

Carver County Planning Commission
Regular Meeting - **Tuesday, October 18, 2022**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of September 20, 2022, regular meeting
Pages 1-1 through 1-3

- 2.) **File #PZ20220041** – Public hearing on application by Erick Lenzen for a Conditional Use Permit amendment.
(Adaptive Re-Use of Existing Building in RSD)
Benton Township Pages 2-1 through 2-17

- 3.) **File #PZ202200** – Public hearing on application by Verizon Wireless for Conditional Use Permit amendments.
(Public Utility Buildings & Structures)
Dahlgren Township Pages 3-1 through 3-15

- 4.) **File #OA-PZ20220043** – Public hearing on application by Carver County for amendments to the County Code. (Chapter 150-Building Regulations)
ALL Townships Pages 4-1 through 4-5

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – September 20, 2022
Minutes

Members Present: Scott Wakefield, Scott Hoese, Frank Mendez, Roger Storms, Matt Kerber, Greg Grazzini,

Members Late: None

Members Absent: John P Fahey

Staff Present: Jason Mielke, Donovan Hart

Pursuant to due call and published notice thereof, the September 20, 2022, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Chairman Wakefield conducted roll call which indicated six board members present, with Fahey absent.

Agenda – Chairman Wakefield asked the Board if they had any changes to the agenda. Hearing none, a motion was made by Hoese to approve the agenda as printed. Mendez seconded the motion for approval. All voted aye. Motion carried. The agenda was approved as printed.

Minutes – A motion was made by Mendez and seconded by Grazzini to approve the minutes from the August 16, 2022, regular meeting. All voted aye. Motion carried.

File #PZ20220038 – Suz Stiyer – Chairman Wakefield called the public hearing to order at 7:01 p.m. to consider a request by Suz Stiyer. The purpose of the public hearing was to consider a request for an amendment to a CUP for a public equestrian facility pursuant to Chapter 152 of the County Code. The property is in Section 13 of Benton Township.

The following were present: Suz Stiyer, Daniel Pinnerud, Gary Widmer

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant received August 25, 2022

Exhibit F – Staff Report addressed to the Planning Commission and Benton Township dated September 14, 2022, and all attachments

Exhibit G – Letter from Barbara Samuelson dated September 19, 2022

Hart used an aerial map and illustrated the applicant's 20-acre parcel, indicating the house, agricultural outbuildings, outdoor and indoor riding arenas and paddocks. They are requesting a CUP for a commercial equestrian horse boarding facility for up to 20 horses. The property

previously had a CUP for a personal indoor riding arena which was constructed in 2003. The applicants purchased the property in 2014 with the existing feedlot components. The applicant applied for and received a variance (PZ20220033) to allow for reduced setback for a feedlot from property lines. The current operation consists of 11 horses on site, of which 10 are boarded. No new buildings are being proposed. The applicant's letter states "The property is not intended as a public livery or riding stable, but only used by the property owner, private boarders, their horse care professionals, and occasional guests. No commercial services will be offered to the general public." Access to the property is from 134th St. There will be no additional outdoor storage and the current outdoor storage is screened from neighbor and public view. All signage must comply with the County Sign Regulations. Anticipated daily trips is approximately 6 to 10. The Benton Town Board reviewed and recommended approval of the request at their September 8, 2022 meeting without any additional conditions or concerns. Hart read the proposed conditions for consideration if the request is approved. If the Planning Commission recommends denial of the request, the reasons should be specifically stated.

Ms. Stiyr stated the information about a previous CUP had not been disclosed to them prior to purchasing the property, and they want to operate their business in compliance with the County Code.

Chairman Wakefield asked the applicant if she had read and agrees with the proposed conditions of the permit.

Ms. Stiyr stated she agreed with them.

Gary Widmer, Benton Township Supervisor, confirmed the applicant attended their meeting and they recommended approval of the request.

Ms. Stiyr stated she had visited with many of the neighbors and asked them to sign a statement in support of their operation. She stated Mrs. Samuelson may have had some misconceptions about the proposed activity, so she visited with her which resulted in her signing a letter of support also.

A motion was made by Mendez to close the public hearing. The motion was seconded by Kerber. Chairman Wakefield call for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:11 p.m.

Storms stated he received a phone call from the spouse of someone who had signed the letter of support. He stated she expressed concern with increasing the numbers of animals, but since she is not present at this meeting, he dismissed the concern. He asked how many horses are currently on the site.

Ms. Stiyr replied they currently have 12 horses on site. She explained that they do not have any intention of increasing that number but were encouraged to have the CUP allow some room for possible future growth. At this time, they have no intention to increase or change anything with the current operation.

Mielke stated the County Feedlot Officer was involved with the recently approved variance because the paddock location is within the required minimum setback from a property line. He will conduct an annual review of the property to ensure compliance. He stated it is not uncommon for an applicant to make a request which allows a little buffer for change, rather than have to return to the Planning Commission for an amendment if something were to change.

Hoeser asked if any of the neighbors attended the public hearing for the variance request.

Ms. Stiyer replied that there were other items on the agenda at that meeting, but no one from the public spoke on their variance request.

Chairman Wakefield asked Mr. Widmer if any of the neighbors attended the Township meeting to speak.

Mr. Widmer replied none of the neighbors were present at the Township meeting.

A motion was made by Kerber to **approve and adopt Resolution #22-14** incorporating the findings of fact and staff recommendations approving the CUP for a for a Public Equestrian Facility. The motion for approval was seconded by Hoeser. Chairman Wakefield called for a vote on the motion. All voted aye. Motion carried.

Adjournment

A motion was made by Hoeser and seconded by Mendez to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:18 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

October 10, 2022

TO: Carver County Planning Commission & Benton Town Board
FROM: The Land Management Department
SUBJECT: Application for a Conditional Use Permit (Adaptive Reuse in an RSD)

FILE #: PZ20220041

APPLICANT: Erick Lenzen

PROPERTY OWNER: Erick & Natalie Lenzen

SITE ADDRESS: 13125 County Road 51, NYA, MN 55368

PERMIT TYPE: Adaptive Re-Use of an Existing Building in a Rural Service District

PURSUANT TO: County Code, Chapter 152, Sections 152.097 (B) & 152.098

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-016-2200

BACKGROUND:

1. Erick & Natalie Lenzen own an approximate .91-acre parcel located in part of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) in Section 16, Benton Twp. The parcel is improved with the owner's residence and a 66' x 58' accessory structure. The property is located in a Rural Service Overlay District (Bongards) and the CCWMO (Carver Creek Watershed).
2. The applicant, Erick Lenzen, is requesting an amendment of an existing Conditional Use Permit (CUP) to allow exterior storage of vehicles and equipment on the subject parcel. The CUP for an adaptive re-use of an existing structure would be allowed pursuant to Section 152.097 (B) of the Carver County Zoning Code, which reads as follows:

RURAL SERVICE OVERLAY DISTRICT

§ 152.097 CONDITIONAL USE PERMITS.

Within the Rural Service Districts, conditional use permits may be issued for the following:

- (B) *Adaptive re-use of existing structures and buildings.* Conditional/interim use permits for commercial, light manufacturing, or institutional purposes may be issued for the adaptive re-use of buildings or facilities constructed at least 15 years or more from the current date. Permits pursuant to this section may not provide for substantial expansion of the existing operation or provide for new buildings or facilities. The following criteria must be met in order to qualify for this provision:
- (1) The building or facility was designed and constructed for a commercial, industrial, or institutional purpose;
 - (2) The structural condition of the building or facility is determined to be sound and not in need of major repair or rehabilitation;
 - (3) The building or facility is of a size, type of construction, or configuration that it is not reasonable to expect that it can be efficiently or economically used as a newly proposed use as described above; and
 - (4) The operation utilizing the building or facility substantially conforms to newly proposed use provisions of the Rural Service District.

§ 152.098 SERVICE LEVEL.

Uses permitted pursuant to this subchapter must be able to operate within the context of the level of services available in the Rural Service District.

(Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

STAFF ANALYSIS:

1. The subject property is within the Bongards Rural Service District and is located on the east side of County Road 51, diagonal from Bongards Creamery property. The applicants have submitted an operational plan (dated September 27, 2022) outlining the details of the operation.
2. The subject property has received a CUP (#12633) in 2002 that allowed the former owner to build the existing accessory structure and operate a landscaping business from the property. The existing CUP references no outside storage is allowed. Having purchased the property in 2007, Mr. Lenzen is using the existing building to store vehicles and equipment for his trucking and excavating business. Due to an expansion of the business, the applicant proposes to amend the existing CUP to allow outdoor storage. The request is to store up to three dump trucks, two trailers, and multiple small pieces of equipment outside of the building.
3. Reflecting the nature of the rural business/residential community, the provision of the zoning code that allows the adaptive re-use of existing buildings in Rural Service Districts allows flexibility in the required standards. The nature of the applicant's business is similar to a contractor's yard, but previous zoning code standards specific to a contractor yard, such as the minimum lot size and 500' setback from neighboring residences, did not apply to RSD CUPs.
4. Mr. Lenzen currently leases space to a cabinet maker who maintains his workshop in the structure. There are circumstances where this type of business could be permitted as a CUP, but the property does not have a CUP for this activity, so this is a violation of County Code. Also, it is County policy to not allow multi-tenant commercial buildings on properties. Mr. Lenzen was informed of the zoning code violation in March 2022. The applicant states that the cabinet maker would be vacating the workshop at the end of October or early November.
5. In 2015, the property owners constructed a large retaining wall with a significant amount fill brought to the site to level off the areas along the sides and rear of the accessory structure. Previously, this area consisted of grassy slopes and was not part of a commercial use. The retaining wall, which appears about 12-feet tall at his tallest point, was completed without required County permitting to meet building code, zoning, and septic code requirements. (The area for the home's alternative septic field was covered.) A portion of the wall was constructed on the adjacent property owned by Bongards Creamery. Proper permitting must be obtained for this work. In his narrative the applicant references that Bongards will be transferring property to Mr. Lenzen's property to move the property line 18' to the east. A minor subdivision is required to amend the property line. If some reason the minor subdivision does not occur, the applicant will need to remove the portion of the wall on the neighboring property in order to obtain a building permit for the retaining wall.
6. The primary hours of operation remain largely unchanged. Summer operating hours are proposed 7:00AM – 6:00PM Monday through Saturday and winter operating hours "before, during, and after snow events for snow removal purposes." The business does not have any full-time employees. No signage is proposed.
7. As shown in the screening plan (dated October 4, 2022), the applicant proposes a 6-foot tall fence on the northwest and north property boundaries to screen the vehicles and equipment.
8. Environmental Services has reviewed the property for Subsurface Sewage Treatment System (SSTS) compliance. In Spring 2022, Environmental Services requested influent and effluent samples from the applicant but have not yet received the samples. Also, due to the type of SSTS system installed at the property, an operating permit also is required for annual monitoring and maintenance with a licensed SSTS Service Provider.

9. The Carver County Water Management Organization (CCWMO) would review the request and the proposed operational area with respect to the Water Resource Management standards (Chapter 153), and for site stabilization requirements and Best Management Practices (BMP's). The overall area of disturbance and the proposed operational area may trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or future excavation activity.
10. On October 6, 2022, this request was reviewed by the Carver County Public Works Division and the following comments were referenced:
 - A. *Agreement was met between the applicant and Public Works in June of 2022 over the number, location, dimensions, and timing relating to the accesses onto the subject site from County Road 51. Listed below is what was agreed upon, along with this memo are the agreed upon drawings.*
 - *In 2024 there is scheduled work on US 212, with associated work on County Road 51. Improvements to the accesses onto the subject property will be constructed at this time by Public Works to the specifications that have been agreed upon. The scope of the work that will be done by Public Works is limited to the access and driveway apron within the highway right of way. No improvements are needed on the accesses in the time leading up to the work on County Road 51 to become compliant.*
 - *Two accesses are permitted, as was approved through a previous Conditional Use Permit.*
 - *The northern commercial access is to be 36 feet in width.*
 - *The southern residential access is to be 42 feet in width.*
 - B. *Public Works is allowed to implement changes based on project design.*
11. The applicant has not proposed any signage for the location. All future signage would be required to meet the Carver County Sign Regulations of Chapter 154 of the Code of Ordinances.
12. The Permittee would be required to contact the Carver County Environmental Services Department to further discuss the requirements of obtaining a Hazardous Waste Generator's License, if applicable.
13. The neighborhood is comprised of residential, agricultural and commercial land uses within the Bongards Rural Service District. The request would not cause a substantial change in the character of the neighborhood, nor would it result in a detriment to neighboring properties.
14. With proper screening, the proposed use appears to meet the general requirements for a conditional use in the Rural Service District (i.e. adaptive re-use of existing structures).
15. The Benton Township Board is scheduled to be review the application request at their October 13, 2022, meeting. The township recommendation will be available at the Planning Commission meeting.

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the permit application, the previous CUP #12633 (recorded as Doc. No. 308474) and any other permits or amendments for a Rural Service District business would be terminated upon final approval (and recording) of the new CUP #PZ20220041, the following conditions should be considered part of the permit:
1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
 2. The operation shall be substantially in accordance with the submitted operational plan and site plan (dated September 27, 2022). These plans shall be attached to and become part of this permit. The hours of the operation shall typically conform to the hours of 7:00AM – 6:00PM Monday through Saturday and before, during and after snow events during the winter season.

3. Any grading and/or filling activity on the property shall be completed in accordance with the CCWMO Water Resource Management standards and the Wetland Conservation Act (WCA), if applicable. All site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits. The permittee must obtain the required permits for the construction of the retaining wall already on the site.
 4. The permittee shall comply with the road access requirements as determined by Carver County Public Works. Parking along County Road 51 within the road right-of-way shall be prohibited. Any damages, modifications, or changes incurred within the right-of-way shall be remedied at the applicant's expense.
 5. All business-related trucks, equipment and supplies shall be stored within the approved operational area. Any expansion of the approved operational area shall constitute an expansion of the use and may require a review by Land Management for determination as to an amended Conditional Use Permit will be required.
 6. The applicant shall enclose the outdoor storage area with a 6-foot wood fence to provide screening along northwest and north sides of the property. No fencing or landscaping is allowed in the public right-of-way. If the fence is on the right-of-way property line, a licensed surveyor must stake the property line to ensure that the screening is located on private property. The permittee must also comply with any utility easement rules for the overhead power lines.
 7. The permittee shall maintain a conforming Subsurface Sewage Treatment System pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within the structure of the business operation. A signed SSTS pumping agreement with a licensed SSTS maintainer shall be required.
 8. If required, the Permittee shall complete and submit a Non-Generator's Acknowledgment or Hazardous Waste Generator's License to the Environmental Services Department within 30 days of the issuance of this conditional use permit. The acknowledgment or license shall be maintained for the duration of the CUP.
 9. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations. The permittee shall not exceed the allowed square footage of signage per property. No signage shall be allowed within the public road right-of-way.
 10. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit (stating that they do not have any employees) to the Land Management Department. The insurance or affidavit shall be maintained for the duration of the CUP.
- If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

§ 152.251 REQUIRED FINDINGS.

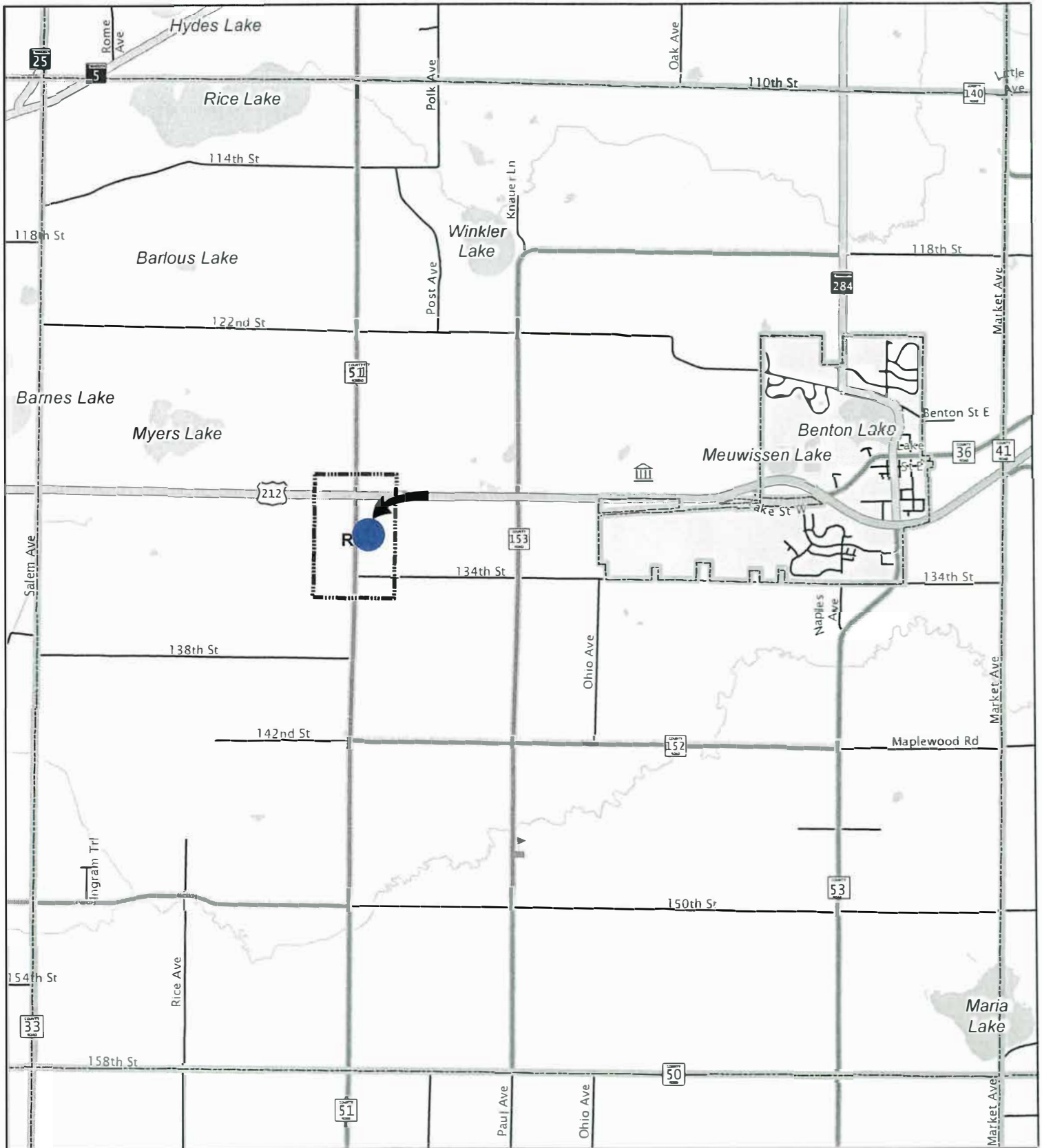
An order for the issuance of a CUP or IUP can be adopted only if all of the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

- (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.

- If the current application fails, or it is withdrawn, the existing CUP (#12633) would remain in full force and effect. The existing use (contractor's yard) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

BENTON TOWNSHIP

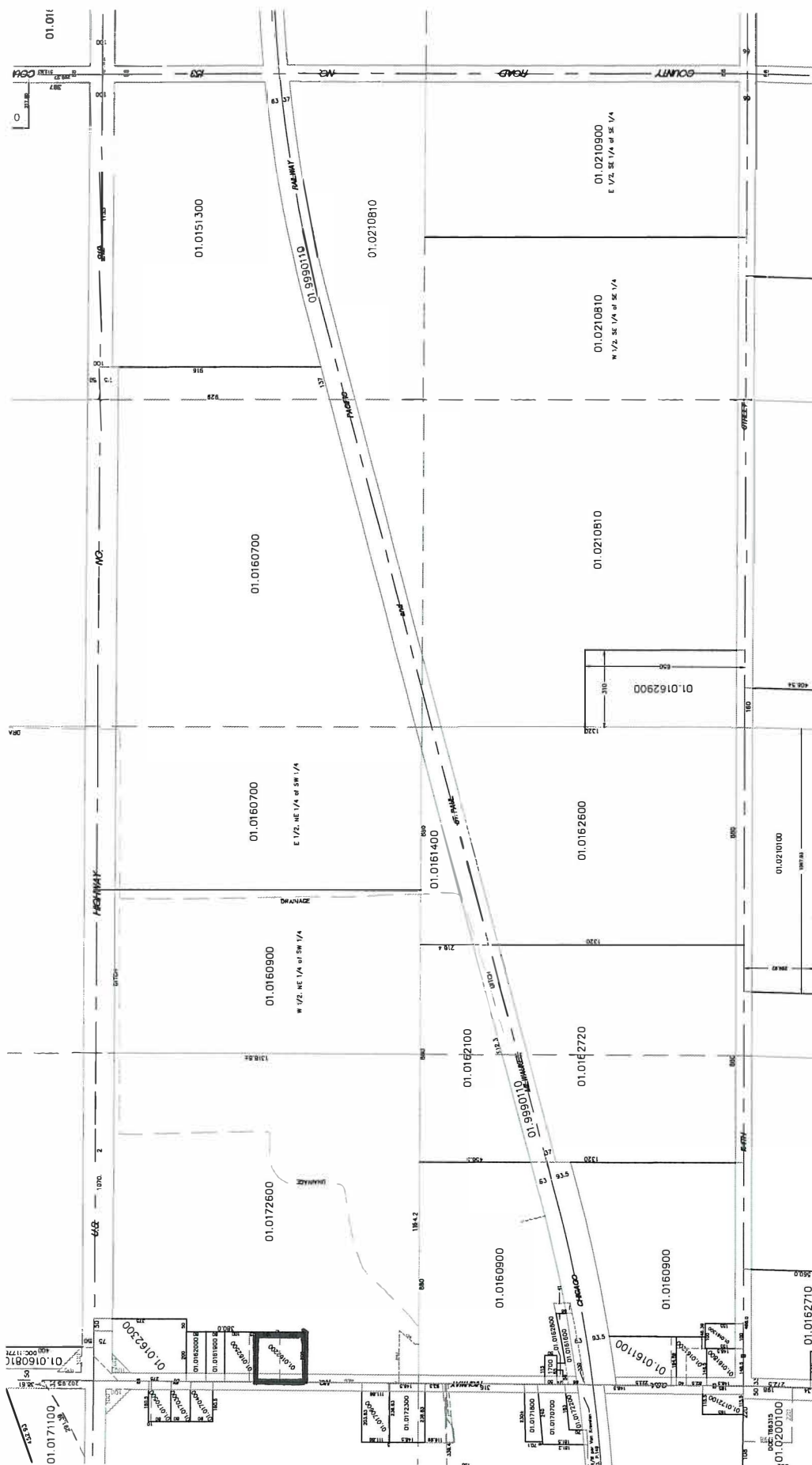


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

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



Carver County Planning & Zoning
600 E 4th Street
Chaska, MN 55318

September 27, 2022

Dear Carver County Planning Commission,

As owner of Lenzen Services LLC, located in Carver County at 13125 County Road 51 in Norwood Young America, I would like to amend Conditional Use Permit #12633. Lenzen Services is a trucking and excavating business servicing the southwest metro. Typical operations include up to three dump trucks and multiple other small pieces of equipment along with two trailers. My hours of operation in the summer are approximately 7 a.m. to 6 p.m. and in the winter my equipment will typically only be moving around before, during and after snow events for snow removal purposes. When business related vehicles leave my property, they will not return until the close of the work day. At the current time, I have zero full-time employees. Due to not having a house garage and the large size of my trucks, I am requesting for the big trucks and trailer to be parked outside in a nice, orderly manner. Also, I would like to eliminate the following screening requirements in the current CUP- 1) In front of the shed nothing grows in the road ditch due to winter salt; however, we would agree to installing a fence in that location. 2) To the north, there has never been any screen planted there prior; however, we will agree to plant trees along that side. Lastly, the site property line to the east will be expanding by 18 feet once Bongards Creamery transfers ownership to me along with my neighbors.

Thank you for your consideration in this matter.

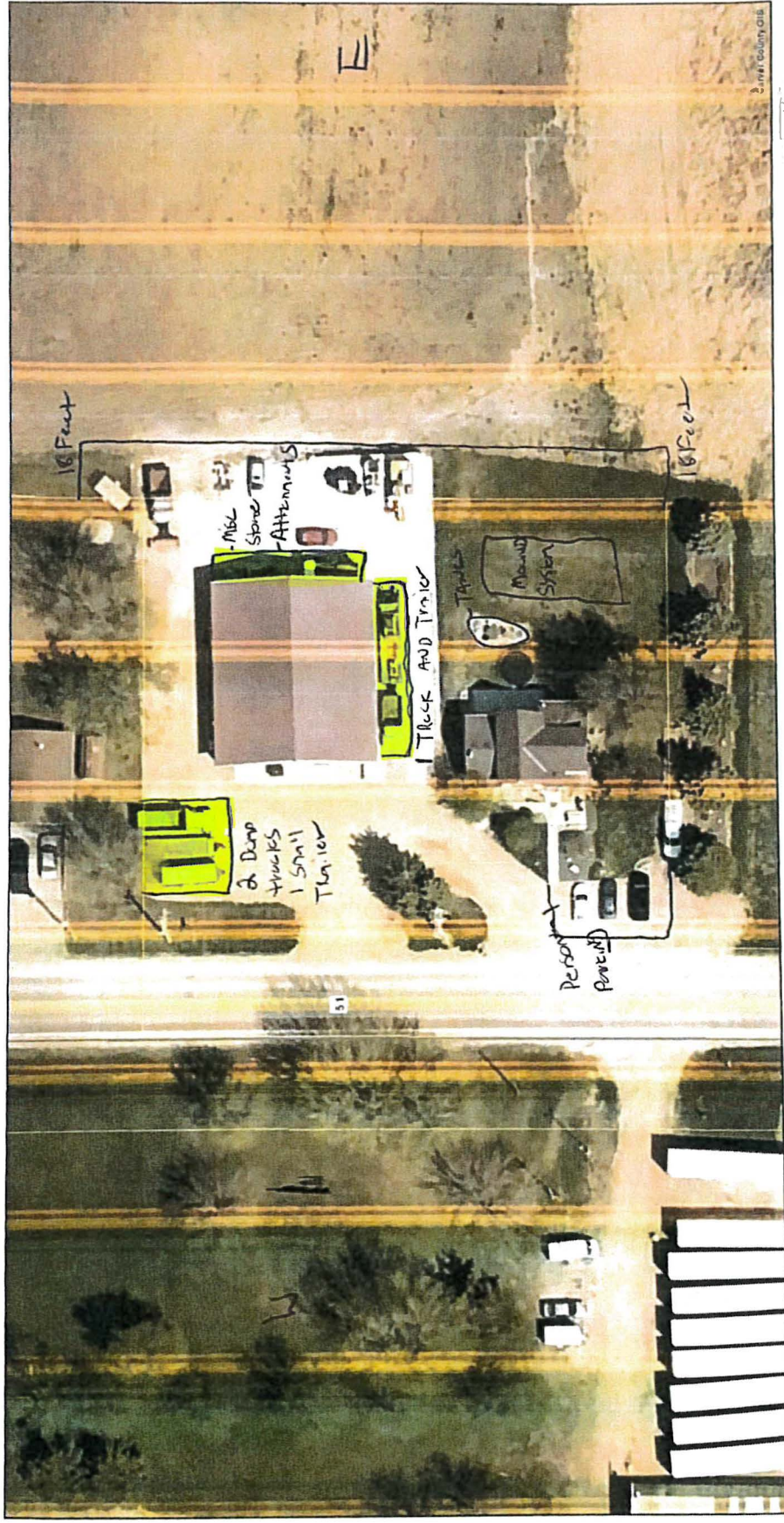
Sincerely,

Erick Lenzen
Owner
Lenzen Services LLC

9-27-22

LENZEN PROPERTY

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LENZEN PROPERTY SCREENING - 6' FENCE



Date: 10/4/2022

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**Carver County
Public Works**

11360 Highway 212, Suite 1
Cologne, MN 55322

October 6, 2022

**Land Management Department
Carver County Public Services Division**

Government Center, Admin Bldg
600 East 4th Street Chaska, MN 55318-2101
www.co.carver.mn.us

Delivered via email: jmielke@co.carver.mn.us

**Re: Development Review Comments: Amendment to Conditional Use Permit at 13125
County Road 51 in Benton Township; PID 010162200**

Thank you for the opportunity to review the conditional use permit application in Benton Township. Consistent with the County Comprehensive Plan and County Codes, the following are comments and recommended conditions of approval and as potential requirements for any necessary permits to be issued for the project:

1. Agreement was met between the applicant and Public Works in June of 2022 over the number, location, dimensions, and timing relating to the accesses onto the subject site from County Road 51. Listed below is what was agreed upon, along with this memo are the agreed upon drawings.
 - a. In 2024 there is scheduled work on US 212, with associated work on County Road 51. Improvements to the accesses onto the subject property will be constructed at this time by Public Works to the specifications that have been agreed upon. The scope of the work that will be done by Public Works is limited to the access and driveway apron within the highway right of way. No improvements are needed on the accesses in the time leading up to the work on County Road 51 to become compliant.
 - b. Two accesses are permitted, as was approved through a previous Conditional Use Permit.
 - c. The northern commercial access is to be 36 feet in width.
 - d. The southern residential access is to be 42 feet in width.
2. Public Works is allowed to implement changes based on project design.

<i>Jack Johansen</i> Transportation Planner Carver County Public Works 952.466.5283 jjohansen@co.carver.mn.us	<i>Angie Stenson AICP</i> Transportation Planning Manager Carver County Public Works 952.466.5273 astenson@co.carver.mn.us	<i>Darin Mielke PE</i> Assistant Public Works Director Carver County Public Works 952.466.5222 dmielke@co.carver.mn.us
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SCALE IN FEET

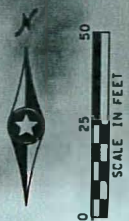
4 - STALLS
9' x 20'

CONNECT TO ONE OF THE
BUSINESS DRIVEWAY OPTIONS

42'

24'

85'



PROTECT TREES

85

36'

TRAILER PARKING
(4 - 9' x 30' SLOTS)



Township Presentation & Recommendation Form

PARCEL # 01-016-2200	Permit # _____
Owner's Name: Erick Lenzen	Owner's Mailing Address: 13125 County Road 51
City: Norwood	Owner State: MN Owner Zip: 55368
Applicant (if other than owner): _____	Site Address: same as above

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal
Description of Request: Amending CUP #12633 for a Contractor's Yard.
Date of County Public Hearing: 10-18-22 Date of Township Meeting: 10-13-22

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:	
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***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
	Date

Signature of Township Official



COUNTY OF CARVER
State of Minnesota

FILE #: 12633
APPLICANT: Brian Wiswell
PERMIT TYPE: Rural Service District
PURSUANT TO: Ordinance 32S, Section(s) 4.03
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 01-016-2200

Drafted by) Planning & Zoning
Return to) Planning & Zoning

Document No.

A308474



OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA

Filing Fee \$ 00 Check# 00

Certified filed and recorded on 02-19-2002 at 09:00 ☒ AM ☐ PM



Carl W. Hanson, Jr.
Carl W. Hanson, Jr.
County Recorder

CONDITIONAL USE PERMIT # 12633

PLANNING COMMISSION RESOLUTION #: 02-03

ORDER #: 12633

DATE ISSUED: February 4, 2002

This permit is issued for property legally described on the attached Exhibit "A", pursuant to Carver County Ordinance #32S.

THE RURAL SERVICE DISTRICT BUSINESS IS AUTHORIZED BY COUNTY BOARD ORDER # 12633, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #12633. THIS PERMIT IS ISSUED PURSUANT TO CARVER COUNTY ORDINANCE #32S, SECTION(s) 4.03 FOR A RURAL SERVICE DISTRICT BUSINESS ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A. THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. The alternate septic site must be staked and roped off during construction to protect the site from heavy construction equipment and vehicles. Additionally, no trees may be planted on the alternate site.
2. A building permit must be obtained prior to the construction of the accessory structure.
3. The subject property, which includes both lots of record is considered one for zoning purposes with only one building eligibility available for a single family dwelling.
4. An access permit for the construction of the driveway must be issued by Carver County Public Works prior to the construction of the accessory structure.
5. The operational plan and site plan for Wizards Tree and Landscape dated December 17, 2001 shall be attached and considered a part of this permit.
6. Screening shall be established, "Planted" in accordance with the site plan and within 6 months of the issuance of the Conditional Use Permit.
7. All business related trucks, equipment, and supplies must be stored inside the approved structure.
8. Grading on the parcel must be constructed in such a manner as to direct roof runoff of the proposed structure toward the natural drainage area in the southeast corner of the property.
9. Hours of operations shall substantially conform to the hours of 7 a.m. to 6 p.m. from April through October and between 9 a.m. to 5 p.m. from November through March, dependent on weather.

CUP-12633

PID#01-016-2200

10. Applicant shall submit a certificate of workers' compensation insurance or proper affidavit prior to issuance of any permit.

11. The permit is subject to annual administrative review.


Steve Just
Deputy Planning Director

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT

Applicant signature block

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT UNLESS 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

2-12-02
Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-016-2200

File# PZ20220041

APPLICANT/OWNER: Erick J Lenzen & Natalie Lenzen

* * * * *

Parcel A:

Beginning at a point on the west line of the Southwest Quarter of Section 16, Township 115, Range 25 West, Carver County, Minnesota, 1,778.6 feet north of the southwest corner of said Southwest Quarter; thence running due East parallel to the north line of said Southwest Quarter, 200 feet to a point; thence running North parallel to the west line of said Southwest Quarter, a distance of 100 feet to a point; thence West parallel to the north line of said Southwest Quarter, a distance of 200 feet to a point on the West line of said Southwest Quarter, thence due South along the west line of said Southwest Quarter, a distance of 100 feet to the point of beginning. (Torrens Property)

Parcel B:

Beginning at a point on the west line of the Northwest Quarter of the Southwest Quarter of Section 16, Township 115, Range 25 West, Carver County, Minnesota, 655 feet south of the northwest corner of said Northwest Quarter of the Southwest Quarter; running thence East parallel with the north line of said Northwest Quarter of the Southwest Quarter, 200 feet; running thence South at right angles, 100 feet; running thence West, 200 feet to the west line of said Northwest Quarter of the Southwest Quarter; running thence North on said west line, 100 feet to the place of beginning. (Abstract Property)

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

October 10, 2022

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

FILE #: PZ20220042

APPLICANT: Micah Hatley (on behalf of Verizon)

OWNER: MCI Telecommunications (Verizon)

SITE ADDRESS: 7383 Co Rd 140, Cologne, MN 55322

PERMIT TYPE: Public Utility Buildings and Structures

PURSUANT TO: County Code, Chapter 152, Sections § 152.050 to § 152.053

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-004-0320

BACKGROUND:

1. Verizon owns an approximate 19.31-acre parcel located adjacent to the intersection of the Twin Cities & Western Railroad trackage and County Road 140, in the Southeast Quarter (SE¼) of Section 4, Dahlgren Township. The property is located in the Agricultural Zoning District, Shoreland Overlay District (Aue Lake), and CCWMO (West Chaska Creek Watershed).
2. Verizon seeks to amend their existing Conditional Use Permit (CUP) to expand an existing telecommunications building by about 21,800 square feet to install additional servers/cabinets on site. The proposed construction is limited to an addition to the western building accompanied by supportive infrastructure (generators, transformers, and condensers), and replacement of site improvements, such as a loop access road and parking spaces that currently occupy the project site. Only a small portion of the proposed construction is located within the Shoreland Overlay District.
3. The 2040 Comprehensive Plan recognizes the importance of “limited private uses that serve a community purpose” in County Policy LU-20. Communication facilities “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.” The application by Verizon for a Conditional Use Permit (CUP) is pursuant to Sections 152.050, 152.051, 152.052, and 152.053 of the Zoning Code, which reads as follows:

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 are considered essential services. 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) *Governmental uses, buildings, and storage.* Governmental services such as office buildings, garages, temporary open space, open storage when not a principal use, fire and police stations, parks and recreational areas, training centers, correctional facilities or other essential uses proposed by federal, state, county, local, special districts, and school districts.

§ 152.051 PERMITTED USES.

The following are permitted uses in all districts:

- (A) Transmission systems designed for en-route consumption are permitted uses in all zoning districts and may be installed within the public right-of-way and easements according to the standards of the responsible authority and after receiving approval from the responsible road authority. Essential services extended from the system to serve a single parcel of land abutting a public right-of-way or easement are not subject to height, yard and setback regulations, certificate of occupancy or other than the approval of the owner. Should a non-public easement be desired for installation of an essential service which will serve more than one parcel of land, the easement shall require approval under the conditional use permit provisions;
- (B) Towers and antennas 100 feet in height above ground level (AGL) or less, which are not wireless communications facilities. These personal use facilities, including, but not limited to, television, CB radio, farm and business communications, and wind generators are permitted upon the issuance of a building permit provided the proposed use serves only the subject parcel and the structure is located a distance at least the total height of the structure plus ten feet from any lot line;
- (C) Amateur radio support structures. Amateur radio support structures (towers) shall not exceed a height above ground level of 100 feet, unless a conditional use permit has been granted. They shall be mounted on the roof of a dwelling or other building or located in the rear yard unless there is not sufficient space to erect them in those locations. They shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of experimental nature of the amateur radio service, antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications;
- (D) Public roads, streets, highways, cartways, and trails; and
- (E) Stormwater management system and structures including public ditches constructed pursuant to M.S. Chapter 103E, as it may be amended from time to time.
- (F) All requests, with provided documentation, which identifies a project as being under the jurisdiction of a state or federal regulatory commission (Federal Energy Regulatory Commission (FERC), Public Utilities Commission (PUC), etc.).

§ 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.

§ 152.053 PUBLIC UTILITY BUILDINGS AND STRUCTURES.

- (A) Public utility buildings and structures, structures such as substations or similar structures not customarily considered industrial in use, and radio and communication towers not considered “wireless communication facilities” are allowed in all zoning districts provided a conditional use permit is issued.
 - (B) This section shall be exempt from the minimum lot size requirements to permit a lot area less than the minimum required for the district in which the building or structure is located.
 - (C) In consideration of an application for a conditional use permit the Planning Commission shall consider:
 - (1) The operational plan and potential for future expansion;
 - (2) The landscape treatment options and requirements for screening where appropriate;
 - (3) The security and design standards to prevent trespassing; and
 - (4) The access and parking needs for the site.
- (Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21) Received September 23, 2022

STAFF ANALYSIS:

1. There have been several CUP’s issued to this property over the years to operate a telecommunications facility. Even though the facility is privately owned, it is classified by the County Code as a public utility and as an Essential Service. The property was issued CUP #7359 in 1986 to build the original telephone junction station and a telecommunication’s tower up to 300 feet in height. CUP #7697 was issued in 1988 to add parking spaces, an approximate 9,800 square foot building addition and increase the number of employees on-site to 20. In 1994, CUP #9671 allowed the construction of a 13,500 square foot building expansion and an increase up to 43 employees. Issued in 1999, the most recent CUP #11720 permitted the construction of an additional junction station building measuring about 37,000 square feet and a reduction to 21 employees who work at the site.
2. There are four buildings currently on the property: a 37,250 square foot building for storage, administrative offices, and telecommunications equipment; a 29,500 square foot junction building; a 1,400 square foot garage; and a 231 square foot accessory structure for a tenant who co-locates on the telecommunications tower. The existing buildings are constructed in conforming locations at least 50’ from the railroad right-of-way and other property lines and 110-feet from a Collector Road centerline in the Shoreland District.
3. The submitted project narrative (dated September 23, 2022) references inadequate building infrastructure preventing a feasible layout within the current building envelope to enable installation of additional equipment. The cabinets and servers are needed to accommodate immediate and forecasted needs of local network and telecommunications traffic and to support 5G deployment. The exterior of the single-story addition will have precast concrete panels with 2-inch reveals to match the existing buildings. The site plan (dated September 23, 2022) shows a rear addition on the western building that conforms to the required setbacks. There are parking spaces and a garage door. Adjacent to the northwest corner of the proposed addition are two generators. An 8-foot tall security fence surrounds the project site. The fence shall require a building permit. The application appears to meet the zoning code standards of a public utility building.
4. The exterior generators will be surrounded by an approximately 12-foot tall acoustic enclosure as shown in the attached figure. The applicant reports that “The acoustic enclosure will mitigate noise transmission. This enclosure ensures noise

levels will be no greater than 65 dBA within 25' of generator. As part of our scope, we have a subconsultant that will model the new equipment and confirm the noise ordinance levels are not exceeded at the property line."

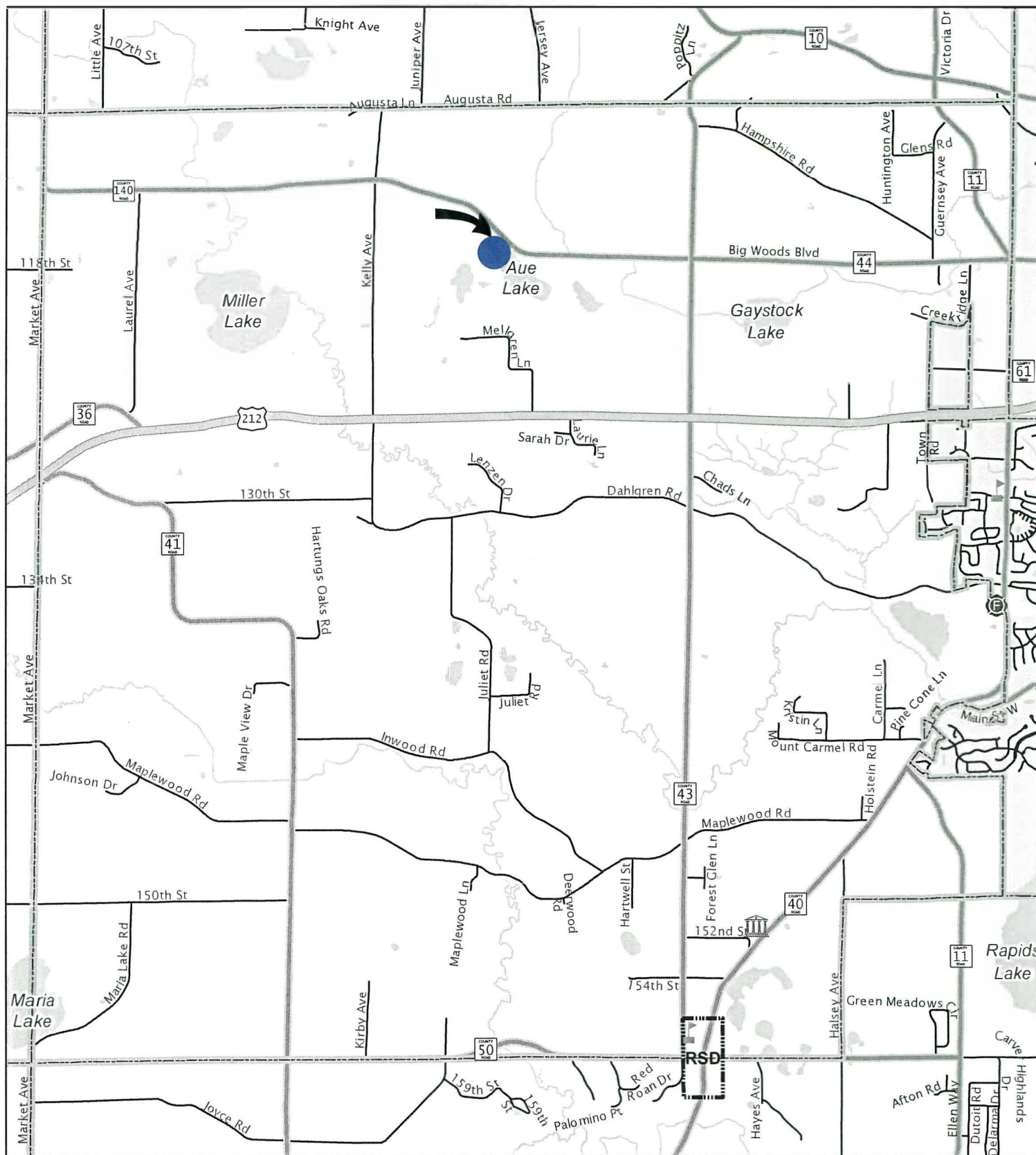
5. The proposed addition would require the addition of one employee to add to the two employees who work there during typically 9:00AM-5:00PM. Additional employees, including maintenance workers, delivery drivers, contractors, and network engineers, visit the site occasionally. There are 45 existing parking spaces and three proposed spaces at the rear of the building addition. The facility operates 24 hours per day 365 days per year with no public access. Vehicle access is from Co Rd 140 through a driveway with an access easement on the property to the south.
6. Carver County Public Works reviewed a concept plan of the facility expansion and provided the following comment: "A construction project is planned on CR 140 at the railroad crossing in 2025. The planned project will remove the existing railroad bridge and reconstruct CR 140 approximately ¼ mile east and west of the bridge location (to an at-grade crossing), which would include the area of the access location. Project limits for property and grading impacts are not defined at this point and likely would not be known until about a year before construction. There will likely be right of way and grading impacts to the subject property with this project in order to accomplish the bridge removal. Our main concern would be that the site plan doesn't impact the area adjacent to the road and road/rail crossing."
7. Carver County Environmental Services reviewed the proposed expansion and commented that the SSTS system must be reviewed to ensure that it is sized appropriately to accommodate the needs of the number of employees who currently work at the site. Also, since the property is in the Shoreland area, a compliance inspection is required. As for water usage for the facility served by a private well, the applicant reports that the "mechanical systems serving the expansion will be completely separate from the existing building and will be refrigerant-based (no water-cooled systems)" to cool the servers and cabinets.
8. The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, site stabilization requirements, and Best Management Practices (BMP's) are typically reviewed as part of any site improvements pursuant to Chapter 153 of the County Code (Water Management Rules). The overall area of disturbance and the proposed operational area may trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or beginning any excavation activity. Any wetlands on the property would be reviewed pursuant to the Wetland Conservation Act (WCA).
9. At their October 10th meeting the Dahlgren Township Board reviewed the CUP request and unanimously recommended approval.

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the CUP application for a Public Utility Buildings and Structures, the previous CUPs (#7359 recorded as Doc. No. 80353, #7697 recorded as Doc. No. 101262, #11720 recorded as Doc. No. 260587) and any other prior permits, amendments or renewals for a Public Utility, would be terminated upon final approval (and recording) of the new CUP (#PZ20220042). Therefore, CUP #PZ20220042 would supersede any prior approvals. The following conditions should be attached to the new CUP:
 1. The permit is subject to Administrative Review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
 2. Operations shall be substantially in accordance with the operational plan Applicant Narrative (dated: September 23, 2022) and Site Plan (dated: September 23, 2022). The hours of operation are 24 hours per day 365 days per year with typical occupation of the building 9:00AM to 5:00PM, except for occasional visits by maintenance workers, network engineers, delivery drivers, and contractors.

3. Any stormwater management, grading, and/or filling activity on the property shall be completed in accordance with regulations of the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Review and approvals are required prior to the issuance of construction and/or building permits, if applicable.
 4. All structures used in conjunction with telecommunications operations, shall meet the applicable requirements of the Carver County Zoning Code and State Building Code. Any required building permits shall be applied for and issued prior to construction. Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP is necessary.
 5. The permittee shall comply with the road access requirements along Co Rd 140 as determined by Carver County Public Works. Any damages, modifications, or changes incurred within the right-of-way shall be remedied at the applicant's expense.
 6. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations.
 7. The permittee is responsible for compliance with all Federal, State and Local rules, regulations, and permitting requirements.
- 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.
- If the current application fails, or it is withdrawn, the existing CUP (#11720) would remain in full force and effect. The existing use (Public Utility) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

DAHLGREN TOWNSHIP

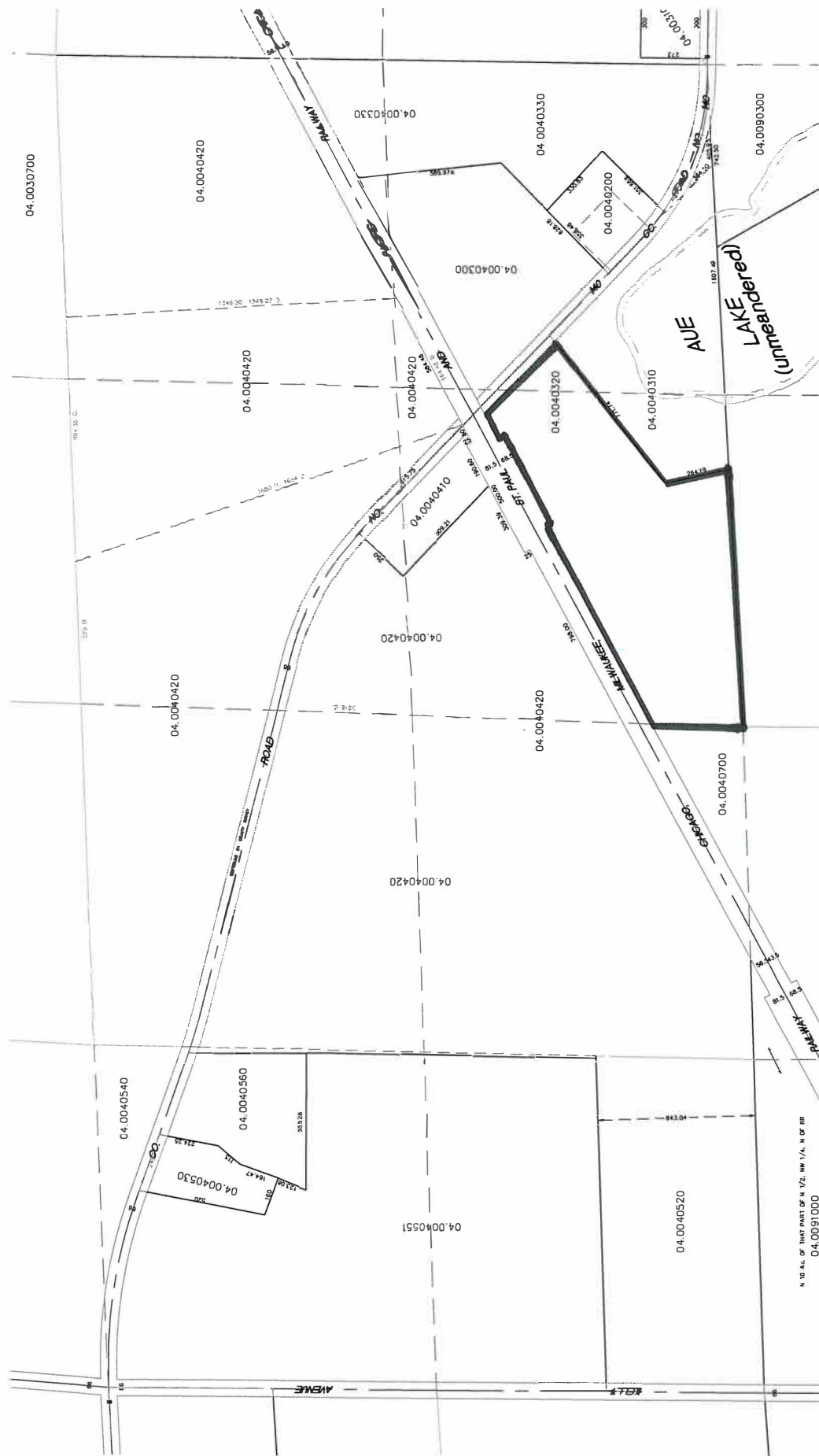


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

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



Project Narrative

Verizon Building Expansion
7383 County Road 140
Cologne, MN 55322

September 23, 2022

The subject property is located at 7383 County Road 140 in Cologne, MN. Currently, there is an existing Verizon telecommunications facility on site that supports local network / telecommunications traffic.

Verizon has identified this site as a candidate to receive additional servers / cabinets. Based on the existing building infrastructure limitations, there was not a feasible layout that could accommodate the required new equipment within the existing footprint.

A proposed 21,884 sf expansion is proposed along the west side of the existing building. The expansion will support an additional 1400kW of Network load and will be supported with exterior electrical and mechanical equipment (generators, transformers, and condensers) located directly adjacent to the building addition. The facility will support 5G deployment and other network improvements within Carver County and surrounding areas. The facility is being designed to accommodate the current/foreseeable growth forecast. The proposed building expansion is designed to match the existing tilt up concrete building to provide a seamless look to the whole building. The Addition will be precast concrete panels with 2" reveals that match the existing buildings.

The facility will be open 24/7/365 with typical occupied hours being between 9am-5pm, except during required maintenance window work. This is the same as the existing buildings. The proposed building will require one additional employee, with transient employees visiting the site occasionally for operations (network engineers, etc.). Since only one additional employee will be needed, there will only be two additional trips per day. The building will not have public access and the potential persons that may have to access the site include Verizon site operations staff, delivery drivers, network engineers, and contractors. The site has 45 existing parking spaces and 3 proposed spaces.

There will be no meaningful change from the current number of business-related vehicles on-site. There will be no change to existing signage on-site. Diesel fuel will be stored on-site via generator belly tanks.

All exterior equipment will be screened to meet the Carver County screening requirements. The screening will be accomplished via a planting strip surrounding the equipment in accordance with the Carver County requirements.

There are known wetlands on site; however, the proposed work will not include any disturbance inside the wetland buffer.

The proposed plan will include demolition of a portion of the existing driveway and the construction of a new driveway that will connect to the existing driveway, wrapping around the proposed building. Additionally, minor rerouting of existing utilities is anticipated. There is no public water or sewer

available on-site. The site currently utilizes a septic tank and well water. The septic system will be updated to service the needs of the proposed build in addition to any updates needed to meet current septic requirements. The proposed building will be serviced via well water, similar to the existing buildings on site. All utilities will be buried. Stormwater management will be designed to meet Carver County requirements.

COLOGNE

7383 COUNTY ROAD 140.
COLOGNE, MN 55322



Questions For dlb Call:
DLB Project ID: 14836

David Quirk
Phone: (732) 774-7000

ForeSite Group, LLC
2101 Magnolia Ave. South
Suite 100
Birmingham, AL 35205

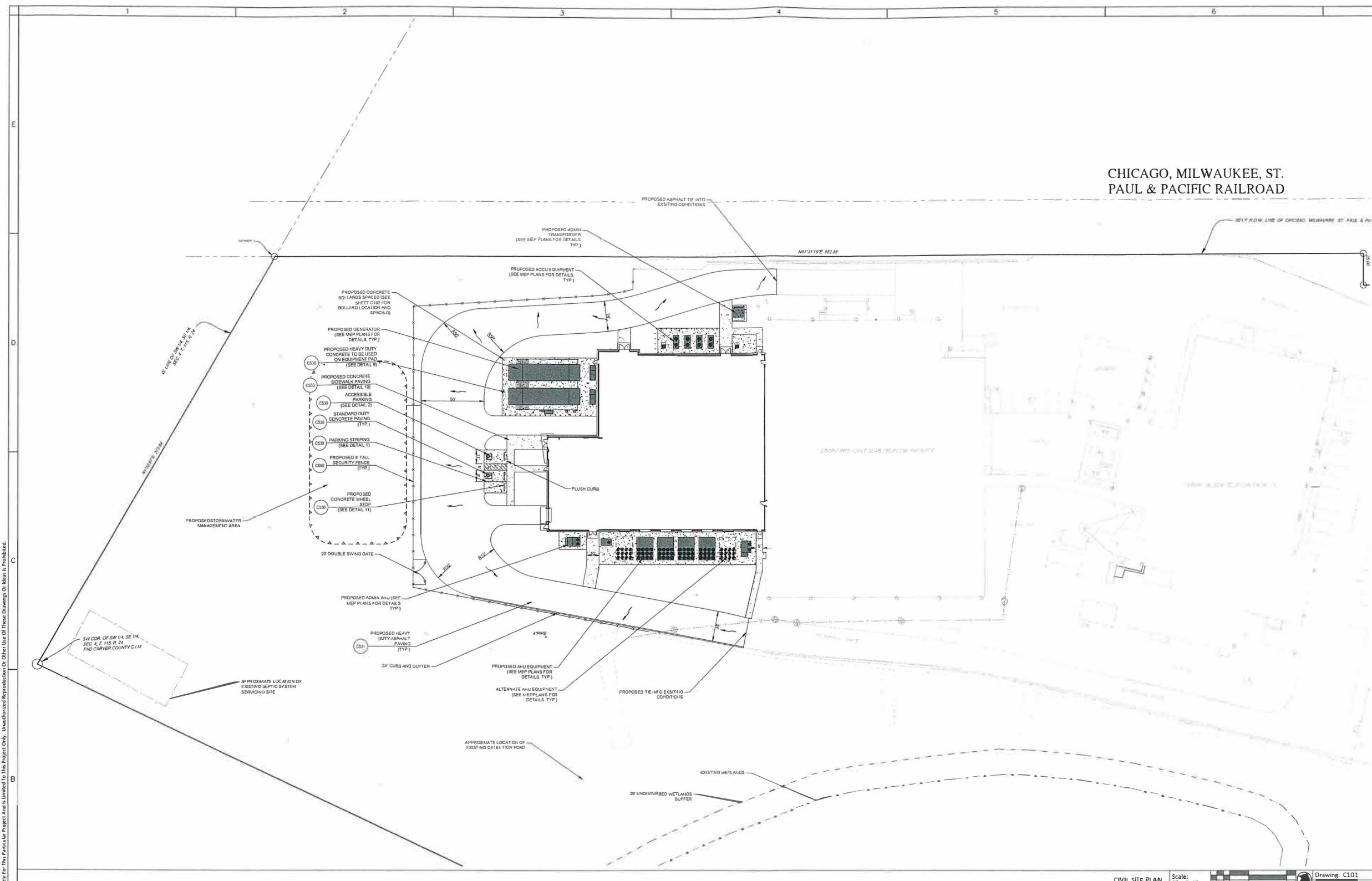
o | 205.397.0370
f | 800.372.5997
w | www.foresitegroup.net

verizon^v
COLOGNE
7382 COUNTY ROAD 140
COLOGNE, MN 55322

1	REWORK COMPLAINT SUBMITTALS	DATE
	COMP SUBMISSION	09-25-2020

PROJECT TITLE	
CIVIL SITE PLAN	

SHEET NUMBER C101



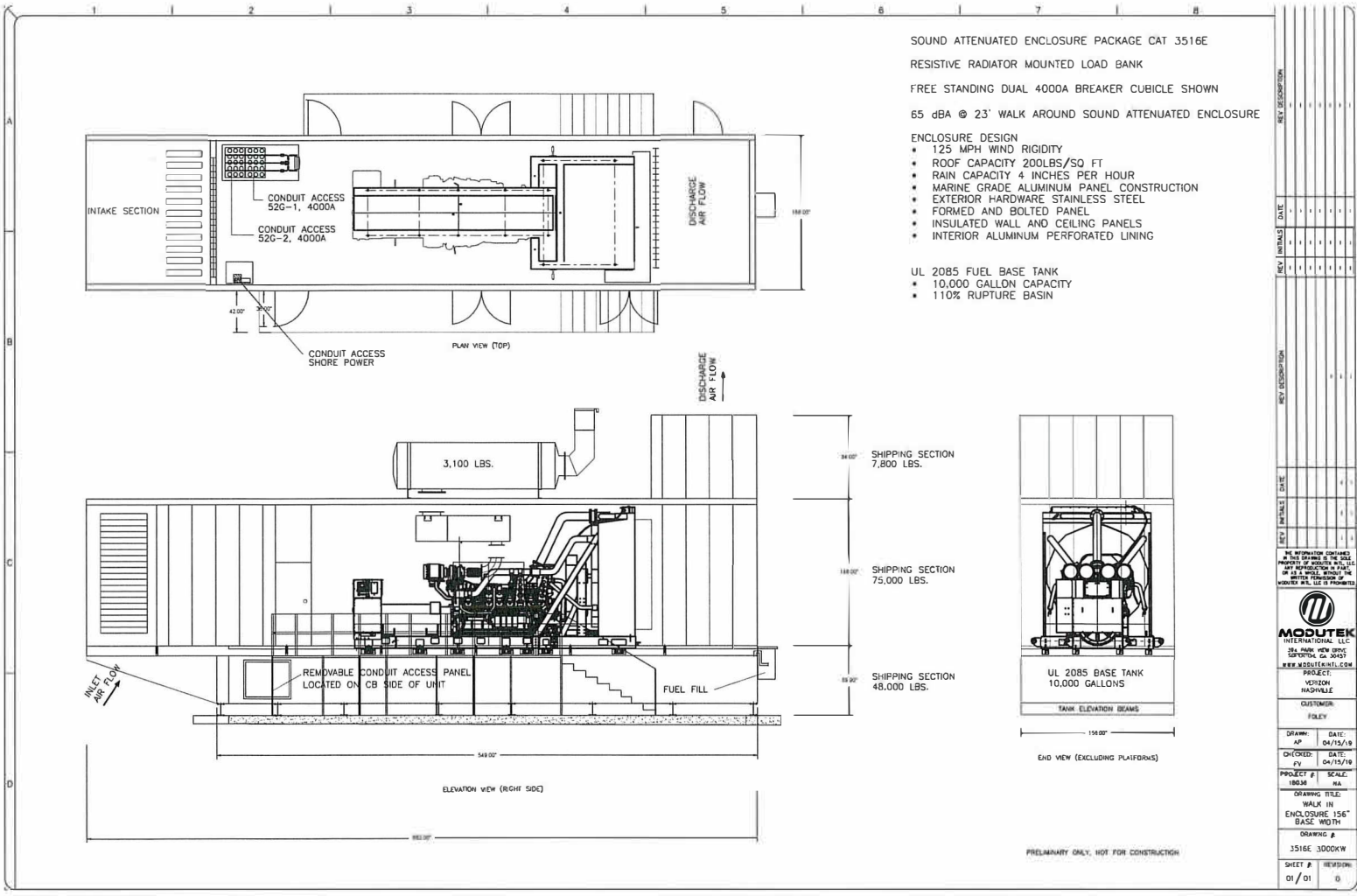
GENERAL NOTES

1. TOTAL SITE AREA: 19.27 ACRES
2. DISTURBED AREA: 1.32 AC
3. CURRENT ZONING: AGRICULTURAL
4. LOT COVERAGE
EXISTING LOT COVERAGE = 25.5%
PROPOSED LOT COVERAGE = 32.2%
- A. 5. BUILDING SETBACKS :
FRONT SETBACK = 110' (LOCAL) 100 FT (VERIZON)
SIDE SETBACK (SOUTH) = 15 FT (LOCAL) 70 FT (VERIZON)
SIDE SETBACK (NORTH) = 50 FT (LOCAL) 70 FT (VERIZON)
REAR SETBACK = 30 FT (LOCAL) 70 FT (VERIZON)
6. PARKING
EXISTING SPACES: 45
PROPOSED SPACES: 3 (2 ADA, 1 STANDARD)
7. PROPOSED LAND USE: TELECOMMUNICATIONS
8. UNDERGROUND IRRIGATION SYSTEM PLANS AND PERMIT APPLICATION WILL BE PROVIDED BY A LICENSED IRRIGATOR AND WILL BE SUBMITTED WITH THE BUILDING PERMIT APPLICATION.

PARTIAL SYMBOLS & ABBREVIATIONS

Identifier	Description
	EXISTING PROPERTY LINE
	PROPOSED FENCE
	BUILDING AND PARKING SETBACKS
	PROPOSED FENCE
	LIMITS OF DISTURBANCE
	EXISTING WETLANDS
	WETLANDS BUFFER
	DRAINAGE ARROW

<u>Identifier</u>	<u>Description</u>
	EXISTING LIGHT POLE
	PARKING COUNT
	PROPOSED BOLLARD
	PROPOSED ACCESS KEYPAD
	HEAVY DUTY ASPHALT PAVING
	STANDARD DUTY CONCRETE PAVING/SURFACE
	HEAVY DUTY CONCRETE PAVING/SURFACE
	PROPOSED EQUIPMENT



SOUND ATTENUATED ENCLOSURE PACKAGE CAT 3516E
 RESISTIVE RADIATOR MOUNTED LOAD BANK
 FREE STANDING DUAL 4000A BREAKER CUBICLE SHOWN
 65 dBA @ 23' WALK AROUND SOUND ATTENUATED ENCLOSURE

ENCLOSURE DESIGN

- 125 MPH WIND RIGIDITY
- ROOF CAPACITY 200LBS/SQ FT
- RAIN CAPACITY 4 INCHES PER HOUR
- MARINE GRADE ALUMINUM PANEL CONSTRUCTION
- EXTERIOR HARDWARE STAINLESS STEEL
- FORMED AND BOLTED PANEL
- INSULATED WALL AND CEILING PANELS
- INTERIOR ALUMINUM PERFORATED LINING

UL 2085 FUEL BASE TANK

- 10,000 GALLON CAPACITY
- 110% RUPTURE BASIN

REV	DESCRIPTION	DATE
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WE HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. ANY INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PROVIDED. ANY USE OF THIS INFORMATION FOR ANY OTHER PURPOSE IS AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE PROVIDER.

MODUTEK
 INTERNATIONAL, LLC
 254 NEW VENTURE DRIVE
 SUITE 100
 RICHMOND, VA 23133
 WWW.MODUTEKINTL.COM

PROJECT: VENTON RICHMOND

CUSTOMER: FOLEY

DRAWN: SP DATE: 04/15/18
 CHECKED: PV DATE: 04/15/18
 PROJECT # 18048 SCALE: AS SHOWN
 DRAWING TITLE: WALK IN ENCLOSURE 156" BASE WIDTH
 DRAWING # 3516E 3000KW
 SHEET # 01 REVISION: 0



Township Presentation & Recommendation Form

PARCEL #	040040320	Permit #	2220220042	
Owner's Name:	Verizon	Owner's Mailing Address:	7383 County Rd 140	
City:	Cologne	Owner State:	MN	Owner Zip:
				55322
Applicant (if other than owner):	Micah Hatley	Site Address:	7383 County Rd 140	
Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal				
Description of Request: Verizon is requesting a Conditional Use Permit to allow an approximately 22,000 SF Telecom Expansion facility. The scope will include the proposed building, associated equipment, an expanded drive aisle, and a stormwater detention facility. The facility will provide essential service to the surrounding community.				
Date of County Public Hearing:		10/18/2022	Date of Township Meeting:	
			10/10/2022	

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 2022/09/19
Signature of Applicant	
	Date 10-10-2020
Signature of Township Official	



**CARVER
COUNTY**

FILE #: 11720

APPLICANT: Tim McCoy/MCI WorldCom

SITE ADDRESS: 7383 Co. Rd. 140, Cologne, MN
55322

PERMIT TYPE: Public Utility

PURSUANT TO: Ordinance No. 32S, Section 2.0502

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-004-0320

COUNTY OF CARVER

State of Minnesota

Document No.

A260587



Certified filed and recorded on 11-19-1999 at 09:00 ☒ AM ☐ PM



**OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA**

Filing Fee: \$ 00

Check#: 00

Carl W. Hanson, Jr.
County Recorder

Drafted by} Planning & Zoning

Return to } Planning & Zoning

CONDITIONAL USE PERMIT #7359

PLANNING COMMISSION RESOLUTION #: 99-43

ORDER #:11720

DATE AMENDED AND ISSUED: November 1, 1999

This permit is issued for property legally described on the attached Exhibit "A", pursuant to Carver County Ordinance #32S.

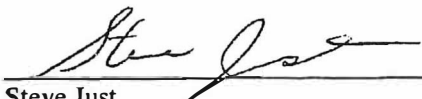
Purpose of Permit: To allow for the expansion of a public utility on property described on the attached exhibit

A. This expansion will include the addition of a second utility structure.

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

1. The permitted activities are those outlined in the current and prior applications. Construction and operation of the station shall substantially conform with the operational, site, and building plans contained in the application. Said plans shall be attached to and considered conditions of this permit. If the operational/site plans change from what is outlined, the permit holder must notify the Zoning Administrator. If said change is such that the Zoning Administrator determines it to be significant, then the permittee shall make application to amend the permit.
2. The operator of the junction station shall keep in force and comply with all standards of any other permits or licenses.
3. Required permits must be applied for and issued for the building, septic system, and retaining wall (if required) prior to construction. The building must be located at least 50' from the railroad right-of-way or any property line.
4. Prior to any land alteration or the issuance of any building permits, a licensed engineer must develop a grading and storm water management plan, wetland delineation, and erosion control plan to be reviewed and approved by the County and Soil & Water Conservation District (SWCD), and a National Pollution Discharge Elimination System Permit must also be obtained. A performance security in a form acceptable to the County (i.e. bond, letter of credit, escrow, etc.) of \$20,000 shall be submitted and maintained until construction is completed and turf is established. No footing or foundation work shall commence until the above activities have been approved and the building inspector has authorized the work.
5. Appropriate erosion control measures shall be utilized during and after construction.

6. The new portions of driveway along the southern and western portions of the site shall have bituminous paving.
7. The applicant must apply for and obtain a Hazardous Waste Generators License or Non-Generator Certificate as required by the Carver County Environmental Services Department.
8. There shall be no more than a total of 21 employees on the site. The applicant shall submit a certificate of workers' compensation insurance or proper affidavit prior to issuance of any permit.
9. The permit shall be subject to annual administrative review.



Steve Just
Deputy Planning Director

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT

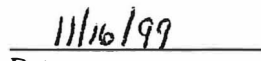
Applicant signature block

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT UNLESS 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



Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 04-004-0320

File# PZ-20220042

APPLICANT/OWNER: MCI Telecommunications

* * * * *

Those parts of the Southeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 4, Township 115 North, Range 24 West of the 5th Principal Meridian which lies southeasterly of the southeasterly right-of-way line of the Chicago, Milwaukee, St. Paul & Pacific Railway and which lies southwesterly of the centerline of County Road No. 140; EXCEPT those parts of the Southeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 4, Township 115, North, Range 24 West of the 5th Principal Meridian described as follows: Commencing at the southeast corner of said Southeast Quarter of the Southeast Quarter; thence on an assumed bearing of South 86 degrees 28 minutes 58 seconds West, a distance of 41.45 feet to the point of beginning of the land to be described; thence northwesterly, a distance of 687.49 feet, along a tangential curve concave to the northeast having a radius of 836.46 feet and a central angle of 47 degrees 05 minutes 30 seconds; thence North 46 degrees 25 minutes 32 seconds West, tangent to said curve, a distance of 599.89 feet; thence South 51 degrees 11 minutes 55 seconds West, a distance of 771.74 feet; thence South 13 degrees 00 minutes 28 seconds East, a distance of 264.19 feet, to the South line of said Southwest Quarter of the Southeast Quarter; thence North 86 degrees 28 minutes 58 seconds East along said south line and along the south line of said Southeast Quarter of the Southeast Quarter, a distance of 1,607.49 feet to the point of beginning.

Together with an easement for driveway purposes over, under and across that part of the South Half of the Southeast Quarter of Section 4, Township 115, Range 24, Carver County, Minnesota, described as follows: Commencing at the southeast corner of said South Half of the Southeast Quarter; thence on an assumed bearing of South 86 degrees 28 minutes 58 seconds West along the south line of said South Half of the Southeast Quarter, a distance of 41.45 feet; thence northwesterly 687.49 feet along a tangential curve, concave to the northeast, radius 836.46 feet, central angel 47 degrees 05 minutes 30 seconds; thence North 46 degrees 25 minutes 32 seconds West, along tangent, a distance of 561.55 feet to the point of beginning of the easement to be described; thence continuing North 46 degrees 25 minutes 32 seconds West, a distance of 38.34 feet; thence South 51 degrees 11 minutes 55 seconds West, a distance of 400.00 feet; thence South 34 degrees 48 minutes 05 seconds East, a distance of 38.00 feet; thence North 51 degrees 11 minutes 55 seconds East, a distance of 405.09 feet to the point of beginning. EXCEPT that part of the above-described easement which lies within the right-of-way of Carver County Road Number 140.

Subject to an easement for public right-of-way purposes in County Road No. 140 over the northeasterly 33.00 feet thereof.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

October 10, 2022

TO: Carver County Planning Commission & Town Boards
FROM: The Land Management Department
SUBJECT: County Building Regulations Amendments

FILE #: OA-PZ20220043

INITIATED BY: Carver County Land Management

TYPE: Ordinance No. 103-2022 to update Chapter 150 of the County Code

PURSUANT TO: County Code, Chapter 150

LEGAL DESCRIPTION: County-wide

STAFF ANALYSIS:

1. Carver County Land Management and the Carver County Attorney's Office have drafted an ordinance amending the Carver County Building Regulations. The purpose of the draft language is to amend Chapter 150, Building Regulations. Carver County is by Minnesota Statute required to administer and enforce the Minnesota State Building Code in the unincorporated areas of the County. The proposed language amendments are necessary in order to be consistent with the current Minnesota State Building Code language we are required to administer.
2. **PROPOSED CHANGES:** Ordinance #103-2022 would amend the County Code Chapter 150 pertaining to Building Regulations. Changes are to ensure Carver County Code is consistent with Minnesota State Statutes, including the removal of previous code adoption language (i.e. years) and clarifying permit fees.
3. The public hearing notice for the proposed text amendments was published in the *Chaska Herald* (official newspaper) and all other local newspapers, as well as being sent to all of the townships within the County. If the proposed amendments are approved by the Planning Commission, a public hearing would also be necessary at the County Board and the hearing notices would be properly titled "intent to enact" an ordinance.
4. The draft text amendments for Chapter 150, Building Regulations, are attached for your review. (Note – underline is for new language and strikethrough is for deletion.)

PLANNING COMMISSION CONSIDERATION: If the Planning Commission concludes the public hearing and recommends approval, the County Board would likely hold a public hearing in November to consider the adoption of Ordinance 103-2022.

If approved, the Planning Commission's recommendation would include the following findings of fact:

1. The amendments are in conformance with the Minnesota Statute "State Building Code".
2. The amendments are not in conflict with any other official controls.
3. The amendments will not be detrimental to the health, safety or general welfare.

CHAPTER 150: BUILDING REGULATIONS

Section

Building Code

- 150.01 State Building Code adopted
- 150.02 Application, administration, and enforcement
- 150.03 Fees
- 150.04 Violations and penalties
- 150.05 Separability; supremacy

Conveyance of Titles

- 150.30 Purpose
- 150.31 Instruments requiring approval
- 150.32 Procedure
- 150.33 Recording prohibited
- 150.34 Exclusions
- 150.35 Effective Date

BUILDING CODE

§ 150.01 STATE BUILDING CODE ADOPTED.

(A) The currently enforced Minnesota State Building Code (Residential and Commercial), established pursuant to M.S. §§ 16B.59 to 16B.75 326B.101 to 326B.197, as amended from time to time, is hereby adopted as the building code (hereinafter "code") for the Ceounty. The Minnesota State Building Code is hereby incorporated in this subchapter as if fully set out herein.

~~(B) The Minnesota State Building Code includes the following chapters of Minnesota Rules as may be amended from time to time, which are also incorporated in this subchapter as if fully set out herein:~~

- ~~— (1) 1300 — Administration of the Minnesota State Building Code;~~
- ~~— (2) 1301 — Building Official Certification;~~
- ~~— (3) 1302 — State Building Construction Approvals;~~
- ~~— (4) 1303 — Minnesota Provisions;~~
- ~~— (5) 1305 — Adoption of the 2000 International Building Code;~~
- ~~— (6) 1307 — Elevators and Related Devices;~~
- ~~— (7) 1309 — Adoption of the 2000 International Residential Code;~~
- ~~— (8) 1311 — Adoption of the 2000 Guidelines for the Rehabilitation of Existing Building;~~
- ~~— (9) 1315 — Adoption of the 2002 National Electrical Code;~~
- ~~— (10) 1325 — Solar Energy Systems;~~
- ~~— (11) 1330 — Fallout Shelters;~~
- ~~— (12) 1341 — Minnesota Accessibility Code;~~
- ~~— (13) 1346 — Adoption of the Minnesota State Mechanical Code;~~
- ~~— (14) 1350 — Manufactured Homes;~~
- ~~— (15) 1360 — Prefabricated Structures;~~
- ~~— (16) 1361 — Industrialized/Modular Buildings;~~
- ~~— (17) 1370 — Storm Shelters (Manufactured Home Parks);~~

~~— (18) 4715— Minnesota Plumbing Code. Commercial plumbing permits. Prior to installation of a system of plumbing other than for a single family dwelling, with independent plumbing service, complete plumbing plans and specifications, together with any additional information that the Building Official may require, shall be submitted in triplicate and approved by the Building Official. No construction shall proceed except in accordance with the approved plans. Any alteration or extension of any existing plumbing system shall be subject to these same requirements;~~

~~— (19) 7670, 7672, 7674, 7676, and 7678, Minnesota Energy Code.
(Ord. 52, passed 11-25-03; Am. Ord. 63-2008, passed 2-26-08)~~

§ 150.02 APPLICATION, ADMINISTRATION, AND ENFORCEMENT.

This code shall be effect in the unincorporated areas of the county. The Land Management Department & Water Services Division shall be the Building Code Department of the Ceounty. This code shall be enforced by a Minnesota Certified Building Official designated by the Ceounty to administer the code.

(Ord. 52, passed 11-25-03; Am. Ord. 62-2007, passed 12-11-07)

§ 150.03 FEES.

The issuance of permits and the collection of fees shall be as follows.

(A) Fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the Ceounty and through the State Building Code. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code.

(B) An investigation fee, in addition to the permit fee, shall be collected whenever any work for which a permit is required by this code has been commenced without first obtaining the permit. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

~~(C) A reinspection fee may be assessed in the following situations:~~

- ~~— (1) For each reinspection when the portion of work for which inspection is called is not complete;~~
- ~~— (2) When corrections called for are not made;~~
- ~~— (3) When the inspection record card is not readily available at the time of inspection;~~
- ~~— (4) Approved plans are not readily available;~~
- ~~— (5) Failure to provide access on the date for which inspection is requested;~~
- ~~— (6) Deviating from plans requiring the approval of the building official.~~

~~(CD)~~ Fee refunds may be authorized by the Building Official of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment. All plan review fees shall be paid by the applicant whether the project is to be completed or not.

(Ord. 52, passed 11-25-03)

§ 150.04 VIOLATIONS AND PENALTIES.

(A) Any person, firm, or corporation who shall violate any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions of this code shall be guilty of a misdemeanor. Each day that the violation continues shall constitute a separate offense.

(B) Injunctive relief and other remedies. In the event of a violation or threat of a violation of this code, the county may institute appropriate actions or proceedings, including injunctive relief, to prevent, restrain, correct, or abate such violations or threat of violations.

(Ord. 52, passed 11-25-03)

§ 150.05 SEPARABILITY; SUPREMACY.

(A) Separability. Every section, provision, or part of this subchapter or any permit issued pursuant to this subchapter is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this subchapter or any permit issued pursuant to this subchapter shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

(B) Supremacy. When any condition imposed by any provision of this subchapter on the use of land or building or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other community ordinance or regulation, the more restrictive conditions shall prevail.

(Ord. 52, passed 11-25-03)

CONVEYANCE OF TITLES

§ 150.30 PURPOSE.

The county has adopted rules by which it regulates the platting or subdivision of lands outside of municipalities as authorized by M.S. § 505.11, as it may be amended from time to time. The purpose of this subchapter is to facilitate the uniform application and enforcement of the regulations and is adopted pursuant to the authority granted by state law.

(Ord. 6, passed 5-16-89; Am. Ord. 6A, passed 5-16-89)

§ 150.31 INSTRUMENTS REQUIRING APPROVAL.

All instruments by which the legal title to real estate situated in the county is conveyed from one owner to a new owner shall be submitted to the Zoning ~~Offficer~~Administrator before the same is recorded in the Office of the County Recorder.

(Ord. 6, passed 5-16-89; Am. Ord. 6A, passed 5-16-89)

§ 150.32 PROCEDURE.

(A) The Zoning ~~Offficer~~Administrator shall examine all instruments to determine that the proposed conveyance complies with ~~Ce~~County regulations, as the same may be amended from time to time. If the Zoning ~~Offficer~~Administrator is satisfied that the proposed conveyance complies with the regulations, he or she shall affix his or her stamp to the deed, which stamp shall be in the following form: "I certify that this instrument complies with Carver County Ordinance No. ~~9733~~ and is eligible for recording or registration."

(B) If the Zoning OffieerAdministrator shall have any doubt concerning any proposed conveyance, he or she shall refer the same to the County Surveyor and shall not approve the same for recording or registration until the instrument has also been approved by the County Surveyor.

(Ord. 6, passed 5-16-89; Am. Ord. 6A, passed 5-16-89)

§ 150.33 RECORDING PROHIBITED.

The County Recorder shall not record or register any of the instruments referred to in § 150.31 until the instrument has been approved for recording or registration by the Zoning

OffieerAdministrator.

(Ord. 6, passed 5-16-89; Am. Ord. 6A, passed 5-16-89)

§ 150.34 EXCLUSIONS.

(A) Real estate mortgages and leases for a period of 20 years or less shall not require approval prior to recording.

(B) Contracts for deed and other executory contracts for the sale of land shall be deemed an instrument of conveyance hereunder.

(Ord. 6, passed 5-16-89; Am. Ord. 6A, passed 5-16-89)

§ 150.35 EFFECTIVE DATE

This subchapter, as amended, was effective upon publication.

(Or. 103-2022. Passed 11-01-2022)