per Planning Commission Resolution No. 85-6 (attached). The intent of Section 3.0320 A is to limit the conversion of productive farm land to use as a golf course. In Item 1 above it was determined that the amount of really productive farm land that will be removed from farming is 19.25% and within the broad intent of the Zoning Ordinance.

9. The general requirements of Section 12.03023 of Ordinance No. 24 have been considered and satisfied.

ORDER #7042

IT IS HEREBY ORDERED: That the request of Tim and Peggy O'Connor for a Variance from Section 3.0320 prime ag land requirement on the above described property is hereby approved.

Date: April 10, 1985.

Board of Adjustment


Virginia R. Harris, Director
Planning, Zoning, & Env.
Services


Gene Miller, Chairman


Lothar Wolter, Jr. Vice Chair

=====

IF ANY WORK OR ACTION, AS PERMITTED BY THIS ORDER IS NOT COMPLETED WITHIN ONE YEAR OF THE ISSUANCE OF THIS ORDER, THEN THIS ORDER SHALL BECOME NULL AND VOID UNLESS AN EXTENSION OF TIME IN WHICH TO COMPLETE THE WORK IS GRANTED BY THE BOARD OF ADJUSTMENT.

=====

693

COUNTY OF CARVER
CONDITIONAL USE PERMIT #6088

Planning Commission Res. #85-14

Order #6088

FILE #6088

APPLICANT: Tim & Peggy O'Connor

PERMIT TYPE: Establish a golf course

PURSUANT TO: Ordinance #24, 3.0320

LEGAL DESCRIPTION: See attached Exhibit "A"

LAND DESCRIPTION: SE 1/4 Sec. 12 117 25

PARCEL #10 012 1200 & 10 012 1400

This permit is issued for the property legally described in attached Exhibit "A", pursuant to Carver County Ord. #24, 3.0320.

Purpose of permit: Develop and operate an 18 hole golf course and appurtenant activities.

THE FOLLOWING CONDITIONS ARE ATTACHED TO THE PERMIT AND MUST BE COMPLIED WITH:

1. Permitted activities shall consist of: 18 hole public golf course, pro shop, maintenance facilities and structures, irrigation and water supply system, clubhouse with snack bar, and appurtenant activities.
2. The course will be open from approximately 1 April to 15 November; 6:00 a.m. -9:30 p.m.
3. Employees will number approximately 8.
4. The operator shall furnish proof liability and workman's compensation insurance, state tax number, and a financial guarantee. The guarantee shall be in a form and amount approved by the County; this requirement would be dropped after completion of construction of the course.
5. The site plan of the course, the detailed site plan of the clubhouse area and the grading plan shall become part of the permit.
6. The applicant shall obtain the following permits and any other required permits prior to commencement of the associated activity: building permit, on-site sewer permit, water appropriation permit, Corp of Engineers permit, working in public waters permit, County driveway access permit. The on-site sewer system shall be designed by an engineer with the proper certification
7. The erosion control measures recommended by the SCS shall be followed during construction. The recommended waterways or other measures accomplishing the same purpose shall be installed.
8. The permit shall be subject to annual review.

CU-6088

Virginia R. Harris
Virginia R. Harris, Director
Planning, Zoning, & Env. Services

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT

(Applicant signature block on the next page)

108

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

I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.



Signature of Applicant

3/26/85
Date

COUNTY OF CARVER
AMENDMENT TO CONDITIONAL USE PERMIT #6088 PERMIT #7136

Planning Commission Res. #85-24

Order #7136

FILE #7136

APPLICANT: Tim & Peggy O'Connor/Timber Creek Golf Course

PERMIT TYPE: Amend permit #6088

PURSUANT TO: Ordinance #24, 12.05, 3.0320

LEGAL DESCRIPTION: See attached Exhibit "A"

LAND DESCRIPTION: SW 1/4 12 117 25

PARCEL #10 012 1200 & 10 012 1400

This permit is issued for the property legally described in attached Exhibit "A", pursuant to Carver County Ord. #24, 3.0320.

Purpose of permit: Amend detailed site plan in the Original permit.

THE DETAILED SITE PLAN APPROVED PURSUANT TO AND ATTACHED TO THIS PERMIT SHALL REPLACE THE DETAILED SITE PLAN IN PERMIT #6088.


Virginia R. Harris, Director
Planning, Zoning, & Env. Services

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT

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

I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.


Signature of Applicant

6/25/85
Date

56
CU-6088

Amendment

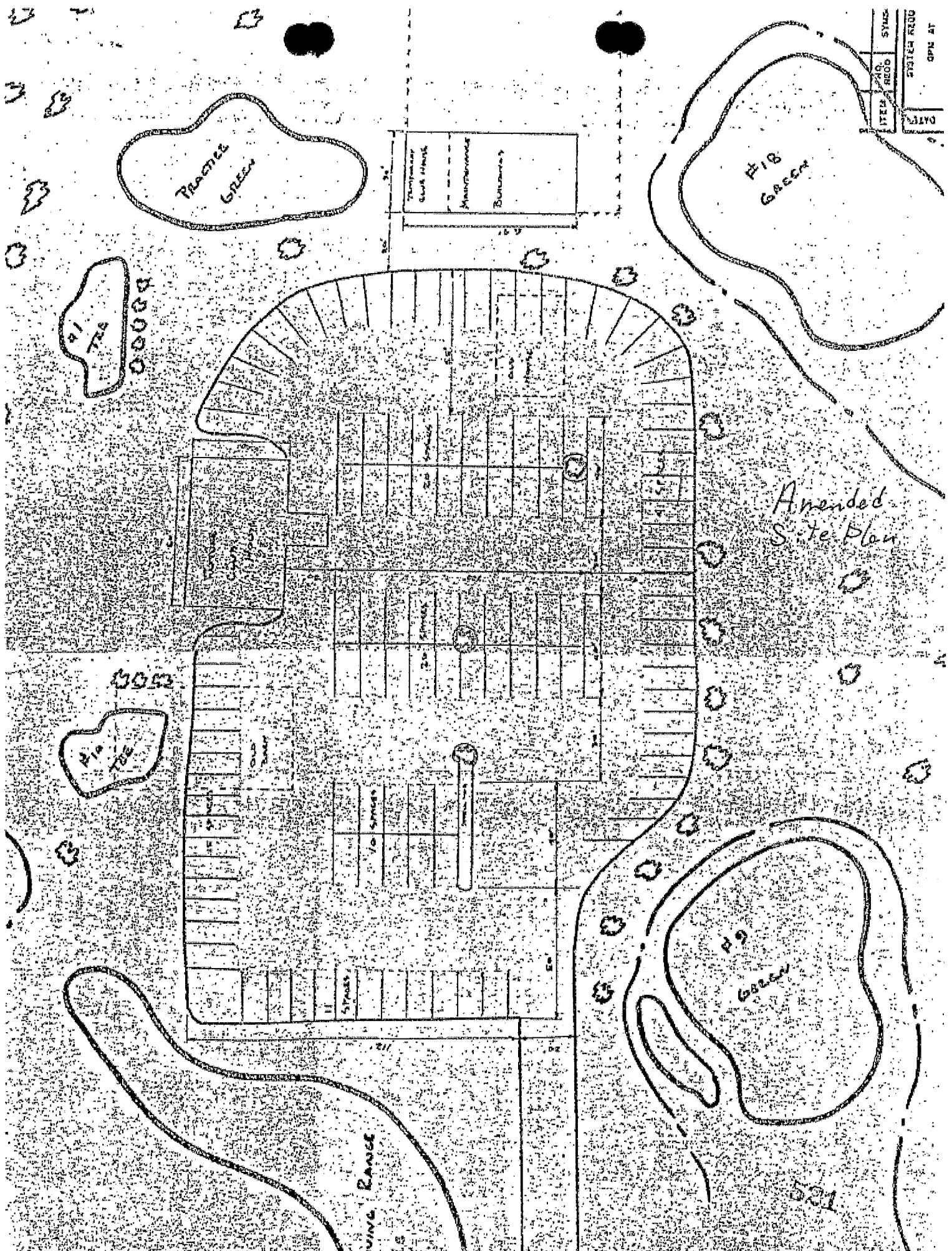


EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-012-1200

File# PZ20250052

APPLICANT: Brooks Ellingson, representing Timber Creek Golf Course

OWNER: WJVA, Inc. a Minnesota Corporation dba Timber Creek

* * * * *

Parcels 10-012-1200 & 10-012-1400

The Southeast Quarter of Section 12, and that part of the West Half of the West Half of the Northeast Quarter of Section 13, lying North of the Watertown and Mound Road, all in Township 117, Range 25, Carver County, Minnesota.

EXCEPTION 1: Beginning at the Southeast corner of said Southeast Quarter of said Section 12, thence on an assumed bearing of West, along the South line of said Southeast Quarter, a distance of 260.00 feet; thence on a bearing of North, a distance of 242.00 feet; thence North 32 degrees 00 minutes 00 seconds East, a distance of 310.00 feet; thence on a bearing of East, to the East line of said Southeast Quarter, thence Southerly, along said East line to the point of beginning.

EXCEPTION 2: Commencing at the Southeast corner of said Southeast Quarter of Section 12; thence North 89 degrees 06 minutes 25 seconds West, assumed bearing, along the South line of said Southeast Quarter of Section 12, a distance of 1055.49 feet to the point of beginning of the land to be described; thence North 4 degrees 19 minutes 19 seconds West, a distance of 365.52 feet; thence North 86 degrees 42 minutes 22 seconds West, a distance of 304.63 feet; thence Northwesterly, a distance of 432.43 feet along a tangential curve concave to the Northeast having a radius of 296.17 feet and a central angle of 83 degrees 39 minutes 23 seconds; thence North 3 degrees 02 minutes 59 seconds West, a distance of 163.33 feet; thence North 89 degrees 30 minutes 16 seconds West, a distance of 237.22 feet; thence South 36 degrees 22 minutes 31 seconds West, a distance of 217.17 feet; thence South 13 degrees 58 minutes 53 seconds East, a distance of 242.28 feet; thence South 39 degrees 47 minutes 46 seconds West, a distance of 628.98 feet to the center of C.S.A.H. No. 24, also known as Watertown and Mound Road; thence North 80 degrees 27 minutes 18 seconds East, along said center of C.S.A.H. No. 24, a distance of 224.36 feet; thence Easterly, a distance of 178.10 feet along said center of C.S.A.H. No. 24, along a tangential curve concave to the South having a radius of 2910.74 feet and a central angle of 3 degrees 30 minutes 21 seconds to the East line of said West Half of the West Half of the Northeast Quarter of Section 13; thence North 0 degrees 23 minutes 56 seconds East, along said East line of said West Half of the West Half of the Northeast Quarter of Section 13, a distance of 19.34 feet to said South line of the Southeast Quarter of Section 12; thence South 89 degrees 06 minutes 25 seconds East, along said South line of the Southeast Quarter of Section 12, a distance of 931.44 feet to the point of beginning.

EXCEPTION 3: Beginning at the Northwest corner of said Southeast Quarter of Section 12; thence South 0 degrees 32 minutes 48 seconds West, assumed bearing, along the West line of said Southeast Quarter of Section 12, a distance of 833.24 feet; thence South 89 degrees 16 minutes 27 seconds East, a distance of 99.30 feet; thence North 9 degrees 20 minutes 22 seconds East, a distance of 842.74 feet to the North line of said Southeast Quarter of Section 12; thence North 89 degrees 16 minutes 27 seconds West along said North line of said Southeast Quarter of Section 12, a distance of 228.12 feet to the point of beginning.

Parcel 10-012-1250

That part of the Southeast Quarter of Section 12, Township 117, Range 25, Carver County, Minnesota described as: Commencing at the Southeast corner of said Southeast Quarter of Section 12; thence North 89 degrees 06 minutes 25 seconds West, assumed bearing, along the south line of said Southeast Quarter of Section 12, a distance of 1055.49 feet to the point of beginning of the land to be described; thence North 4 degrees 19 minutes 19 seconds West, a distance of 365.52 feet; thence North 86 degrees 42 minutes 22 seconds West, a distance of 304.63 feet; thence Northwesterly, a distance of 181.52 feet along a tangential curve concave to the Northeast, having a radius of 296.17 feet and a central angle of 35 degrees 07 minutes 02 seconds; thence South 0 degrees 56 minute 08 seconds West, a distance of 437.76 feet to said South line of the Southeast Quarter of Section 12; thence South 89 degrees 06 minutes 25 seconds East, along said South line of the Southeast Quarter of Section 12, a distance of 505.87 feet to the point of beginning.