

Carver County Planning Commission

Regular Meeting - **Tuesday, July 19, 2022**

Commissioners' Meeting Room

2nd Floor Human Services Bldg

Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of June 21, 2022, regular meeting
Pages 1-1 through 1-16
- 2.) **File #PZ20220024** – Public hearing on application by Mitch Michaelson
for a Conditional Use Permit. (Large Scale Activity-Scream Town)
Dahlgren Township Pages 2-1 through 2-89
- 3.) **File #PZ20220028** – Public hearing on application by Aaron & Amy
Burkhart for a Conditional Use Permit amendment.
(Farm-Related Business-Meat Processing/Butcher Shop)
Benton Township Pages 3-1 through 3-20
- 4.) **File #PZ20220027** – Public hearing on application by Eric Anderson for a
Conditional Use Permit. (Contractor's Yard-Landscape Business)
Waconia Township Pages 4-1 through 4-18
- 5.) **File #PZ20220029** – Public hearing on application by Dawn Thostenson
for a Conditional Use Permit amendment.
(Commercial Equestrian Facility)
Dahlgren Township Pages 5-1 through 5-25
- 6.) **File #PP-PZ20220031** – Public hearing on application by Roger
Falkenstein for a Conditional Use Permit.
(Preliminary Plat - Serenity Place)
San Francisco Township Pages 6-1 through 6-28

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – June 21, 2022
Minutes

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

Members Late: None

Members Absent: None

Staff Present: Jason Mielke, Donovan Hart, Christina Neel, Jennifer Tichey, Matt Steele, Brad Hanzel, Greg Boe

Pursuant to due call and published notice thereof, the June 21, 2022, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Wakefield conducted roll call which showed all board members present.

Agenda – Chairman Wakefield called for any changes to the agenda or a motion to approve. A motion was made by Hoese to approve the agenda as printed. Mendez seconded the motion. All voted aye. Motion carried. The agenda was approved as printed.

Minutes – A motion was made by Fahey and seconded by Hoese to approve the minutes from the May 17, 2022, regular meeting. All voted aye. Motion carried.

File #PZ20220023 – Todd Mesenbring – Chairman Wakefield called the public hearing to order at 7:01 p.m. to consider a request by Todd Mesenbring. The purpose of the public hearing was to consider a request for an amendment to a CUP for a Home Extended Business Accessory Use pursuant to Chapter 152 of the County Code. The property is in Section 3 of Benton Township.

The following were present: Todd Mesenbring, Andy Steinhagen, Vicky Mesenbring, Diane Mesenbring, Elroy Knauer

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated May 25, 2022

Exhibit F – Staff Report addressed to the Planning Commission and Benton Township dated June 13, 2022, and all attachments

Neel noted a correction to the file number from the information on the agenda. She explained the property is improved with a house and garage and a 40' x 60' detached accessory structure.

A CUP was granted for the 40' x 60' personal storage accessory structure in 2006. In October 2012, the 40' x 60' detached structure was permitted by IUP to operate a Home Occupation business for light to medium diesel repair. The applicant is requesting a CUP to replace the Home Occupation with a Home Extended Business Accessory Use (HEBAU) in order to operate and expand the structure size to accommodate the growing business. The shop size would increase by constructing a 42' x 40' addition which would include a 42' x 10' lean-to for outdoor storage. The new addition would also feature a 10' x 10' office space. There currently is no space used exclusively as office space for the business. The total accessory structure space, with the proposed addition, would total approximately 4,500 square feet, of which up to 500 square feet would be utilized for personal storage of garden equipment, firewood, etc. The applicant has indicated that there would be no changes to the hours of operation (8:00AM – 5:00PM, Monday-Friday) or the number of business-related vehicles (2) stored on the property. He is considering hiring a technician, which would bring the total number of employees to two (2), including the owner/operator, which is allowed according to the HEBAU standards of the Zoning Code. The site plan indicates sufficient gravel parking and turnaround areas to the east and south of the structure. Based on the nature of the business, no more than three (3) clients would frequent the site at any time. On June 9th, the application was reviewed by Mike Mrotz, Carver County Senior Environmentalist, who requested the applicant to contact him to determine if a Hazardous Waste Generator's License would be needed for the type of repair services performed. On June 10th, Jack Johanson, Carver County Transportation Planner, reviewed the application and stated no additional conditions are warranted since the expansion does not involve changes to the access or setbacks to the roadway (County Rd 153). Lori Brinkman, Carver County Senior Environmentalist, reviewed the application on June 10th, and stated that a connection to the existing holding tank would require a compliance inspection, as well as a completed permit application by a licensed SSTs professional. There is a maintenance agreement on file with Carver County Environmental Services for the existing holding tank. The Benton Town Board reviewed and recommended approval of the request at their May 12, 2022, meeting, without any additional comments. Neel read the proposed conditions for consideration if the request is approved.

The applicant thanked staff for working with him on this project. He explained the history behind the accessory structure and the previous permits and stated that after working full-time in the business since October 2019, he has a better understanding of the space he would need to operate his business more efficiently. His business has increased and having the additional space would allow for hiring another technician and an office area which is becoming necessary.

Chairman Wakefield asked the applicant if he is in agreement with the proposed conditions of the permit.

Mr. Mesenbring stated he agrees with the proposed conditions.

Andy Steinhagen, Benton Township supervisor, confirmed the Board's unanimous recommendation for approval and support for this application. The service provided is necessary in the township and surrounding areas and the property is always well-maintained.

Elroy Knauer, 11400 Knauer Ln, has no objection to the request. He stated Mr. Mesenbring keeps his shop well-kept and organized and feels he is a great asset to the farming community. A motion was made by Storms to close the public hearing. Hoese seconded the motion to close. All voted aye. Motion carried. The public hearing was closed at 7:13 p.m.

A motion was made by Fahey to **approve and adopt Resolution #22-07** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for a Home Extended Business Accessory Use with expansion of the structure. Mendez seconded the motion for approval. All voted aye. Motion carried.

File #OA-PZ20220022 – Carver County - Feedlot Ordinance – Chairman Wakefield called the public hearing to order at 7:14 p.m. to consider a request by the Carver County Environmental Services Department. The purpose of the public hearing was to consider a request for amendments to the Feedlot Management chapter pursuant to Chapter 54 of the County Code. The amendments pertain to areas within the Townships in Carver County.

The following were present: Matt Steele, Brad Hanzel, Greg Boe

The following items were entered into the record:

Exhibit A – Ordinance #11-2022

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Staff Report addressed to the Planning Commission and ALL Townships dated June 6, 2022, and all attachments

Matt Steele, Carver County Feedlot Officer, gave a presentation and discussed the history of the feedlot management ordinance, noting it's establishment on July 23, 1996. There was a major revision to the ordinance in 2003 and minor amendments relating to Conditional Use Permits were passed in 2007. The intent of the feedlot management ordinance is to regulate animal feedlots and livestock waste, to maintain and improve agricultural economy and community, and to ensure animal feedlots and animal waste are properly managed to protect public health and the environment. The purpose of the proposed amendments is to be consistent with the Minnesota Rules Chapter 7020 and Chapter 152 of the County Zoning Code. He stated a feedlot ordinance amendment webpage was created on April 21, 2022, to display the existing ordinance and the proposed text amendments. Letters were sent to all townships on April 20, 2022, and to all registered feedlot owners on May 2, 2022. The MPCA, MDA, and DNR were also sent a copy of the draft ordinance for review and comments. No comments have been received to date. Steele replied to two telephone calls from feedlot producers with questions about the proposed amendments. Steele reviewed changes to each section of the Ordinance. Many definitions are added as well as Construction Short Form permit and Interim permit requirements to be consistent with the Mn Rules Chapter 7020 and the Carver County Zoning Code. Each type of permit and the required content is identified. Feedlot registration requirements are identified along with a table identifying the animal unit conversion factor. Setback requirements for short-term manure stockpiles to sensitive features, road ditches and water wells, and setbacks for new and existing feedlots from lakes, rivers, streams, and special protection areas are identified and included. Location requirements for new and existing feedlots in the Shoreland or Floodplain

districts are proposed and will be consistent with Mn Rules Chapter 7020.2005. A table identifying the new minimum required setback standards, taken from the MPCA, is included. Technical requirements for short-term manure stockpiling sites are incorporated to be consistent with Mn Rules 7020.2125. Requirements for feedlot closures are also included. Proposed repeals included several definitions which are described but not used throughout the Feedlot Management Ordinance. The education section, Chapter 54.33, has not been enforced over the years and the requirements were outdated, so it is proposed to be removed. Also, steel is not listed as an acceptable material for the construction of liquid manure storage areas according to Mn Rules 7020.2100, so current reference to steel manure holding tanks in chapter 54.62 will be removed. Proposed changes include the definition of a 'new animal feedlot' which has been modified to match the Mn Rules 7020.0300. Currently, a feedlot that has been abandoned for three years or more becomes classified as a 'new animal feedlot' and the proposed change is to increase the abandonment period to five years. The setback distance for a manure stockpile from residences, churches, schools, regional parks, cemeteries, non-agricultural commercial activities and restaurants is increased from 200 feet to 300 feet based on direction from the MPCA. The appeals section has been modified to match Chapter 152 of the Carver County Zoning Code and the Commercial Manure Pumpers and Applicators section is updated to accurately reflect registration requirements for Commercial Animal Waste Technicians. Steele read the findings of fact if the Planning Commission concludes the public hearing and recommends approval to the County Board. He explained a public hearing with the County Board will take place on July 19th to consider the adoption of Ordinance No. 101-2022.

There was no one present from the public for comments concerning this public hearing.

Hoese asked about the boundaries referenced in Chapter 54.31 concerning large animal feedlots and noted that Watertown Township's ordinance is different from this. He also stated that Chaska Township is listed in section (2)(a), but Chaska Township does not exist any longer and that reference should be omitted.

Mielke confirmed that all of the former Chaska Township area has been annexed into the City of Chaska, so that language can certainly be updated. The other areas referenced are in alignment with the 2040 Comprehensive Plan.

Hoese asked why the education section was eliminated and wondered how it would be handled.

Steele replied that there has been a transition with education within the County and he has developed a County feedlot newsletter which is sent to all producers to provide outreach on educational topics. Producer workshops will also be held in the future. There would not be a mandate for a specific number of education hours for a producer, which is in the current ordinance.

Hoese described a situation concerning spreading of liquids from a manure pit due to excessive rain. The liquid was spread over a newly cut alfalfa field. He asked if this could be considered 'irrigation' which is currently prohibited. He described the process and the equipment used by their pumper.

Steele stated considering the emergency situation and the location of the manure pit, he felt the situation was handled correctly. He would do some research to get a better understanding on the definition of 'irrigation'.

Hoese asked if a Slurrystor is considered a steel tank or a glass-lined tank.

Steele replied it is not considered a steel tank.

Hoese asked about the process or enforcement of closing an abandoned pit within one year of ceasing an operation.

Steele stated he conducts an on-site inspection when a producer closes an earthen basin and has them complete a Feedlot Manure Enclosure form. He would work with the producer to make sure this process is completed as required in Mn Rules 7020.2225. Once completed, he would permanently terminate the feedlot registration.

Hoese asked about abandonment of a pit with cement sides and bottom. He asked if the sides can be crushed and filled in and the base cement left in the ground.

Steele replied it is possible to crush the concrete and fill in the pit; however, the information about this activity must be included on any deed of sale on the property. Another option is to crush the concrete and have it removed from the site.

Wakefield asked about the process and timeframe of registration for the commercial manure pumpers and applicators.

Steele replied the registration for the pumpers and applicators is through the State MDA and will no longer be required to be registered with the County. He was unclear if bonding is a requirement of their registration.

A motion was made by Hoese to close the public hearing. Grazzini seconded the motion. All voted aye. The public hearing was closed at 7:32 p.m.

A motion was made by Hoese to **approve and adopt Resolution #22-08** incorporating the findings of fact and staff recommendations in approving the Feedlot Management amendments, Ordinance No. 101-2022. The motion for approval was seconded by Grazzini.

Hoese encouraged Steele continue doing a good job with the feedlot producers and visit the sites to get to know them.

Wakefield echoed those comments and wanted to ensure the feedlot newsletter reaches all producers through whatever form or media choice, to continue the education portion, since that section of the ordinance is repealed.

Wakefield called for a vote on the motion. All voted aye. Motion carried.

File #PZ20220024 – ScreamTown – Chairman Wakefield called the public hearing to order at 7:38 p.m. to consider a request by Mitch Michaelson. The purpose of the public hearing was to consider a request for an amendment to a CUP for a Large-Scale Activity (recreational) pursuant to Chapter 152 of the County Code. The property is in Section 9 of Dahlgren Township.

The following were present: Tom Goodrum, Mitch Michaelson, Pat Neaton, Brian Gennrich, Kevin Sons, Karin Johnson, Tom Johnson, Kevin Mijal, Theresa Mieseler, James Mieseler, Matt Dunn, Kyle Albrecht, Braedy Roepke, Ben Mallonee, Nicole Host, Jodi Hesse, Patty Trott, Archie Trott, Jason Collette, Harley Collette, Richard Licht, Michele Imdieke, JoAnn Schindler

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated May 27, 2022

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

Exhibit G – Submitted letters and photos from residents

Hart explained this request for CUP amendments concerns ScreamTown, a seasonal commercial business on an approximately 190-acre parcel, which has been operating under current CUP PZ20080001. The request proposes to expand the seasonal attraction's days of operation, operating hours and the operational area. The proposal is also asking to reduce the required number of Sheriff's deputies from two to one and eliminate the 600 annual average daily patron limit. The current CUP lists an annual average of 600 patrons each day the operation is open to the public. The established hours of operation are 5:30 p.m. to 11:00 p.m., Friday through Sunday, from the last full weekend in September to the first full weekend in November and also includes the Wednesday and Thursday of MEA weekend. This would amount to 23 days of operation in 2022. The current operational area is approximately 35 acres and ScreamTown employs a staff of about 150 during its operation, with about 90 staff members a night. Building permits are required and obtained for the temporary structures of the attraction as needed. The proposal includes an approximate 1-acre expansion of the night trail area northwest of the current operational area and about 2.3 acres of additional parking area southwest of the existing parking area. The expansion of the parking area would allow for better parking situations under wet conditions. The new night trail area may have a temporary wooded maze, like other mazes on the site. Hart used an aerial photo of the submitted site plan to indicate the locations of the proposed changes. Hart read the proposed changes to expand the days of operation as submitted with the application; *The hours of operation are 5:30 p.m. until 11:00 p.m. Extended hours (until midnight) are allowed till midnight when warranted due to weather or unforeseen incidents, for example, to provide a safe and orderly closing related to vendor cleanup, attendance, customer pick up, actors checkout and other closing procedures. For nights with expected larger attendance (possibly 5 nights a year) we may allow guests to arrive at 10:30 and leave around 11:30. The days of operation are Thursday, Friday, Saturday and Sunday from the last full weekend in September to the first full weekend of November including the full week of Halloween, which is the last week in October starting on the last Sunday before Halloween, until*

Halloween, October 31, and also the Wednesday and Thursday of MEA weekend each year. Hart pointed out the language in Chapter 152.080(C)(6)(d) for a Recreational Large-Scale Activity, “a stipulation needs to be made in the permit as to the number of persons to be using the facility at any one time.” The applicant has proposed to remove the average annual 600 patrons per day limit as part of this request and Matt Dunn, the operator of ScreamTown, feels 2,500 people would be a reasonable number to utilize for the permit application. Hart stated in reviewing the past reported attendance records, there has not been any time where the attendance has reached that level on any night. The maximum attendance reported has been around 1,400 persons in reviewing records from 2009 – 2021. Attendance reached over 1,000 persons a night approximately 18 times in that period. The applicant noted that historically, the attraction has never been open to the public all of the available days in the season and the additional operating time would provide flexibility in case of inclement weather, larger crowds, or unforeseen circumstances. The reconstruction of Hwy 212 as a 4-lane highway would impact the current driveway access. There would be an improved intersection creating a right-in/right-out access to the property. It is expected that the roadway construction would be completed as shown on the submitted site plan dated May 31, 2022, when ScreamTown opens in late September 2022. The applicant would have to work with MnDOT, the road authority, to arrange for temporary traffic signage and safe ingress/egress for event patrons and workers. The proposed plan appears to comply with the requirement that less than 20% of the land utilized for the activities shall be designated as prime agricultural land under till. The applicant responded to the expanded parking usage and stated, *“the current CUP permits approximately 11 acres for parking and in the 14 years of operation, we have never used more than 40% of the current parking area on any given night. The purpose for the expansion is to utilize the areas of the property that are better suited for parking, particularly when the conditions are wet.”* The CCWMO is in the process of reviewing the request to determine if permits are necessary. The SWCD has been contacted regarding the proposed changes and no comments have been received to date. Carver County Sheriff, Jason Kamerud, has reviewed the proposal and provided clarification to statements made by the applicant regarding past history and events of the operation. MnDOT also received the application for review and provided the following comments:

- A. Work Zones and Pavement markings – “The event should still have two law enforcement officers for the 2022 season until trunk Highway 212 construction is completed.”
- B. Any use of, or work within or affecting, MnDOT right of way will require a permit pursuant to the Permits Division.

The Dahlgren Town Board reviewed the request at their June 13, 2022, meeting and recommended approval of three of the four CUP requests, providing no recommendation on the fourth request. They recommended approval for removal of the car count and the guest capacity limits, the expanded parking area and trail expansion, and passed a motion “to make no recommendation on the changing of the allowed number of days or extension of hours.” But the Board did have concern about expanding the hours of operation. Hart read the proposed conditions of consideration and discussion by the Planning Commission regarding this request.

Chairman Wakefield asked the applicant if they agree with and can operate under the proposed conditions for consideration of the permit.

Matt Dunn and Mitch Michaelson replied that they have read and agree with the proposed conditions.

Brian Gennrich, Dahlgren Township Supervisor, stated there was much discussion among the Town Board, the applicants, and area residents at their June 13th Town Board meeting. He stated the Town Board agreed to recommend approval of removing the car count and guest capacity requirements, and to let the Carver County Sheriff's department determine the number of deputies necessary on site. He confirmed the Board made no recommendation about increasing the number of days and hours of operation. He stated there was some concern with neighbors about providing better signage to reduce the number of cars turning onto a nearby road, incorrectly thinking it was the event access. The Board is hopeful that the completed reconstruction with the right-in/right-out access will help to improve the access safety.

Mielke stated that the letters and photos which were received and entered into the record as a part of this public hearing, were sent out to the applicants and the Planning Commission members on Friday, June 17th, to allow them time to read the information prior to this meeting.

Mr. Michaelson stated ScreamTown has been operating at this site for the past 14 years under the direction of Matt Dunn. Mr. Dunn has worked diligently to create and grow this business to where it is today. Mr. Michaelson stated he understands the mission of Carver County relative to preservation of agriculture, and he certainly agrees with that. However, as a 4th generation farmer, he realizes that it is difficult to make a profit by farming alone and that many of the multi-family generational farms have some form of supplemental income in order to sustain the multi-generational farm and pass it along to the next generation. He stated this property and the way that they utilize it to supplement their income plays a large part in supplementing the six families who are involved with the farm. He thanked staff for doing their work in preparing this information for the Board's consideration and asked that they thoughtfully consider the proposed changes which they feel are reasonable.

Matt Dunn, owner/operator of ScreamTown, has worked in family entertainment for the past 30 years with his main profession as a magician. He has performed many shows for the Carver County library system and other private events within the County. He explained that operating a seasonal business requires flexibility and the requested changes reflect that. The changes would help the business adjust to unpredictable inclement weather-related issues and still be successful. The proposed changes do not relate directly to any of the building projects on site and historically, the events and attractions of ScreamTown have been reduced in size. He explained their request to remove the daily attendance accounting is because of the reconstruction/improvements of Hwy 212 and noted that 97% of the event ticket sales are done on-line. On-line sales allow for tracking and more control of where the guests are coming from and when they would be attending. The structure of the event has also changed to have guests view drive in and take in the entire attraction and then leave, whereas previously, they could pick and choose which events they wanted to experience. In the past 14 years, the business has been open on the average of 13 days per season. There is not a specific number of days noted in the CUP for operation, but a description of the days by weeks or weekends, which allows for flexibility because of inclement weather or other issues. Their proposed request for change is not to increase the number of days they would operate but would increase the pool of dates available

for operating. Their customers have requested what days and/or hours are optimal to attend, which is what they are intending to capture and accommodate. He further explained that the day of the week on which Halloween falls has a large impact on attendance and the best days to be open. He stated they are not opposed to a specific number of days listed in the permit, in addition to the 'described' times if it is necessary. He again reiterated that the request for additional days or the operational hour change from 11:00 to 12:00 is to allow flexibility due to unforeseen weather issues or other incidents which cannot be predicted. He stated that no advertising would be done of any hours after 11:00. They want to be respectful to the surrounding property owners as well. He stated that their actors/employees would be instructed to keep a low profile with customers and not frighten them to cause screaming after the 11:00 hour. The music that is played would also be reduced to ambient sounds or turned off and the walk would be more of a spooky walk-through event to not disrupt the neighbors beyond that time. He stated they would be open to having the 'flex hours' available only on weekends, or within the last 3 weeks, if that is deemed reasonable. He stated that the business has contributed to the community and has raised money for meals on wheels and collected food for the local food shelf. They operate as a family-friendly event and want to continue in this capacity.

Theresa & Jim Mieseler, 7777 Hwy 212, stated they understand farming also. For 40 years, they operated under a CUP for an herb farm with greenhouses. They operated a quiet business, and the neighbors were their customers and were very satisfied and had no complaints. Ms. Mieseler asked if everyone had the letter and photos which they had submitted. Mr. Mieseler referred to the photos showing work that had been done concerning drainage and a culvert which was installed encroaching about 3 to 4 feet onto their property. He noted stakes which were placed but questioned whether a survey of the property line had actually been conducted. The area of concern was shown on an aerial map. Ms. Mieseler stated the trail/roadway is used for wagon rides and would be the path to get to the proposed expanded area.

Mendez inquired as to the date of the county GIS aerial photograph utilized to depict the recent improvements made to the trail/roadway in the northwest corner of the operational area.

Hart replied he thought the aerial photo was from 2019 and does not reflect the current conditions of the newly reconstructed Hwy 212.

Mielke clarified the aerial was from 2020. He stated more recent aerials have been taken this spring; however, that imagery would not be available for use until fall of 2022. He stated an access is visible on this aerial and any changes or improvements would be reviewed by the CCWMO as part of their stormwater review as stated in Condition #10. He explained the requirement of maintaining a 10-foot setback from the property line is to ensure any site improvements would not result in any direct discharge onto a neighboring property. The review done by the CCWMO would determine if a permit is necessary and what steps need to be taken to satisfy any grading, drainage or changes to impervious areas on the property. He also noted the language in Condition #4 concerning surveying the western property line to ensure any work done is all contained on the subject parcel.

Wakefield stated he recently visited the site and saw a wetland area and noticed the slope of the land which would cause a natural flow through that area.

Mr. Mieseler stated there are approximately 35 acres of land that drains that direction and had figures from the ASC Office concerning the amount of runoff after a rain. He continued his explanation of the submitted photos and what they indicated about the water flow. He had photos of trees and tree limbs on their property which had been cut down without any permission. He mentioned hearing how this business wants to be respectful of the neighbors but didn't feel that to be true. He stated he went to the site and was asked to leave the property without discussion.

Ms. Mieseler encouraged the Board to read the letter carefully and consider all of the information it contained. She also asked who the contact person is for the operation, as ScreamTown is run by Matt Dunn, Mitch Michaelson is the permit applicant, and the property is in the name of SSP Holdings, LP.

Mr. Michaelson stated he represents the family who owns the land and is one of the partners who shares ownership of the property. He stated that he gave them his telephone number as well as Matt's and are welcome to call any time.

Ms. Mieseler asked whom to contact when there is a violation of the CUP conditions or about traffic issues.

Mielke explained the zoning authority belongs to the County, and as the land use authority, the Land Management Department is responsible for administering and enforcing the guidelines in the Code and the CUP or IUP, whichever has been issued. Questions or concerns should be directed to the Land Management Department, and they would be forwarded to the another department if necessary. Mielke gave the department email address as well as telephone numbers for contact.

Ms. Mieseler noted a discrepancy with information relating to the number of days the business is requesting to be open. She stated they were told at the Dahlgren Township meeting that it would be 21 days, and now reads information stating 23 days. She also cited a statement made at the Township meeting which was not true concerning who installed the aforementioned culvert. Ms. Mieseler stated they disagreed with the concept of 'flexibility' in the hours of operation and felt they should be set, as flexibility allows a broad range and cannot be enforced. She stated that increasing the number of patrons from 600 to 2,500 on any night was a huge increase, even if they don't expect to reach that number. She envisioned this increase in numbers would also increase the noise they create. She stated only 2 voting members of the board were present at the Township meeting and that the notification about the proposed changes did not allow much time to prepare comments. They are pleased with the 10-foot setback from the property line requirement. She stated that dust is generated with the traffic on site and felt it could be better controlled. Ms. Mieseler also asked where the new lighting was going to be placed because they wanted to watch for them to be turned off to know when an event was concluded and all vehicles were off the site. She commented about the required findings for issuance of a CUP/IUP and stated the noise generated by the patrons is horrible and does create a nuisance for them and echoes to other neighbors also. She stated they have a building eligibility on the adjacent land and feel it would be difficult to sell a residential lot with this activity on the adjoining land. She

was happy to learn that the Sheriff's statement stated he did not endorse any written letters concerning the activity at ScreamTown. She asked about Metro West Inspections and what they inspect.

Mielke replied that the County does not have a licensed building inspector on staff and for years has contracted that service with an independent service licensed through the State of Minnesota. The current contract for building inspections is with Metro West Inspection Services based out of Loretto, Mn. He explained the building permit process and stated all building permits in the rural areas of the County follow this procedure. He stated a building inspector does an on-site inspection for each permit issued prior to the event opening annually.

Ms. Mieseler continued and noted that the employment offered is part-time and very seasonal each year. The majority of these employees are not local. She also asked about the date of the revised operational plan included in the packet on page 4-27.

Mielke stated the information included with the packet from pages 2-24 through 4-32 was to identify the information supporting the CUP issued in 2008. He explained the permit process from that time and stated the public hearing was continued for one month before issuance of the permit. The revised operational plan was submitted based on suggested changes from the initial public hearing meeting. He stated the initial permit cited two locations on the property for activity, as Sever's Fall Festival was also a part of that application, and they decided to move forward with one of the activities and not both.

Ms. Mieseler summarized that the notification period was short and did not allow adequate time for them or other neighbors to research and prepare their defense against the aggressive demands to the amendments. They are requesting the public hearing be continued for at least one month and that the Board members visit the site to see what it is comprised of. She stated it is visually unsightly and they hear noises of banging doors on the structures. She asked that they read and absorb the information in the submitted letters from them and the neighbors. She also stated there is a small camper on the property and wondered if people are staying overnight at the site.

Mr. Dunn replied there is no camper on-site and no one stays overnight at the property. He was unsure what Ms. Mieseler was referring to.

Karin Bloomquist-Johnson, 7575 Mellgren Ln, stated she submitted a brief letter concerning some key notes about the ScreamTown operation. She described her feelings when ScreamTown begins is of stress, high blood pressure, noise, discomfort and anything but 'Mr. Roger's Neighborhood.' She understands that Mr. Michaelson is trying to run a business and be a good neighbor, but that is difficult to do with a business nature of ScreamTown. She said people often think they are in the 'middle of nowhere' when they are in the country, but there are neighbors all around this property and the number of residences is increasing. She stated their evenings are disrupted with the noise. She stated the current CUP requires lights out and noise turned off by 11:00 which rarely happens. She feels that extending the hours is a scary move. She stated the traffic is an issue and the noises they hear coming from the woods is not the sounds you want to hear in your neighborhood.

Tom Johnson, 7575 Mellgren Ln, stated by its very nature, ScreamTown is not very neighborhood-friendly, nor can it be. He recalled a previous meeting where he played a recording of the noises heard from their window at 11:20 p.m. Screams from the woods sounded as if they were right outside the window. Extending the hours is a prime concern of theirs because they currently do not often end the event by 11:00 p.m. He feels the business has often run outside of the CUP requirements in the past. If the hours are extended to midnight, the noise might not end until after 12:30 or 1:00 a.m. He understands that the owner/operator may not want to work any later, but once the CUP is issued, there is no recourse to stop the activity occurring every evening. He stated some of this may be out of the operator's control, however, it is still happening. He also mentioned security as a concerning issue. If the attendance number increases, he mentioned the possibility of crazy things happening in recent crazy times and wondered if there is any prevention for such activity. They were told at the township meeting that security is provided by a private company and there would be a plan on who these people are and what their plan is to provide security. He cited Chapter 152.251(B) states the CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and confirmed they are not getting enjoyment at their property during the month of October. He also cited 152.251(G) and stated the prevention or control of noise might meet the acceptable levels of volume, but it is the type of noise generated by ScreamTown that is a nuisance. Hearing people screaming, shouting, and the feeling of fear can be traumatizing at times. He finds this to be a violation of the CUP. And (H) states the use conforms to the County Comprehensive Plan. He was not familiar with the Comprehensive Plan, or how this would comply, or what the compliance requirements are.

Mielke stated the Carver County 2040 Comprehensive Plan is a policy document to help with directing growth and development throughout the County. Each City also has a comprehensive plan. There are many components to the plan which have been established and adopted through County Board approval. Each township dictates and identifies permitted activities and allowed activities within their township. He stated this request was permitted under the Large-Scale Activity (Recreational) section. It is an allowed use upon issuance of a CUP or IUP.

Mr. Johnson concluded that he would plead the Board to not allow extending the hours of operation.

Jodi Hesse, 6277 Dahlgren Rd, stated this request is challenging in that she is a resident, a farmer, and an employee of ScreamTown. She agreed with Mitch that farming is difficult and a supplemental income is helpful and necessary. She has worked at ScreamTown for 13 years and her sons are also employed there. She stated that she along with others are employed with ScreamTown not only seasonally, but year 'round, working on both on-site and remotely. She works with scheduling the tickets and stated that the extended hours are necessary. She stated that ticket will not be sold at 11:00 to extend the event. She acknowledged the business nature presents challenges for the neighbors, but they are genuinely concerned and want to make it work. They are requesting the flexibility so they can work within the requirements of the CUP and it is their desire to have the guests off-site by 11:00. She stated her family depends on this business and would ask that the Board consider the request and make a decision that is fair for everyone.

Michele Imdieke, 2710 Shadow Wood Ct, is owner of Sticks Tavern on Dahlgren Rd, which is somewhat a seasonal business. The summer is busy with patronizing golfers, but when that season ends, their food and beverage business slows considerably. Their relationship with ScreamTown patrons helps them retain their employees and carry them through the winter months. She stated ScreamTown is good for the community and the 15 days they are open are important to many people.

Ms. Mieseler clarified that Sticks Tavern carries the liquor license to operate at ScreamTown which is part of their connection. She also stated that Jodi Hesse might live nearby, but she far enough away not to hear the noise generated by the patrons. She also stated the road issue is very important and wants that resolved before any decision is made on the amendment request.

Mr. Mieseler asked who is responsible to hire the surveyor to determine the west property line. He indicated the stakes from the previous marking seem to have moved a bit.

Mielke stated that the property owner hires a surveyor to do the work. That survey information is submitted to the County and is reviewed by the County Surveyor. The County Surveyor reviews the information and checks it in relation to surrounding property lines to ensure that the information is complete and correct. The county does not make a recommendation of any surveyor and recognizes that a Registered Land Surveyor is licensed by the State.

Mr. Mieseler was satisfied on knowing the surveyor is certified.

Mielke noted that language in the condition which states a certificate of survey must be submitted which indicates the work is certified and the work is being done by a Registered Land Surveyor.

Chairman Wakefield asked Brian Gennrich, Dahlgren Town Board Supervisor, if the township felt they had adequate time to review the request.

Mr. Gennrich replied that he felt there was adequate time for review. Mr. Dunn had contacted some of the township officers to let them know that ScreamTown would be attending their meeting and proposing some amendments. He did not feel rushed about the process and had time to review the request.

Chairman Wakefield asked if the timeframe stated by Ms. Mieseler seemed accurate, being notified on a Friday about a meeting on a Monday.

Mr. Gennrich stated he was not aware of the date that an email with agenda for the meeting was sent. He guessed it was on a Wednesday that he received an email with the agenda and attachments for the ScreamTown request. He stated the concern about security and any severe incident that could occur is a real concern and whatever agency is providing security for the events, should be adequately trained and made aware of the possibilities that exist.

Fahey asked if it was correct that only two of the township supervisors were present at their June meeting.

Mr. Gennrich confirmed that was correct.

Mielke expanded on the application and notification process. The County is responsible for publishing this public hearing notice in the newspaper and sending notification of this to the surrounding property owners within a quarter mile radius of the subject parcel as required by the MN State Statutes. The Township notification process is separate from the County process and each Township handles their meetings and notification process in their own fashion. He stated that the information submitted to the County with the application should also be the same information that is presented to the Township at their meeting. The Township reviews the information and makes a recommendation concerning the request which is not a formal approval or denial of the request. When the request involves use of a township road, the Township as the road authority typically would have more authority for that use. The official public hearing takes place at a Carver County Planning Commission meeting where members of the public have the opportunity to express their concerns before the Planning Commission. The Planning Commission considers the information and makes a recommendation to the County Board for a final decision of approval or denial of the request.

Mr. Michaelson confirmed the application information was emailed to the County on May 27th and the Township was included on that email.

Kevin Mijal, 12315 Kelly Av, confirmed the date of his email notification from the township was June 9th for a meeting date of June 13th. He also confirmed the number of days of operation discussed at the Township meeting was 21.

Morgan Bock, 7430 Mellgren Ln, stated her former address was 12040 Kelly Av. She has lived at locations both east and west of ScreamTown and stated that the noise was audible at both sites. The noise is a huge concern for her because the weather allows for windows to be open in the evenings in September and October and enjoy the comfortable air. She stated ScreamTown restricts this enjoyment because the noise and screaming are disturbing. She also expressed concern with traffic leaving the event and the new reconstruction of Hwy 212. All traffic that needs to head east will exit the property to the west and need to cross the lanes to use a 'J turn' to go eastward on Hwy 212. She felt this could create a safety concern with the volume of traffic exiting at one time and the short turn lane will not accommodate a large number of vehicles, possibly causing them to back up on the highway. She stated she had submitted a letter and asked the commission to read it.

Archie Trott, 302 Paul Av S, has worked at ScreamTown for 12 years and also worked in law enforcement in Minneapolis for 32 years until an early retirement. He was employed nearly full time by Mr. Dunn which helped him bridge his income until age 65. He said that working at ScreamTown is fun and the people who come to the event want to have fun. He acknowledged Mr. Dunn's integrity by hearing him repeatedly telling the employees to be respectful of the neighbors and resented any feelings implied otherwise. He also noted that many of the employees are local people who reside in Carver and Scott Counties. Not everyone who attends the event comes from east of the location.

Mielke stated that MnDOT has also reviewed this request and has expressed concerns with the access. MnDOT indicated the right turn lane into the property is approximately 500 feet in length and the exit to Kelly Av has a 500 – 600-foot left turn lane for the J-turn to head eastward. All indications from the road authority are that the completed highway would constitute a considerable improvement. If approved, Mr. Dunn would still need to obtain his annual administrative permit from MnDOT for signage, etc. The comments from MnDOT were included in the meeting packet indicating they have reviewed the request.

Mielke also stated the hours of operation should be clarified as to what the applicant is requesting and what would be allowed. He read the language in the proposed condition which states, *“The hours of operation for patrons within the areas of attractions will be 5:30 PM until 11:00 PM.”* He stated Mr. Dunn agreed to those hours when asked, but if additional discussion or information is needed, or if the item is continued, the details of the request should be clear. He stated the same would pertain to the days of operation, hearing Mr. Dunn mention some Thursdays to be considered and included. Another issue to be defined is the latest time a ticket will be sold on-line and who would let the patrons know the latest time they would be able to arrive and still see the attractions before closing. He stated these details are all pertinent to determining the hours of operation because they could have an impact on the closing time.

Chairman Wakefield agreed that these questions are pertinent to the amendment requests and need to be addressed and resolved.

Mendez agreed with these concerns and stated he had a list of additional items to be clarified. He gave examples of issues cited in letters from the neighbors and felt that these should also be addressed. He expressed his concern with the on-site security and how the agency operates. He encouraged continuation of the public hearing to allow more information about all of these issues.

Chairman Wakefield made a motion to continue the public hearing until the July 19, 2022, meeting. Mendez seconded the motion for continuance.

Fahey asked if the applicants would be directed to attend another township meeting.

Wakefield stated he would direct the applicants to attend another township meeting to allow the complete township board to be present for discussion and making their recommendation.

Fahey asked the applicant who had installed the culvert.

Mr. Dunn replied the work was done by Olson Construction about 4 years ago.

Mielke stated he had a conversation with Mr. Olson today who stated he previously installed a small culvert, but he was not a party to any of the recent work that was done and shown in the submitted photographs. The information of who hauled in the gravel and worked at the site creating the current situation needs to be disclosed. This information is a requirement from the Planning & Water Department sent in an email from Paul Moline to Mr. Michaelson, Mr. Dunn, and their advisor, Tom Goodrum, which may trigger review and a stormwater permit. Some

issues needed immediate attention for stabilization of dirt work and location of the property line to ensure the 10-foot setback is met.

Fahey asked if information and review from the CCWMO and SWCD would be available at the July 19th meeting.

Mielke stated the SWCD received the public hearing notice and application information and they work together with the CCWMO. He thought it would be unlikely that the information would be submitted, reviewed and approved by the WMO by the July meeting, as they review all projects within the cities and county. One of the conditions of the permit is that they comply with the regulations of the WMO and the permit needs to be reviewed and issued before any operations can begin.

Hoesse asked if the road would have to be moved if it encroaches on the 10-foot setback.

Mielke stated that would be up for discussion once the property line is verified because the road was constructed without a permit through the WMO. The results of the survey work would determine what approvals and corrections may be needed.

Storms expressed concern with the proposed reduction of traffic control from 2 to 1. He stated there is no record of the capacity of the J-turn turn lane and it would be impossible for 1 traffic officer to try and control the exiting traffic and the J-turn for safety. He stated it might be best to continue with 2 officers, at least for the first year of the road completion.

Hart stated in conversations with the Sheriff's Department, they do not go onto the highway to do active direction to control the traffic. It is not a safe situation for them on a highway.

Storms stated he was indicating that the numbers of vehicles exiting the property at one time should be controlled.

Chairman Wakefield called for any more discussion. Hearing none, he called for a vote for the motion to continue the public hearing to July 19, 2022. All voted aye. The public hearing was continued at 9:44 p.m.

Adjournment

A motion was made by Storms and seconded by Hoesse to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 9:45 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 12, 2022

TO: Carver County Planning Commission & Dahlgren Town Board

FROM: The Land Management Department

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

FILE #: PZ20220024
APPLICANT: Mitch Michaelson
OWNER: SSP Holdings LP
SITE ADDRESS: 7410 Highway 212 Chaska, MN 55318
PERMIT TYPE: Large Scale Activity (Recreational)
PURSUANT TO: County Code, Chapter 152, Section 152.080 (C)(6)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 04-009-0600

STAFF ANALYSIS:

1. SSP Holdings LP, owns an approximate 190-acre parcel, located in the North Half (N½) and South Half (S½) of Section 9, Dahlgren Township. The subject property is located on the northerly side of Highway 212 and the westerly side of Mellgren Lane. The property consists of agricultural production land, wooded land, an apple orchard, wooded acres, Hwy 212 corridor, and a seasonal commercial business (Scream Town) Conditional Use Permit #PZ20080001. The site is located in the Agriculture Zoning District and the CCWMO (Carver Creek watershed).
2. Mitch Michaelson is requesting to amend the existing Conditional Use Permit (CUP) to expand the seasonal attraction Scream Town's days of operation, operating hours, and operational area. Mr. Michaelson is also requesting to amend the current CUP requests to have one licensed peace officer (instead of two) at Hwy 212 to perform traffic control, as well as eliminate a 600 annual average daily patron limit. The original Recreational Large-Scale Activity Business Conditional Use Permit (CUP) was issued to the property in June of 2008. (CUP #PZ20080001 is attached)
3. The Planning Commission continued the public hearing from the June 21, 2022, meeting to the July 19, 2022, meeting to allow the applicant additional time to prepare and submit necessary information to the Land Management Department, Dahlgren Township, and the Carver County Planning Commission. The applicant's additional information is provided later in this staff report.
4. A "60 Day Law" letter (attached) was sent to the applicant on June 24, 2022, extending the deadline for a final decision until September 24, 2022. The extension is based on the date the application was considered complete (May 27, 2022). The initial 60-day deadline for a final decision on the request was July 26, 2022. The Planning Commission at their June 21, 2022, meeting approved a motion to continue the request to the July 19, 2022, regular meeting. The September 24, 2022 deadline for a decision may be extended with the applicant's consent.
5. The 2040 Comprehensive Plan provides for "Large-Scale Activities with Unique Land or Location Needs" (LU-21) as potential land uses. The application by Mitch Michaelson for a Conditional Use Permit is pursuant to Section 152.080 (C)(6) 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.

(6) Recreational, educational, institutional facilities or activities that require a location in a rural area because of a need for seclusion or a natural setting or a large area of land or activities conducted on a permanent, seasonal or scheduled basis subject to the following criteria:

- (a) No more than 20% of the land utilized for the activity, with the exception of agri-tourism, shall be designated as prime agricultural land under till, as illustrated by the Carver County geographic information systems (GIS) mapping;
- (b) The road authority will grant an access permit;
- (c) A certificate of insurance and/or a performance surety may be required;
- (d) A stipulation is made in the permit as to the number of persons to be using the facility at any one time;
- (e) Any type of special event that will attract or involve more than the number of people stipulated in subsection (6)(d) above shall require approval of the County Board.

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)

§ 152.036 ACCESS REQUIREMENTS.

Relation to road authority. Nothing in this chapter shall abrogate the ability of a road authority to approve, deny, or require modification of an access, require a permit for an access, develop and impose standards and conditions for an access. Approval by the Department of an access pursuant to this chapter shall not constitute approval by the road authority nor shall approval by the Department require that the road authority approve the access.

6. The current CUP (#PZ20080001) has an annual average of 600 patrons each day the operation is open to the public. The established hours of operation are 5:30PM to 11:00PM Friday, Saturday, and Sunday from the last full weekend in September to the first full weekend in November, and also including the Wednesday and Thursday of MEA weekend. (In 2022 this amounts to 23 days.) “To reduce the risk of accidents on site and on Highway 212,” two County Sheriff’s

Deputies are required for traffic control, as well as warning signage and lights as required by the road authority or law enforcement authority. The permit also requires compliance with other agency (MNDOT, SWCD, Dept. of Health, etc.) regulations, minimization of dust and sediment tracking onto Highway 212, liability insurance coverage, solid waste reduction, and other measures to mitigate impacts on surrounding properties and public infrastructure.

7. With an operation area of approximately 35 acres (i.e. woods, courtyard, access road, and parking), Scream Town employs a staff of about 150 during its operation, about 90 staff members per night. From year-to-year sets, scenes, and maze pathways may be changed. Scream Town obtains temporary structure building permits for the attractions as needed.
8. The applicant has provided a description of Scream Town activities that take place on the site. Scream Town is comprised of a haunted corn maze, other themed mazes, “small sheds with different phobias,” a haunted woods walk, and a welcome area with concessions. The submitted site map (received: May 31, 2022) shows an approximate 1-acre expansion of the night trail area northwest of the current operational area and about 2.3 acres of additional parking area southwest of the existing parking area. The new night trail area may have a temporary wooden maze, like other mazes on the site.
9. The submitted narrative (dated: May 27, 2022) and updated narrative (dated: July 7, 2022) proposes changes to the several conditions of the existing permit (approved in 2008). Listing the numbered CUP conditions, the applicant proposes (new text in ***bold italics***, text to be removed with a ~~strike through~~) the following changes to the existing 2008 CUP approval:
 1. No Changes.
 2. ~~This Large-Scale activity will be limited to an annual average of 600 patrons each day the operation is open to the public.~~ The permittee must maintain records of the number of tickets sold to enter the site each day and provide a copy of this record to the Land and Water Services Division at the end of each season upon request.
 3. Operations shall be substantially in accordance with ~~the application letters, responses, supplemental information and the approved operation/site plan.~~ The hours of operation are 5:30 p.m. until 11:00 p.m. ***Extended hours are allowed till midnight when warranted due to weather or unforeseen incidents, for example, to provide a safe and orderly closing related to vendor cleanup, attendance, customer pick up, actors checkout and other closing procedures. For nights with expected larger attendance (possibly 5 nights a year) we may allow guests to arrive at 10:30 and leave around 11:30.*** The days of operation are ***Thursday***, Friday, Saturday and Sunday from the last full weekend in September to the first full weekend of November, ***including the day of Halloween, Oct 31*** and also the Wednesday and Thursday of MEA weekend each year. The total number of operating days is 19 days.
 4. To reduce the potential for dust, vegetation shall be preserved as much as possible. A watering truck shall be utilized for dust control, as conditions warrant and in response to any neighbor complaints.
 5. To reduce the risk of accidents on site and on highway 212 the permittee shall contract a minimum of ~~two (2)~~ ***one (1)*** licensed peace officer for the duration of the event. The permittee shall also provide warning signage and lights as required by the road authority and/or sheriff’s department and/or state patrol.
- 6-13. No Changes.
10. Pursuant to the Zoning Code, Chapter 152.080 (C)(6)(d) for a Recreational Large-Scale Activity, “a stipulation needs to be made in the permit as to that the number of persons to be using the facility at any one time.” The applicant has proposed to remove the average annual 600 patrons per day limit as part of this application request. However, after reviewing the Zoning Code language with County Staff, Mr. Matt Dunn, the operator of Scream Town, feels 2,500 people would be a reasonable number to utilize for the permit application.
11. The submitted narrative offers rationales for the requested changes which include safety improvements with the Highway 212 reconstruction, 14 years of experience at the site, and that a reconfiguration of parking would improve efficiency and help during soggy conditions. The narrative notes that expansion of the operational area “does not impact wetlands, does not impact agricultural land and does not encroach closer and is well-separated from neighboring lands.” Regarding the increase in days and hours of operation, the applicant notes that historically the attraction has never been open to the public all the available days in the season and the additional operating time would provide flexibility in case of inclement weather, larger crowds, or unforeseen circumstances. The applicant indicates that since problems have not been observed at the event, a reduction to one Sheriff Deputy on-site is warranted.
12. The applicant proposes no change to the current vehicle access. However, the intersection of the driveway and Highway

212 will significantly change by the Fall 2022 operating season due to the reconstruction of the roadway. The improved intersection will create a right-in/right-out access to the property. Although the weather in the summer 2022 construction season may produce uncertainties, it is expected that the roadway shown in the submitted site plan (dated: May 31, 2022) would be in place when Scream Town opens in late September. The applicant would have to work with MNDOT, the road authority, to arrange for temporary traffic signage and safe ingress/egress for event patrons and workers.

13. The Zoning Code requires that no more than 20% of the land utilized for the activities shall be designated as prime agricultural land under till, as illustrated by the Carver County Geographic Information Systems (GIS) Mapping. The operation area (i.e., woods, courtyard, and parking) consists of approximately 35 acres. The total amount of prime ag land consumed with seasonal parking consists of an approximate 6 acres, or about 17% of the property's prime agricultural soils under till. When Scream Town is not operating, most of this acreage grows alfalfa.

14. Following the June 21, 2022 Planning Commission meeting, staff reviewed meeting notes and compiled a list of concerns to address and additional information sought by the Planning Commission prior to the next Planning Commission meeting. The staff inquiries are included below in **bold** font and the applicant's response are in *italics* from a document received on July 7, 2022. (Additional staff comments are in parentheses.)

- **Obtain a Dahlgren Township recommendation from all three supervisors.**

We are currently scheduled to appear before the township again on July 11, 2022.

- **Submit a traffic control plan that includes signage to redirect confused patrons on nearby gravel roads.**

Scream Town will install on the Peterson property, on the West side of Mellgren Lane an orange reflective safety sign stating "STOP, no Scream Town or Hayride access. Turn around now." Second, orange cones will be provided with a stick and laminated sign for all residents on Mellgren Lane and anyone requesting one on Kelly Ave "Private Drive - Do not enter/ turn around". We have spoken to MNDOT about these ideas, and they feel they are appropriate. Additional signage would NOT be permitted, for example, a sign 2 miles away from Scream Town reading, "Scream Town, 2 miles ahead"

It should also be noted that in 2019 Apple Maps, unbeknownst to Scream Town, had the location of the event incorrectly listed and took customers down Mellgren Lane. Once we were notified of this, we immediately reached out to Apple and the correction was made as quickly as they could address it. Scream Town's web site also has detailed directions for customers coming from the east and west. A 1-800 phone number is also provided to anyone having questions regarding directions. All other navigation services accurately take guests to the event.

We spoke in person to Doreen Lenzen who noted in her letter that she "has people stopping frequently and at all hours." Doreen says this has not happened in years. We suspect this may be during the time Apple Maps had our location incorrectly marked.

- **Consider setting a limit on the total number of days within the total number of available operating days.**

Scream Town would be satisfied with reducing the number of days from 21-23 (depending on how the calendar reads from year to year) to a firm 19 days, as long as Thursdays and Halloween could be added to the list of permitted days of operation.

- **Clarify the number of proposed operating days since the day on which Halloween falls changes with each calendar year, thus the proposed allowable number of days can significantly change from year to year. (Based on the PLC discussion, 21 days seems to be a number that people can live with.)**

The response to point #3 should answer this question. We are no longer asking to be open on the week of Halloween, just Halloween.

- **Propose specific measures proposed by the applicant to address dust control and sediment tracking onto Hwy. 212.**

Scream Town already closely monitors dust and how it effects neighboring areas. The event does have access to watering truck and can use it when needed. If any neighbor feels that dust is becoming an issue, they may call Scream Town management at 612-518-0364 for an ASAP response.

- **Provide details about the private security firm contracted to provide security for the site, specifically current number of staff, any proposed increase due to potential increase in patrons, and any active shooter training.**

Please reference the attached 1. Statement of Security. 2. Scream Town security description.

- **Provide an updated Emergency Management Plan that includes an active shooter component and preparation of the security firm for increased attendance at the attraction.**

Please see the previous (now updated for 2022) active shooter security response – attached.

- **Submit a Certificate of Survey for the western property line that shows any improvements or fright structures within 20 feet of that property line.**

This has been scheduled for Monday July 11, 2022. Findings will be submitted to Carver County as soon as they are available.

(A survey was conducted on July 11th. A Certificate of Survey has not been submitted by the time this staff report was written.)

- **Have a solid waste plan amended to include cleaning of refuse from nearby Township roadways.**

Scream Town is diligent with its trash collection. Garbage is collected throughout the night and after each evening. Garbage is placed in a secure dumpster with a lid. The next afternoon, and smaller garbage that may have come from vehicles in the parking lot is also collected. The event being clean and looking nice is a top priority. If any neighbor feels as though refuse has been deposited from a Scream Town guest in or around their property, they may call Management at 612-518-0364 for an ASAP response. We would kindly ask that anyone calling have some direct linkage to a Scream Town guest, but we are also happy to respond to any inquiry. Doreen Lenzen, who wrote a letter stating that she sees garbage in her ditch on the highway, recently stated in person, that she has no direct evidence that any garbage has come from the event. Doreen lives about a quarter mile away from Scream Town.

- **Provide a time that the final evening's ticket is currently sold.**

10:20 pm would be the last ticket sold and has been that way for the past decade or more.

- **Provide the length of time that it takes the average patron to cycle through all the attractions.**

About 40 minutes or less.

- **Provide a sound mitigation or sound buffering plan to address nearby residents' concern about noise impacts from the attractions.**

Scream Town has taken many steps over the years to mitigate noise from the event. We feel as though we have done an excellent job with this. One of the closest Mellgren Lane neighbors even told Scream Town management 3 or so years ago "If things we to stay the way they have been, they'd be very satisfied". Over the years a variety of different planning members, township members, and commissioners have stopped out to the end of Mellgren Lane during the event to listen. We (Scream Town) don't want to speak for everyone, but the majority consensus was "it didn't sound that bad to me."

Scream Town will continue to be a respectful neighbor, have quiet zones closest to neighboring homes, have low-toned music closest to neighboring homes, and totally shut down the closest event to neighboring homes as soon as all staff have exited the event. The private number to Scream Town Management is 612-518-0364, and if sound changes for some reason, or wind direction changes, Scream Town will make every effort to correct or further mitigate whatever they can.

- **Provide a status update of the preparation of documents to submit to the CCWMO regarding site filling/road expansion shown below.**

Scream Town and Loucks met with Paul Moline on Thursday July 7th. Paul can provide a better update, but Loucks will work with Paul to meet his requests ASAP.

(The WMO has reviewed permitting requirements with the applicant and is seeking additional information from the applicant to complete their review of the required permit.)

15. In response to an inquiry with the applicant's project team, the following information regarding existing parking usage and demand was provided in an email (dated June 2, 2022):

"Since we are parking cars with no distinguished parking layout it would be difficult to come up with an accurate parking number. We can comfortably park 100-120 cars per acre, including: emergency service lanes, drive lanes, walking lanes, handicap parking spaces and pickup/drop off areas. The current CUP permits approximately 11 acres for parking, in the 14 years of operation we have never used more than 40% of the current parking area on any given night. The purpose for the expansion is to utilize the areas of the property that are better suited for parking, particularly when the conditions are wet."

16. The Carver County Water Management Organization (CCWMO) is in the process of reviewing the request and the proposed operational area with respect to the County Water Rules (Chapter 153), 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 beginning any excavation activity. There are wetlands on the property but would not be impacted by any site improvement proposed in this application.

- Recently, an access road for the hayrides near the western property line was expanded/improved. Stormwater runoff from the improvements shall not impact the neighboring property and would be reviewed as part of the CCWMO process.

17. Carver County Soil and Water Conservation District (Carver SWCD) has been contacted regarding the applicant's proposal; however, no comments have been received at the writing of this report.

18. The Carver County Sheriff, Jason Kamerud, has reviewed the proposal and in an email response (dated: June 13, 2022) provided the following statements:

- A. *"The applicant asserts (on P2), "In addition, we have letters and documentation from Carver County deputies stating that they have not seen any problems at the event and that the operators do an outstanding job in keeping the event safe." If these letters do in fact exist, they were not written nor authorized by me, the elected Sheriff of Carver County. Therefore, they should not be deemed as carrying my endorsement nor to be reflective of the official position of the Carver County Sheriff's Office in this matter."*
- B. *"The original (and current) CUP reads (in applicable part), "To reduce the risk of accidents on site and on Highway 212 the permittee shall contract a minimum of two (2) County Sheriff's Deputies for the duration of the event. The permittee shall also provide warning signage and lights as required by the road authority and/or sheriff's department and/or state patrol." The proposed change in highway design will likely lessen the need for traffic control at the entrance/exit of the site. If I understand it correctly, all traffic will enter while travelling westbound using a "right turn only lane" and exit going westbound only. If true, there is likely no need for staffed supplemental traffic control at US Hwy 212 and the entrance/exit. I will defer to highway/traffic engineers on this point, however. Traffic control*

onsite (i.e., parking) is purely a private business matter and not the responsibility of the Sheriff."

- C. "There is no CUP requirement for sheriff's deputies for grounds patrol. The CUP requires sheriff's deputies for traffic control "to reduce the risk of accidents on Highway 212." The applicant has hired private security to manage onsite security matters. The numbers of onsite police calls for service have been manageable. I do not believe onsite police presence is required, assuming the applicant continues to provide reasonable security measures."
- D. "If the Board requires law enforcement for traffic control along US Highway 212 or for onsite policing, I respectfully request the CUP reflect a requirement for "licensed peace officers having jurisdictional authority" versus "sheriff's deputies." Our office does not always have adequate resources to fulfill the demands of staffing the position. By allowing "licensed law enforcement," the applicant has the option to explore contracts with MN State Patrol or other authorized service providers in lieu of closing or violating the CUP due to our inability to fulfill the contract."
- E. **Recommendation:** "No police services contract required, assuming highway construction is complete as detailed."

19. Minnesota Department of Transportation (MnDOT) is the road authority for trunk Highway 212. In a letter dated June 13, 2022, MnDOT indicated they reviewed the application materials (more specifically the site map) and provided the following comments:

- A. *Work Zones and Pavement Markings* – "The event should still have two law enforcement officers for the 2022 season until trunk Highway 212 construction is completed."
- B. *Any use of, or work within or affecting, MnDOT right of way will require a permit pursuant to the Permits Division.*

20. During the June 21, 2022, Planning Commission meeting, several neighboring property owners provided written documentation which has been entered into the public record, and during the public hearing stated concerns related to property boundaries, property line dispute, surface water flow changes, negative impacts to neighboring properties, past business history, elimination of vehicle and attendance counts, extended days and hours, reduced peace officers, lack of security plan, expansion of parking, traffic, and noise. Several people at the public hearing voiced support of the Scream Town operation, noting its impact on the local economy and career development of young workers.

21. The Dahlgren Township Board reviewed and recommended approval of three of the four CUP requests at their June 13, 2022, meeting, with no recommendation on the fourth request. Voting on motions, the Township Supervisors recommended approval of the removal of the car count and the guest capacity limits, recommended "to let the Carver County Sheriff decide if Deputy's need to be on site," recommended approval of the expanded parking area and trail expansion, and passed a motion "to make no recommendation on the changing of allowed number of days or extension of hours. But the Board did have concern about the expanding the hours of operation."

22. Pursuant to the Planning Commissions direction, the applicant attended the July 11, 2022, to allow the entire Dahlgren Town Board meeting to review the proposal with modifications. The Dahlgren Town Board reviewed the CUP request and made the following recommendations:

- *Hours of Operation* – The Township recommends the hours stay the same, open from 5:30 pm to 11:00 pm.
- *Days Open* – The Township recommends a cap of 21 days to be open. The allowance of three flex days that can only be used during the last three weeks of the operation and flex days must close no later than 10:00 pm. The event cannot be open no more than four consecutive days except for MEA weekend.

PLANNING COMMISSION CONSIDERATION:

➤ If the Planning Commission recommends approval of the Conditional Use Permit application for a Recreational Large-Scale Activity, the previous CUP #PZ20080001 (Document Number A488312) would be terminated upon final approval (and recording) of the new CUP #PZ20220024. Therefore, CUP #PZ20220024 would supersede any prior approvals. The following conditions should be attached to the new CUP:

1. The permit is subject to Compliance 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: May 27, 2022); the additional information provided by email (dated: June 2, 2022 and July 7, 2022), CUP Site Plan (received May 31, 2022), General Map of Operation (received: June 2, 2022), Scream Town Security Outline Update (dated June 14, 2022) and Scream Town Security Plan (received July 7, 2022). If there are any inconsistencies between previously submitted versions, the terms of the most recent submittal shall prevail and shall be considered requirements of this permit. The hours of operation for patrons within the areas of attractions will be 5:30PM until 11:00PM. The days of operation are Thursday, Friday, Saturday, and Sunday from the last full weekend in September to the first full weekend of November. Days of operation also include Halloween (October 31st) and the Wednesday and Thursday of MEA weekend. The maximum number of allowable operating days is 19 days.
3. The permittee shall maintain records of the number of tickets sold to enter the site each day of operation and provide a copy of this record to the Land Management Department at the end of each season (annually) or upon request. A maximum 2,500 persons shall be allowed to utilize the facility at any one time. No ticket shall be sold after 10:20PM on any operating day.
4. All operational areas, structures, access roads, and parking areas shall maintain a 10-setback from property lines. The permittee shall survey and submit a certificate of survey to the County showing the western property line in the operations area and all improvements within 20 feet of the property line to ensure the 10-foot setback is maintained.
6. To reduce the potential for dust, vegetation shall be preserved as much as possible. A watering truck shall be utilized for dust control, as conditions warrant and in response to any neighbor complaints.
5. To assist with traffic control on Highway 212 until the road reconstruction is completed, the permittee must have two licensed peace officers having jurisdictional authority stationed at the site driveway and Highway 212 intersection. After road construction is completed, the need for contracted traffic control personnel shall be determined by the road authority. A copy of the contract agreement shall be provided to the Land Management Department prior to any public activities taking place on the property (annually).
6. The permittee shall contract with a private security firm to provide on-site security in the operational area (i.e., night trails, night maze, courtyard, and parking areas). A copy of the contract agreement shall be provided to the Land Management Department prior to any public activities taking place on the property (annually).
7. From dusk until the last patron vehicle leaves the site, temporary three-bulb portable lighting or other approved lighting measures shall illuminate the Highway 212 and site driveway intersection. The lighting must be turned off promptly after the last patron vehicle leaves. Lighting shall be approved by the road authority, if applicable.
8. The Permittee shall obtain an appropriate access, signage and construction permits and/or approval(s) from MnDOT prior to any public activities taking place on the property. Any measures required by the appropriate road or zoning authority must be completed in accordance with MnDOT standards prior to public activities taking place on the property. The permittee shall also provide warning signage and lights as required by the road authority.
9. To provide driver directional information and reduce Scream Town patrons’ usage of nearby gravel roads, the Permittee shall provide temporary signage during the operating season at nearby intersections of Highway 212 with Mellgren Lane and Kelly Avenue. The signage shall state that the road provides no Scream Town access.
10. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits. The Night Trail ride access road shall not be utilized as a Scream Town operational area prior to meeting all CCWMO permitting requirements. Measures shall be implemented to minimize tracking onto the Highway 212 and a sweeper shall be utilized within 12 hours of discovery of mud accumulation on Highway 212.

11. The Permittee shall furnish a certificate of Insurance to the County providing coverage by an insurance company duly licensed by the State of Minnesota indicating that the Permittee has in force coverage for public liability, vehicle liability, loading and unloading, completed operations liability, explosion and collapse of underground operations liability, and bodily injury liability in the amount of at least \$2,000,000 for injury of any one person in any one occurrence. Property damage insurance coverage shall be in force with a minimum amount of at least \$1,000,000. Further, the Permittee shall furnish proof of workman's compensation coverage. Insurance certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.
 12. All structures used in conjunction with the business including tents, facades, and the like, shall meet the applicable requirements of the Carver County Zoning Code and State Building Code. Any required building and septic permit(s) 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. Any fences over seven feet in height require a building permit.
 13. Any structure(s), not utilized for the business, shall be used only by the occupant(s) of the property owner for agriculture, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by the County Zoning Code and shall meet State Building Code, if applicable.
 14. The permittee shall maintain a conforming Subsurface Sewage Treatment System (SSTS) pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within any structure(s) utilized as part of the business operation, if applicable.
 15. The permittee is responsible for obtaining and abiding by all appropriate permits from the Department of Health, Dept of Agriculture and all required food service and alcohol licenses and permits. The Permittee shall submit copies of all required permits and licenses to the Carver County Land Management Department annually.
 16. The permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. Signage for the activity shall not exceed the provisions set forth in the Carver County Sign Ordinance of the Carver County Code.
 17. The permittee shall comply with all conditions of Chapter 50: Solid Waste Management of the Carver County Code of Ordinances pertaining to the storage and disposal of solid waste materials.
 18. The permittee shall submit Certificate of Liability Insurance and Certificate of Workers' Compensation Insurance to the Land Management Department annually when there are additional employees beyond the owner/operator. The insurance shall be maintained for the duration of the CUP.
 19. 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:

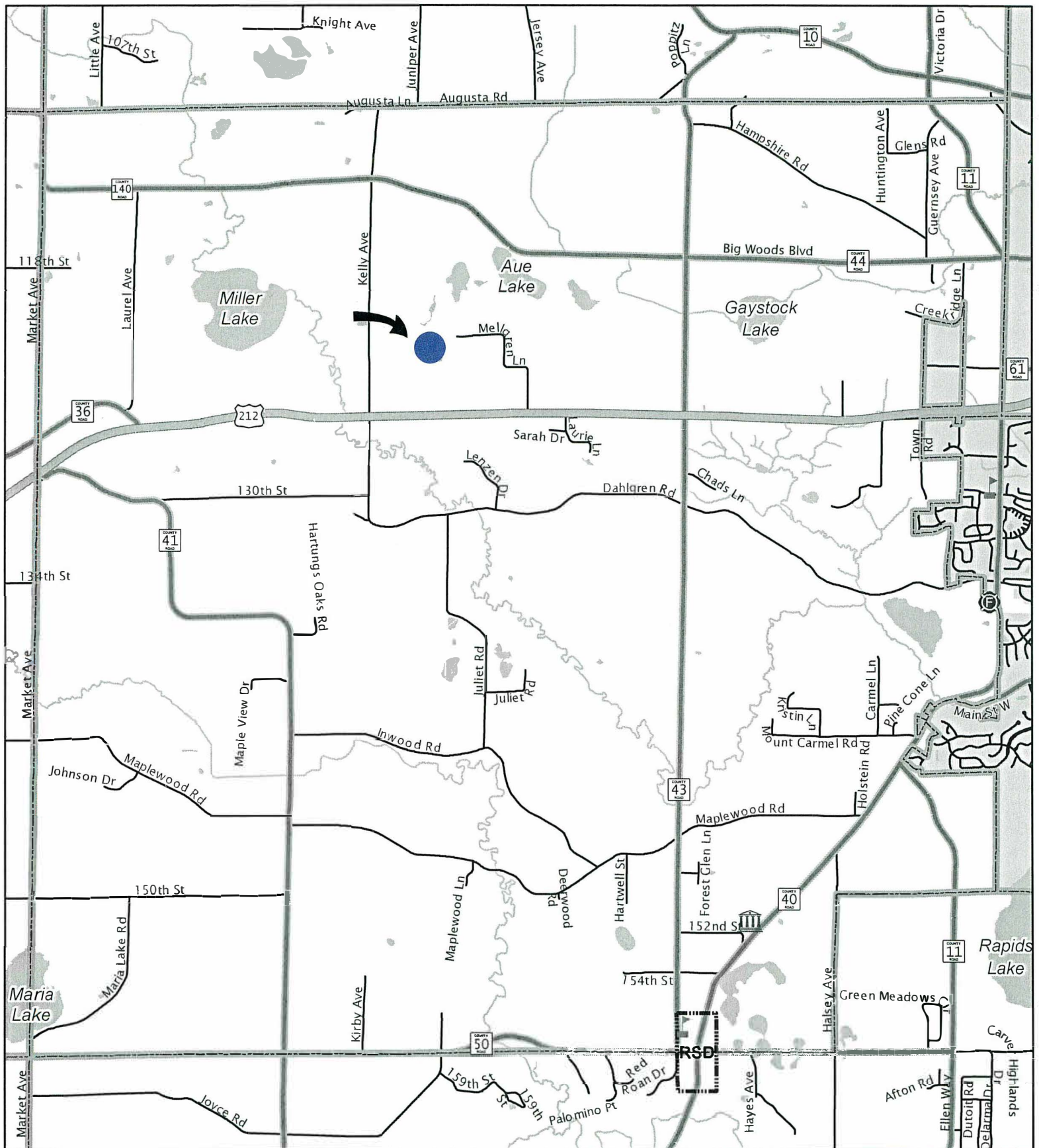
§ 152.251 REQUIRED FINDINGS.

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 Scream Town CUP (#PZ20080001) would remain in full force and effect. The existing use (Scream Town) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

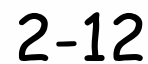
DAHLGREN TOWNSHIP



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.



THIS IS NOT A LEGALLY RECORDED PLAT
THIS MAP IS A COMPILED OF RECORDS
AS THEY APPEAR IN THE CLARK 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
MISTAKES OR OMISSIONS CONTAINED THEREIN.





Public Services Division
Department of Land Management
Carver County Government Center
600 East 4th Street
Chaska, Minnesota
(952) 361-1820

June 24, 2022

Mitch Michaelson
SSP Holdings, LLC
15400 Flying Cloud Drive
Eden Prairie, MN 55437

RE: Scream Town CUP #PZ20220024
PID# 04-009-0600

Dear Mr. Michaelson:

I'm writing in reference to the requirement that the County Board of Commissioners must make decisions on planning & zoning requests within 60 days of the application, as dictated by State Statute (MS. 15.99). The law states that the County may extend the timeline by providing written notice of the extension to the applicant. It also states that the notification must state the reasons for the extension and its anticipated length, which may not exceed the additional 60-days (i.e. 120 days total) unless approved by the applicant.

I want to take this opportunity to inform you of a 60-day extension for the decision on your request (File #PZ20220024) for a Conditional Use Permit for a Large-Scale Activity (Recreational). This extension is based on the date your application was considered complete (May 27, 2022). The initial 60-day deadline for a final decision on your request was July 26, 2022.

However, due to the fact that the Carver County Planning Commission at their June 21, 2022 meeting approved a motion to continue the agenda item to the July 19, 2022 meeting in order to obtain more information from the applicant, the deadline to make a decision is being extended.

This letter shall serve as the written notice of a 60-day extension (120 days), reflecting a September 24, 2022, County Board deadline for a final decision on your request. The 120-day time period will not be extended in the future without your approval.

Thanks for your time. If you have any questions, please feel free to contact me at 952-361-1815.

Sincerely,

Donovan Hart
Senior Planner

NARRATIVE

SCREAM TOWN, May 27, 2022

Changes to Existing Conditional Use Permit

The purpose for a revised permit is based on the Highway 212 improvements occurring at and around our site in addition to implementing operation improvements to better serve our guests and the community. Scream Town has been successfully operating since 2008. Through the years we have learned that we need to periodically adjust our business model in order to continue providing a family friendly event that draws people from miles away on a yearly basis. The proposed changes will not alter the current operations of our events, which will continue to operate in accordance with the existing permit, it is solely to clarify our operations and make minor improvements to our operation plan based on what we have learned throughout the years.

With the Highway 212 improvements and the safety measures it provides for the access of our event we believe that the following 4 changes to our current CUP are warranted for the reasons noted below.

- 1) Elimination of car count/attendance capacity limitations
- 2) Amend requirement of Sheriff's Deputies from two deputies on site to one
- 3) Extend the days of operation to include Thursdays, the week of Halloween (including Halloween) and extend the hours from 11 pm to midnight when warranted
- 4) Change the Site Plan to increase the event area slightly to the northwest and to increase the parking boundary to the southwest

Reason for Changes to Specific Conditions

Condition 2—Annual Average of 600 Patrons

With the improvements to Highway 212 and efficiency of traffic flow and volume capacity the limitation of patrons should no longer be a safety issue. After operating for over 14 years, we have the appropriate data that shows what the daily and yearly patronage is for our event. With this historical context it can be determined that our operation can safely handle the number of guests visiting our site. We recommend that the condition be changed to allow us to provide the County an annual record of attendees but that an average patronage limit is not necessary.

Condition 3-- Operations in accordance to approved site plan and supplemental information, including time of operation and allowed days

We are requesting two changes to the Site Plan.

1. Extend the western parking area to the southwest. Over the years we have noticed that parking and traffic circulation can be improved with an extended parking area so vehicles can more easily maneuver within the site and create less impact to the farm fields at the current parking area.

2. Extend the event area to the northwest. The addition of the land does not expand the attractions but allows for more space to provide a more favorable experience, such as a longer walking trail. The expansion supports the event for the following reasons:

- Does not impact wetlands
- Does not impact agricultural land
- It does not encroach closer and is well separated from neighboring lands

We are requesting changes to the number of days and time of operations.

1. Number of Days. Scream Town is currently permitted to be open for up to 21 days as the CUP permit reads. Historically we have never been open for more than 12-19 days and do not expect to exceed that amount. The change is to provide flexibility in trying to provide make-up days due to bad weather or other unforeseen circumstance. It is costly to operate the event each day we are open, but like any good business we want to provide our guests the product that they came to enjoy. For example, if the event were to be closed due to rain within the first two weeks, we would consider adding a flex day, within the same time period allowed by the existing permit. Also, we are including the week of Halloween, which is considered the last week in October starting on the last Sunday before Halloween, all the way up until Halloween Oct 31. For example, if Halloween were on a Wednesday, we would like the ability to consider that day, as well as the Monday and Tuesday prior.

2. Similarly, we are requesting flexibility to our hours of operation. With higher labor costs across the board, we do not wish to stay open any later than necessary. For example, historically we close at 10pm on Sundays. However due to weather related issues or unexpected situations, we may need to stay open until 11:10pm, 11:30pm, or at the latest midnight. This would in all likelihood never occur on more than 5 nights. Our web site would still advertise an 11pm close. For example, this flexibility allows us to accommodate guests who could not attend on a day due to rain who now will attend on a different day, increasing that day's attendance as ticket holders need to redeem their tickets on other nights of the same year. Thus, we may need the extra time to handle the larger crowds which tend to slow down lines extending the time to get customers out of the site. The flexible time also allows us to attend to other unforeseen incidents, for example:

- The need for more time to get the cars out
- Time for staff to leave safely, clean up after the event, food vendors pack up and departures.
- To ensure safe pick-up of teens and other guests as they wait for rides.

Condition 5-- Required 2 Sheriff Deputies for reducing risk of accidents

With the construction of the improved 212 roadway the risks of vehicle accident are reduced. Per the MnDOT Highway 212 website the project design used Reduced Conflict Intersections (RCI). In addition, we have letters and documentation from Carver County deputies stating that they have not seen problems at the event and that the operators do an outstanding job in keeping the event safe. Based on these comments and the highway safety improvements we do not feel it is necessary to infringe on the time and expense of having two deputies on site.

REVISED CUP CONDITIONS FROM EXISTING PERMIT (*new language in bold italics*)

1. No Change
2. ~~This Large Scale activity will be limited to an annual average of 600 patrons each day the operation is open to the public.~~ The permittee must maintain records of the number of tickets sold to enter the site each day and provide a copy of this record to the Land and Water Services Division at the end of each season upon request
3. Operations shall be substantially in accordance with the ~~application letters, responses, supplemental information and the approved operation/site plan.~~ The hours of operation are 5:30 p.m. until 11:00 p.m. ***Extended hours are allowed till midnight when warranted due to weather or unforeseen incidents, for example; to provide a safe and orderly closing related to vendor cleanup, attendance, customer pick up, actors checkout and other closing procedures. For nights with expected larger attendance (possibly 5 nights a year) we may allow guests to arrive at 10:30 and leave around 11:30.*** The days of operation are during Friday, Saturday and Sunday from the last full weekend in September to the first full weekend in ***November including the full week of Halloween, which is the last week in October starting on the last Sunday before Halloween, until Halloween, Oct 31*** and also the Wednesday and Thursday of MEA weekend each year
4. No Change
5. To reduce the risk of accidents on site and on highway 212 the permittee shall contract a minimum of ~~two~~ ***{2} one (1)*** County Sheriff's Deputies for the duration of the event. The permittee shall also provide warning signage and lights as required by the road authority and/or sheriff's department and/or state patrol.
- 6-13. No Changes

As noted in Condition 3 we always believed we operated substantially in accordance with our current permit but due to the Hwy. 212 improvements we are taking the opportunity to change and clarify the conditions that were established 14 years ago to better align with the operation and site plan that exists today.

SCREAM TOWN OPERATION

Scream Town consists of 13 acres located at 7410 Highway 212. Our event consists of 8 different themed areas and has a staff of about 150 people during the season. Our themed areas include mazes, trails and hayrides where guests pass by different Halloween stages with decorations, animations, and live actors.

- Courtyard: The Courtyard is the gathering/waiting place for guests as well as a place to enjoy food and beverage. A warming tent is also provided for guests
- Corn Maze: The corn maze portion of the event consists of a "maze like" pattern with laser lights, Halloween alien themed decorations, and actors in costumes.
- Woods Walk: contains theatrical sets and decorations for guests to walk through.

- Hayride: is made up of a short-wooded trail where guests pass by 10 different Halloween/ nightmare esc stages with decorations, animations, and live actors. And then a wooded walk to follow.
- Time Challenge Fence Maze
- Zombie Themed Maze
- A circus themed maze
- A spooky Christmas themed maze
- Small sheds with different phobia's

Sets and scenes are often redressed and redecorated annually and specific pathways may change within the permitted use area. Because our attractions/wooden mazes change from year to year we receive a temporary structure permit via Metro West Inspections. An on-site inspection is conducted yearly for compliance and safety.

Scream Town currently has about 90 staff per night (of the 150) consisting of actors, neighbors, family friends, former teachers, local farmers, volunteers, retired police officers, and security. Our actors and security are a diverse group that are independently contracted with and consist of primarily those that live in Carver County. We pride our self in our diverse community of help, and welcome those with all talents, abilities, and skills. Several members of our talent have worked for us for the duration of our event, 14 years.

During days of operation 5-10 staff may arrive as early as 8am to prepare details for the show. Typically, the event is "turned on/ electrified" around 6:30pm and is "turned off" about 15-20 minutes after close time of that evening. The majority of staff, (approximately 90 - 100 people) such as actors, food vendors, and security arrive between 4:30pm and 6:30pm at an even pace. The vendors and actors are scheduled to be off the site between 11:00 pm and 11:30. Occasionally the management team will stay later to conclude final business such as accounting, next day business meeting, or end of night reports.

The hours of operation are 5:30 p.m. until 11:00 p.m. Extended hours are allowed till midnight when warranted due to weather or unforeseen incidents.

The days of operation are during Friday, Saturday and Sunday from the last full weekend in September to the first full weekend in November including the full week of Halloween, which is the last week in October starting on the last Sunday before Halloween, until Halloween, Oct. 31 and also the Wednesday and Thursday of MEA weekend each year

Scream Town guests are provided several local vendors along with concession stands and portable bathroom facilities on site.

OWNER TESTIMONIAL

My name is Matt Dunn. I have been in the family entertainment and Halloween industry for 30 years. I met Sever Peterson in 2006 (age 23) when I called him at his family farm to hear more about his event Severs Corn Maze. We met soon after and I was astonished by his family friendly agra-tainment business he had created in Shakopee.

At that point in my life I had operated a night time Halloween event for two years, "The Haunted Trail", but wished to grow it into something more. Previously to that I had operated a "home spook Halloween event" for 13 years at my parent's home which raised food for the food shelf. After meeting with Sever at his Corn

Maze, he shared with me his desire to expand his family event later into the evening with something similar to what I had already been operating. We subsequently did that and began the Scream Town portion of Severs Corn Maze, which operated in Shakopee for two years.

One day Sever told me about a property in Chaska he hoped to move the Corn Maze to within the next 3 years. He and I later visited that property and I expressed my interest to be there sooner than later, due to the fact it had a terrific atmosphere and a large amount of woodland which was not something that existed in Shakopee. We soon began that process of asking for permission to move the night-time activity of Severs Corn Maze, Scream Town, out of the property located at 7410 Highway 212.

Sever soon met with neighbors, township, and council members to explore this possibility. Sever and I met with John from the planning commission to work on details of our conditional use permit. In hindsight I would have done somethings differently:

1. I did not join Sever when he met any of the neighbors. I believe eventually when neighbors learned of me after being approved at the city council, they were confused as to who I was and where I came from. What happened to Sever Peterson? However, I was present at city council meetings, spoke, and did answer questions.
2. I think Sever and I could have been clearer that Severs Corn Maze, like the MN State Fair, has different sectors with different names like the Grand Stand, The Miracle of Birth Barn, and the Midway. While we both explained at city council meetings that this was at night, would produce noise, was Halloween themed, and would have food venders, a corn maze, a woods walk, etc., subsequently again name Scream Town made folks feel as though something had been switched. Where was Severs Corn Maze?

Severs Corn Maze would have been out to the property shortly after the night-time activity started, but when and if highway 212 would expand was a crucial detail due to large attendance numbers, and the time frame in which that expansion would happen was largely unknown, and later of course took 14 years.

3. I am embarrassed to say to this day, that I did not realize where Mrs. Bloomquist, now Mrs. Johnson, lived. I knew of the home that was close to the Peterson property but did not realize it was she that lived there, an important detail considering how her previous husband tragically passed away.

I grew up watching Minister Fred Rogers AKA "Mr. Rogers" and that program instilled in me that being a good neighbor was one of the most important things a human could do. Neighborhoods are communities with people that rely on each other and help one another. Mr. Rogers is still a role model to me with his picture hung in my home, and quotes of his found about. One of my favorite quotes being...

"All of us, at some time or other, need help. Whether we're giving or receiving help, each one of us has something valuable to bring to this world. That's one of the things that connects us as neighbors — in our own way, each one of us is a giver and a receiver."

I am happy that Mrs. Johnson and I have found ways to communicate and be neighbors the past few years, as I am similarly pleased with other neighbors. Many of whom I now have close relationships with.

I am proud of the 14 years of business I have operated in Carver County and its community. And I look forward to continuing to contribute and do all I can to be a good neighbor.

Below are just a few ways the Scream Town event have made the community a better place:

- Injected thousands of dollars into local businesses like Storms Welding, Sticks Tavern, Cooling System Services, local farms, agriculture, retailers, and construction companies, helping generate revenue and more jobs.
- Driven traffic to restaurants, gas stations, and retailers. Some of whom credit Scream Town to saving their business.
- Created thousands of great entry level jobs for many that really need someone to give them a chance.
- Provided regular seasonal jobs to entire families, artists, theater folk, and local contractors.
- Provided a valuable venue/ resource for local search and rescue dog trainers who use these dogs in Carver County.
- Raised thousands of dollars for Meals on Wheel and collected hundreds of pounds of food for local food shelves.
- Provided a home to the arts. A creative outlet for many that are looking for a creative place and outlet to share their unique gifts.
- Provided a family friendly atmosphere where families and friends of all ages can spend time together in the great outdoors.
- Acted as a fundraiser for the local fire department
- Provided additional income to retired and off duty Carver County Police – to date well over \$150,000
- Provided thousands of dollars in fees for permits at Carver County

After 14 years in business, we have learned the trials and tribulations that go along with a seasonal business and how difficult it can be. The changes being requested are based on flexibility and the unpredictable weather that comes with doing an outdoor event that is open for an extremely limited amount of time.

These amendments will help the event pivot in the event of rain, mud, snow, or other obstacles that may become apparent if the event has to close on one or more days. These amendments have no direct relation to building projects. Historically, many of the attractions/ exhibits at Scream Town have gotten smaller, and continues to be the trend for 2022, reducing two of the largest attractions significantly. It should be noted that the additional square footage requested would act as potential back up or contingency plan if another attraction where to be removed or replaced, as during the 14 years, Scream Town has discovered that several of the initially approved terrain areas are hilly, muddy or root filled.

In an effort to rebuild what was clearly lost 14 years ago, we want to answer all questions. We will provide thorough answers and any information that might assist with the documentation of those answers.

In response to staff questions, the applicant's project team provided additional information in an email dated June 2, 2022:

Q: The attached aerial map has two different color schemes. Could the entire map be shown in one color shade? This would make it easier for the Planning Commission and public to view.

A: To show the Hwy 212 improvement we had to import the MnDOT map from the project website, which is a different shade than Google Maps. The MnDOT map does not make for a good site plan as it is too crowded with information. Because the new road improvements are a major reason for the updates we thought it best to include the project detail. Google Maps does not show the 212 corridor.

Q: Would it be possible to show a zoomed in map of the "night maze & courtyard" in order to provide the Planning Commission and public a visual of the narrative description on page 4?

A: Attached is a general map of the operation providing a good overview of the site.

Q: Would it be possible to identify the number of parking spaces at full capacity and available to patrons? An anticipated traffic projection will probably be asked by MnDOT and the Planning Commission; therefore, having that information in advance may be helpful. (e.g. whether an average of paying customers can be identified or average trips generated as part of the land use.)

A: Since we are parking cars with no distinguished parking layout it would be difficult to come up with an accurate parking number. We can comfortably park 100-120 cars per acre, including: emergency service lanes, drive lanes, walking lanes, handicap parking spaces and pickup/drop off areas. The current CUP permits approximately 11 acres for parking, in the 14 years of operation we have never used more than 40% of the current parking area on any given night. The purpose for the expansion is to utilize the areas of the property that are better suited for parking, particularly when the conditions are wet.

Q: Approximate acreages for the proposed parking area and the proposed new night trail area?

A: Measurements we made using Carver County GIS mapping system and are approximate. Proposed additional parking area: 2.34 acres Proposed night trail area: 1.05 acres

Q: Will the proposed new night trail area have temporary or permanent structures?

A: This section would be used as an additional woods walk, or possibly a temporary wooden maze like other attractions such as the Asylum Maze. We will be working with the County Building Inspector if any structures are proposed.

Q: What is the setback from property line for the proposed new night trail area and parking area?

A: We do not expect to encroach any closer than the existing setbacks for the trail, buildings and parking. A 10-foot setback for the woods walk with standard zoning building setbacks with a 40-foot setback for the parking area to provide buffering and possible water-way drainage area.

Scream Town Additional Information- Response to Staff Inquiries

1. Obtain a Dahlgren Township recommendation from all three supervisors.

We are currently scheduled to appear before the township again on July 11, 2022.

2. Submit a traffic control plan that includes signage to redirect confused patrons on nearby gravel roads

Scream Town will install on the Peterson property, on the West side of Mellgren Lane an orange reflective safety sign stating "STOP, no Scream Town or Hayride access. Turn around now." Second, orange cones will be provided with a stick and laminated sign for all residents on Mellgren Lane and anyone requesting one on Kelly Ave "Private Drive - Do not enter/ turn around". We have spoken to MNDOT about these ideas, and they feel they are appropriate. Additional signage would NOT be permitted, for example, a sign 2 miles away from Scream Town reading, "Scream Town, 2 miles ahead"

It should also be noted that in 2019 Apple Maps, unbeknownst to Scream Town, had the location of the event incorrectly listed and took customers down Mellgren Lane. Once we were notified of this, we immediately reached out to Apple and the correction was made as quickly as they could address it. Scream Town's web site also has detailed directions for customers coming from the east and west. A 1-800 phone number is also provided to anyone having questions regarding directions. All other navigation services accurately take guests to the event.

We spoke in person to Doreen Lenzen who noted in her letter that she "has people stopping frequently and at all hours." Doreen says this has not happened in years. We suspect this may be during the time Apple Maps had our location incorrectly marked.

3. Consider setting a limit on the total number of days within the total number of available operating days.

Scream Town would be satisfied with reducing the number of days from 21-23 (depending on how the calendar reads from year to year) to a firm 19 days, as long as Thursdays and Halloween could be added to the list of permitted days of operation.

4. Clarify the number of proposed operating days since the day on which Halloween falls changes with each calendar year, thus the proposed allowable number of days can significantly change from year to year. (Based on the PLC discussion, 21 days seems to be a number that people can live with it.)

The response to point #3 should answer this question. We are no longer asking to be open on the week of Halloween, just Halloween.

5. Propose specific measures proposed by the applicant to address dust control and sediment tracking onto Hwy. 212.

Scream Town already closely monitors dust and how it effects neighboring areas. The event does have access to watering truck and can use it when needed. If any neighbor feels that dust is becoming an issue, they may call Scream Town management at 612-518-0364 for an ASAP response.

6. Provide details about the private security firm contracted to provide security for the site, specifically current number of staff, any proposed increase due to potential increase in patrons, and any active shooter training.

Please reference the attached 1. Statement of Security. 2. Scream Town security description.

7. Provide an updated Emergency Management Plan that includes an active shooter component and preparation of the security firm for increased attendance at the attraction.

Please see the previous (now updated for 2022) active shooter security response – attached.

8. Submit a Certificate of Survey for the western property line that shows any improvements or fright structures within 20 feet of that property line.

This has been scheduled for Monday July 11, 2022. Findings will be submitted to Carver County as soon as they are available.

9. Have a solid waste plan amended to include cleaning of refuse from nearby Township roadways.

Scream Town is diligent with its trash collection. Garbage is collected throughout the night and after each evening. Garbage is placed in a secure dumpster with a lid. The next afternoon, and smaller garbage that may have come from vehicles in the parking lot is also collected. The event being clean and looking nice is a top priority. If any neighbor feels as though refuse has been deposited from a Scream Town guest in or around their property, they may call Management at 612-518-0364 for an ASAP response. We would kindly ask that anyone calling have some direct linkage to a Scream Town guest, but we are also happy to respond to any inquiry. Doreen Lenzen, who wrote a letter stating that she sees garbage in her ditch on the highway, recently stated in person, that she has no direct evidence that any garbage has come from the event. Doreen lives about a quarter mile away from Scream Town.

10. Provide a time that the final evening's ticket is currently sold.

10:20 pm would be the last ticket sold and has been that way for the past decade or more.

11. Provide the length of time that it takes the average patron to cycle through all the attractions.

About 40 minutes or less.

12. Provide a sound mitigation or sound buffering plan to address nearby residents' concern about noise impacts from the attractions.

Scream Town has taken many steps over the years to mitigate noise from the event. We feel as though we have done an excellent job with this. One of the closest Mellgren Lane neighbors even told Scream Town management 3 or so years ago "If things were to stay the way they have been, they'd be very satisfied." Over the years a variety of different planning members, township members, and commissioners have stopped out to the end of Mellgren Lane during the event to listen. We (Scream Town) don't want to speak for everyone, but the majority consensus was "it didn't sound that bad to me."

Scream Town will continue to be a respectful neighbor, have quiet zones closest to neighboring homes, have low toned music closest to neighboring homes, and totally shut down the closest event to neighboring homes as soon as all staff have exited the event. The private number to Scream Town Management is 612-518-0364, and if sound changes for some reason, or wind direction changes, Scream Town will make every effort to correct or further mitigate whatever they can.

13. Provide a status update of the preparation of documents to submit to the CCWMO regarding site filling/road expansion shown below.

Scream Town and Loucks met with Paul Moline on Thursday July 7th. Paul can provide a better update, but Loucks will work with Paul to meet his requests ASAP.

SCREAM TOWN SECURITY OUTLINE UPDATE

September 8, 2019

Revised June 14, 2022

Below is the standard Emergency plan. Use this as a guideline.

FIRE EMERGENCY PLAN:

In the event of a fire:

- Staff members discovering a fire or smoke shall immediately notify Safety/Security Staff and or law enforcement.
- Upon sound of the fire alarm, or as instructed by the House Manager, the Lighting & Sound techs shall turn on the house lights, turn off scene and lighting power, turn off music and sound effects, and make announcements over the public address system as instructed.
- All Staff and Visitors shall evacuate the building via primary exit for their location.
- If the primary exit is blocked or unsafe, proceed to the nearest alternate exit.
- If smoke makes it difficult to breathe or see, get on your hands and knees and crawl to the nearest exit.
- Once out of the building, proceed to the nearest designated assembly area (whichever exit you go out of) and await further instructions.
- Staff and Visitor shall not re-enter the building until the "all clear" is given by the Fire Department.

Accountability Procedure

If possible to do so safely, the Lead Actor or Safety/Security Staff shall retrieve the cast assignment board and proceed to each assembly area and account for each staff member present in the building. The Lead Actor shall inform the FD of any Staff or Visitors not accounted for.

R.A.C.E.

The "RACE" method of fire response shall be followed in this order:

RESCUE

Rescue those in immediate danger.

ALARM

Notify others by word of mouth (radio) or by activating pull box.

CONFINE

If the fire is in an enclosed office or room, confine it by closing doors upon exiting.

EXTINGUISH

- -Attempt to extinguish the fire only if it is safe to do so.
- -Use the portable fire extinguishers only if you have been trained in their use.
- -Extinguishers are located near the exits. This permits you to proceed towards the exit, and return with an extinguisher when it is safe to do so.

-ALWAYS keep a clear path to the exit behind you.

-NEVER allow the fire to come between you and the exit.

P.A.S.S.

P.A.S.S. is an acronym for remembering the procedure for using a portable fire extinguisher.

- P= pull the pin and completely remove it from the extinguisher handle.
- A=aim the extinguisher nozzle towards the base of the flame.
- S=squeeze the handle to discharge extinguisher material.
- S=sweep the spray of extinguisher material back and forth across the base of the flames.

WEATHER EMERGENCY PLAN:

In the event of a tornado warning, or if a tornado is sighted:

- -The Lead Actor shall order an evacuation to the designated places of refuge.

- -All building occupants shall remain in the designated place of refuge until the "all clear" is given by the House Lead Actor.

MEDICAL EMERGENCY PLAN:

In the event of a medical emergency:

- -Staff/ actors discovering a medical emergency shall immediately notify the Lead Actor or Safety/Security Staff. If you determine the emergency to be life threatening, call 911 and then contact Matt Dunn, then contact your lead actor. 911 calls should be made for, but not limited to, people that pass out, broken bones, heart problems, severe puncture wounds, and asthma attacks.
- Lead Actor will make the phone/ radio call for assistance on site.
- -Persons unconscious or seriously injured should not be removed or repositioned.
- -Injured or ill persons who are ambulatory should be assisted to the front door to wait for outside assistance.

POWER FAILURE EMERGENCY PLAN:

In the event of a power failure:

- -The emergency lighting system will activate in the event of a total power failure.
- -The Lead Actor and Safety/Security Staff shall circulate through the House and ensure the visitors to be calm.

BOMB THREAT EMERGENCY PLAN:

In the event that a bomb threat is received:

- -Any Staff member receiving a bomb threat shall immediately notify the Lead Actor. Staff members shall not exercise judgments regarding the validity of any such threat.
- -Upon notification of a bomb threat, the Lead Actor shall instruct the Box Office Manager to inform the FD and LE, and immediately initiate an evacuation of the building.

- -Clearance to reoccupy the building shall be obtained from the FD and/or LE only.

CALLING 911:

Calling 911 should only be done in such situations such as an active shooter, uncontrollable medical emergency or out of control fire. For example, a broken ankle or wrist is serious, but can be handled by Scream Town staff and police and likely does not require a call to 911. Someone who has passed out and appears to not be responsive requires a call to 911. A small fire that could be put out with a shoe or fire extinguisher does not likely require a call to 911. However, a fire that is large and spreading fast, does.

ACTIVE SHOOTER/DANGEROUS THREAT PLAN:

Definition of Active Shooter-An active shooter is an individual actively engaged in killing or attempting to kill people in a populated area. Usually, their goal is to create as much injury, death, destruction, and chaos as they can in a short period of time allowed. In many cases they do not expect to survive and have delusions of grandeur and notoriety.

Staff-In the event that you hear or see something that obviously indicates an active shooter or similar threat is on the grounds (gunshots, people falling injured, people running from a person, muzzle flash, a person harming others with a weapon, a person with a weapon-remember a weapon can be knives, explosives, firearms, motor vehicles and other items, people saying that there is an active shooter, etc):

Procedure:

- Any staff member identifying such a threat, shall immediately notify the Lead Actor and/or Security. Staff members shall not exercise judgments regarding the validity of any such threat.
- Upon notification of a threat, and security has not been notified yet; the Lead Actor shall notify security and all staff via the radio main channel. The Box Office Manager or designee shall contact the Sheriff's Office via 911, and immediately initiate an evacuation of the grounds, opposite of the threat.

- Management and Lead Actors should evacuate all employees and attendees to a location away from the shooter. Locations should be in an area that is secure and able to be locked so the shooter cannot access the interior. If such a location is not available, the employees and attendees shall be directed to a hiding area such as the woods or other areas to hide. Remember the shooter is looking for an easy and target rich environment.
- In the event of the evacuation due to an active shooter/dangerous threat you should utilize the “Run, Hide, Fight” response. Run away, hide, or as a last resort, fight. If hiding, be quiet and keep cellphones silent.
- The law enforcement response will be to isolate or eliminate the shooter to prevent further deadly actions by the person. It is important that you remove any masks, weapons, keep hands visible and comply with law enforcement orders. Law enforcement will notify everyone when the scene is safe.
- Recommend having staff watch the FBI “Run, Hide, Fight” video. (view video at <https://www.youtube.com/watch?v=ZvkdGK2j2Bs>).

(received July 7, 2022)

Scream Town Security:

Scream Town has implemented a comprehensive public safety program consisting of 3 components.

Scream Town works with Williams Security and Consulting. Owner David Williams is a retired Carver County Sheriffs deputy of 26 years. David and his team have worked with Scream Town the past 4 years to develop and implement safety and security plans. David began working with Scream Town in 2019 as lead security officer and helped implement new protocol, procedures, and training. David now helps with training Scream Town staff and implementing and recommending, new safety protocol as the Scream Town lead consultant. His daughter Amy Britain is the Scream Town onsite EMT. Amy acts not only as the EMT, but also as security and has an ambulance onsite at all times.

Scream Towns lead security member, as selected and trained by David Williams, is Andy Carleton who has served the past 4 years in a reserves program. He recently was elevated to the position of Sargent within that program. Andy also has current CPR certification. Andy is usually onsite from about 4:30pm to midnight or until the last person has exited the event.

Additional security members, numbering 4-6 depending on the evening, are made up of retired police and sheriff members, other active Carver County reserves, and those that have previous experience in the role of security. Independent contractor agreements, nearly identical to the attached, are signed with each contracted/ security member typically in mid-September. 2-3 of these security members are onsite during slow

to medium nights, and 5-6 will now be onsite during nights of increased traffic per the 2022 CUP request. Owner Matt Dunn, and 5 other lead team members are also onsite nightly and are an integral part of the security and safety team.

Scream Town conducts multiple training sessions with its other 125-150 staff, has a detailed handbook, and have over 100 two-way radios used for communication. Every staff member is trained to watch guests at all times, keep guests on marked pathways, and to radio into security staff any behavior that violates Scream Town protocol or that could be considered suspicious. There are lead staff members in each attraction that circulate during the evening, and at least two sub leads that help monitor larger attractions.

Scream Town Security

Scream Town has an contract agreement in place for security for the 2022 season. See further details in the additional attached document

Williams Security and Consulting

Consulting, Planning and Implementation

David Williams

Date: 7-6-22

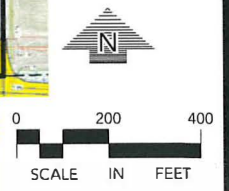
Andy Carleton Security

Head of Security

Andy Carleton

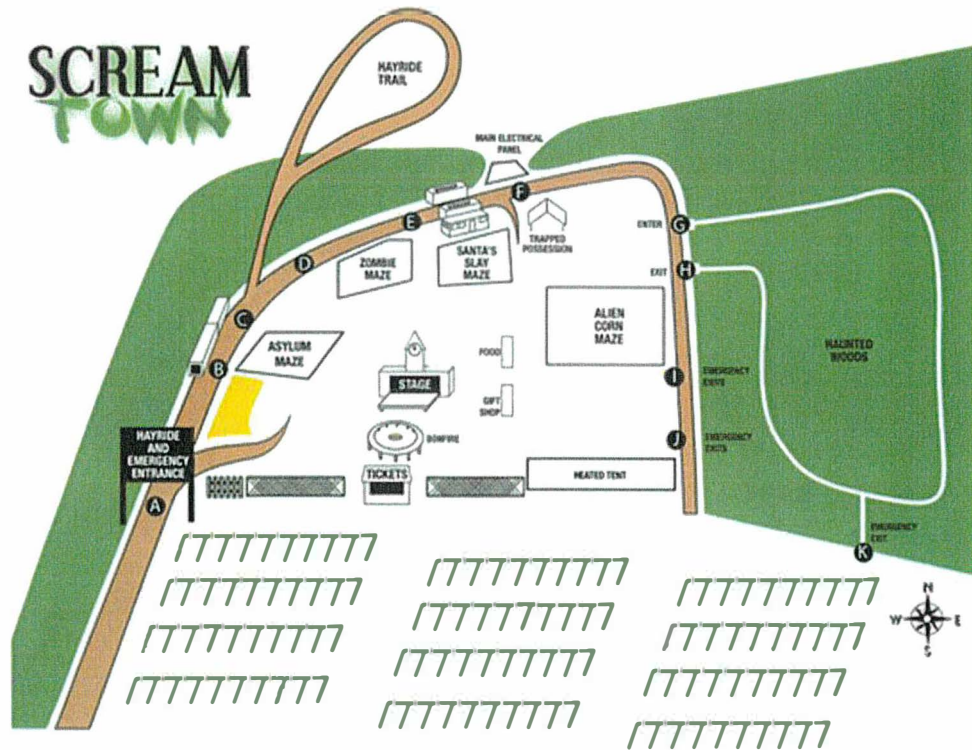
Date: 7/6/2022

Plotted: 05 / 12 / 2022 12:23 PM W:\2022\22053\CADD DATA\CML\dwg Sheet Files\C2-1 SITE PLAN



2-31

General Map of the Operation



Rev'd 6/2/22

From: Jason Kamerud
Sent: Monday, June 13, 2022 4:12 PM
To: Donovan Hart
Cc: Jason Mielke; Christina Neel; Dave Hemze; Jason Kamerud
Subject: RE: Scream Town CUP submittal for your review

Thank you for the opportunity to provide some input.

The applicant asserts (on P2), "In addition, we have letters and documentation from Carver County deputies stating that they have not seen any problems at the event and that the operators do an outstanding job in keeping the event safe." If these letters do in fact exist, they were not written nor authorized by me, the elected Sheriff of Carver County. Therefore, they should not be deemed as carrying my endorsement nor to be reflective of the official position of the Carver County Sheriff's Office in this matter.

The original (and current) CUP reads (in applicable part), "To reduce the risk of accidents on site and on Highway 212 the permittee shall contract a minimum of two (2) County Sheriff's Deputies for the duration of the event. The permittee shall also provide warning signage and lights as required by the road authority and/or sheriff's department and/or state patrol." The proposed change in highway design will likely lessen the need for traffic control at the entrance/exit of the site. If I understand it correctly, all traffic will enter while travelling westbound using a "right turn only lane" and exit going westbound only. If true, there is likely no need for staffed supplemental traffic control at US Hwy 212 and the entrance/exit. I will defer to highway/traffic engineers on this point, however. Traffic control onsite (i.e., parking) is purely a private business matter and not the responsibility of the Sheriff.

There is no CUP requirement for sheriff's deputies for grounds patrol. The CUP requires sheriff's deputies for traffic control "to reduce the risk of accidents on highway 212." The applicant has hired private security to manage onsite security matters. The numbers of onsite police calls for service have been manageable. I do not believe onsite police presence is required, assuming the applicant continues to provide reasonable security measures.

If the Board requires law enforcement for traffic control along US Highway 212 or for onsite policing, I respectfully request the CUP reflect a requirement for "licensed peace officers having jurisdictional authority" versus "sheriff's deputies." Our office does not always have adequate resources to fulfill the demands of staffing the position. By allowing "licensed law enforcement," the applicant has the option to explore contracts with MN State Patrol or other authorized service providers in lieu of closing or violating the CUP due to our inability to fulfill the contract.

Recommendation: No police services contract required, assuming highway construction is complete as detailed.

Jason Kamerud, Sheriff

Carver County Sheriff's Office
606 East Fourth Street
Chaska, MN 55318

June 13, 2022

Donovan Hart
Carver County
600 East 4th Street
Chaska, Minnesota 55318

SUBJECT: Scream Town
 MnDOT Review S22-014
 NW Quad of US 212 and Hwy 43
 Control Section: 1013
 Dahlgren Township, Carver County

Dear Donovan Hart,

The Minnesota Department of Transportation (MnDOT) has reviewed the above-referenced site plan. Please address the following issues before any further development:

Work Zones and Pavement Markings

The event should still have two law enforcement officers for the 2022 season until trunk highway 212 construction is completed.

For questions regarding this comment, contact Kevin Farraher, Workzone Design, at Kevin.Farraher@state.mn.us or 651-775-1270.

Permits

Any use of, or work within or affecting, MnDOT right of way will require a permit. Permits can be applied for at this site: <https://olpa.dot.state.mn.us/OLPA/>. Please upload a copy of this letter when applying for any permits.

For questions regarding this comment, contact Buck Craig, Permits, at buck.craig@state.mn.us or 651-234-7911.

Review Submittal Options

MnDOT's goal is to complete reviews within 30 calendar days. Review materials received electronically can be processed more rapidly. Do not submit files via a cloud service or SharePoint link. In order of preference, review materials may be submitted as:

1. Email documents and plans in PDF format to metrodevreviews.dot@state.mn.us. Attachments may not exceed 20 megabytes per email. Documents can be zipped as well. If multiple emails are necessary, number each message.
2. For files over 20 megabytes, upload the PDF file(s) to MnDOT's Web Transfer Client site: <https://mft.dot.state.mn.us>. Contact MnDOT Planning development review staff using the same email above for uploading instructions, and send an email listing the file name(s) after the document(s) has/have been uploaded.

You are welcome to contact me at 651-234-7785, or Jake.Schutt@state.mn.us with any questions.

Sincerely,



Jake Schutt
Principal Planner

Copy sent via email:

Jason Swenson, Water Resources
Buck Craig, Permits
Doug Nelson, Right of Way
Alexander Hogan, Traffic
Kevin Farraher, Workzone Design
Diane Langenbach, Area Engineer
Lance Schowalter, Design
Mike Samuelson, Ped/Bike Planning

Mackenzie Turner Barger, Multimodal Planning
Jesse Thorsen, Ped/Bike Planning
Tod Sherman, Planning
Cameron Muhic, Planning
David Elvin, Planning
David Kratz, Planning
Russell Owen, Metropolitan Council



Township Presentation & Recommendation Form

PARCEL # <u>040090600</u>	Permit # <u>PZ 2022 0024</u>	
Owner's Name: <u>SSP HOLDINGS</u>	Owner's Mailing Address: <u>15900 FLYING CLOUD DRIVE</u>	
City: <u>EDEN PRAIRIE</u>	Owner State: <u>MINNESOTA</u>	Owner Zip: <u>55347</u>
Applicant (if other than owner): 	Site Address: <u>7410 Hwy 212, CHASKA, MN 55318</u>	

Type of Request: ☒ DCUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal
 Description of Request:
SEE ATTACHED - update Conditional Use permit - downtown

Date of County Public Hearing: 6-21-22

Date of Township Meeting: 6/13/22

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:

See Attachment

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

Signature of Applicant

Date 6-13-2022

Date 5/27/2022

Signature of Township Official

2-36

Dahlgren Township Recommendations for SSP Holdings LLC Updating Screamtown CUP

1. Car count and guest capacity limits (currently 600 guests per day for number of days open): On motion by Chairman Thompson and seconded by Supervisor Gennrich to lift the car count and guest capacity limits. Vote-aye-all-approved.
2. Sheriff Deputy on-site: On motion by Chairman Thompson and seconded by Supervisor Gennrich to let the Carver County Sheriff decide if Deputy's need to be on-site. Vote-aye-all-approved.
3. Expansion of parking and trail: On motion by Chairman Thompson and seconded by Supervisor Gennrich to approve the expanded parking area and trail expansion. Vote-aye-all-approved.
4. Days and hours of operation: On motion by Chairman Thompson and seconded by Supervisor Gennrich to make no recommendation on the changing of allowed number of days or extension of hours. But the Board did have concern about the expanding the hours of operation. Vote-aye-all-approved.



Mary Olson
Dahlgren Township Clerk
June 13, 2022



TO WHOM IT MAY CONCERN

I AM WRITING THIS NOTE TO SAY I HAVE HAD NO PROBLEMS WITH MY NEIGHBOR'S AT SCREEN TOWN. I HAVE NO PROBLEMS WITH TRAFFIC, (THE HIGHWAY IS ALWAYS BUSY), NOISE OR TRASH. MOST OF THE TIME I DON'T EVEN NOTICE THERE IS ANYTHING GOING ON OVER THERE.

MAST HAS CONTACTED ME SEVERAL TIMES OVER THE YEARS TO SEE IF I HAD ANY PROBLEMS, AND IF I DID, WHICH I HAVE NOT, WHAT HE COULD DO TO FIX THEM.

IF SCREEN TOWN ~~EXPANDS~~ ADDS SOME ATTRACTIONS AND CONTINUES TO OPERATE IN THE SAME MANNER THEY HAVE PREVIOUSLY, I HAVE NO PROBLEM WITH THEM EXPANDING.

Dale Van Sh
2525 HWY 212
CARLISLE MN.

March 1, 2011

2010

Mr. Matt Dunn,

Recently you asked several Carver County deputies for input and evaluation on the Scream Town events of the past including 2010. I have been asked to generate a single letter to you in response.

I have received input from a couple of the deputies. They indicate that the event does close at 2300 hours (11:00 p.m.) without any prompting from law enforcement. It can take awhile to get everyone out especially the late comers but Scream Town is completely closed to visitors at midnight.

Our deputies monitor and direct traffic into and off the Scream Town property, they also walk (patrol) the parking lot and the grounds to be on the lookout for any potential problems. The deputies indicate that the event is attended generally by car loads of late teens and early twenty folks however, they feel it is a family event with several church groups sending bus loads of kids. The deputies also indicated that that while a few people have been caught drinking underage this is the exception verses the norm. There are signs posted indicating that alcohol is not allowed on the grounds.

The deputies have never considered the event "out of hand". One deputy told me "I have never had any problems at this event. I think the owner and his employees do an outstanding job. They are very well organized. Every time I worked this event, I have been asked by the owner if there are any problems that need to be addressed. He clearly wants to run a professional business and to be known as a professional businessman". Another deputy told me "I had never seen a problem at scream town or anything else that is concerning".

Best regards,

Sgt. Derek Lee

Carver County Sheriff's Office

606 East 4th Street

Chaska, MN 55318

(952) 361-1212



I really like the idea of scream town being in our county and know that there is talk of the corn maze coming here as well.

I had never seen a problem at scream town or anything else that is concerning.

These types of activities are exactly what we need to bring people to western Carver County. It is great to see that a business is succeeding here when many are closing.

Erick F. Boder
Deputy Sheriff # 898

Carver County Sheriff's Office
606 East 4th Street
Chaska, MN 55318

Phone: 952-361-1898

EBoder@co.carver.mn.us

Matt,

2011

I am sorry I have not gotten back to you sooner and due to my schedule I was not able to get a formal letter written for you, but I have attached info I received from a few Deputies gave me some info it you want to use them.

For me personally I have not heard much for issues with neighbors and Screamtown. I hope the attached file may help you in what you are looking for.

Please let me know if I can be of anymore assistance to you.

Sgt. David McDonald #815

Carver County Sheriff's Office

606 E 4th St.

Chaska, MN 55318-2102

Phone: 952-361-1212

V-mail: 952-361-1789

Fax: 952-361-1229

E-mail: dmdonald@co.carver.mn.us

"Our mission is to serve everyone with **Respect and Dignity** and to do so with honor, integrity, and pride."

Attached Feedback

He does a good job with this event. He has over 100 employees and we have never had a significant issue that I know of, with either the employees or the people attending.

Traffic control is done well by his employees and the attractions are safe. I have walked around in the attractions and back behind the scenes and they are very conscious of safety.

The horse patrol worked well and I heard many good comments on them.

I worked the event two times this year. I did not notice any issues during my time there. They were helpful during a medical incident. They are always open to new ideas about how to improve the event. That's all I have. Nothing but good things about the event.

This is my third or four year working Screamtown. I think the staff at Screamtown does a great job providing their own security for the event to complement our efforts. I was impressed this year that Screamtown added another deputy to make it three instead of two. I think Screamtown is trying to make the event a safe and fun environment for everyone involved. I enjoy working the event.

The above information is what I received from Deputies that have worked Screamtown this year and in the past.

November 8, 2011

Sgt. David McDonald #815
952-361-1789

June 14, 2022

Jason Mielke
Land Use Manager
Carver County Public Services Division
Land Management Department
Government Center, Admin Bldg.
600 East 4th Street Chaska, MN 55318-2101

Dear Jason,

This letter accompanies the photos and text that Jim dropped off. It is a summary of our issues with Screamtown. **Before the Planning Commission votes on this amendment in regards to Screamtown we invite them to our property to see what Screamtown employees did to our property in spring of 2022 and how the Screamtown site appears now.**

- **Natural Boundary:** Before construction, where the new road is currently shown in Photo #1, we had a natural boundary of vegetation. It didn't do much for the sound but at least it obstructed the view to the disorderly mess of the Screamtown property. With the construction of the widened road and increased height in the gravel road, the dirt was pushed onto our property destroying the natural vegetation boundary.
- **Primary Indicator Property Line:** Screamtown has no respect for property lines and this was very evident in the way Screamtown destroyed any remains of an existing property line, the old barb wire fence and existing fence posts, that traditionally establishes property boundaries. All this was lost by carelessly pushing soil from the road construction onto our property. This road has been constructed with no regard for natural water flow, property lines, and environmental rules. It was constructed without any plan on paper for review by Carver County. Either way this shows no respect for property boundaries or not taking the time to check what is permissible or legal.
- **Changing the Natural Flow:** This natural waterway has a ten-foot wide bottom, twenty-foot wide top, and is five-foot-deep. Fluid dynamics tells you that the amount of water that this waterway previously handled was functioning. Now force this same amount water through a 24-inch culvert and that will increase the velocity and will cause major

damage on the downstream end of the culvert. It is questionable if this culvert can even accommodate the amount of water that could flow through it in a heavy rain. This could cause the culvert to fail, washing the road out with the red rock and soil will ending up on our property. This is an extensive major erosion issue and we have seen examples of this in the past.

- **Negative impact to neighboring property:** Screamtown encroached on our property in many ways regardless of boundary lines. Currently, there are junk trucks and other poorly maintained equipment parked on the property line – a sight that is visually damaging to a former beautiful natural area. There are doors that are not secured and metal garbage containers blowing around at the end of season. Customers to Screamtown cross onto our property during Screamtown business hours and use our property as a bathroom, leaving toilet tissue plus other garbage. Once they have closed down for the season – it is noisy, an unpleasant site, and is totally unmaintained. We are the ones closest that see the site at all times. When Screamtown season is over they are gone and leave us with a mess to look at. If you have a neighbor in a town with such a mess, they have to clean it up. It is a relief when the noise ends in October but the mess remains the rest of the year. We have seen dust blowing north from the entrance and exit from Screamtown. We don't know how this can be continued to blow across Highway 212 that will now be a four lane highway.
- **Screamtown History:** Fourteen years ago, Sever Peterson approached us and our neighbors with a concept of hayrides and ag related activities on his property in the fall, with no activities beyond 5:00 pm. This turned out to be a big lie to the township board and neighbors. He went to the Carver County zoning meeting and told a different story leaving it vague and open ended. We have past township board members that expressed disappointment in having approved this event in our township. Now we are tired of hearing Matt Dunn's words about getting along with neighbors. These are only words meant to sound good in a public setting but when the meeting is over, he feels no obligation to follow up with what he said. He states how he wants to be a good neighbor, but in the end, it is all good for Matt with no consideration for the neighbors. If there are amendments it should not be done without iron clad enforcements.
- **Our Adjacent Property to Screamtown:** We owned our property west of Screamtown long before Screamtown began fourteen years ago. It was quiet in our oak tree stand and it was

good for deer hunting in the fall. Now it cannot be used for hunting because of the loud and disturbing noise. How what about this unsaleable piece of property? If we decided to sell a building lot in the oak area, we can't imagine who would want to build there. People don't like living as neighbors in Screamtown area now - what would make someone want to buy a piece of property from us and live closer yet? What was once a nice quiet piece of property now an undesirable area. What does this do the valuation of our neighbors' property?

- **Moving On:** Matt Dunn wants to see this amendment approved with loose ends so he can manipulate and run Screamtown as he wishes but he cannot be trusted nor does he tell the truth. In early spring it was difficult to access our property on the northeast end with the Highway 212 construction from our residence across Highway 212. Screamtown was taking advantage of this situation hoping that the road construction would go undetected . Now we request these property lines be reestablished by certified by a legal surveyor and registered with Carver County. We, as well as Carver County, want to be notified as the survey is being completed.

Sincerely,

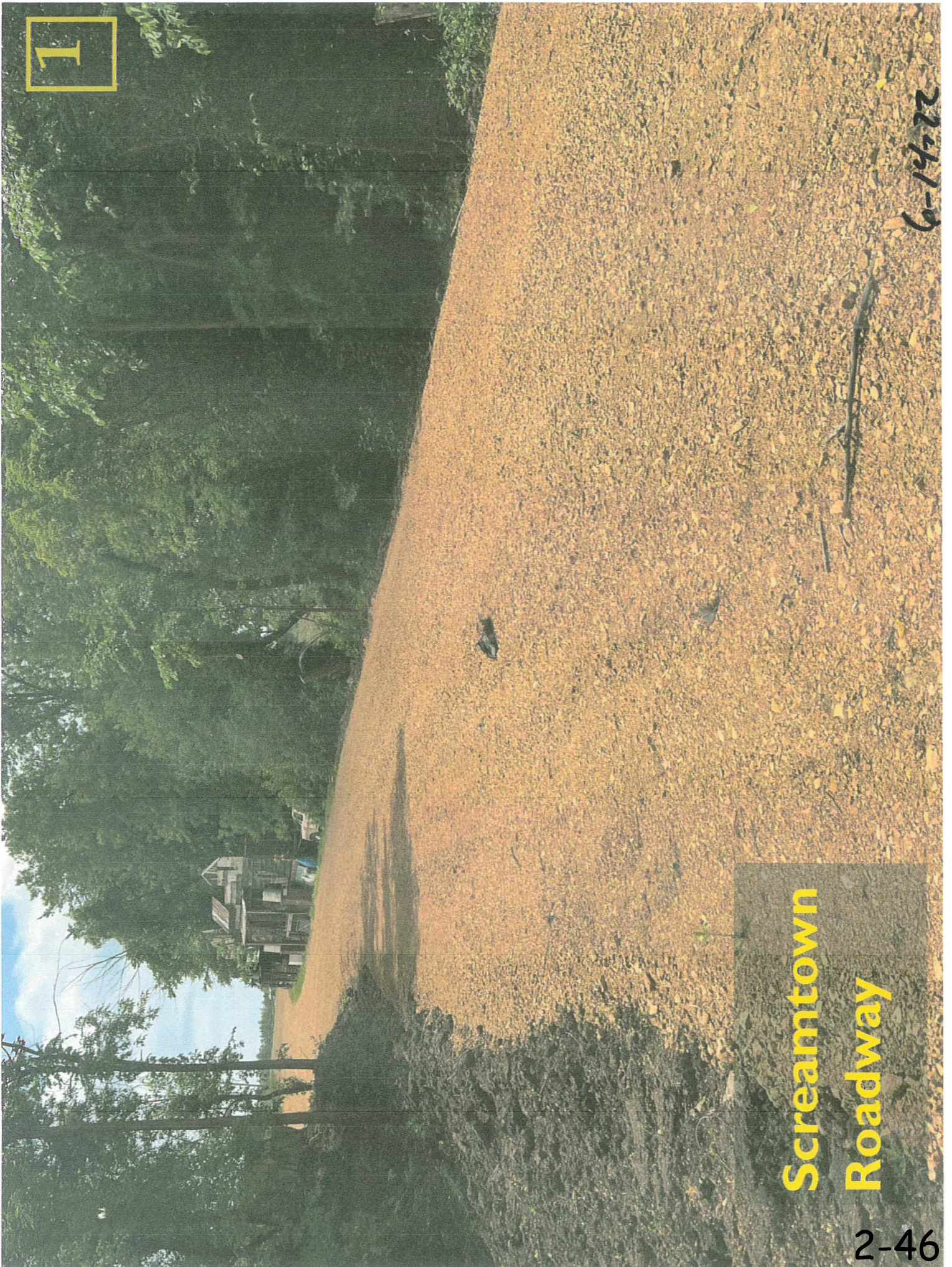


James Mieseler



Theresa Mieseler

7777 Highway 212 E, Chaska MN 55318



1

Screamtown
Roadway

2-46

6-14-22

Photo 1

- Recently built road, spring 2022. Built to an elevation 6 feet above bed of natural waterway
- Roadway has a 30 foot plus surface

2

**Natural Waterway
being restricted by a
24" culvert installed by
Screamtown**

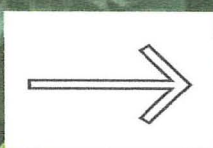
6-14-22

Photo 2

- Upon close inspection it exposes the waterway prior to the installation of the metal culvert
- It does not reveal the true shape of the waterway because of the vegetation
- Looking with more detail than the photo shows it reveals a:
 - 10 – 12 foot bottom
 - 8 – 20 foot top
 - 5 – 6 foot depth

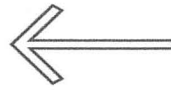
6-14-22

Mieseler's
Property



Culvert Outlet
(Mieseler)

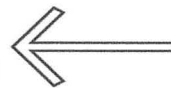
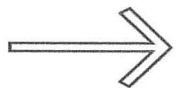
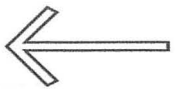
3



**Line Marker
(Screamtown's)**

**Mieseler's
Property**

**Screamtown's
Property**

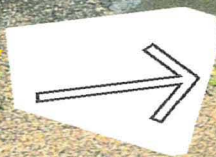


**Property Line
(Screamtown's)**

4

- Photo 4
- This photo illustrates they have crossed the property line with the road slopes and the culvert
- What will this area look like after 18,000 gallon of water per minute have been discharged out of the culvert?
- The arrow at the top of this points to a ribbon tied to the tree indicating the property line placed there by Screamtown personnel

Water flow
direction



Culvert Inlet
(Screamtown
Property)

5

6-14-12 2-53

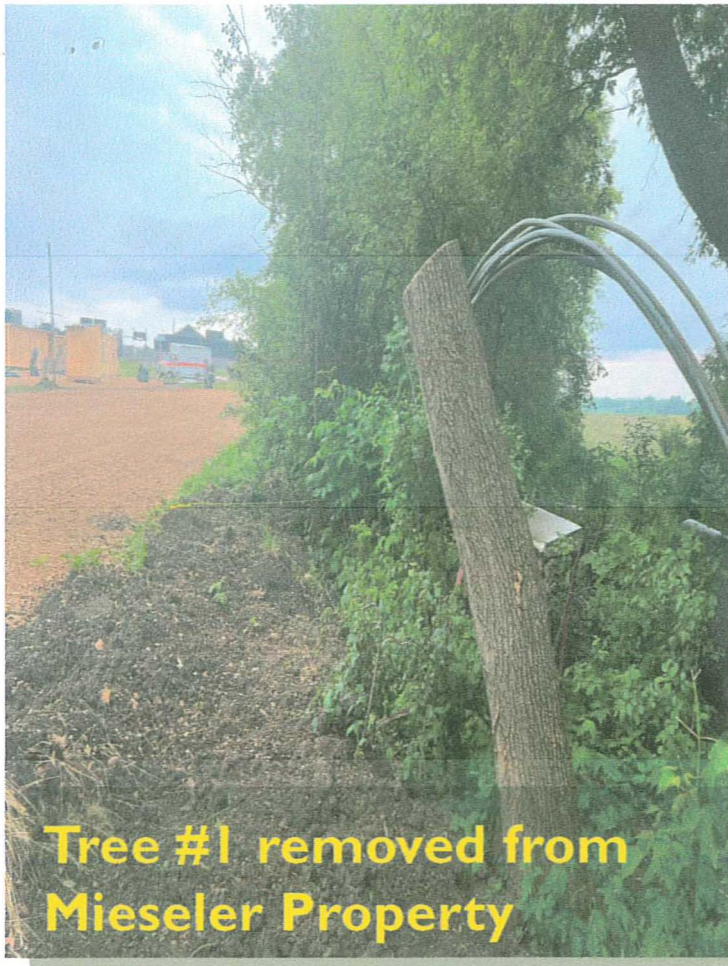
Photo 5

- This photo illustrates the inlet end of the 24 inch culvert, installed under the newly constructed road, spring 2022
- The ditch to the left of the culvert opening seems to have no purpose other than carrying water from another drain tile a distance away
- This culvert is expected to carry millions of gallons of water that will move through this area in a heavy rain event

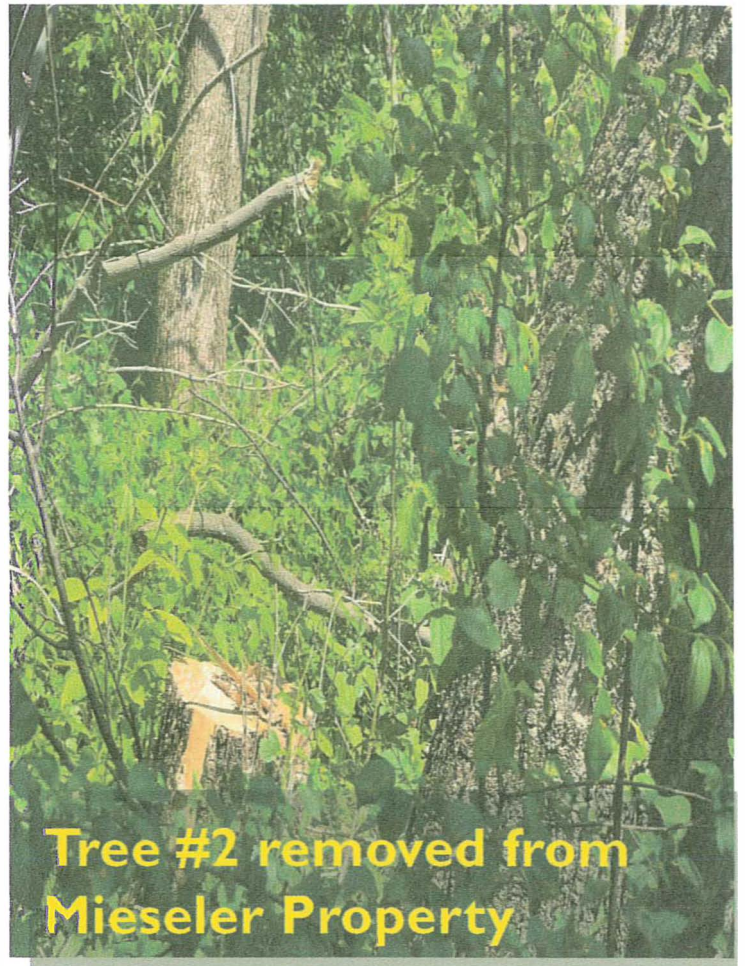
6

**Example
of culvert
discharging in a
similar situation -
creating erosion**

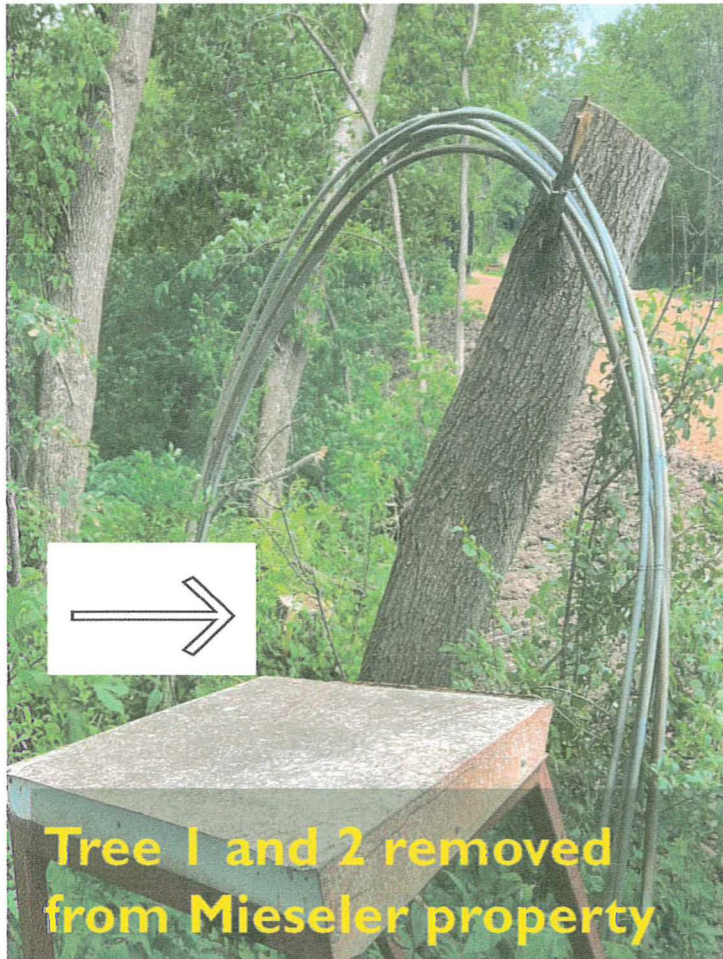
6-14-22



**Tree #1 removed from
Mieseler Property**



**Tree #2 removed from
Mieseler Property**



**Tree 1 and 2 removed
from Mieseler property**

These are trees that
were removed from
Mieseler property
without permission by
Screamtown personnel.

6-19-22

7
2-56

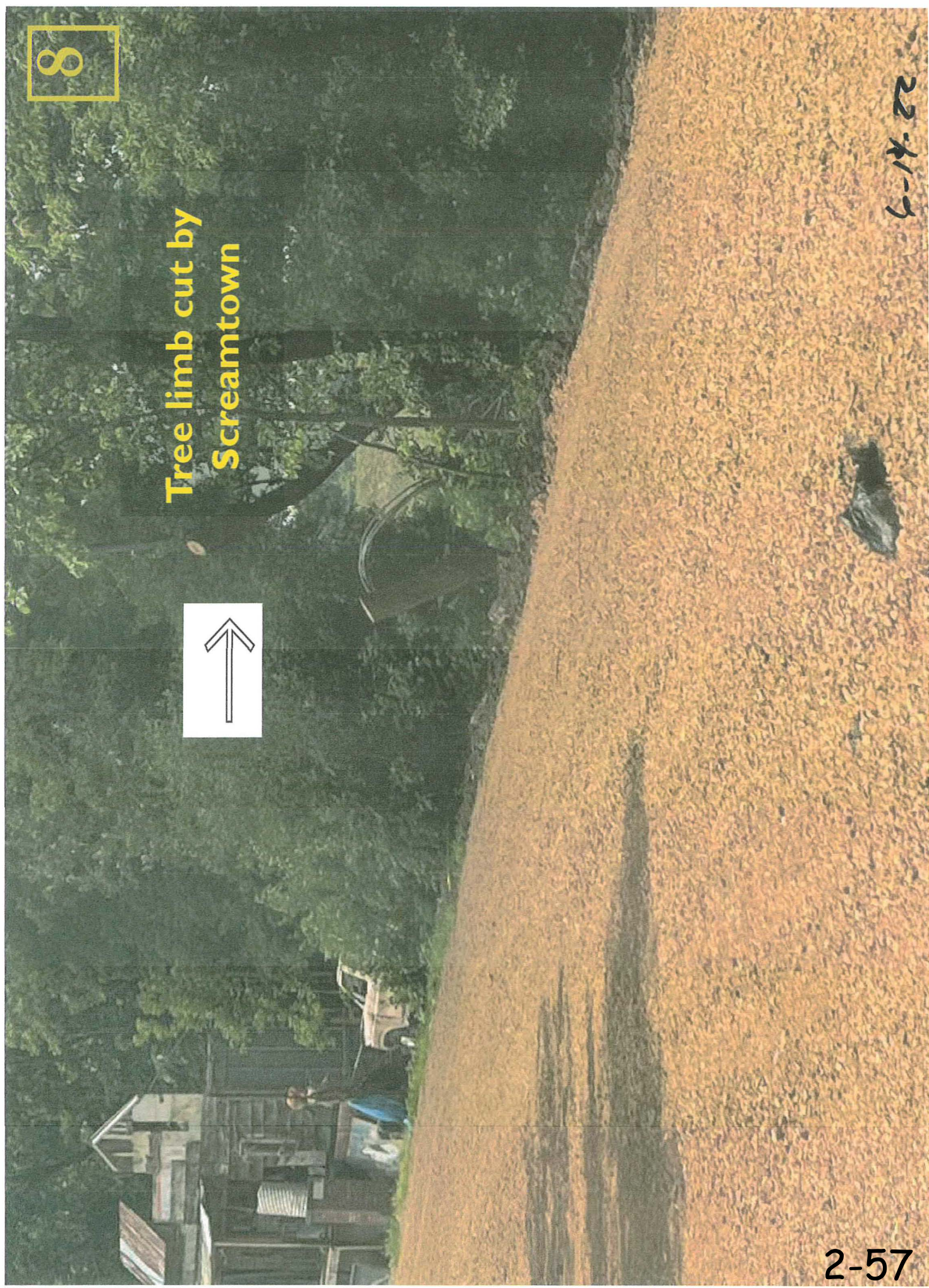
22-41-3

2-57

Tree limb cut by
Screamtown



8



June 14, 2022

Jason Mielke, Land Use Manager
Carver County Government Center
600 East 4th Street
Chaska, MN 55318

Dear Jason,

I am Doreen Lenzen residing at 12710 Laurie Lane, Chaska, MN 55318. I live east of Screamtown on the south side of Highway 212. My experience is the trash from events at Screamtown. These include solar cups, beer cans, booze bottles, food bags, and wrappers in the road ditch and near my home. Customers to Screamtown are stopping at my home frequently asking for directions and turning around in my driveway on at all hours.

Another item is dust coming off the gravel road on the entrance to Screamtown. At times the dust is bad and comes down towards Highway 212. Can there be dust control?

Please include this in the review at the Planning Commission, June 21st.

Thank you,

A handwritten signature in cursive script that reads "Doreen Lenzen".

Doreen Lenzen
Resident near Screamtown

Carver County Planning Commission
Public Service Division
Carver County Government Center
600 East 4th Street
Chaska, MN 55318

June 15th, 2022

Dear Carver County Planning Commission & Dahlgren Township Supervisors:

My family and I have lived on both Kelly Avenue and Mellgren Lane and have experienced negative impact as a direct result of Screamtown's operation. I as a resident, living near Screamtown am asking you to deny Screamtown's request for revision of their Conditional Use Permit for the following reasons:

1. Elimination of car count/attendance capacity and limitations

- I. **Noise:** Screamtown is requesting the daily limit be revised from 600 people per day to unlimited. With an unlimited car count, and an unlimited attendance capacity, comes an increase in unwanted additional noise within the community.
- II. **Dust:** The increase of cars means an increase of dust within the air. Not only does that reduce the air quality we breathe, but it also imposes a safety risk. There was an instance in 2021 where it was not clearly visible where I was driving or any object/cars that may be in the road as it was so dusty on Kelly Avenue.
- III. **Limitation of capacity:** All events in the state of Minnesota have limitations on capacity. These are put in place for many reasons including safety, crowd handling and traffic control. At a minimum there should be limitations put in place and should not be unlimited.

2. Extended days of operations and extended hours

- I. **Noise:** Our community will have a negative impact with noise with the additional hour and days they are requesting. September and October are the last months of the year when our family can enjoy the outdoors before the Minnesota winter largely brings us inside for several months. Having an additional hour of noise pollution has a direct effect on being able to enjoy our property. The current 11pm closing time does not translate into all attendees being vacated from the property at that time. The residents living within city limits can enjoy peace and quiet on their property starting at 10pm, why should it be any different for the residents within our rural community? In my opinion, 11pm is already generous and late enough to help prevent further disturbance.
- II. **Traffic:** Additional days means increased traffic impacting the safety of commuters on 212 as well as residents. Cars repeatedly turn down Mellgren Lane and Kelly Avenue and come to an abrupt stop in the middle of the road when attendees eventually realize they are not in the right spot.
- III. **Variable days:** Screamtown is requesting variable days (i.e. if they can't be open on a Sunday for any reason, they would be open on a Tuesday). There should be set days of the week in which Screamtown is permitted to be open so residents, commuters, and attendees can plan accordingly.

3. Reduce Sheriff presence

- I. **Safety:** As residents, we would prefer two patrols rather than one even with the current 600 capacity. If they are requesting unlimited car counts, attendance requirements and extended hours, it would seem more likely they will need additional deputies rather than a reduction. In my opinion, this helps my neighbors and family feel safer with such an influx of people coming into our small community.

- II. **Security plan:** During the Dahlgren Township meeting on 6/13/22 Screamtown indicated that outside of the Sheriff patrols, they hire additional security. What was troublesome is they could not articulate what their operating plans were, or even recall the name of the security company other than his name was "Andy".

4. Expansion of Trail/Additional Parking

- I. We do not see any concerns with the expansion of the trail or the additional parking as long as it does not mean the capacity limit will increase.

Thank you for your considerations in upholding the peace of our rural, family community.

Sincerely,

Carson & Morgan Bock
7340 Mellgren Lane
Chaska, MN 55318
(952) 237-1441
Morganbock18@gmail.com

June 15, 2022

Dear Members of the Carver County Planning Commission,

I'd like to request that you consider us and our many neighbors and not allow ScreamTown's amendment requests that would expand their hours, days, or other changes to their CUP. The past fourteen years since ScreamTown opened have changed the beautiful autumn weekends for our neighborhood. Instead of enjoying peaceful evenings on our screened porch or bonfires with friends and family, we leave town or close our windows and stay inside to try getting away from the unpleasant noises. Unfortunately, we still hear the bloodcurdling screams, banging, shouting, chainsaws, creepy music and sound effects, yelling, "shots," as well as loud talking. They are rarely done on time at 11:00, and it's difficult to sleep with all of that going on until 11:30 or midnight.

Security and traffic are also a concern. People drive up our driveway right up to the house looking for ScreamTown at all hours – this is very unsettling, especially when it's 11:00 p.m. Our property backs up to their "blood oak woods" and there is no barrier or anything to keep someone from coming into our yard. I would hate to see any expansion that would be closer to us or our other neighbors. ScreamTown is not in the middle of nowhere; there are private homes all around it, and it affects the homeowners in what should be one of the nicest times of the year to enjoy Carver County.

I've lived here since 1994 and it has never been the same since ScreamTown began. Please carefully consider those of us who live here in any decisions you make.

Thank you!

Karin Eastlund-Blomquist Johnson

7575 Mellgren Lane, Chaska

Carver County Planning Commission
Public Service Division
Carver County Government Center
600 East 4th Street
Chaska, MN 55318

June 16th, 2022

RE: Screamtown's Proposal for Conditional Use Permit (CUP) Revision

To: Commission Members & Dahlgren Township Supervisors

Dear Carver County Planning Commission & Dahlgren Township Supervisors:

I as a resident, living near Screamtown – one property removed, and am asking you to deny Screamtown's request for revision of their Conditional Use Permit (CUP) for the following reasons:

1. Extended Hours & Extended Days Proposed in revised CUP.

- **Unwanted Cars on Property:** Last year, we had approximately 15-20 cars (that we saw) drive up to our house and turn around by the house / shed. Most times the cars would sit there looking at their phones trying to figure out how to get to Screamtown. After witnessing this happen & approaching a few cars from 3pm-11 pm, I parked my car at the end of our driveway to prevent cars from coming onto our property. The CUP revision for extended hours, as well as 5-6 extra days would equate to more cars potentially coming onto my property. I have a 7 year old & 5 year old that play outside regularly. They ride bikes, 4 wheelers and play in the sandbox. My 7year old drives his 4 wheeler & bike down the front hill across the driveway regularly, as part of his normal routine. Unwanted cars coming onto our property increases the chances of one of my children being injured by a car that isn't looking for a child coming down the hill on their bike or 4-wheeler. In addition, with the proposed hours being extended, we are not comfortable with cars coming onto our property when we are sleeping. See attachment #1 for further detail on the yard. The red indicates how far up the cars would drive up & the blue indicates the path my kids take when riding their 4wheeler.
- **Noise:** With expanded daily hours Screamtown is requesting, this will increase the noise level until later in the night within our rural community. Also, with the expanded days they are requesting Screamtown is expanding the total number of days that noise will be present with our rural community. In my opinion, both should remain the same for the CUP.

2. Revising the limit of 600 patrons per day limit

- **Noise:** Screamtown is requesting the daily limit being revised from 600 people per day to unlimited with only reporting to the county for financial purposes. With an unlimited / unchecked headcount, the increase in people will also increase the noise level and security issues during these times in our rural community.

3. Reducing the required sheriff deputies from two to one

- **Safety:** Screamtown is requesting that the security provided by Carver County be decreased. As a resident, we would prefer two police officers be present onsite to be a deterrent & disrupt any issues immediately onsite. I personally believe this helps the surrounding rural community feel safer with a large influx of people attending Screamtown. In addition, with the proposed reduction of police and increased attendance, this seems counterproductive. Typically when headcount goes up, security would also go up for events.
- **Questions:**
 - i. What and who is Screamtown's hired staff & security plan? How many hired security staff are employed?
 - ii. Do they increase their staff on their busiest nights? I.E. Halloween, Thursday, Friday & Saturday before Halloween?
 - iii. At the Dahlgren Township meeting on June 13th, 2022 there didn't seem to be a plan. They just stated he have a private security person, with no name of the company or details of a plan.
 1. We request to see a copy of the security company's contract. We would like to see a copy past rate of incidence that was recorded from the security company. Also copies of the Carver County Sheriff's reports.
 - iv. Does Carver County have a recommended security plan / per head count for events?

4. Increased Parking Request

- Screamtown is requesting extra parking capacity in their revised CUP. I am OK with extra parking as long as that doesn't equate to extra people onsite. If the extra parking is to facilitate more space or car maneuvering area's that seems perfectly acceptable.

5. Traffic: At the Dahlgren Township meeting on June 13th, 2022, the Screamtown personnel and their hired associates stated the traffic issues coming / out were resolved with the 212 corridor being built. However, I believe there are a lot of unknown's in this area.

- Right now, there is a J-turn planned to be installed near the end of Kelly Avenue for the 212 interchange. I would assume most of the traffic will be going East after leaving Screamtown, since the Minneapolis / St. Paul area is where the majority of the metro population resides that would be attending Screamtown.
 - Has a traffic study been done on how many cars can go through a J-turn during peak hours leaving Screamtown?
 - Will the J-turn back up onto the highway?
 - Cars from Screamtown will exit the Screamtown property in the right lane (westbound), then need to shift lanes to the left lane and make a J-turn (eastbound) by Kelly Avenue. There isn't a lot of distance from the Screamtown exit to the Kelly Ave J-turn. Is this a concern?
 - Will they close the Kelly Ave J turn and force cars further to Cologne J-turn's, to allow the cars leaving Screamtown to adjust to their GPS and give them time to safety switch lanes?

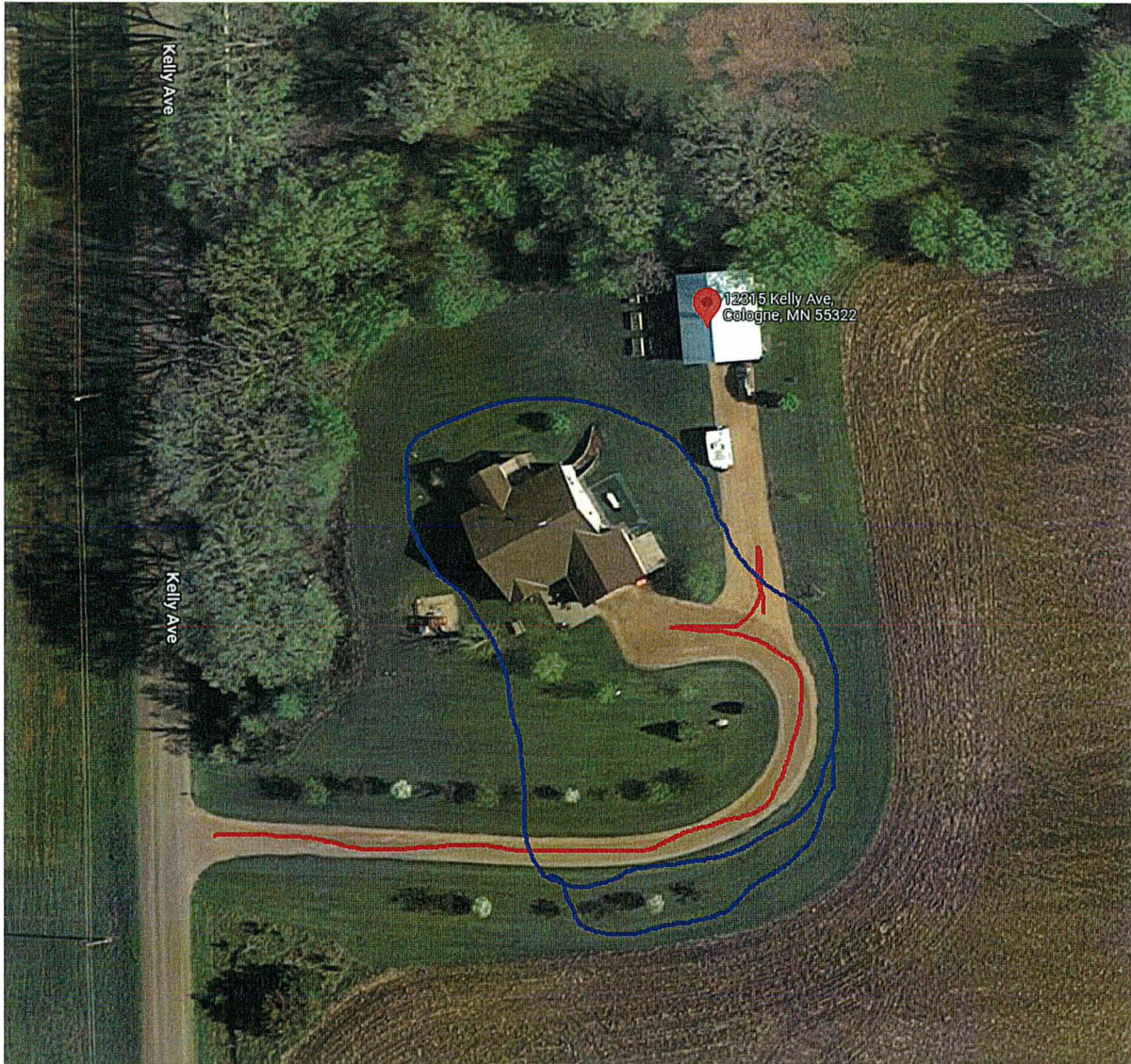
(#5 - traffic continued)

- What if the J-turn isn't complete by the time Screamtown opens? How will traffic be diverted?
- Will there be signage on Kelly Avenue instructing people "not event traffic route"? I believe Kelly Avenue (a gravel road), will see additional traffic due to cars being backed up on 212 from the J-turn and people will find a different routes using their GPS recommendations.

Sincerely,

Kevin & Carrie Mijal
12315 Kelly Ave
Cologne, MN 55322
651-728-1820
kevin.mijal79@yahoo.com

ATTACHMENT #1



SITE PHOTOS FROM J. MIESELER

6-21-22



2-66

6-21-22



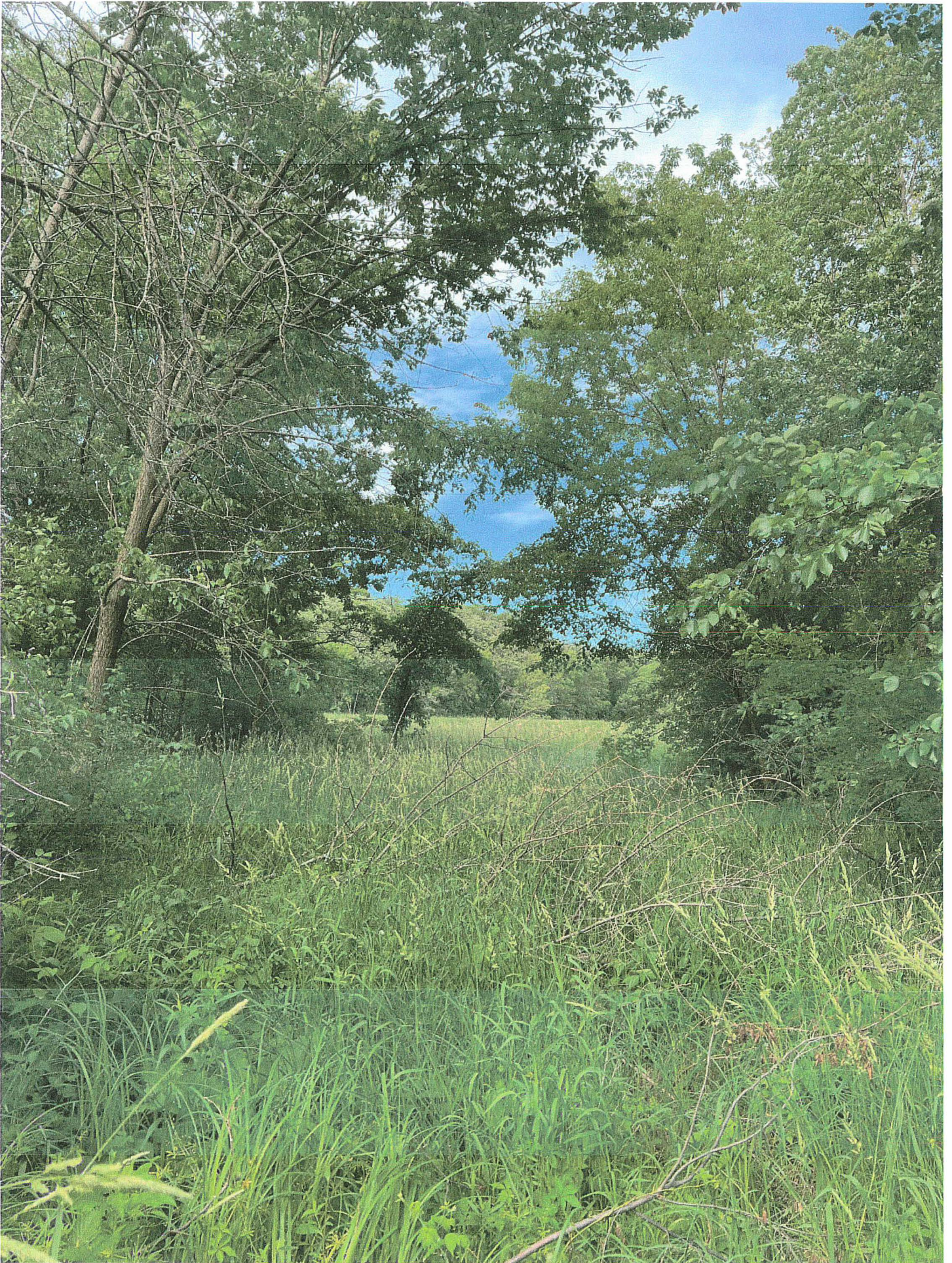
2-67

6-21-22



2-68

6-21-22



2-69

6-21-22



2-70

6-21-22



2-71

July 8, 2022

To: Dahlgren Township Board; Carver County Board of Commissioners

Subject: Scream Town Application to modify the current CUP

Dear Members of the Board(s),

We have attended the recent Township meeting and the County Board meeting regarding this application. The request for change was postponed for a month because the Township Board had only two of the three voting members at the last meeting and because the County Board wanted more clarification before deciding on the request for change.

As a past business owner, I understand the reasons for the request. The goal is to maximize the return on their investment. As a neighbor, whose property is adjacent to Scream Town, we have concerns relative to safety, overall attendance, flexibility, hours of operation, and issues, that if resolved, could result in a reasonable coexistence.

- **Sheriff:** Reducing the Sheriff's presents from two to one officer appears to be a request from the Sheriff's office. As I understand it, their primary function is traffic control. Since the new highway will, hopefully, be ready when Scream Town opens, it's not known what the real needs will be. However, that will be determined by the Sheriff's Office.
- **Private Security:** Matt Dunn hires a private security firm to be present on location during their events. It would be prudent to know who the firm is, their reputation, and exactly what their mission is. Are they able to control the crowd if it gets out of hand? And what methods employed? Additionally, in this time in America of mass shootings, is there a plan in place to protect the attendees and staff should such an event take place?
- **Attendance:** The current CUP limits cars to 600/night on average. Matt is asking to wave the limit on cars. We assume the limit was put in place based on traffic issues, and not attendance per se. The request seems reasonable since car count was not a true representation of attendance. Matt has stated that the current request for parking would allow up to 2500 cars. Assuming there are a minimum of 2 occupants per car that would total 5000 folks, not counting "drop offs". We don't know what the nightly capacity is for attendees to enjoy the venue but feel confident they can't handle 5000+ folks a night. We propose that Matt provide a realistic number of maximum capacity for attendance, based on history, and establish that as the maximum number of tickets that can be sold per evening. I recall Matt saying they accommodated 1400 one evening in the past. Ticket sales will be monitored by the county.
- **Flexibility:** Matt is asking to have more flexibility on days of the week he can operate. We understand that weather, and when Halloween falls, present issues for scheduling. We believe this is a reasonable request. However, we would propose that the event limit the number of consecutive days to no more than three allowing for a break for neighbors and staff. The maximum of days per season should remain at 21.

- **Hours of Operation:** The current closing time is 11:00PM. Matt is proposing the closing time be extended to Midnight. To our knowledge, there hasn't been a clear definition of what "Closing Time" means. We propose that the definition of "Closing Time" is when all attractions are shut down. The intent is not to limit operational decisions such as when to stop ticket sales for the evening or when to have last call at the bar but rather a clear definition for closing. This should be part of the CUP. There will still be residual activity as attendees and staff vacate the property. Extending the closing time to midnight is a significant extension of noise pollution to neighbors. This would be particularly intrusive when flexible days are added where they could run three nights in a row. Matt has said they don't plan on running many nights past 11:00 even if the closing time is change to Midnight. However, once the CUP is amended, it would open the door for unrestricted Midnight closings.

In summary, before proceeding with an approval to amend the CUP the following should be reviewed/defined:

- Complete Safety and Security plan.
- Attendance limits and accountability
- Flexibility and days of operation
- Hours of operation

Thank you for your consideration regarding these concerns,

Tom and Karin Johnson
7575 Mellgren lane
Chaska, MN55318
612-309-7142

July 10, 2022

To: Carver County Planning Commission
Dahlgren Township Board

From: Neighbors of Screamtown
Residents of Dahlgren Township

Subject: Application for a Conditional Use Permit, Screamtown

There are several concerns in regards to Mitch Michaelson and Matt Dunn and the Screamtown CUP currently under review. As residents near this large-scale activity these are the concerns.

There is disregard towards the character and setting in our neighborhood that is being infringed upon by the irresponsible decisions made by Mitch Michaelson and Matt Dunn.

1. This is being reflected in the request for extended hours and extended days in their CUP.
2. This is further being reflected by the desire to increase the patron per day limit to 2500 patrons, removing the 600 patron per day limit. Changing the limit will increase the level of noise further disregarding the respect to the neighbors. This level of daily patrons will increase with the noise level.
3. In regards to safety the decision to decrease the level of Carver County deputies depends on the flow of traffic on the new Highway 212 entering and exiting Screamtown and the flow of traffic through the Rcut on Kelly Avenue. It needs to be evaluated with one season's use before final decisions are made.
4. Increasing the parking request is dependent increasing the daily patron limit.
5. There is disrespect regarding neighboring property and borders.

We, the undersigned, agree with the concerns stated in the above letter sent to the Carver County Planning Commission regarding the Screamtown Conditional Use Permit.

① Peter Vickerman

Signature

Peter Vickerman

Printed Name

7430 Mellgren Lane Chaska

Address, City

612-490-7155

Phone

② Autumn Vickerman

Signature

Autumn Vickerman

Printed Name

7430 Mellgren Lane Chaska

Address, City

612-201-7317

Phone

Dennis Rollins

952-484-5353

③ DR Rollins

Signature

Printed Name

7570 Mellgren Lane

Address, City

952-484-5353

Phone Signature

④ Wanda Vanderlinde

Signature

Printed Name

Wanda Vanderlinde

Wanda
Vanderlinde

⑤ James Miesler

Signature

JAMES MIESLER

Printed Name

7777 HWY 212 CHASKA MN

Address, City

952 826 9126

Phone

⑥ Theresa Miesler

Signature

Theresa Miesler

Printed Name

7777 HWY 212 E Chaska

Address, City

612-201-6554

Phone

⑦ Doreen Lenzen

Signature

Doreen Lenzen

Printed Name

12710 Laurie Ln, Chaska, MN 55318

Address, City

Phone Signature

⑧ Curt Main

Signature

Curt Main

Printed Name

12040 Kelly Ave, Cologne, MN

952-239-5818

10 

Signature

Morgan Boek

Printed Name

1340 Mellgren Lane, Chaska

Address, City

952-237-1441

Phone

11 

Signature

Carson Boek

Printed Name

7340 MELLGREN LN., CHASKA

Address, City

651-785-8454

Phone

12 

Signature

ADAM JEWISSEN

Printed Name

7210 Mellgren Lane Chaska

Address, City

612-366-5705

Phone Signature

13 

Signature

Tabitha Jewissen

Printed Name

740 Mellgren Lane, Chaska

952-797-2558

14

Carrie Mijal
Signature

Carrie Mijal
Printed Name

12315 Kelly Ave, Cologne MN 55322
Address, City

952-212-7774
Phone

15

Kevin Mijal
Signature

KEVIN MIJAL
Printed Name

12315 KELLY AVE, COLOGNE MN 55322
Address, City

952-212-7774
Phone

16

Revee Main
Signature

Revee Main
Printed Name
952-250-7004

12040 Kelly Ave. Cologne, MN 55322
Address, City

Phone Signature

17

Jackie Main
Signature

Jackie Main
Printed Name

12040 Kelly Ave Cologne MN

952-250-7077

18 Larry Vanderlinde LARRY VANDERLINDE
Signature Printed Name

11830 Kelly Ave Cologne 252-466-2253
Address, City Phone

19 Collette Williams Collette Williams
Signature Printed Name

7535 Hwy 212E 651 402 8485
Address, City Phone

20 Benjamin Williams Benjamin Williams
Signature Printed Name

7535 Highway 212E 651 402 1344
Address, City Phone Signature

Signature Printed Name



COUNTY OF CARVER
State of Minnesota

Document No.
A 488312

OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA

Fee \$ Check#

Certified Recorded on 08-25-2008 at 02:30 ☐ AM ☒ PM



Carl W. Hanson, Jr.
County Recorder

FILE #: PZ20080001
APPLICANT: Sever Peterson
OWNER: Peterson Farm Holding
SITE ADDRESS: 7410 Highway 212
PERMIT TYPE: Fall Festival and Corn Maze
PURSUANT TO: County Code, Chapter 152, Section(s) 152.080
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 04-009-0600

Drafted by: Land Management
Return to: Land Management

CONDITIONAL USE PERMIT #PZ20080001

PLANNING COMMISSION RESOLUTION #: 08-03

ORDER #: PZ20080001

DATE ISSUED: June 10, 2008

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

THE LARGE SCALE ACTIVITY (NIGHT CORN MAZE) IS AUTHORIZED BY COUNTY BOARD ORDER #PZ20080001, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20080001. THIS PERMIT IS ISSUED PURSUANT TO CHAPTER 152 OF THE CARVER COUNTY CODE, SECTION(s) 152.080 FOR A HAUNTED CORN MAZE RECREATIONAL ACTIVITY ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. The permit is subject to Compliance 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. This Large Scale activity will be limited to an annual average of 600 patrons each day the operation is open to the public. The permittee must maintain records of the number of tickets sold to enter the site each day and provide a copy of this record to the Land and Water Services Division at the end of each season or upon request.
3. Operations shall be substantially in accordance with the application letters, responses, supplemental information and the approved site plan. The hours of operation would be 5:30 p.m. until 11:00 p.m. during Friday, Saturday and Sunday from the last full weekend in September to the first full weekend in November and also the Wednesday and

Thursday of MEA weekend each year.

4. To reduce the potential for dust, vegetation shall be preserved as much as possible. A watering truck shall be utilized for dust control, as conditions warrant.
5. To reduce the risk of accidents on site and on Highway 212 the permittee shall contract a minimum of two (2) County Sheriff's Deputies for the duration of the event. The permittee shall also provide warning signage and lights as required by the road authority and/or sheriffs department and/or state patrol.
6. The Permittee shall obtain an appropriate access, signage and construction permits and/or approval(s) from MnDOT prior to any public activities taking place on the property. Any measures required by the appropriate road or zoning authority including turn lanes and access permits must be completed in accordance with MnDOT standards prior to public activities taking place on the property.
7. The applicant shall submit a finalized operational plan and site plan to SWCD prior to commencing operations open to the public. The applicant shall abide by SWCD recommendations for the operation of the activities on site in accordance with the state water rules. Measures must be implemented to minimize tracking onto the Highway 212 and a sweeper shall be utilized within 12 hours of discovery of mud accumulation on Highway 212.
8. The Permittee shall furnish a certificate of Insurance to the County providing coverage by an insurance company duly licensed by the State of Minnesota indicating that the Permittee has in force coverage for public liability, vehicle liability, loading and unloading, completed operations liability, explosion and collapse of underground operations liability, and bodily injury liability in the amount of at least \$2,000,000 for injury of any one person in any one occurrence. Property damage insurance coverage shall be in force with a minimum amount of at least \$1,000,000. Further, the Permittee shall furnish proof of workman's compensation coverage. Insurance certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.
9. Any required building and septic permit(s) must 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. All structures shall meet the applicable State Building Code requirements.
10. The permittee is responsible for obtaining and abiding by all appropriate permits from the Department of Health and Department of Agriculture.
11. Signage for the activity shall not exceed the provisions set forth in the Carver County Sign Ordinance of the Carver County Code.
12. The permittee shall work with Carver County Environmental Services to reduce waste that his operation produces. Where possible, the operation shall utilize the Carver County Master Plan waste hierarchy to reduce the amount of waste entering landfills.
13. The permittee shall block all access from the permitted property to Mellgren lane during the permitted activity to ensure the public does not utilize the cartway.



Steve Just
Land Management Department Manager

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

Applicant signature block

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

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



Signature of Applicant



Date

REVISED OPERATIONAL PLAN

TO: Carver County Planning Commission

FROM: Sever Peterson / Sever's Corn Maze and Fall Festival

SUBJECT: Conditional Use Permit for Evening Event

Sever's Corn Maze and Fall Festival is applying for a conditional use permit to locate it's evening event to 7410 Hwy. 212 in Dahlgren Township, Carver County.

This event includes a six acre haunted maze, haunted houses, haunted trails and concessions. We have portable bathroom facilities on site.

The event will be open Friday and Saturday evenings for five weekends up to Halloween. Including Thursday evening of MEA and possibly Thursday evening of Halloween week. The hours will be from dusk to 11 PM.

In 2007 our evening event had almost 8,000 visitors over twelve evenings. We hope to increase this number by fifty percent over the next three years. If we are successful we plan to have up to 300 cars at any one time.

We plan to expand our present access off Hwy. 212 to accommodate two lanes of traffic entering. This will assure there is never a delay of traffic turning into our property off of Hwy. 212.

We will have up to thirty employees who serve as parking attendants, concessionaires, actors in the haunted events and supervisors.

Respectfully,

Sever Peterson representing Sever's Corn Maze and Fall Festival.

January 17, 2020

Dear Carver County Planning Commission,

My name is Sever Peterson, and like many of your families, our family has been farming in Carver County since the 1800s. I am the third generation to continue the family farm, and the fourth generation is already very much involved. It is a family owned and operated farm, including my two brothers, my wife, son and daughter, my daughter-in-law, as well as two full time employees.

Over the years and as our family grew, our farm business has had to adapt and grow in order to keep the growing family employed, which has enabled us to grow and sell fresh produce at Sever's Farm Markets, as well as the creation and operation of Sever's Corn Maze and Fall Festival, which began in 1997. Sever's Corn Maze and Fall Festival began as an idea from an English exchange student that spoke of intricate hedge mazes, and my wife and I thought of making a maze out of corn, a farmer's specialty. Some of our designs have included the Titanic, the United States, the world, the U.S. capitol, Sever's Safari, and Sever's Wild West. Our family brainstorms and creates the maze design in the winter, plants it in the spring, cuts it in the early summer, nurtures it all season to ensure all of the corn is strong and tall, and operates it in the fall, after which the field is harvested. This year will culminate our 12th year. Sever's Corn Maze is not only a family owned and operated business, but is family oriented and fun for all ages.

We are applying for a conditional use permit under the land use ordinance 152.080 in order to obtain permission to move Sever's Corn Maze and Fall Festival to our property at 7410 Highway 212. Our event has two parts. First, is the day time event which includes the corn maze, live entertainment, straw bale maze, hay rides, corn pit, slide, petting zoo, magic and wildlife shows, pig races, pony and camel rides, a pumpkin patch, and concessions, among other activities. Second, is our night time event which includes

7-10

2-84

... our haunted trail and a haunted maze and concessions. Sever's Corn Maze and Fall Festival is open Fridays, Saturdays, and Sundays, plus Wednesday and Thursday of MEA from the beginning of September until the first weekend of November, weather permitting. The daytime hours are from 11am until 6pm, and the nighttime hours are from dusk until 11pm. Last year, Sever's Corn Maze and Fall Festival had almost 30,000 visitors. Our parking lot is approximately 25 acres and can easily accommodate 1,000 vehicles. We have bathroom facilities, sanitary cleanser, and portable hand wash facilities at various locations throughout the event. These facilities are professionally serviced after each day of operation, as well as garbage services after every weekend. We plan to use the 32 square foot allowed signage, and if possible, would like to request a variance in order to explore the possibility of a larger sign. Our entire family works at Sever's Corn Maze and Fall Festival, and we also employ approximately twenty people. Their titles include parking attendants, trail assistants, maze orientation, and "ghouls" in the haunted trail and maze. Our event and activities are insured fully, including workman's compensation insurance.

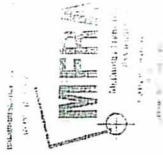
We plan to relocate Sever's Corn Maze and Fall Festival to our farm in Dahlgren Township, Carver County in phases over at least two years. We anticipate that the haunted portion of our event will move in 2008 and the remainder of the event will move the following season. We have included site plans, legal description, and a demonstration of sufficient interest, in addition to the actual conditional use permit application. We would be more than happy to provide additional information if needed, or you can visit our website at www.severscornmaze.com to see aerial photos and get more of an idea of what the event entails.

Sincerely,

The Petersons
Sever, Sharon, Aaron, Brooke, and Nicola

7-11

2-85



Client
SEVEN PT HILL

Project
SEVEN FATHOM ROAD ACCESS

Location
7410 HIGHWAY 97

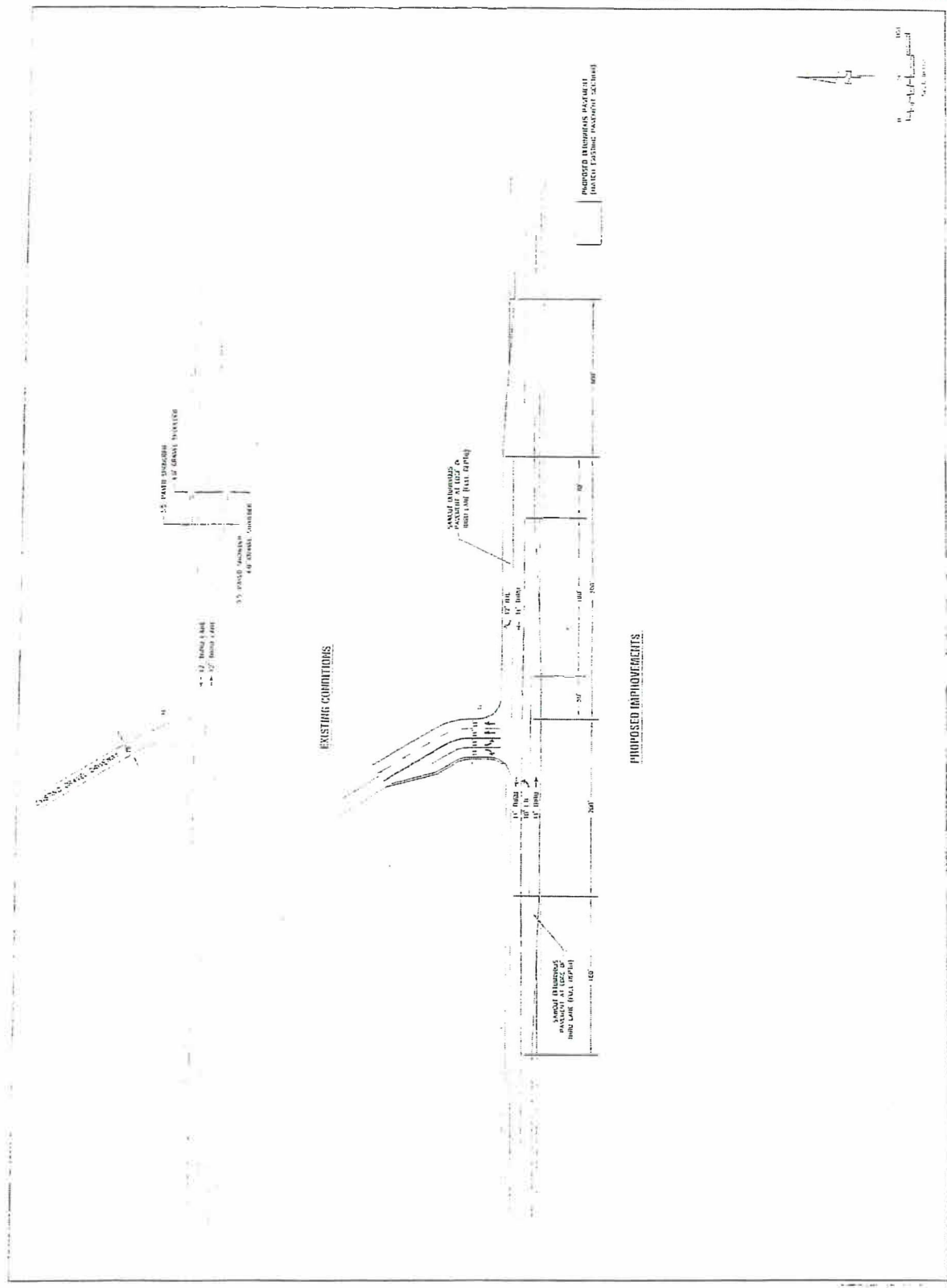
Revised: 01/10/2017
Project No. 2017-01

Geometric

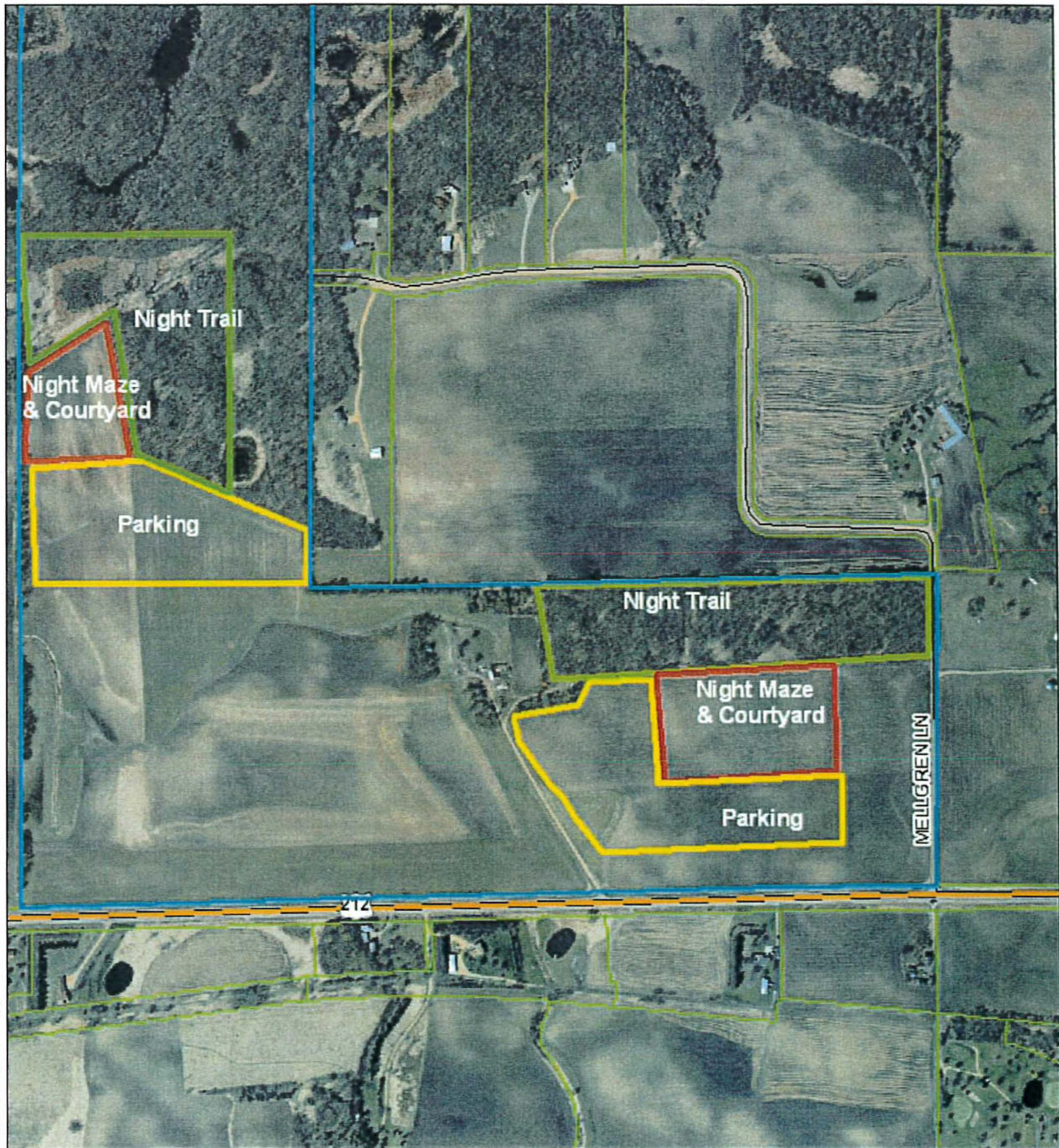
Summary
Project No. 2017-01
Drawing No. 2017-01
Revision History
Rev. 01/10/2017

Sheet Title
**EXISTING CONDITIONS
PROPOSED IMPROVEMENTS**

Sheet Number
2017-01



Scream Town Possible Configurations



Map date: 7/9/2007

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 survey or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

0 175 350 700 1,050 1,400 Feet

- Parcel w/County Inv
- Onlyly Amusement Parks/DO
- Divided
- NO N-DIVIDED
- Divided
- NO N-DIVIDED
- Divided
- NO N-DIVIDED

- DIVIDED
- NO N-DIVIDED
- County_Road
- Township_Road
- City_Road
- Post_Road
- City
- Township Boundary



EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 04-009-0600

File# PZ20220024

APPLICANT: Mitch Michaelson

OWNER: SSP Holdings, LP

* * * * *

An undivided 9/10th interest in the East Half of the Southwest Quarter (E1/2 of SW1/4);

and the Southeast Quarter of the Northwest Quarter (SE1/4 of NW1/4) EXCEPTING
THEREFROM the West 10 ½ acres,

and also the South Half of the Southeast Quarter (S1/2 of SE1/4), all situated in Section 9,
Township 115, Range 24, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 11, 2022

TO: Carver County Planning Commission & Benton Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Farm-Related Business).

FILE #: PZ20220028

APPLICANT: Aaron Burkhart

PROPERTY OWNER: Aaron & Amy Burkhart

SITE ADDRESS: 9995 Co Rd 140 Cologne, MN 55322

PERMIT TYPE: Farm-Related Business

PURSUANT TO: County Code, Chapter 152, Sections 152.079 (C)(2)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-001-0827

STAFF ANALYSIS:

1. Aaron & Amy Burkhart own approximately 30.7 acres located in the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section 1. Benton Township. The property is improved with a house (w/an attached garage), personal accessory structure, agricultural storage structure, a personal solar array, man-made pond, pasture area for personal animals and livestock, and a Farm-Related Business (i.e. Jack Cooper Custom Meats) Conditional Use Permit #PZ20200019. The property is located in the Agricultural Zoning District, partially in the Shoreland Overlay District of a protected waters (Carver Creek), and the CCWMO (Carver Creek watershed).
2. The applicant is requesting to amend the existing Conditional Use Permit (CUP) to expand the hours of operation and add a structure as part of the Farm-Related Business (i.e. meat processing/butcher shop). The original Farm-Related Business Conditional Use Permit (CUP) was issued to the property in July of 2020 (CUP #PZ20060019 is attached). The proposed expansion to the commercial activity would allow the operation to continue to operate as a Farm-Related Business allowed pursuant to Section 152.079 (C)(2) of the Carver County Zoning Code, which reads as follows:

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

(A) Minimum criteria for issuance of permit:

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

service needs—traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal—that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions:

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

(C) Activities.

(2) Farm-related businesses.

- (a) A business directly related to the conduct of agriculture that involves: retail sales beyond the scope of a roadside stand or yard sale, including "pick your own" sales; or operational limits exceeding that of a home occupation; or a commercial structure that would be constructed according to State Building Code.
- (b) The following specific standard must be met: the business is 70% farm-related under one or more of the following criteria:
 1. The business provides a repair or maintenance service for equipment unique and necessary to agricultural operations;
 2. The business produces a product or involves a process that utilizes locally grown or produced commodities; or
 3. The business involves sales and/or purchasing of products of the local agricultural economy or of goods unique and necessary to agricultural operations.

3. Mr. & Mrs. Burkhart are requesting to expand their operational area of a commercial meat processing (butcher shop) facility as a farm-related business. The Burkharts' business consists of processing beef, pork, poultry, and other animals from area farmers and residents. The facility consists of a commercial building for processing and retail sales (approximately 50' x 80' or 4,000 sq. ft.), an outdoor "covered" holding pen (approximately 1,056 sq. ft.) for livestock, parking area, driveway stubbed off the existing access (located in the northwest corner of the property), SSTS location, and well location. The commercial building is utilized for animal slaughter, processing (including the meat processing equipment), freezers, storage space, as well as a small retail area and restroom.
4. As described in their letter (dated June 23, 2022), the applicants would like to expand business hours of operation to 7:00AM to 7:00PM, 7 days a week. The previous hours were 9:00AM to 4:00 PM Monday through Friday. The number of employees would consist of ten, a blend of full time and part time staff. Mr. Burkhart would fulfill the day-to-day business duties as the manager/owner, and Mrs. Burkhart would oversee the day-to-day reception and bookkeeping duties, as well as being co-owner. At this time, the Burkharts see about 14 sales per day, and do not anticipate needing to change parking or traffic concerns. The majority of the vehicle trip would be for dropping off livestock/animals for processing and the picking up of packaged meats. They do have a business/company vehicle stored onsite. The request appears to meet the minimum standards for a Farm-Related Business CUP.
5. The Burkharts are also requesting to expand the operational area with the addition of a 40'x 8' cargo container (already placed on-site) behind the drop off pens adjacent to the main building, as shown on the site plan (dated June 23, 2022). This cargo container serves as the storage area for gut barrels (sealed 55-gallon drums used to hold byproducts after the butcher process, then picked up via a rendering truck). This prevents the drums being stored outside, where they could become a smell nuisance in the summer and freeze in the winter. The container is painted a neutral beige color and would have a refrigeration unit installed on the roof. The applicant has also indicated they would provide plantings (bushes or hostas) around the backside of the container for decorative screening. Pursuant to Section 152.040 – Operational Standards

of the County Zoning Code, a single cargo container may be utilized for storage purposes if; a building permit for the container is obtained, meets setbacks, does not exceed 320 square feet, is a neutral color, and is prohibited from displaying any logo, sign, advertising, or message regulated by Chapter 154 (Sign Regulations) of the County Code of Ordinances. Additional conditions include, screening of the container must consist of a continuous evergreen vegetative buffer that faces a public road right-of-way. Based on the standards, the Burkhardt's are allowed to have a cargo container but have a few minor modifications to resolve (i.e. logo and screening).

6. Per CUP #PZ20200019, the applicant is permitted to process up to 250 animals per year, where the animals brought to the facility would be processed within 24 hours of drop off. After processing is completed, meat is stored in freezers until the customer pickup or delivery takes place. The operation provides a service to the local area and would continue to conduct retail sales from the facility.
7. The county parking standards require one parking space for each 250 square feet of floor area for retail sales and four parking spaces plus one for each 400 square feet of processing of a product or material. The entire building is not utilized for either of the mentioned uses (e.g. storage, restroom, etc.); therefore, the identified parking stalls shown on the revised site plan (dated November 25, 2022) and area south of the parking could be utilized for overflow parking, if needed.
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. All signage is required to meet the standards of Chapter 154 – Sign Regulations of the County Code; not to exceed 32 square feet of surface area. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush.
10. The original Conditional Use Permit operational plan submitted by the applicant proposed the use of holding tanks for wastewater management. The Subsurface Sewage Treatment System (SSTS) design plan was reviewed and approved as part of the commercial building permit process in 2020. All requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances have been met. An SSTS Operating Permit and Maintenance Agreement with a licensed SSTS Maintainer shall be maintained for the duration of the CUP.
11. In order to operate the processing facility, Mr. & Mrs. Burkhardt are required to work with the Minnesota Department of Agriculture (MDA) on a weekly basis. A condition of the permit would be for the Permittee to submit copies of all required permits and licenses to Carver County Land Management annually.
12. On July 8, 2022, Jack Johansen, Transportation Planner for Carver County Public Works, provided written comments with regard to the request. Mr. Johansen stated, "*Carver County Public Works has no comments on the proposed amendment to the Conditional Use Permit.*" However, Mr. Johansen indicated that during an onsite inspection, it was determined that the property has an unpermitted second access to the site, located east of the driveway. The location of the new unpermitted access was historically a field access, which are limited exclusively for purposes of farming and not inclusive of the site's use of a Butcher Shop. Carver County Public Works requests that the unpermitted gravel driveway at the field access location be removed.
13. This Benton Town Board will be reviewing the application request during their July 14, 2022, Benton Township meeting. Township recommendation and/or comments would be available at the Planning Commission meeting.

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the Conditional Use Permit application for a Farm-Related Business, the previous CUP #PZ20200019 (Document Number A700643) would be terminated upon final approval (and recording) of the new CUP #PZ20220028. Therefore, CUP #PZ20220028 would supersede any prior approvals. The following conditions should be considered part of the permit:
1. The permit is subject to administrative review. The Permittee shall maintain homestead status and occupancy on the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners/operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
 2. The Farm-Related Business (Butcher Shop – Jack Cooper Custom Meats) shall operate in accordance with the operational letter and site plan (dated June 23, 2022). These plans shall be attached to and become part of this permit. Any proposed expansion of the submitted site plan shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary.
 3. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence and/or property owner for agriculture, personal storage, hobbies, personal recreation and entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this Ordinance.
 4. The accessory building (cargo container) utilized for the proposed business shall meet MN State Building Code, as well, as MN Department of Agriculture and MN Department of Health standards. The permittee shall obtain the appropriate building permit(s) to utilize the structure. A Certificate of Occupancy must be issued in order to utilize the structure. *Approval from the said agencies shall be obtained prior to the issuance of any building permit(s).*
 5. Any future remodeling or improvements structures on the property shall require Carver County Building Official review and permit approval. Future construction of any new structure to be utilized as part of the business, shall be permitted upon review and issuance of appropriate building permit(s) prior to construction.
 6. The vegetation screening shall be installed according to the operational standards Section 152.040 and Section 152.041 of the County Zoning Code. A planting plan shall be submitted to Carver County Land Management for review and approval. An escrow, in the amount determined by the County Fee Schedule, shall be deposited with the County to ensure establishment of the vegetation, if applicable. No landscaping shall be installed in the public right-of-way.
 7. Any grading, filling, or site improvement activity on the property shall be completed in accordance with the CCWMO Rules (Chapter 153 – Water Resource Management) and the Wetland Conservation Act (WCA), if applicable. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
 8. The Permittee shall be allowed for the processing of up to 250 animals per year. A new conditional use permit must be applied for if the operation exceeds the allowable number of animals to be processed per year. The Permittee shall be allowed to conduct retail sales from the facility; however, no wholesaling of any processed products is allowed.
 9. Permittee shall comply with all road authority (i.e. Carver County Public Works Department) access requirements.
 10. 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 wastewater produced within the structure utilized as part of the business operation. The permittee shall submit and maintain a pumping agreement (for the holding tanks) with a licensed SSTS contractor. All liquid wastewater shall be pumped and disposed of at a licensed facility. The Permittee shall submit a copy of their contracted hauler to the Land Management Department and Environmental Services annually.

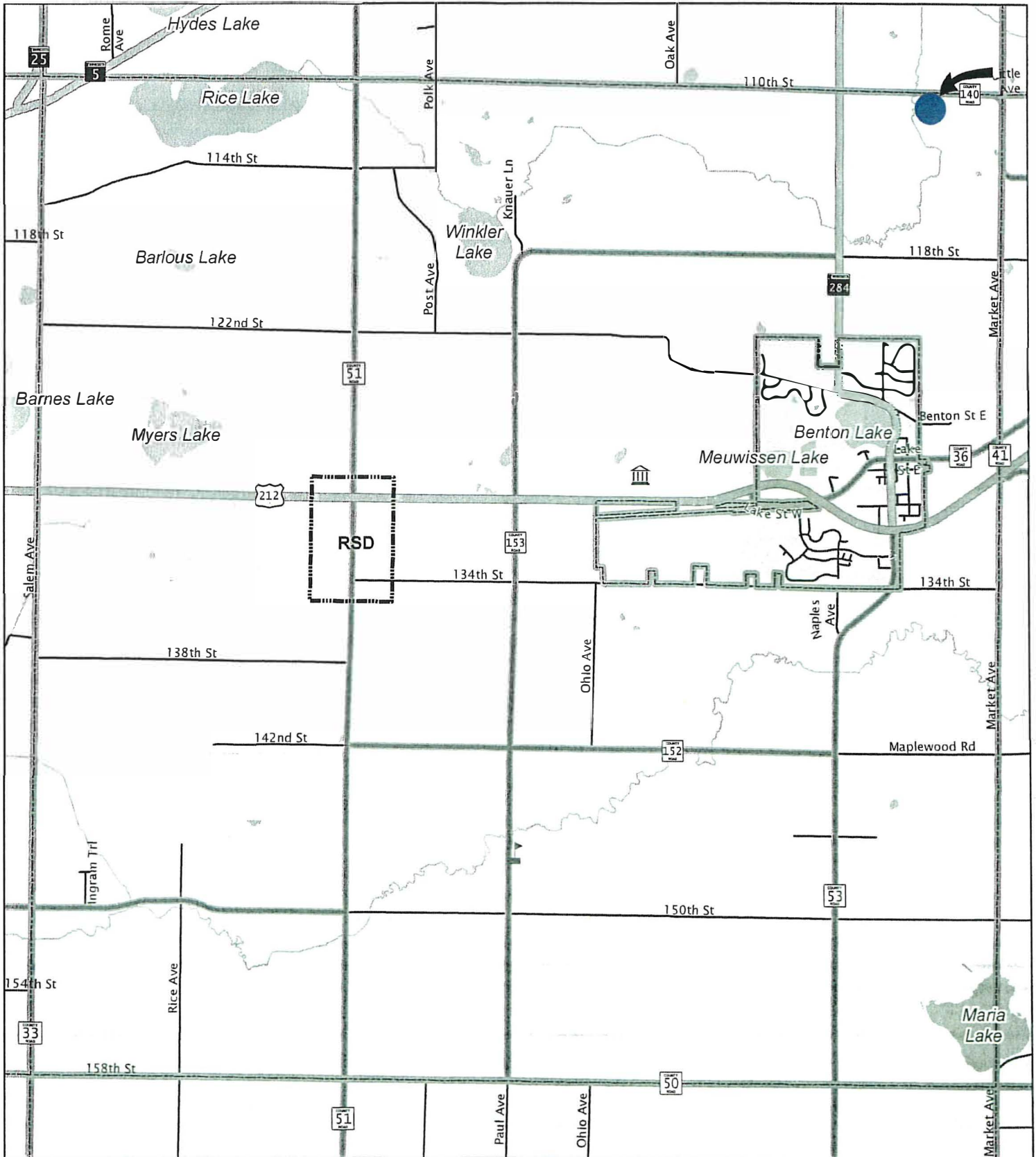
11. All solid waste materials generated by the operation shall be done by contract with a licensed company. All future contracts must be submitted to the Land Management and Environmental Services Departments annually.
 12. The Permittee is responsible to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Board of Animal Health, and to any other County, State or Federal agencies, for maintaining the required permits and licensures for meat processing and retail sales operations. The Permittee shall submit copies of all required permits and licenses to Carver County Land Management annually.
 13. 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.
 14. Any existing drain tile(s) on the site must be maintained and/or re-routed, such that flow through the property is not hindered or adversely altered.
 15. The property including the structure and grounds shall be maintained in a neat and orderly manner.
 16. The permittee shall submit Certificate of Workers' Compensation Insurance to the Land Management Department annually when there are additional employees beyond the owner/operator. The insurance shall be maintained for the duration of the CUP.
- If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

§ 152.251 REQUIRED FINDINGS.

An order for the issuance of a CUP or IUP can be adopted only if all 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 Farm-Related Business CUP (#PZ20200019) would remain in full force and effect. The existing use (Farm-Related Business) 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.

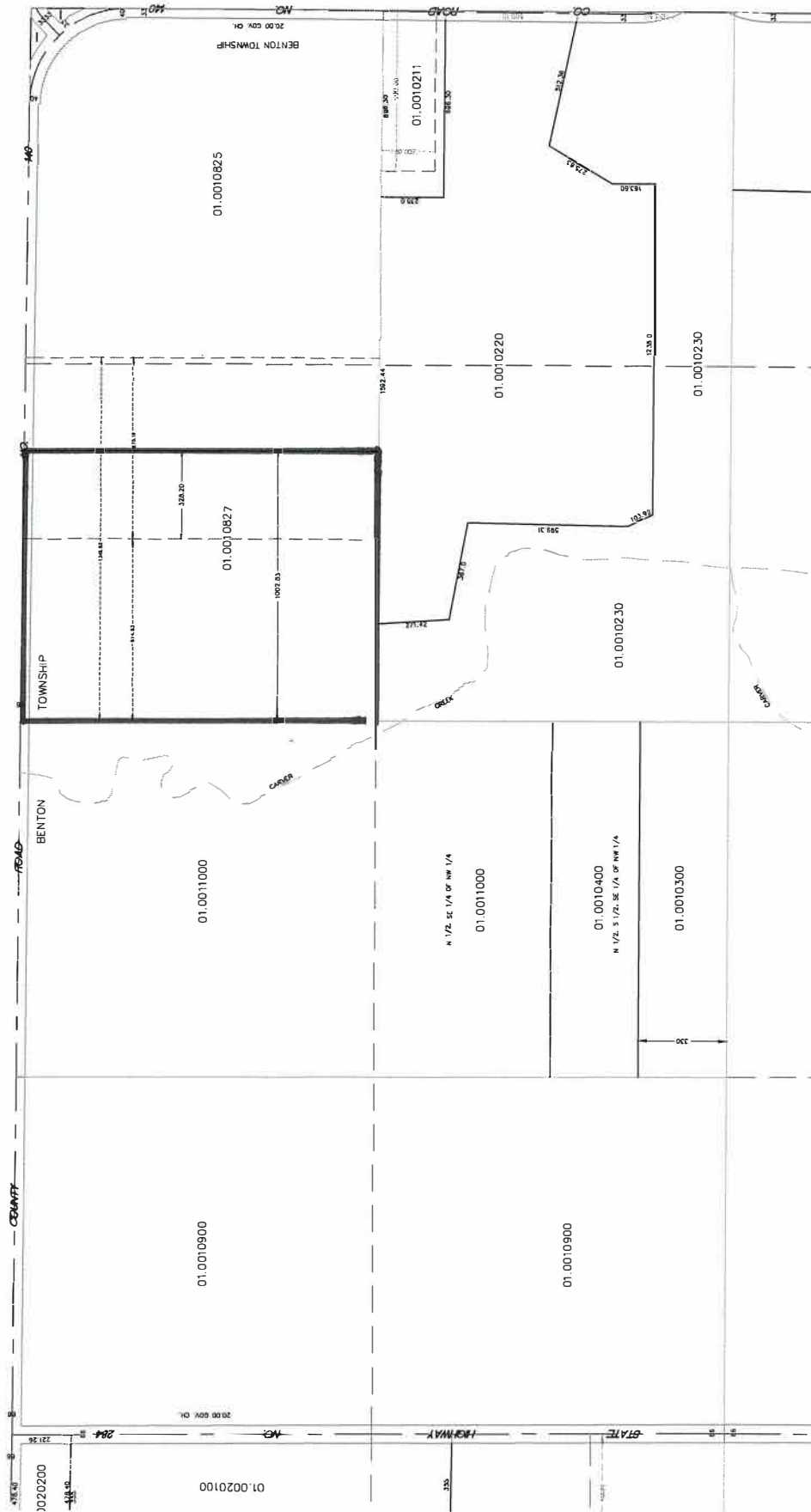
0 1 2 Miles



Map Created by Carver County GIS

THIS IS NOT A LEGAL INSTRUMENT. IT IS A COMPILATION OF THE RECORDS OF THE BENTON COUNTY GIS DATA. THE DATA IS PROVIDED AS IS. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS.

N 1/2 SEC. 1, T.115, R.25



Jack Cooper Custom Meats Conditional Use Permit Amendments (received June 23, 2022)

Aaron and I added a shipping container behind the drop-off pens at the butcher shop. At the time, we were unaware that shipping containers needed a permit. We applied for the permit and were told we needed to amend the CUP.

The shipping container is our solution for the gut barrels. In our first CUP application, we mentioned the storage of the guts, organs and hides of the animals we slaughter would be stored in sealed 55 gallon drums at the far end of the drop off pens. We said if there were to be a smell or if it was unsanitary, we would find a solution so we wouldn't be putting the neighbors out.

The gut barrels ended up having a horrible smell during the summer and freezing during the winter. When they're frozen, the rendering company can't dump them. When it's hot, they're smelly and the flies and bugs are awful. The shipping container is working out great. We had it modified to have 2 doors, so the barrels go in one way and out the other for the rendering truck.

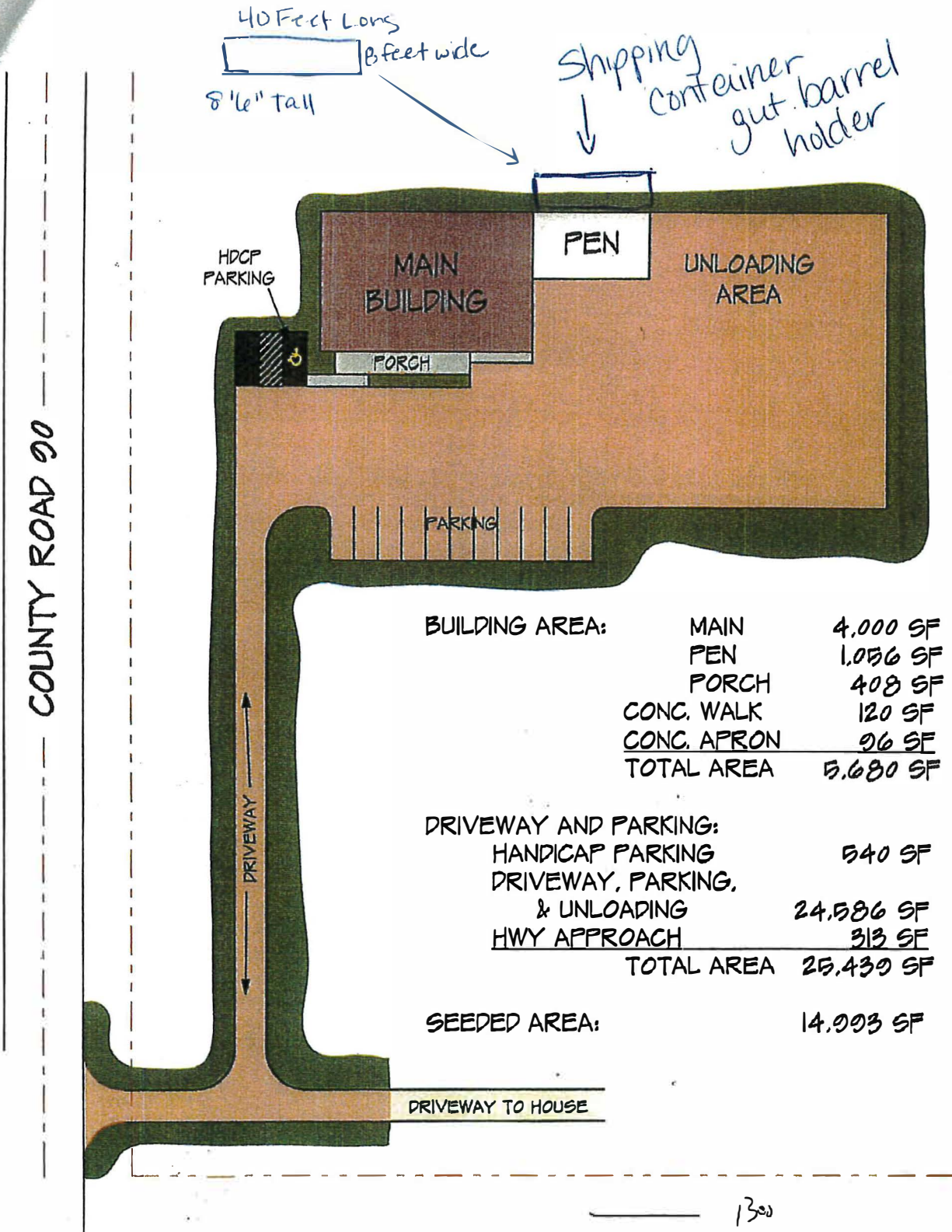
Our inspector, who is onsite every day, has looked at the container and said many other shops use them as well for barrel storage. We have painted the container a neutral beige color to match the building and will be planting some bushes or hostas around the backside for screening.

We would also like to amend our hours. We began with 9 am – 4 pm. Our employees arrive early in the morning and we've been open into the evenings. We'd like to update our hours to 7am – 7pm, 7 days a week. We aren't open those full hours all of the time, but would like to have the option. For example, we are very slow Mondays and Tuesdays, so we close early. We'd like to be able to open Sundays during the summer when its nice outside. We're averaging around 14 sales per day, so our hours aren't producing any traffic problems on our road.

We've had so much support from our community with this butcher shop. Between the small retail space and the custom slaughter for local farmers, we've been able to add 10 full and part time jobs in Cologne. We've also been able to support many of our neighboring farms by buying their cattle. They're able to sell to us instead of shipping them off.

Thank you.

Aaron and Amy Burkhart



JACK COOPER CUSTOM MEATS
OVERALL SITE PLAN



Received 6/23/2022

SITE PHOTO RECEIVED 6/23/2022

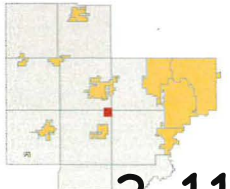
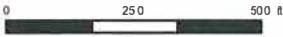


JACK COOPER CUSTOM MEATS



Date: 7/10/2022

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





Carver County

Public Works

11360 Highway 212, Suite 1
Cologne, MN 55322

July 8, 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

Re: Development Review Comments: Amendment to Conditional Use Permit at 9995 County Road 140 in Benton Township; PID 010010827

Thank you for the opportunity to review the subject development in Benton Township. Consistent with the Carver County Comprehensive Plan, policies, and other related official controls and studies, the following are comments and recommended conditions of approval and as potential requirements for any necessary permits to be issued for the project.

1. Carver County Public Works has no comments on the proposed amendment to the Conditional Use Permit. The applicant states the change in hours will not change the number of trips, therefore the amendment does not significantly impact the traffic adjacent to the site. The amendment can be approved when item 2 below is resolved.
2. After an onsite inspection it was determined that the property has an unpermitted second access to the site. This second access is located to the east of the driveway that was detailed to be expanded for internal access to the facility in the initial conditional use permit. The location of the new unpermitted access was historically a "field access" which are limited exclusively for purposes of farming, not inclusive of the site's use of Farm-Related Business (Butcher Shop). The historical field access appears to be utilized for purposes beyond the definition below.

Definitions relating to Field Access:

§ 152.010 DEFINITIONS.

FIELD ACCESS DRIVE. An access to a public road used exclusively for the movement of farm vehicles and equipment onto a field for the purposes of tiling, planting, cultivation, harvesting, or the application of pesticide, herbicide, fertilizer, or similar activity.

§ 152.036 ACCESS REQUIREMENTS.

(C) *Field access drives.* A new or existing field entrance is exempt from the standards of this chapter provided all other permitting requirements of the road authority are met. **An access connection to a farmstead, feedlot or farm-related structures are not considered a field entrance**, and must comply with the standards of this chapter. If a different use for a property served by an existing field entrance is proposed, the presence of a field entrance shall not be construed as a right to continue that access connection. When the use of the property changes to a nonexempt use, compliance with

the standards of this chapter shall be required, which shall include compliance with access permit requirements.

Carvery County does not allow for multiple accesses to a public road from one parcel, currently the site is in violation of this code section and the above referenced code section.

§ 152.036 ACCESS REQUIREMENTS.

(B) *Number of accesses limited.* With the exception of field access drives, any principal use of land requiring access to a public road shall be limited to a single access connection. **All parcels shall be limited to a single access**, unless through the conditional, interim, or accessory use permitting process an additional access is supported by the operational plan and/or site plan, it is approved by the road authority, and it meets the standards of this chapter.

Carver County Public Works does not approve this amendment to the Conditional Use Permit, approval would be granted upon the site conforming to County ordinances. The unpermitted gravel driveway access at the location of the field access would need to be removed.

If you have any questions or need further assistance, please contact staff noted below:

Jack Johansen Transportation Planner Carver County Public works 952.466.5283 jjohansen@co.carver.mn.us	Angie Stenson AICP Sr. Transportation Planner Carver County Public Works 952.466.5273 astenson@co.carver.mn.us	Joan Guthmiller Administrative Technician Carver County Public Works 952.466.5201 jguthmiller@co.carver.mn.us
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7-7-22

to whom may concern

Sack cooper meats can
be open ~~for~~ how ever long they
want to be and when they
want to be.

Jared U
Allen
Gib

Wendhausen Dairy



Township Presentation & Recommendation Form

PARCEL # 0100120827	Permit # PZ20220028
Owner's Name: Aaron Burkhardt	Owner's Mailing Address: 9995 County Road 140
City: Cologne	Owner State: MN Owner Zip: 55322
Applicant (if other than owner): Same	Site Address: Same

Type of Request:	☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal
Description of Request:	
We'd like to add the shipping container that holds the gut barrels to our current CUP and also update the hours	
Date of County Public Hearing:	7/19/22
Date of Township Meeting:	7-14-22

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:

****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		
Signature of Township Official		Date

Document Number: **A700643**

Filed and/or Recorded on
Jul 23, 2020 8:49 AM

Office of the County Recorder/Registrar of Titles
Carver County, Minnesota
Kaaren Lewis, County Recorder

Deputy JW	Pkg ID: 7181540
Document Recording Fees	\$ 0.00

Document Total	\$ 0.00
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Requesting Party: CARVER COUNTY - LAND MANAGEMENT
Pages: 5

This cover page has been added to this document by Carver County Land Records
and is now an official part of this recorded document



COUNTY OF CARVER
State of Minnesota

FILE #: PZ20200019

APPLICANTS/OWNER: Aaron Burkhardt / Aaron & Amy Burkhardt

SITE ADDRESS: 9995 Co Rd 140 Cologne, MN 55322

PERMIT TYPE: Farm-Related Business

PURSUANT TO: County Code, Chapter 152, Sections 152.079 C (2)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-001-0810

Drafted by} Land Management

Return to } Land Management

CONDITIONAL USE PERMIT #PZ20200019

PLANNING COMMISSION RESOLUTION #: 20-10

ORDER #: PZ20200019

DATE ISSUED: July 7, 2020

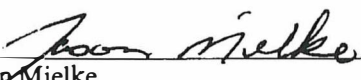
This permit is issued for property legally described on the attached Exhibit "A", pursuant to Chapter 152 of the Carver County Code.

THE FARM-RELATED BUSINESS IS AUTHORIZED BY COUNTY BOARD ORDER #PZ20200019, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20200019. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY CODE, SECTION 152.079 (C)(2), FOR A FARM-RELATED BUSINESS ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. The permit is subject to administrative review. The Permittee shall maintain homestead status and occupancy on the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners/operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Farm-Related Business (Butcher Shop) shall operate in accordance with the operational letters (dated: 5/10/20), property site plan (dated: 5/10/20), and overall site plan (dated: 11/25/2019). These plans shall be considered requirements of this permit.
3. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence and/or property owner for agriculture, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this Ordinance.

4. The accessory building utilized for the proposed business shall meet MN State Building Code, as well, as MN Department of Agriculture and MN Department of Health standards. The permittee shall obtain the appropriate building permit(s) prior to the construction of the structure. A Certificate of Occupancy must be issued before processing and retail sales commence within the interior of any structure. *Approval from the said agencies shall be obtained prior to the issuance of any building permit(s).*
5. Any future remodeling or improvements structures shall require Carver County Building Official review and permit approval. Future construction of any new structure to be utilized as part of the business, shall be permitted upon review and issuance of appropriate building permit(s) prior to construction.
6. The Permittee shall be allowed to conduct retail sales from the facility; however, no wholesaling of any processed products is allowed.
7. Permittee shall comply with all road authority (i.e. Carver County Public Works Department) access requirements.
8. The Permittee must install and maintain a conforming Subsurface Sewage Treatment System pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and wastewater produced within the structure utilized as part of the business operation. The permittee shall submit and maintain a pumping agreement (for the holding tanks) with a licensed SSTS contractor. All liquid wastewater shall be pumped and disposed of at a licensed facility. The Permittee shall submit a copy of their contracted hauler to the Land Management Department and Environmental Services annually.
9. All solid waste materials generated by the operation shall be done by contract with a licensed company. All future contracts must be submitted to the Land Management and Environmental Services Departments annually.
10. Any grading and/or filling activity on the property shall be completed in accordance with the CCWMO Water Management guidelines and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management.
11. The Permittee is responsible to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Board of Animal Health, and to any other County, State or Federal agencies, for maintaining the required permits and licensures for meat processing and retail sales operations. The Permittee shall submit copies of all required permits and licenses to Carver County Land Management annually.
12. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage per property.
13. Any existing drain tile(s) on the site must be maintained and/or re-routed, such that flow through the property is not hindered or adversely altered.
14. The property including the structure and grounds shall be maintained in a neat and orderly manner.
15. The Permittee shall submit proof of Workers Compensation insurance to the Land Management Department annually.



Jason Mielke
Land Use Manager

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

Applicant Signature Block

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

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



Aaron Burkhardt

7-14-20

Date



Amy Burkhardt

7/14/20

Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-001-0827

Permit# PZ20220028

APPLICANT/OWNER: Aaron Burkhart & Amy Burkhart

*** * * * ***

The Westerly 674.63 feet of the North Half of the Northeast Quarter, Section 1, Township 115, Range 25, Carver County, Minnesota.

AND

The East 328.20 feet of the West 1,002.83 feet of the North Half of the Northeast Quarter of Section 1, Township 115, Range 25, Carver County, Minnesota.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 11, 2022

TO: Carver County Planning Commission & Waconia Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Contractor's Yard)

FILE #: PZ20220027

APPLICANT: Eric Anderson

OWNERS: Eric Anderson, Craig Frick & Jeffrey Roland Wood

SITE ADDRESS: 10480 Highway 284 Cologne, MN 55322

PERMIT TYPE: Conditional Use Permit - Contractor's Yard

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-035-0900

STAFF ANALYSIS:

1. The applicant and owners of Superior Lawn & Landscape own an approximate 20-acre parcel in South Half (S½) of the Northeast Quarter (NE¼) of Section 35 of Waconia Township. The parcel is improved with a single-family dwelling, a 60' x 120' commercial accessory structure (CUP #PZ20060019), and several other accessory structures that contain commercial storage. The property is located in the Agricultural Zoning District and the CCWMO (Carver Creek watershed).
2. The applicant is requesting authorization to expand the operational area, amend the operating hours, and add a hoop house structure to accommodate Superior Lawn and Landscapes growth. The original Contractor's Yard Conditional Use Permit (CUP) was issued to the property in May of 2006 (CUP #PZ20060019 is attached). The proposed expansion to the commercial activity would allow the operation to continue to operate as a Contractor's Yard pursuant to Section 152.079 (C)(10) of the Carver County Zoning Code, which reads as follows:

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

(A) Minimum criteria for issuance of permit:

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

(B) Minimum conditions:

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

(C) Activities.

(10) Contractor's yards.

- (a) This subsection is intended to provide for contractor's yards established after January 1, 1989. A contractor's yard is a site used for storage of equipment and supplies by a contractor in the operation of his or her business. For purposes of this subsection a contractor is a person whose business is contracting work in any of the building trades, landscaping, road building, sewer installation, or has at least two trucks, but fewer than ten used to supply a service to local communities.
- (b) The business shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.
- (c) Site shall not be located within the Shoreland Overlay District or the Floodplain Overlay District.
- (d) Employees, except office personnel, report to the site only for the purpose of picking up equipment and supplies, necessary fabrication and general maintenance.

3. Superior Lawn & Landscape has operated from this property for the past 28 years. As the business has grown, the areas of outside storage have increased, and the owners have identified a need to have a hoop house to store materials and equipment on the site. As was the case in 2006, the subject property still meets the basic CUP standards in §152.079 (C)(10) as a Contractor's Yard.
4. Superior Lawn & Landscape has 13 full-time year-round employees, with that number increasing up to an additional 20 more summer season "college labor" employees. The summer season employees generally report directly to the work site. No customers or members of the public come to the property to conduct business.
5. The submitted narrative (dated June 22, 2022) describes the proposed changes to the existing CUP. The applicant seeks to adjust the work seasons (i.e. the proposed winter operating season starts two weeks later in November), reduce the operating hours (i.e. the weekday operating hours ends at 6pm), and eliminate Saturday as an operating workday. The existing CUP's summer work season runs from April 1st to November 1st with operating hours of Monday-Friday 7am-7pm and Saturday 7am-2pm. The winter work season last from November 1st to April 1st with no regular hours of operation since the demand for snow removal is dependent on the snowfall. The CUP operating plan does note that "*most employees keep their plow trucks at their house over the winter for easier access.*" The proposed summer work season lasts from April 1st to November 15th, with Monday to Friday 7am-6pm operating hours. The proposed winter work season lasts from November 15th to April 1st with variable operating hours based on the demand for snow removal.
6. The submitted site plan (dated May 27, 2022) shows the existing improvements (i.e. commercial pole building, residence, accessory structures) along with the proposed hoop house south of the pole building. Storage areas for trailers, "misc. tree debris", building materials, boulders, mulch, and compost are designated in areas north and west of the pole building with the exception of the compost area which is southeast of the pole building. There are two areas north and east of the pole building that are dedicated for employee parking.

7. The applicants screening plan (dated June 21, 2022) indicates new tree plantings and shrubbery to be placed along the north property line to augment the existing screening and obscure the view from a residence several hundred feet away to the northeast. The planting plan would need to be submitted to the Land Management Department for review prior to installing improvements. The plan would need to comply with the screening standards found in Section 152.041 of the County Zoning Code.
8. The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, site stabilization requirements, and Best Management Practices (BMP's) are typically reviewed as part of any site improvements pursuant to Chapter 153 of the County Code (Water Management Rules). The overall area of disturbance and the proposed operational area may trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or beginning any excavation activity. Any wetlands on the property would be reviewed pursuant to the Wetland Conservation Act (WCA).
9. The contractor's yard operation is accessed via Hwy. 284 from a single driveway. The Minnesota Department of Transportation (MNDOT) did not provide comments regarding this application request; however, applicant has received an access permit from MNDOT, whom is the road authority for this roadway. Also, prior land use comments received from MNDOT for other requests included a comment stating, "the property owner should periodically remove any excess gravel from the shoulder by their driveway for the safety of cyclists and drivers."
10. There is currently a sign measuring about 3' x 5' on the accessory structure adjacent to Hwy. 284. All signage is required to meet the standards of Chapter 154 – Sign Regulations of the County Code; not to exceed 32 square feet of surface area. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush. No additional signage is being proposed at this time.
11. On July 8, 2022, Lori Brinkman, Senior Environmentalist - Carver County Environmental Services Department, reviewed the application request. Ms. Brinkman stated that a contract for a portable toilet on the property would be a requirement of the permit to ensure adequate restroom facilities are available. A portable toilet contract must be submitted to Land Management. All future contracts must be submitted to the Land Management and Environmental Services Departments.
12. The Waconia Town Board reviewed the request at their June 27, 2022, Town Board meeting and recommended approval with a restriction that "When Waconia Township approves a policy policing gun ranges/shooting ranges – Mr. Anderson agrees to comply with the policy." (NOTE: The applicant reports that there is a personal pistol range on the property used by the owners and employees. There are no zoning code standards or prohibition for this private use.)

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the Conditional Use Permit application for a Contractor's Yard Business, the previous CUP #PZ20060019 (Document Number A441060) would be terminated upon final approval (and recording) of the new CUP #PZ20220027. Therefore, CUP #PZ20220027 would supersede any prior approvals, and the following conditions should be considered part of the permit:
 1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
 2. The operation shall be in accordance with the submitted operational plan (dated June 22, 2022) and site plan (dated: May 27, 2022). These plans shall be attached to and become part of this permit. Any proposed expansion of the submitted site plan shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary.

3. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence and/or property owner for agriculture, personal storage, hobbies, personal recreation and entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this Ordinance.
4. The proposed summer work season lasts from April 1st to November 15th, with Monday to Friday 7am-6pm operating hours. The proposed winter work season lasts from November 15th to April 1st with variable operating hours based on the demand for snow removal.
5. Permittee shall obtain the appropriate building permit(s) and on-site sewer permits (if required) for the construction of the hoop house. All structures used in conjunction with the contractor's yard operation shall meet the requirements of the Minnesota State Building Code. Any future remodeling or improvements to any structures shall require Carver County Building Official review and permit approval. Future construction of any new structure to be utilized as part of the business, shall be permitted upon review and issuance of appropriate building permit(s) prior to construction.
6. A maximum of nine (9) business vehicles (including, but not limited to: pickups and commercial trucks utilized to supply the service) may be stored and/or permitted on the site. All outside storage shall be screened from neighboring properties and the public road and all business-related trucks, equipment and supplies shall be stored within existing structures and/or the approved operational area.
7. The vegetation screening shall be installed according to the approved planting plan and in accordance with Section 152.041 of the County Zoning Code. A planting plan shall be submitted to Carver County Land Management for review and approval. An escrow, in the amount determined by the County Fee Schedule, shall be deposited with the County to ensure establishment of the vegetation, if applicable. No landscaping shall be installed in the public right-of-way.
8. The Permittee shall maintain a portable restroom facility on site for employees. The Permittee shall submit current and future contracts for the portable restroom facility to the Land Management and Environmental Services Departments.
9. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
10. Permittee shall comply with all road authority (MNDOT) access requirements. There shall be no parking within the State Right-of-Way.
11. Permittee shall maintain the Non-generator's Certificate or contact the Environmental Services (E.S.) Department to determine if a Hazardous Waste Generator License is required.
12. All solid waste materials generated by the operation shall be done by contract with a licensed company. All future contracts must be submitted to the Land Management and Environmental Services Departments annually.
13. Permittee shall submit Certificate of Workers' Compensation Insurance to the Land Management Department annually when there are additional employees beyond the owner/operator. The insurance shall be maintained for the duration of the CUP.
14. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations.

- 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:

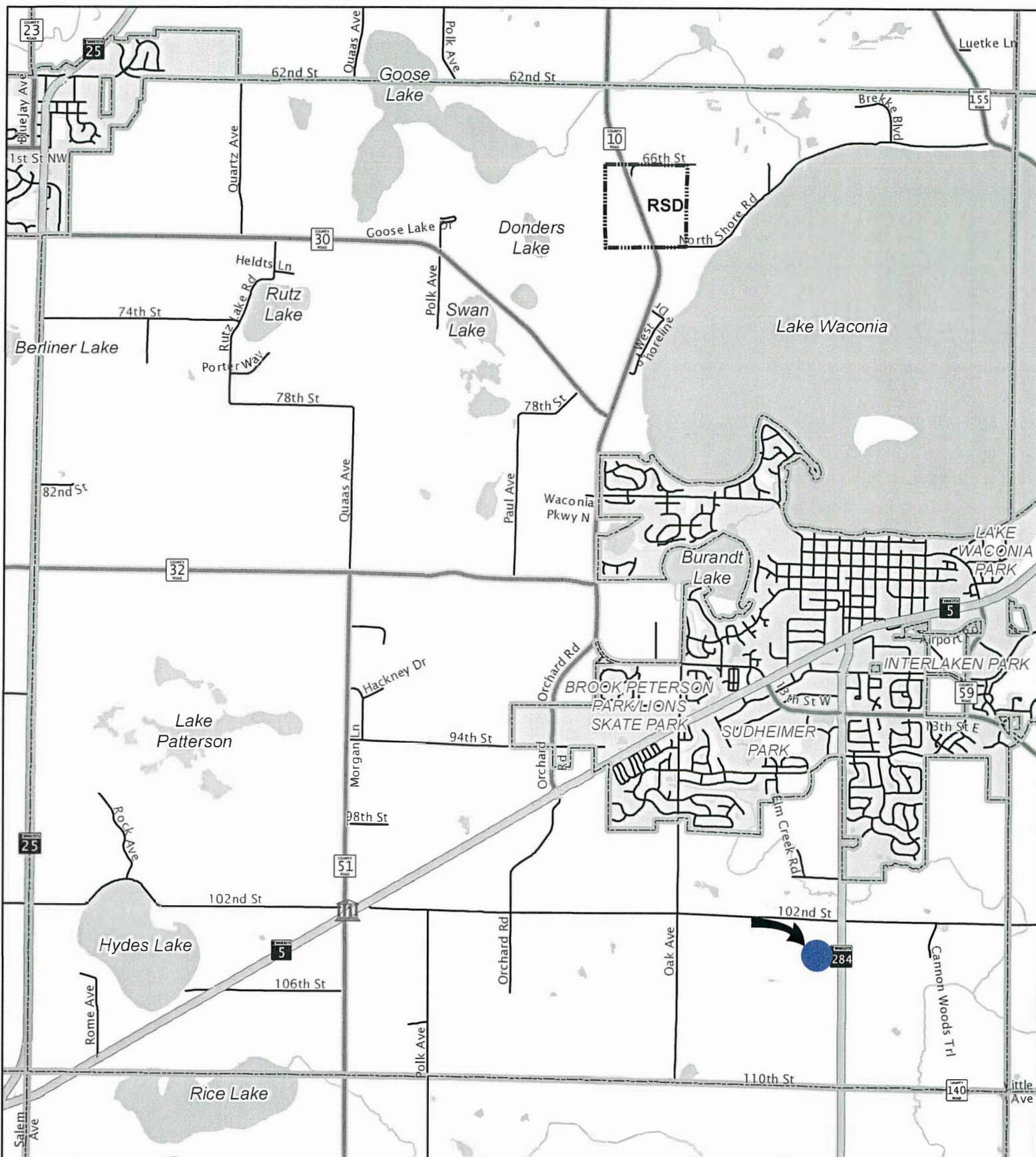
§ 152.251 REQUIRED FINDINGS.

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:

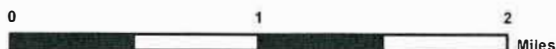
- (A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district, and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules or regulations.
- (B) The conditional or interim use will not be 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 Contractor's Yard Business CUP (#PZ20060019) would remain in full force and effect. The existing use (Contractor's Yard Business) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

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

N 1/2 SEC. 35, T.116, R.25



June 22nd, 2022

Carver County

Planning Commission

600 East 4th Street

Chaska, MN. 55318

To Whom It May Concern,

Thank you for reviewing the plan and explanation of operations for Superior Lawn and Landscape LLC.
Operated at 10480 Highway 284, Cologne MN. 55322

1. **Description of Activity/ Operation being proposed:** Superior Lawn and Landscape is a full-service maintenance and landscape design/build company. Our Mission statement is: Superior Lawn and Landscape exists to help people grow! It is simple and straight to the point but has meanings both for relationships and nature. Landscaping services consist of: building patios, retaining walls, water features, planting beds, outdoor entertainment spaces that include kitchens and fire features. Maintenance services include: mowing, fertilizer and weed control, shrub pruning, and many other outdoor summer services. We also provide snow removal in the winter months that concentrates mainly on townhomes but also cares for single family homes and businesses. We have been in business since 1994 (28 years)
2. **Hours of operation:** Summer hours (April 1 – November 15th) are 7am – 6pm Monday through Friday. Winter Hours (November 15th – April 1) are varied depending on snow fall needs. During the winter we keep our equipment on site and most of our trucks at our employee's homes for ease of access and better service. We do visit to check on the property and repair equipment as needed but do not come to site every day.
3. **The Number of Employees:** The number of employees varies depending on the season. Our full time year round leadership consists of 2 owners, 1 general manager, and 10 foreman (13 people). These employees will report to site each day according to our hours of operation. Our seasonal employees change throughout the year as college labor comes and goes and as seasonal help is needed. This currently is as high as 20 additional employees that report directly to their work sites except when the travel distance is too great.
4. **Vehicles over night on site:** Total number will be 9. 5 dump trucks and 4 pick-ups connected to lawn mowing trailers. 2 stored inside pole building and 2 under hoop structure. All other vehicles in the company are stored at our garden center in St Bonifacius or driven home by our foreman to their personal homes.
5. **Parking spaces for employees:** The parking spaces for employees are marked on our site map plan which is near our main pole building. 2 areas will be allowed.

6. **Use of new and existing structures:** The house on the property is occupied and homesteaded by Jeff Wood one of our trusted foremen (54 years old). The detached garage on 284 is used as our fertilizer storage building in accordance with the instruction from the department of Agriculture. The 2 smaller outbuildings are used for tool storage and seasonal tire storage for our bobcats. Our main pole building is used for service, storage and repair of equipment and goods that need to be protected from the elements. There is a dirt shed in the back of the property to keep our soil dry. We have recently put up a hoop house that serves to keep equipment dry right now and may grow perennials in the future for our garden center in St Bonifacius.
7. **Outdoor Storage Needs:** Our needs have grown over the years with our company. We store mulch in bins, boulders next to that and extra landscape products from jobs. We also have tree trimming/removal pile that is hauled away to Herman's Landscape products in Jordan at the end of the season. We also collect leaf debris from our spring and fall clean-ups that decomposes into dirt we then use in our landscape builds.
8. **Screening:** We have had screening around our entire property that needs some updating as some of it has died in the last 16 years. We plan to comply with all requirements.
9. **People who would access the site:** The only people allowed to enter are delivery drivers and employees. The public is not welcome.

Superior Lawn and Landscape strives to help people grow. That is our mission. Maintaining and building new spaces for people to enjoy is one obvious reason we exist but it is not our main reason. Our main reason for being in business is to develop people, give them second chances at life and provide a place for our employees to believe in themselves. Many of our new employees come to us with lack of direction or the simple need of a job but leave us with a solid foundation for life. We have many examples of employees including staff right now that would say how Superior has changed their lives for the better.

We would like to say thank you for your time and consideration in reviewing this proposal.

Sincerely,



Eric Anderson

President

Superior Lawn and Landscape

PO Box 207

St Bonifacius MN 55375

952-292-3797 cell

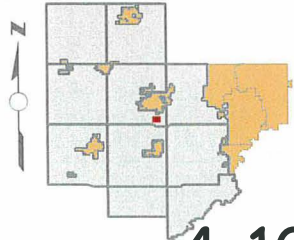
SUPERIOR LAWN & LANDSCAPING SITE MAP



Carver County GIS



Date: 5/27/2022
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.



MAPLE/LINDEN MIX, # : 15 STOCK FROM GARDEN CENTER

NANNY BERRY 5' OC = 60

ALPINE CURRANT 5' OC = 60

DOWNWOOD 95' 4' OC = 24

ARBRS 140 FT 4' OC = 35

SUPERIOR LAWN & LANDSCAPE - SITE PLAN





Township Presentation & Recommendation Form

PARCEL #	09-035-0900	Permit #	P220.220027
Owner's Name:	EMC ANDERSON	Owner's Mailing Address:	9220 LAVER RD
City:	MINNETONKA	Owner State:	MN
		Owner Zip:	55375
Applicant (if other than owner):		Site Address:	10480 Highway 284 LODGE 55322

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:	CUP UPDATE FROM COMPANY GROWTH SINCE 2006					
Date of County Public Hearing:	JULY 19 2022		Date of Township Meeting:	6/27/22		

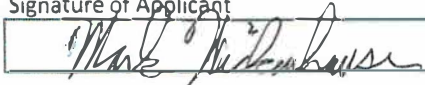
Actions:

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:

Restrictions: When Waconia township approves a policy policy gun ranges/shooting ranges - Mr. Anderson agrees to comply with the policy -

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

 Signature of Applicant	Date <u>6/23/22</u>
 Signature of Township Official	Date <u>6/23/22</u>



COUNTY OF CARVER
State of Minnesota

Document No.
A 441060

OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA

Fee: \$

Check#:

Certified Recorded on 05-12-2006 at 02:00 ☐ AM ☒ PM



Carl W. Hanson, Jr.
County Recorder

FILE #: PZ20060019

APPLICANT: Eric Anderson and Craig Frick

OWNER: Druella Hasse

SITE ADDRESS: 10480 Hwy 284, Waconia

PERMIT TYPE: Contractor's Yard

PURSUANT TO: County Code, Chapter 152, Section 152.079 C10

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-035-0900

Drafted by } Land Management
Return to } Land Management

CONDITIONAL USE PERMIT #PZ20060019

PLANNING COMMISSION RESOLUTION #: 06-09

ORDER #: PZ20060019

DATE ISSUED: May 2, 2006

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

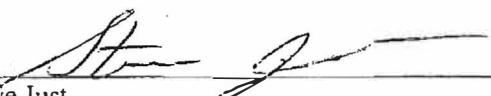
THE CONTRACTOR'S YARD IS AUTHORIZED BY COUNTY BOARD ORDER #PZ20060019, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20060019. THIS PERMIT IS ISSUED PURSUANT TO CHAPTER 152 OF THE CARVER COUNTY CODE, SECTION(s) 152.079 FOR A CONTRACTOR'S YARD (LANDSCAPING BUSINESS) ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THIS PERMIT SHALL NOT BE FINALIZED (I.E. SIGNED AND RECORDED) UNTIL THE HOMESTEADING REQUIREMENT IS FULFILLED. THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The operation shall be in accordance with the submitted operational & site plans (dated: 3/22/06). These plans shall be attached to and become part of this permit.
3. Permittee shall obtain the appropriate building permit(s) and on-site sewer permits (if required) prior to the construction of the 60' x 120' structure. All structures used in conjunction with the contractor's yard operation shall meet the requirements of the Minnesota State Building Code. A grading plan and erosion/sediment control plan shall be implemented according to SWCD's recommendations, in conjunction with the issuance of the building permit.
4. Outside storage of business equipment, supplies and/or vehicles is permitted within the designated area only. Natural plantings as illustrated in the operational plan shall be established within the 2006 growing season. Trees/plantings shall be preserved and/or replaced if necessary. Permanent outside storage of vehicles and equipment shall be permitted if the storage in the designated area is screened from nearby roads and residences. No more than 9 business

vehicles shall be permitted.

5. The Permittee shall contact the Environmental Services (E.S.) Department to obtain a Hazardous Waste Generator's License as required.
6. The Permittee shall be responsible for obtaining proper access permits as authorized by the responsible road authority.
7. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit to the Land Management Department.


Steve Just
Deputy Planning Director

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

Applicant signature block

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

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


Signature of Applicant

5-11-06
Date

March 22, 2006

Carver County
Planning Commission
600 East 4th Street
Chaska, MN 55318

To Whom It May Concern,

Please review the following explanation and description of Superior Lawn and Landscape's business that we are planning to operate at 10480 Highway 284, Waconia Township.

Description of Activity/ Operation being proposed: We operate a full landscape design and installation business, along with a complete property maintenance service. Included in the landscape service are designs and installation of pavers, retaining walls, water features, plantings, outdoor lighting, irrigations systems, sod and seeding. Included in the maintenance service are mowing, trimming, fertilization, shrub pruning, mulch dressing, plowing, shoveling, and sanding. We have been in business for 12 years and have created a great reputation in the community to be dependable and professional.

Hours of Operation: Summer hours (April 1st – November 1st) are 7am to 7 pm Monday through Friday and Saturday 7 am – 2 pm. Winter hours (November 1st – April 1st) are varied depending on demand for snow removal. Most employees keep their plow trucks at their house over the winter for easier access. There are no regular hours of operation over the winter except for the occasional visit to check on equipment and to repair anything broken.

The Number of Employees: The number of full time, salaried employees is 3 and the number of additional seasonal summer employees is 4. There are 2 owners now with the potential of more family members joining us in working for the company in the future. Both owners and all of the employees will report to the site on a daily basis in accordance with the hours of operation.

Number of trips generated every day: The number of trips generated every day will be 22. There will be 7 personal cars and 4 work vehicles that will come and go each day.

Number of parking spaces available on site: The number of parking spots that will be available on site will be 15. They will be located next to a new proposed pole building in the rear of the property as indicated by our site plan.

Use of new and existing structures: The house on the property will be occupied by one of our board members and his fiancé. For now, the existing steel 'out building' near the house will be used to keep all the equipment in and will provide a place to repair any broken equipment. A new 60 ft x 120 ft pole building will be constructed according

to the site plan. The new building will be used to store all the equipment in, including trucks, in order to maintain a neat appearance and make our equipment last longer.

Outdoor storage needs: Our outdoor storage needs include holding b&b trees, shrubs, mulch and boulders. Our mulch and boulders will be kept in bins to keep a neat appearance and our products separate.

Water services and waste management: Our waste will consist of packaging materials for products that we use on a daily basis. Our waste will be removed by a reputable waste service on a weekly basis. In the future our well may need to be replaced by one that will be able to deliver larger amounts of water for a fire protection system that we would like to install in our proposed new pole building as seen on our site plan.

Screening proposed: We are planning to screen the entire perimeter of the property with the appropriate trees for a wind break and privacy for the future. We will coordinate with the county to buy the appropriate tree through their program.

Signage for the property: There are no immediate plans for a sign on the property. In the near future we would propose a 3 ft x 5 ft sign at the entrance of the property that would be incorporated with a small water feature to create professional look.

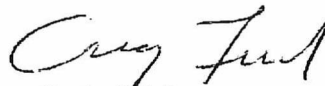
People who would access the site: The people who will access the site are employees, occasional deliveries (UPS & supply deliveries), owners and their family members. The public would not have access to the property.

We would like to thank you for your time and consideration in reviewing this proposal.

Sincerely,



Eric Anderson



Craig Frick

Superior Lawn and Landscape
PO Box 207
St. Bonifacius, MN. 55375

952-446-1003 Office
952-446-1788 Fax

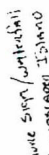


EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-035-0900

File# PZ20220027

**APPLICANTS/OWNERS: Eric E Anderson & Craig Frick
& Jeffrey Roland Wood**

* * * * *

The South 940.00 feet of the East 927.00 feet of the South Half of the Northeast Quarter (S1/2 of NE1/4) of Section 35, Township 116 North, Range 25 West, of the 5th Principle Meridian, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 12, 2022

TO: Carver County Planning Commission & Dahlgren Town Board

FROM: Environmental Services Department & Land Management Department

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

FILE #: PZ20220029

APPLICANT: Dawn Thostenson

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

SITE ADDRESS: 8570 Highway 212, Cologne MN 55322

PERMIT TYPE: Public Equestrian Facility

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-008-300, 04-008-0710, 04-008-0711

STAFF ANALYSIS:

1. Dawn K Thostenson Revocable Trust owns approximately 205 acres located in the East Half (E½) Southwest Quarter (SW¼) and the East Half (E½) of the Northwest Quarter (NW¼) of Section 8, Dahlgren Township. The properties consist of agricultural production land, wooded area, wetlands, and lakebed. Ms. Thostenson has owned the majority of these properties since 1996. She currently resides at the residence located to the northwest (8572 Hwy 212 Cologne, MN 55322), and owns and operates the public boarding equestrian facility and feedlot Conditional Use Permit (#10481) at 8570 Hwy 212 Cologne, MN 55322. The properties are located in the Agricultural Zoning District, Shoreland Overlay District of Miller Lake (i.e. DNR Natural Environment Lake), and the CCWMO (Carver Creek watershed).
2. Ms. Thostenson is requesting authorization to amend the existing Conditional Use Permit (CUP) to expand the permitted maximum animal unit (A.U.) numbers from 70 to 88 in order to accommodate growth as part of the Public Equestrian Facility (i.e. Cross Creek Stables). The original public stable CUP was issued to the property (125.73 acres) in October of 1996 (CUP #10481 is attached). The proposed expansion to the commercial activity would allow the operation to grow and continue to operate as a Public Equestrian Facility pursuant to Section 152.071 (B) and 152.079 (C)(5) of the Carver County Zoning Code, which reads as follows:

§ 152.071 ANIMAL AGRICULTURE.

(A) Animal agriculture shall be conducted in accordance with the county feedlot regulations.

(B) New feedlots shall not be located within a Shoreland District. Existing feedlots shall be operated in a Shoreland District under a conditional use permit.

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

(A) Minimum criteria for issuance of permit:

- (1) Minimum five-acre lot size; unless another size is specified under a particular provision;
- (2) Sewage can be managed in accordance with Chapter 52 of this code of ordinances;
- (3) Land is not subject to the land use restrictions of an AG preserve covenant;
- (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless written approval for location

on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect;

- (5) There is a single-family home on the parcel occupied as a homestead by a principal of the activity; or a single-family home will be constructed or homesteaded before the CUP for the activity is issued;
- (6) The scale and operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs—traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal—that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions:

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

(C) Activities.

(5) Equestrian facilities

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

3. The Carver County Zoning Code requires a Conditional Use Permit to allow for the expansion beyond an approved operational area or expanded use as described within the previously approved permit. Additionally, any existing feedlots in the Shoreland Overlay District require an updated CUP for additional animal units. Any future plans to expand the facility, would require the applicant to apply for and receive a new CUP.
4. Ms. Thostenson's letter (dated June 24, 2022) and site plan (dated July 10, 2022) describes her plans to expand the public equestrian facility, listed as Phase I, while maintaining three (3) existing barns for boarding clients (a 90' x 200' outdoor riding arena, a 72' x 144' indoor arena, a viewing room, tack lockers, grooming areas), as well as multiple 3-sided leans for shelter. The operations area also includes approximately 3 miles of trails that extend to Miller Lake for clients to ride and enjoy. Ms. Thostenson commented, *"in recent years, many local horse barns have closed or sold to development. In addition, covid increased the popularity of horseback riding due to its ability to be enjoyed outside and for the proven therapeutic benefits. In response to this growing demand, I am requesting an increase in animal units allowed under the Conditional Use Permit as explained in Phase I."* Changes in the use of existing structures or the construction of new buildings would require the submittal of a new CUP application.

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

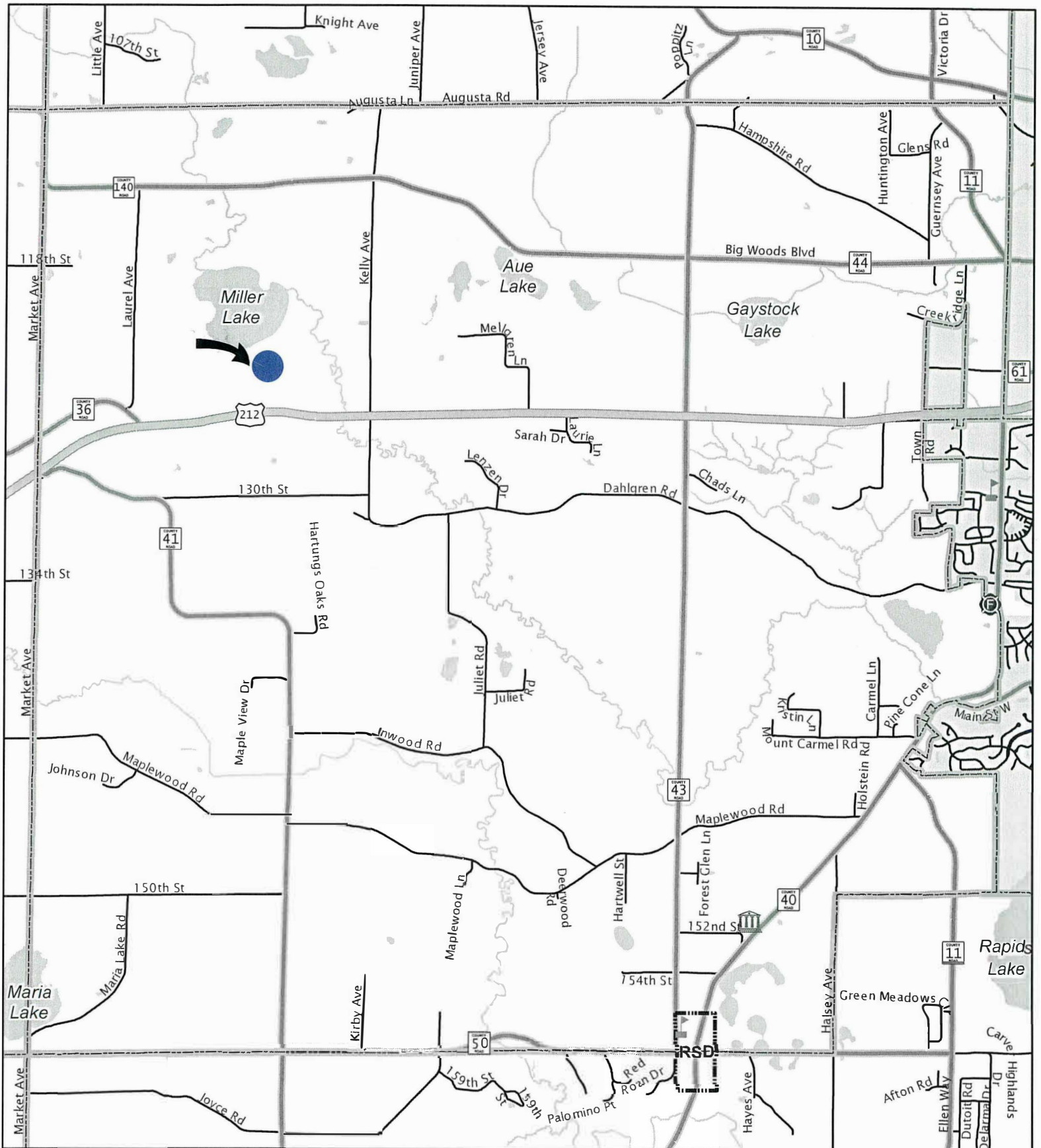
13. The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, site stabilization requirements, and Best Management Practices (BMP's) are typically reviewed as part of any site improvements pursuant to Chapter 153 of the County Code (Water Management Rules). The overall area of disturbance and the proposed operational area may trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or beginning any excavation activity. Any wetlands on the property would be reviewed pursuant to the Wetland Conservation Act (WCA).
14. There is currently a sign measuring approximately 32 square feet adjacent to Hwy. 284. All signage is required to meet the standards of Chapter 154 – Sign Regulations of the County Code; not to exceed 32 square feet of surface area. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush. No additional signage is being proposed at this time.
15. This application was reviewed during the July 11, 2022, Dahlgren Township meeting, who recommended approval without any additional conditions.

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the Conditional Use Permit application for a Public Equestrian Facility and Feedlot, the previous CUP #10481 (Document Number 205911) would be terminated upon final approval (and recording) of the new CUP #PZ20220029. Therefore, CUP #PZ20220029 would supersede any prior approvals, and the following conditions should be considered part of the permit:
1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
 2. The Public Equestrian Facility, Cross Creek Stables, shall operate in accordance with the operational plan (dated: June 24, 2022) and site plan (dated: July 10, 2022). These plans shall be attached to and become part of this permit. This Equestrian Facility request only allows for up to 88 animal units (A.U.) (public and/or private), and the use of the existing barns as part of the activity described as part of the “Phase 1”. Changes in the use of existing structures or the construction of new buildings or any future plans to enlarge the facility, would require the applicant to apply and receive a new Conditional Use Permit. Phase 2 of the expansion would require an amendment as the size and scope of the operation intensifies.
 3. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence and/or property owner for agriculture, personal storage, hobbies, personal recreation and entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this Ordinance.
 4. The facility would continue to operate year-round, seven (7) days a week and maintain its current hours of operation open to the public (7:00AM to 10:00PM). Changes to the months, days and/or hours of operation would require the submittal of a new CUP application.
 5. Any Special Events “public activities” taking place on the property must be reviewed and approved by the Land Management Department prior to commencing the activities.
 6. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.

7. The Permittee shall comply with the road authority's (MnDOT) access requirements and/or improvements, if any. Parking along Highway 212 or within MnDOT right-of-way shall be prohibited.
 8. Permittee shall submit Certificate of Workers' Compensation Insurance to the Land Management Department annually when there are additional employees beyond the owner/operator. The insurance shall be maintained for the duration of the CUP.
 9. The permittee shall comply with all Carver County Shoreland Regulations and Feedlot Ordinance requirements. A manure management plan pursuant to Minn. Rules 7020.2225 Subp. 4 shall be prepared and submitted to the County Feedlot Officer, annually.
 10. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, Chapter 54 – Feedlot regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations.
- 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 Public Equestrian Facility Business CUP (#10481) would remain in full force and effect. The existing use (Contractor's Yard Business) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

DAHLGREN TOWNSHIP



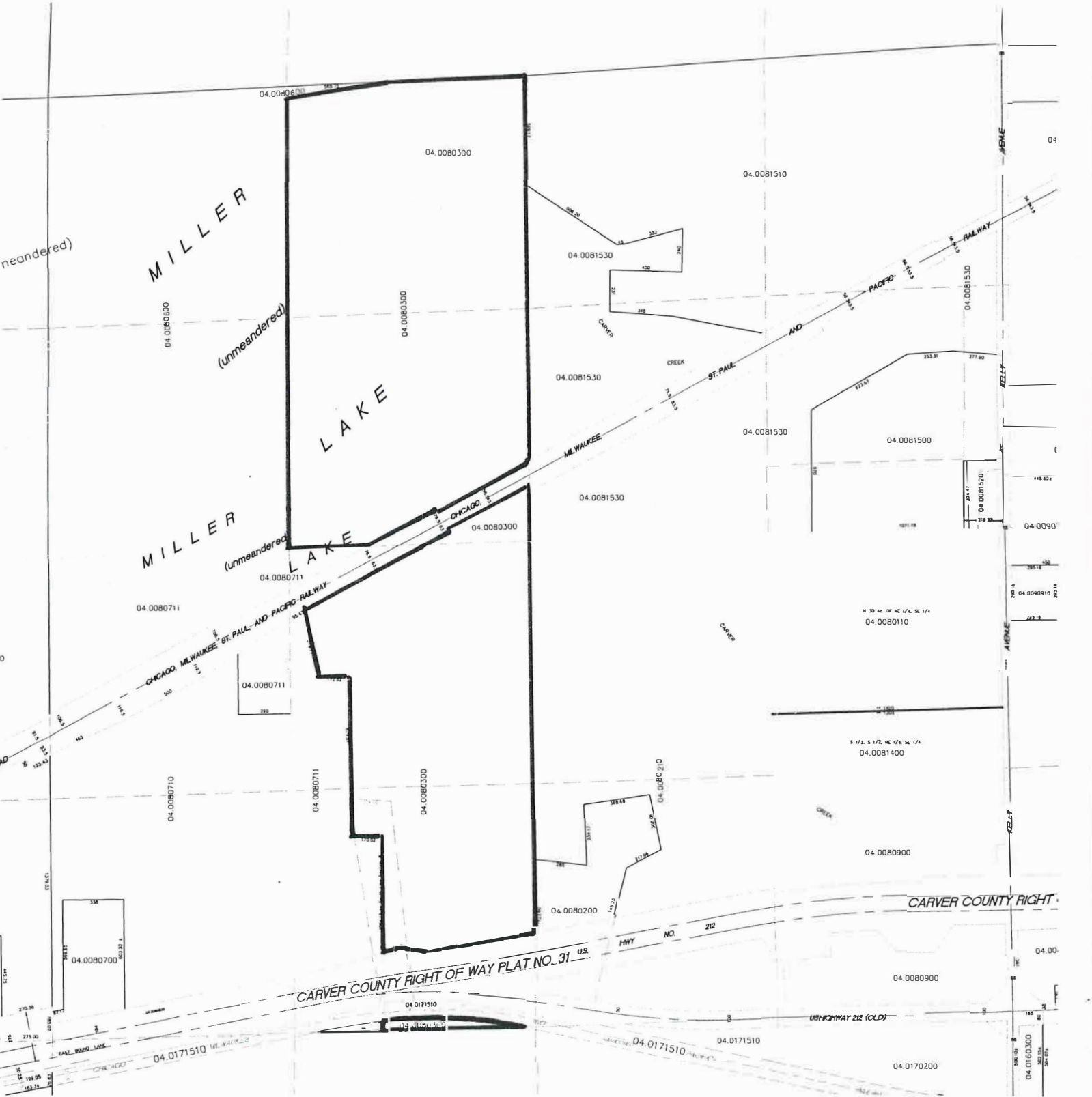
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Map Created by Carver County GIS

ALL RECORDS PLAT
IMPLICATION OF RECORDS
IN THE CARVER COUNTY
AND SOURCES THIS MAP
SHOULD BE FOR REFERENCE
ONLY AND ITS AGENTS
MADE FOR ANY
INTEREST THEREIN.

SEC. 8, T.115, R.24



Surveying & Maps
Carver County Gov
100 East Fourth St
Chaska, MN 55311

Cross Creek Stables

June 24, 2022

Dahlgren Township Members – July 11, 2022

Carver County Planning Commission Members – July 19, 2022 (submission deadline June 24, 2022)

RE: Modification of Animal Units allowed in Feedlot #019-63359

Dear Board Members:

Cross Creek Stables has boarded horses since 1997 and has always had a strong demand, driven by our quality care, proximity to the city and vast amenities including an indoor arena, outdoor arena, and approximately 200 acres of trails around Miller Lake.

In recent years, many local horse barns have closed or sold to development. In addition, covid increased the popularity of horseback riding due to its ability to be enjoyed outside and for the proven therapeutic benefits. In response to this growing demand, I am requesting an increase in animal units allowed under the Conditional Use Permit as explained in Phase I.

Phase I: Increase from 70 to 88 horses within current infrastructure

I am seeking approval to increase my current CUP from 70 to 88 horses. Due to a change in training disciplines and clientele, I can accommodate up to 88 horses in the current setting without an impact on business operations. The MinnFarm analysis performed by Matt Steele of Carver County found that the current feedlot configuration could support the increased number without negatively impacting the environment. Kristen Larson of Soil and Water confirmed that setbacks to wetlands are compliant, and the septic system is compliant. Below are the proposed increases in animal units by barn:

	Current	Proposed Increase	New AU's
Arena Barn	28	16	44
Training Barn	23	2	25
Red Barn	19	0	19
	70	18	88

Business Operations:

The increased horses would not impact the overall business operations. The facility includes three barns which offer different accommodations for boarders and horses. The main amenities include a 90' x 200' outdoor arena, a 72' x 144' indoor arena, a viewing room, and tack lockers and grooming areas. The property offers approximately 3 miles of trails around a private lake for clients to ride. I have three on-site trainers that offer training and lessons. My hours of operation to the public are 7 am to 10 pm. Staff arrives at 6 am to start chores.



Cross Creek Stables

6-24-22

I employ approximately ten staff, a blend of full and part time people. I have long tenured employees, and many are also boarding clients who have a vested interest in caring for the horses. All employees are covered by workers compensation insurance. The morning shift is from 6 am – 10 am and requires five staff. The evening shift is from 4 pm – 6 pm and requires three staff. Adding 18 horses would not require additional staff but rather the need for staff to work a slightly longer shift – approximately 30 minutes extra in the morning and evening.

Staff fetch horses for farriers and veterinarians during the morning shift. Stalls are cleaned daily; paddocks are scraped bi-monthly and manure is hauled off-site in partnership with several local vendors.

Since the original CUP in 1997, I acquired the adjacent 42.5-acre farm that allows me to produce the hay needed for the operation. The hay is stored in the red barn and hay shed. Equipment is stored in the machine shop. These are noted on the site plan.

Traffic/Parking Impact:

The increase in horses will not significantly impact traffic. Client visits vary from once a month to 3-4 times per week. On average, approximately 8-10 clients visit the facility throughout the day. Farrier and vet visits average one or two trips per week. Like employees, the frequency will not increase but they will simply increase their time here to handle the increased horses. Between clients, vendors and staff, I anticipate the number of cars increasing by two or three per day.

The current parking area is adequate to accommodate this volume.

Phase II: Addition of 35 horses, including building a new barn and/or riding arena

I am not currently seeking approval of Phase II but sharing possible future plans. Phase II would be a future expansion of the existing feedlot by constructing a new barn/indoor arena and dry lot area large enough to accommodate an additional 35 horses. This has been a consideration for several years, and various options have been discussed with Jason Mielke. Jason recommended that I submit the concept for Phase II while seeking approval of Phase I. Attached is the proposed site plan which includes:

- Expansion of the existing feedlot by 80,000 SF to accommodate an additional 35 horses.
 - Dry Lot 1 – 150 x 300 = 45,000 SF – 20 horses
 - Dry Lot 2 – 100 x 350 = 35,000 SF – 15 horses
- Addition of a barn for stalls and an indoor riding arena – 108 x 168 steel structure

Matt Steele prepared the site map, ensuring the expansion would meet the required setback of 1,000 feet from neighboring homes. Matt also performed a MinnFarm and found no environmental concerns. Lori Brinkman confirmed that no septic would be required for this expansion. I will submit a formal application at that time and work within the current guidelines.



Cross Creek Stables

Business Operations:

Overall business operations would not change, other than the need to add two employees. The new infrastructure would be built to run in harmony with the current operations.

Traffic/Parking Impact:

Based on existing client activity, I expect Phase II would generate an additional 3-5 client visits per day plus two additional employees for a total of 5-7 trips per day. I do not anticipate farriers or vets would increase their visits to absorb this number of horses. The new barn area would have its own dedicated parking lot adequate to support the traffic.

Summary:

To summarize, I am seeking approval to increase the number of horses from 70 to 88. I've been in business 25 years, maintain a 5 star google rating and believe the expansion aligns with the highest and best use of the property. Thank you for taking the time to review my request and please let me know if you have any questions.

Cross Creek Stables, LLC

Dawn Thostenson

Dawn Thostenson
Owner
8570 Highway 212
Cologne, MN 55322
Parcel 04-0080300



Cross Creek Stables
Proposed Animal Units by Barn
6/24/2022

Phase I

A: Training Barn = 25

B: Arena Barn = 44

C: Red Barn = 19

Total = 88

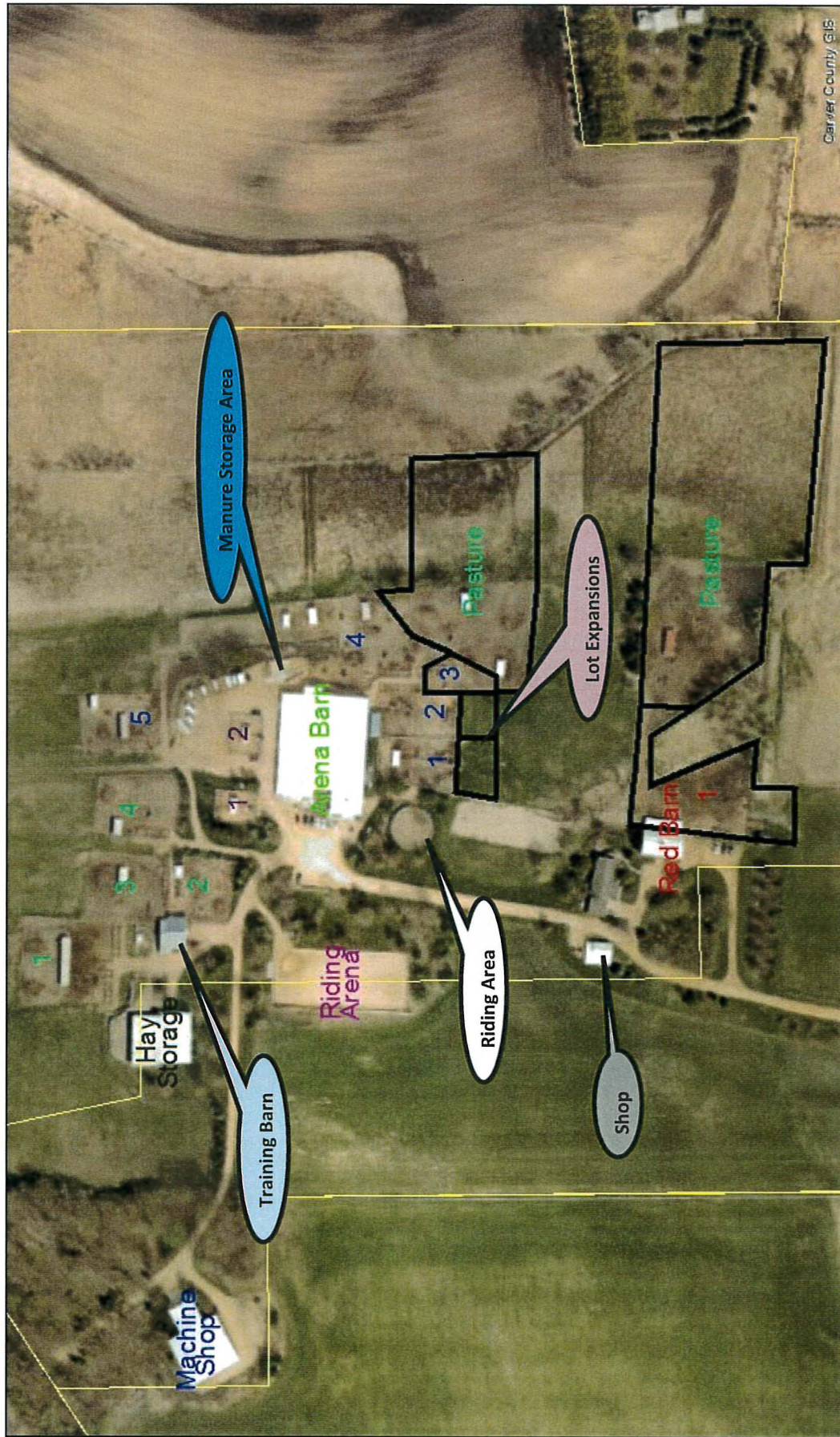
Phase II

D: New Barn = 35



Phase I

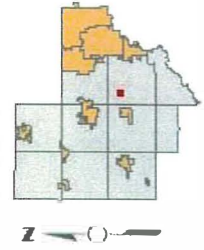
DAWN THOSTENSON SITE MAP



Date: 7/10/2022



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Phase II
feedlot location

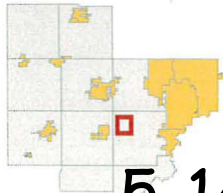
212

CROSS CREEK STABLE LLC



Date: 7/10/2022

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





**CARVER
COUNTY**

Public Services Division
Carver County
Government Center 600
East 4th Street
Chaska, MN 55318-2102

Data Collection Sheet for Registration (New and/or Existing sites)

For Delegated Counties

Instructions: The following pieces of data are required to complete the online registration service process. The online registration service can be found here: <https://webapp.pca.state.mn.us/services/login>. This form will **NOT** be processed if sent to the MPCA. Registrations are required to be processed only through the online registration service. Counties may ask for more information pertaining to their County Ordinances as needed. Counties would need to add the following qualifier if they were to add county specific data to this form "This data is being collected for County purposes only and would not be required to meet MN 7020 rules for registration." ***Disclaimer - What is entered in the online registration system is the official registration information. This is only a data collection sheet. This is not an official MPCA Form.**

Facility name and address ☐ The information below reflects a change to the name of an existing registered facility.

Facility name: Cross Creek Stables LLC

Registration number: 019-63359

Facility Address: 8570 Highway 212

Parcel ID number: 04.008.0300

City: Cologne

State: MN

Zip code: 55322-9154

Phone: 612-701-6501

Email: crosscreekstables99@gmail.com

Ownership information ☐ The information below reflects a change of ownership of an existing registered facility.

Contact Person ☒ Same as feedlot name and address

Feedlot Owner ☒ Same as feedlot contact

Name: Dawn Thostenson

Name: _____

Address: 8572 Highway 212

Address: _____

City: Cologne

State: MN

City: _____

State: _____

Phone: 612-701-6501

Zip: 55322

Phone: _____

Zip: _____

Email: _____

Email: _____

Facility locational information

County: Carver

City/Township: Dahlgren

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
<u>T 115 N</u>	<u>R 24 W</u>	<u>008</u>	<u>SW</u>	<u>NE</u>

Any surface waters or tile intakes within 1,000 feet of the facility? (If Yes, indicate types below)

☒ Yes ☐ No

☐ Lake/Pond larger than 25 acres ☐ Wetland ☐ Drainage ditch ☐ River/Stream/Creek ☐ Tile intake

Is any part of the facility within 300 feet of a river/stream?

☐ Yes ☒ No

Any part of the facility located within a delineated flood plain (100 year flood)?

☐ Yes ☒ No

Any part of the facility located within designated shoreland?

☒ Yes ☐ No

Any part of the facility within 300 feet of a known sinkhole?

☐ Yes ☒ No

Facility operations information (indicate components that are currently part of your livestock or poultry operation)

Animals on pasture for part of the year

☒ Yes ☐ No

Open lots (dirt, concrete, other) that are designed as animal holding areas

☒ Yes ☐ No

Buildings that are designed for animal confinement or as animal holding areas

☒ Yes ☐ No

If yes to either above, what is the shortest distance from an animal holding area to a well? (including unused or unsealed wells) 90 feet

A liquid manure storage structure

☐ Yes ☒ No

A manure stockpile (solid manure storage area)

☒ Yes ☐ No

If yes to either above, what is the shortest distance from a manure storage area to a well? (including unused or unsealed wells) 290 feet

If you closed a liquid manure storage area or permanent manure stockpile since your last registration, complete the following:

Date closed: _____

☐ Liquid storage
☐ Solid storage

Date closed: _____

☐ Liquid storage
☐ Solid storage

Number of animals at the facility

If you currently do **not** maintain animals at the site, list the date that you last had animals (mm/dd/yyyy): _____

Enter in column E the maximum number of animals that you have maintained (standing herd or flock size) at the facility at any given time in the past five years. Then calculate the animal units in column F by multiplying the value in column E by the value in column B. No changes are needed in columns C and D as this is the information currently on file with the MCPA.

[illegible]**Signature** (person completing the form) and **Submittal**

Print name: DAWN THORSTENSON
Signature: Dawn Thorstenson

Title: OWNER
Date: 5/29/2022



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	04. 0080300	Permit #	PZ 20220029
Owner's Name:	Owner's Mailing Address:		
DAWN THOSTENSON	8572 Highway 212		
City:	Owner State:	Owner Zip:	
Cologne	MN	55322	
Applicant (if other than owner):	Site Address:		
	8570 Highway 212 Cologne 55322		

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:	increase cup animal units					

Date of County Public Hearing:	7/19/22	Date of Township Meeting:	7/11/2022
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Actions:

Township Action Taken:

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

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

Signature of Applicant

Signature of Township Official

Date

Date

COUNTY OF CARVER
CONDITIONAL USE PERMIT #10481

PLANNING COMMISSION RESOLUTION #96-44

ORDER #10481

DATE ISSUED: October 29, 1996

FILE #: 10481

APPLICANT: Scott Mann

PERMIT TYPE: Stable & Feedlot

PURSUANT TO: Ordinance No. 32S, Section(s) 3.0318 & 5.0202

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-008-0300 & 04-008-0500

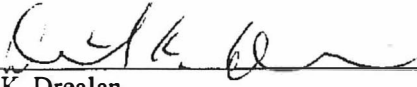
This permit is issued for property legally described on the attached Exhibit A, pursuant to Carver County Ordinance #32S.

Purpose of Permit: To permit the operation of a commercial horse stable on property described on the attached exhibit A.

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

1. The permit holder must apply for and receive a feedlot permit prior to the issuance of the Conditional Use Permit. The feedlot permit shall become part of this Conditional Use Permit.
2. The operational plan shall be attached to and become part of this permit. Expansion or additions that increase the size or intensity of the operation, as determined by the Zoning Administrator, shall require an amendment to the permit.
3. The number of horses shall be determined by the provisions of the feedlot certificate with the number not exceeding 70.
4. Adequate measures must be taken to keep the horses within the boundaries of the parcel. Any horses that are ridden at the site shall not enter neighboring property without approval of the parcel owner. Horses shall not be ridden on Highway 212.
5. The building and on-site sewer permits must be issued prior to construction.

6. Permittee shall submit a certificate of workers' compensation insurance or proper affidavit prior to issuance of any permit and annually thereafter.
7. The permit is subject to annual administrative review.

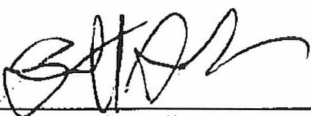


David K. Drealan
Director of Planning & Zoning

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 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

1-10-97
Date

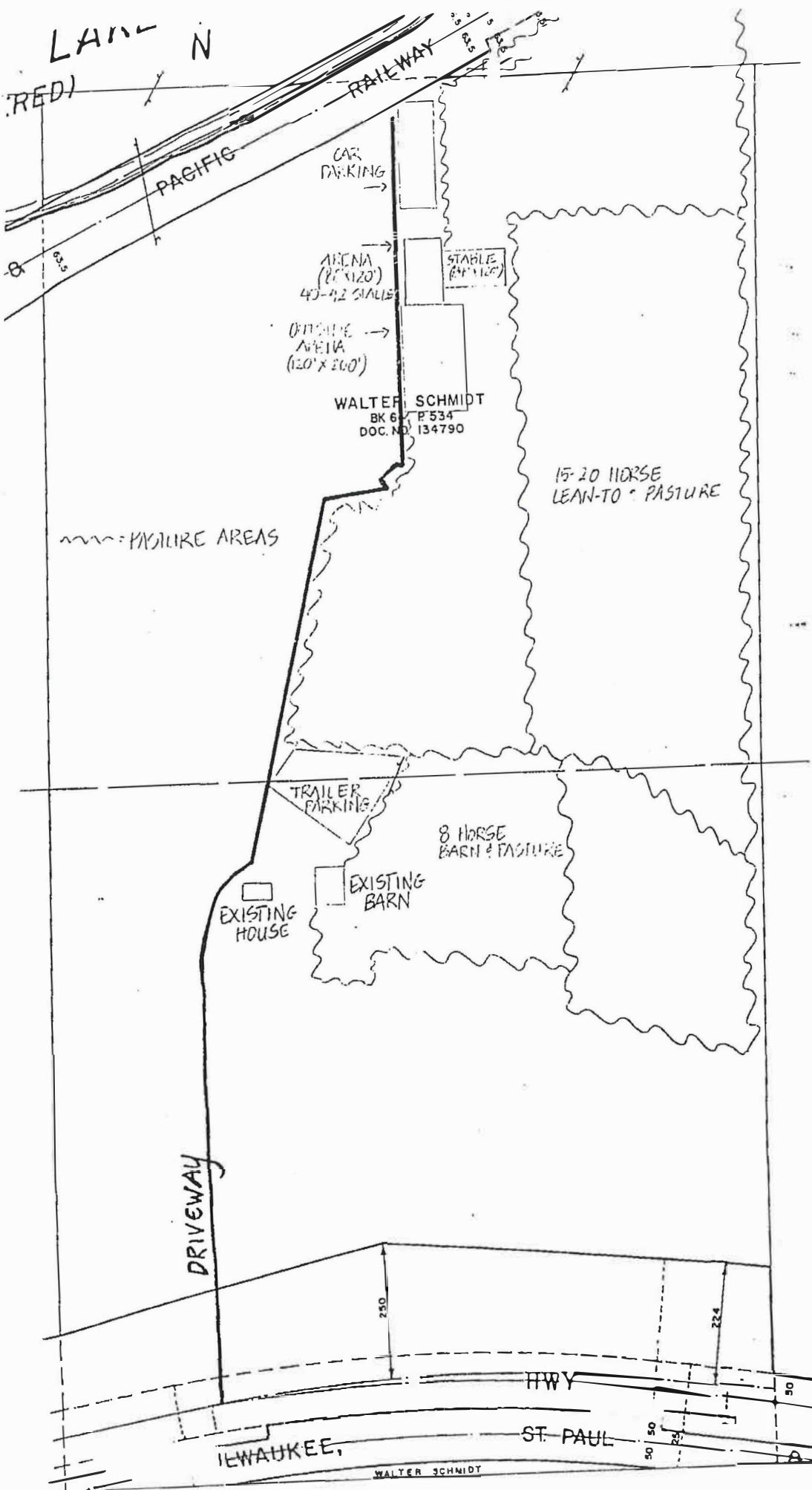


EXHIBIT A - LEGAL DESCRIPTION

PID 04-008-0300 & 04-008-0500

FILE 10481

APPLICANT/OWNER: Scott Mann

+++++

CARVER COUNTY, MINNESOTA

The East one-half of the Southwest Quarter (E1/2 of SW1/4) and the East one-half of the Northwest Quarter (E1/2 of NW1/4) of Section Eight (8), Township One Hundred Fifteen (115), Range Twenty-four (24), Carver County, Minnesota. EXCEPTING tracts formerly deeded to Railroad Companies as shown by recorded deeds. ALSO, EXCEPTING the following described tract:

Commencing at a post on the section line between Sections Eight (8) and Five (5), in Township 115, Range 24, which post bears East 35 1/2 rods from the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 8, Township 115, Range 24; thence running West 35 1/2 rods to the Northwest corner post; thence South 4 rods to a post; thence Northeasterly to place of beginning and forming a triangle lying and being in the Northeast Quarter of the Northwest Quarter of Section 8, Township 115 Range 24

FURTHER EXCEPTING that portion as conveyed to the State of Minnesota in Warranty Deed dated September 25, 1970, filed October 26, 1970 in Book 102 of Deeds, page 48-49 and in Warranty Deed dated August 4, 1971, filed September 14, 1971 in Book 105 of Deeds, page 3. (Copies of Documents are attached)

Abstract.

Document No: 205911

STATE OF MINNESOTA
CARVER COUNTY RECORDER
(Abstract Department)

Filing Fee: 1110 Copy Fee: _____

Check No: _____ Cash _____

Filed On Apr 14, 1997

at 1130 am

Carl W. Hanson Jr., County Recorder

By: Mary L. Hanson

Zoning

EXHIBIT "A" – LEGAL DESCRIPTION

**PID NUMBER: 04-008-0300
04-008-0710
04-008-0711**

File# A20220029

**APPLICANT/OWNER: Dawn K Taylor Revocable Trust
Dawn K Taylor, Trustee**

* * * * *

04-008-0300

The East Half of the Southwest Quarter and the East Half of the Northwest Quarter of Section 8, Township 115, Range 24, Carver County, Minnesota, EXCEPTING THEREFROM the following described four tracts:

1. The tracts formerly deeded to Railroad companies as shown by recorded deeds.
2. Commencing at a post on the section line between Sections 8 and 5, in Township 115, Range 24, which post bears East 35 ½ rods from the northwest corner of the Northeast Quarter of the Northwest Quarter of Section 8, Township 115, Range 24; thence running West 35 ½ rods to the Northwest corner post; thence South 4 rods to a post; thence Northeasterly to place of beginning and forming a triangle lying and being in the Northeast Quarter of the Northwest Quarter of Section 8, Township 115, Range 24.
3. That portion as conveyed to the State of Minnesota by Warranty Deed dated September 25, 1970; filed October 26, 1970, in Book 102 of Deeds, Pages 48-49 and by Warranty Deed dated August 4, 1971; filed September 14, 1971, in Book 105 of Deeds, Page 3.
4. That part of the East Half of the Southwest Quarter of Section 8, Township 115, Range 24, Carver County, Minnesota, described as follows: Commencing at the Southeast corner of the East Half of the Southwest Quarter of Section 8; thence South 88 degrees 27 minutes 23 second west, assumed bearing along the south line of said East Half of the Southwest Quarter, a distance of 837.27 feet to the point of beginning of the tract to be described; thence North 00 degrees 38 minutes 47 seconds West, a distance of 1,064.13 feet to the north line of the south 1064 feet of the East Half of the Southwest Quarter, thence South 88 degrees 27 minutes 23 seconds West, along said north line of the south 1064 feet of the East Half of the Southwest Quarter, a distance of 170.02 feet to the East line of the west 330 feet of the East Half of the Southwest Quarter, thence North 00 degrees 38 minutes 47 seconds West, along said East line of the West 330 feet of the East Half of the Southwest Quarter, a distance of 879.87 feet; thence North 89 degrees 27 minutes 16 seconds West, a distance of 172.82 feet; thence North 11 degrees 42 minutes 45 seconds West, a distance of 379.17 feet to the southerly railroad right of way line; thence South 61 degrees 32 minutes 07 seconds West, along said southerly railroad right of way line, a distance of 95.47 feet, more or less, to the west line of said East Half of the Southwest Quarter, thence South 00 degrees 38 minutes 47 seconds East, along said west line of said East Half of the Southwest Quarter, a distance of 2,280.33 feet to the Southwest corner of said East Half of the Southwest Quarter, thence North 88 degrees 27 minutes 23 seconds East, along the south line of said East Half of the Southwest Quarter, a distance of 500.06 feet, more or less, to the point of beginning, and there terminating.

04-008-0710

The West Half of the Southwest Quarter (W1/2 of SW1/4) of Section 8, Township 115 North, Range 24 West, Carver County, Minnesota, EXCPETING THEREFROM the following six described tracts:

Tract 1

Three and twenty hundredths (3.20) acres sold to the Hastings and Dakota Railway Company.

Tract 2

Five and ninety-nine hundredths (5.99) acres sold to the Chicago, Milwaukee and St. Paul Railway Company for right-of-way.

Tract 3

Tracts sold to State of Minnesota for right-of-way of Trunk Highway No. 212 as more particularly described in Warranty Deed recorded in Book 101 of Deeds at page 199 as said description was corrected by Warranty Deed dated September 25, 1970, and recorded in Book 102 of Deeds at page 50 in the Office of the Carver County Recorder.

Tract 4

Part of the Southwest Quarter of the Southwest Quarter of Section 8, township[p 115, Range 24, Carver County, Minnesota, described as follows: Commencing at the southwest corner of said Section 8, thence on an assumed bearing of North 00 degrees 32 minutes 16 seconds West along the West line of said Southwest Quarter 88.91 feet to a point on the northerly right-of-way line of Minnesota Trunk Highway Number 212, said point being the point of beginning of the tract to be described; thence continuing North 00 degrees 32 minutes 16 seconds West along said West line of the Southwest Quarter and the easterly right-of-way line of Minnesota Trunk Highway Number 212 a distance of 67.17 feet; thence North 78 degrees 44 minutes 36 seconds East 67.17 feet; thence North 00 degrees 32 minutes 16 seconds West 599.65 feet; thence North 89 degrees 27 minutes 44 seconds East 336.00 feet; thence South 00 degrees 32 minutes 16 seconds East 603.22 feet to the northerly right-of-way line of Minnesota Trunk Highway Number 212; thence South 78 degrees 44 minutes 36 seconds West along said right-of-way line 409.14 feet to the point of beginning. This tract contains 5.00 acres of land and is subject to any and all easements or record and is also subject to an easement for roadway purposes, over, under and across the South 66.00 feet thereof.

Tract 5

Part of the West Half of the Southwest Quarter of Section 8, Township 115, Range 24, Carver County, Minnesota, described as follows: Beginning at the northwest corner of said Southwest Quarter of Section 8; thence on an assumed bearing of North 88 degrees 04 minutes 00 seconds East along the North line of said Southwest Quarter 1,332.48 feet to the East line of said West Half of the Southwest Quarter, thence South 00 degrees 38 minutes 47 seconds East along said East line 220.90 feet to the northerly right-of-way line of the now existing Railroad; thence South 61 degrees 32 minutes 07 seconds West along said right-of-way line 448.68 feet; thence North 28 degrees 27 minutes 53 seconds West along said right-of-way line 30.00 feet; thence South 61 degrees 32 minutes 07 seconds West along said Right-of-way line 1,043.55 feet to the West line of said Southwest Quarter; thence North 00 degrees 32 minutes 16 seconds West along said West line 860.82 feet to the point of beginning. This tract contains 16.34 acres of land and is subject to any and all easements of record.

Tract 6

Part of the West Half of the Southwest Quarter of Section 8, Township 115, Range 24, Carver County, Minnesota, described as follows: Commencing at the northeast corner of said West Half of the Southwest Quarter of Section 8; thence on an assumed bearing of South 00 degrees 38 minutes 47 seconds East along the East line of said West Half of the Southwest Quarter 379.19 feet to a point on the southerly right-of-way line of the now existing Railroad, said point being the point of beginning of the tract to be described; thence continuing South 00 degrees 38 minutes 47 seconds East long said East line of the West Half of the Southwest Quarter

526.33 feet; thence South 89 degrees 21 minutes 13 seconds West 290.00 feet; thence North – 00 degrees 38 minutes 47 seconds West 337.38 feet to the southerly right-of-way line of said Railroad; thence North 56 degrees 16 minutes 00 seconds East along said southerly right-of-way line 346.13 feet to the point of beginning. This tract contains 2.88 acres of land and is subject to any and all easements of record.

04-008-0711

Parcel 1:

Part of the West Half of the Southwest Quarter of Section 8, Township 115, Range 24, Carver County, Minnesota, described as follows: Beginning at the Northwest corner of said Southwest Quarter of Section 8; thence on an assumed bearing of North 88 degrees 04 minutes 00 seconds East along the North line of said Southwest Quarter 1332.48 feet to the East line of said West Half of the Southwest Quarter; thence South 00 degrees 38 minutes 47 seconds East along said East line 220.90 feet to the Northerly right-of-way line of the now existing railroad; thence South 61 degrees 32 minutes 07 seconds West along said right-of-way line 448.68 feet; thence North 28 degrees 27 minutes 53 seconds West along said right-of-way line 30.00 feet; thence South 61 degrees 32 minutes 07 seconds West along said right-of-way line 1043.55 feet to the West line of said Southwest Quarter; thence North 00 degrees 32 minutes 16 seconds West along said West line 860.82 feet to the point of beginning.

Parcel 2:

Part of the West Half of the Southwest Quarter of Section 8, Township 115, Range 24, Carver County, Minnesota, described as follows: Commencing at the Northeast corner of said West Half of the Southwest Quarter of Section 8; thence on an assumed bearing of South 00 degrees 38 minutes 47 seconds East along the East line of said West Half of the Southwest Quarter, 379.19 feet to a point on the Southerly right-of-way line of the now existing Railroad, said point being the point of beginning of the tract to be described; thence continuing South 00 degrees 38 minutes 47 seconds East along said East line of the West Half of the Southwest Quarter 526.33 feet; thence South 89 degrees 21 minutes 13 seconds West 290.00 feet; thence North 00 degrees 38 minutes 47 seconds West 337.38 feet to the Southerly right-of-way line of said railroad; thence North 56 degrees 16 minutes 00 seconds East along said Southerly right-of-way line 346.13 feet to the point of beginning.

Parcel 3:

That part of the East Half of the Southwest Quarter of Section 8, Township 115, Range 24, Carver County, Minnesota, described as follows: Commencing at the Southeast corner of said East Half of the Southwest Quarter of Section 8; thence South 88 degrees 27 minutes 23 seconds west, assumed bearing along the south line of said East Half of the Southwest Quarter, a distance of 837.27 feet to the point of beginning of the tract to be described; thence North 00 degrees 38 minutes 47 seconds West, a distance of 1064.13 feet to the north line of the south 1064 feet of the East Half of the Southwest Quarter; thence South 88 degrees 27 minutes 23 seconds West, along said north line of the south 1064 feet of the East Half of the Southwest Quarter, a distance of 170.02 feet to the East line of the west 330 feet of the East Half of the Southwest Quarter, thence North 00 degrees 38 minutes 47 seconds West, along said East line of the West 330 feet of the East Half of the Southwest Quarter, a distance of 879.87 feet; thence North 89 degrees 27 minutes 16 seconds West, a distance of 172.82 feet; thence North 11 degrees 42 minutes 45 seconds West, a distance of 379.17 feet to the southerly railroad right of way line; thence South 61 degrees 32 minutes 07 seconds West, along said southerly railroad right of way line, a distance of 95.47 feet, more or less, to the west line of said East Half of the Southwest Quarter, thence South 00 degrees 38 minutes 47 seconds East, along said west line of said East Half of the Southwest Quarter, a distance of 2280.33 feet to the

Southwest corner of said East Half of the Southwest Quarter, thence North 88 degrees 27 minutes 23 seconds East, along the south line of said East Half of the Southwest Quarter, a distance of 500.06 feet, more or less, to the point of beginning, and there terminating. EXCEPTING THAT PORTION AS CONVEYED TO THE State of Minnesota in Warranty Deed dated September 25, 1970, filed October 26, 1970, in Book 102 of Deeds, pages 48 – 49 and in Warranty Deed dated August 4, 1971, filed September 14, 1971, in Book 105 of Deeds, page 3.

Parcel 4:

That part of the East Half of the Southwest Quarter of Section 8, Township 115, Range 24, Carver County, Minnesota, described as follows: Commencing at the northwest corner of said Southwest Quarter of Section 8; thence on an assumed bearing of North 88 degrees 04 minutes 00 seconds East along the North line of said Southwest Quarter 1332.48 feet to the Northwest corner of said East Half of the Southwest Quarter and the point of beginning of the land to be described; thence continuing North 88 degrees 04 minutes 00 seconds East, a distance of 437.38 feet, more or less, to the northwesterly railroad right of way line; thence southwesterly along said northwesterly railroad right of way line to the intersection with the west line of said East Half of the Southwest Quarter; thence North 00 degrees 38 minutes 47 seconds West, along said West line of said East Half of the Southwest Quarter, a distance of 220.90 feet to the point of beginning and there terminating.



COUNTY OF CARVER
PUBLIC SERVICES DIVISION
LAND MANAGEMENT DEPARTMENT
PRELIMINARY PLAT – SERENITY PLACE

July 11, 2022

TO: Carver County Planning Commission & San Francisco Town Board
FROM: The County Land Management Department
SUBJECT: Application for approval of the Preliminary Plat – Serenity Place.

FILE #: PP-PZ20220031
APPLICANT: Roger Falkenstein
PROPERTY OWNER: Roger W. Falkenstein and Julie W. Falkenstein
SITE ADDRESS: 15255 Halsey Ave, Carver, MN 55315
PURSUANT TO: County Code, Chapter 151 & 152
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCELS: #08-036-0100

STAFF FINDINGS:

1. Mr. and Mrs. Falkenstein own the subject 76.7-acre parcel located in the West Half (W½) of the Northwest Quarter (NW¼) of Section 36, San Francisco Township. The property is improved with a house, attached garage and two (2) detached accessory structures. The land consists of vegetated prairie, trees, wetlands, bluff and tillable crop production areas. The property is located within the Agricultural Zoning District, and the Carver County Water Management Organization (CCWMO) – Carver Creek Watershed.
2. On April 12, 2022, Conditional Use Permit (CUP) #PZ20220009 (see attached) was issued to the subject property in order to create four additional density (4) lots (one (1) high amenity lot and three (3) conservation incentive lots) and the reconfiguration of one (1) existing 1 per 40 residential lot pursuant to the additional density provisions (Section 152.078 C – High Amenity and D – Conservation Incentive) of the Carver County Zoning Code. With the approval of the CUP, the applicant is now requesting the approval of the Preliminary Plat “Serenity Place” Subdivision. The request would result in platting a total of five (5) new lots (Lots 1-5, Block 1). The plat would consist of three (3) conservation incentive lots (Lot 1, agricultural and Lots 4 & 5 – residential), one (1) high amenity lot (Lot 2 – residential), and the re-configuration of the existing 1 per 40 (Lot 3 - residential). Lot 1, Block 1 would have two (2) separate conservation easement areas recorded on the plat which is required as part of the additional density option under the Conservation Incentive section of the County Code.
3. Copies of the plat have been sent to the San Francisco Township Clerk (Heidi Schmidt), Carver County Attorney’s Office (Jennifer Tichey), Carver County Water Management Organization (CCWMO) (Kristen Larson), Carver County Soil & Water Conservation District (SWCD) (Tom Genelin), Independent School District #112 (Finance & Operations Office), Center Point Energy (natural gas utility company serving the area), and Minnesota Valley Electric Cooperative (electric utility company serving the area). As of this report, no comments have been received; however, comments may also be available at the time of the public hearing.

4. The high amenity lot, conservation lots, and 1 per 40 building eligibilities are laid out in such a manner that there are no more than four (4) homes per $\frac{1}{4}$ $\frac{1}{4}$ (40 acres) as permitted by the density regulations of the Carver County Zoning Code. The residential lot sizes range from 3.41 acres to 4.57 acres, and the agricultural lot size would consist of 59.76 acres with the conservation easements. Any proposed house location for Lot 1, Block 1, would need to be located in the North Quarter (N $\frac{1}{4}$) section in order to comply with the density requirements of the Comprehensive Plan and County Zoning Code. Each lot identifies a defined building site that conforms to code requirements, and any home constructed within this platted area would meet the zoning code setback requirements.
5. The Carver County Environmental Services Department has received a report from a licensed SSTS professional identifying the primary and alternate Subsurface Sewage Treatment System (SSTS) locations on the four (4) undeveloped lots. This report is considered a preliminary report to identify two possible SSTS locations per lot. The existing house lot (Lot 3, Block 1) is required to have a compliance inspection completed and an alternate SSTS location identified. The Environmental Service Department is waiting for the SSTS compliance information. At the time of application for a new home on each lot, an SSTS design would need to be submitted, reviewed and approved by the Carver County Environmental Services Department. All of the SSTS system locations would need to be fenced off and protected prior to any land alteration for driveway or house construction, etc.
6. The preliminary plat shows 10-foot drainage & utility easements around each of the five (5) lots. An appropriate drainage easement of 30 feet has been provided for wetlands as part of the preliminary plat. The wetland buffer would need to be identified on the final plat. The preliminary plat also references a 50-foot wide pipeline easement running through Lots 1 and 2 of the Serenity Place plat. This utility easement is described pursuant to a recorded Document No. 96722. No obstructions shall be permitted in any of the drainage, utility, and/or wetland easements. The covenants should address the preservation of the easements and that no obstructions shall be permitted within those areas.
7. The property has been analyzed by a professional wetland delineator to determine if wetlands exist. Wetlands are present on the site and have been identified in the Wetland Delineation Report. The wetland delineation report was submitted to the CCWMO in May of 2022; however, the Notice of Decision and Technical Evaluation Panel (TEP) findings will be completed in the near future (July 15, 2022), in order to concur with the findings of the professional delineator hired by the applicant. Appropriate easements for the wetlands and drainage/utilities have been included on the plat. Avoidance of delineated wetlands has been incorporated into the development.
8. The 76.7-acre plat is located within the CCWMO jurisdiction. Stormwater management, wetland buffers, and erosion control measures will need to be addressed pursuant to Chapter 153 of the County Code (Water Management Rules). A combined erosion and sediment control and stormwater permit from the Planning and Water Management Department will be required if the total impervious surface constructed on each lot (drive, house pad, garage, other outbuildings, etc.) is greater than 1 acre. This permit requires the use of management practices that prevent erosion and sediment from leaving the site during construction as well as management practices that treat stormwater runoff from impervious surfaces once construction is completed.
9. The Carver SWCD has reviewed the project with regard to the Carver County Water Management Rules as well. All lots shall be reviewed for erosion/sediment control measures during the building permit process. The Carver SWCD would also be involved in the review and approval of the plans as they relate to the Water Rules, WCA, and the stormwater pollution prevention plan (SWPPP).
10. The proposed preliminary plat includes conservation incentive opportunities to protect, preserve, enhance, or restore natural resources by means of creating permanent preservation and restoration of prairie, woodlands and wetlands. County staff (i.e. Land Management, CCWMO, Carver SWCD) and the developer have worked together to develop a draft Conservation Easement that identifies the preservation, establishment, monitoring and enforcement responsibilities of the amenity areas (see attached). Comments may be available at the public hearing. Said easement must be recorded simultaneously with the final plat.

11. The draft covenants, as required by Conditional Use Permit #PZ20220009, have been submitted with the application and would need to be approved by the County Attorney's office prior to final plat approval. The covenants shall address the preservation of the drainage, utility, and/or wetland easements and that no obstructions shall be permitted within those areas. The plat indicates the outside boundary of the delineated wetlands, which impacts three (3) of the five (5) lots. The required covenants shall address that each lot would be reviewed in the field prior to issuance of any grading activity and building permits. The covenants shall be filed with the final plat and include minimum requirements as identified in the approved CUP.
12. The Serenity Place plat does not involve the construction of an interior road (i.e. township road). Each of the subject lots would be provided access from the existing township road (i.e. Halsey Avenue). Therefore, there will not be a development contract agreement as part of this platting process. Each proposed driveway access would be reviewed and approved by the road authority.
13. The plat substantially meets the requirements of applicable County Zoning Code sections except where noted. The areas of deficiency would need to be addressed through conditions placed on the preliminary plat approval that must be complied with prior to acceptance of the final plat.
14. The San Francisco Town Board has reviewed the preliminary plat for the subdivision, Serenity Place, during their June 20, 2022, Town Board meeting. The San Francisco Town Board is in support of the development request.

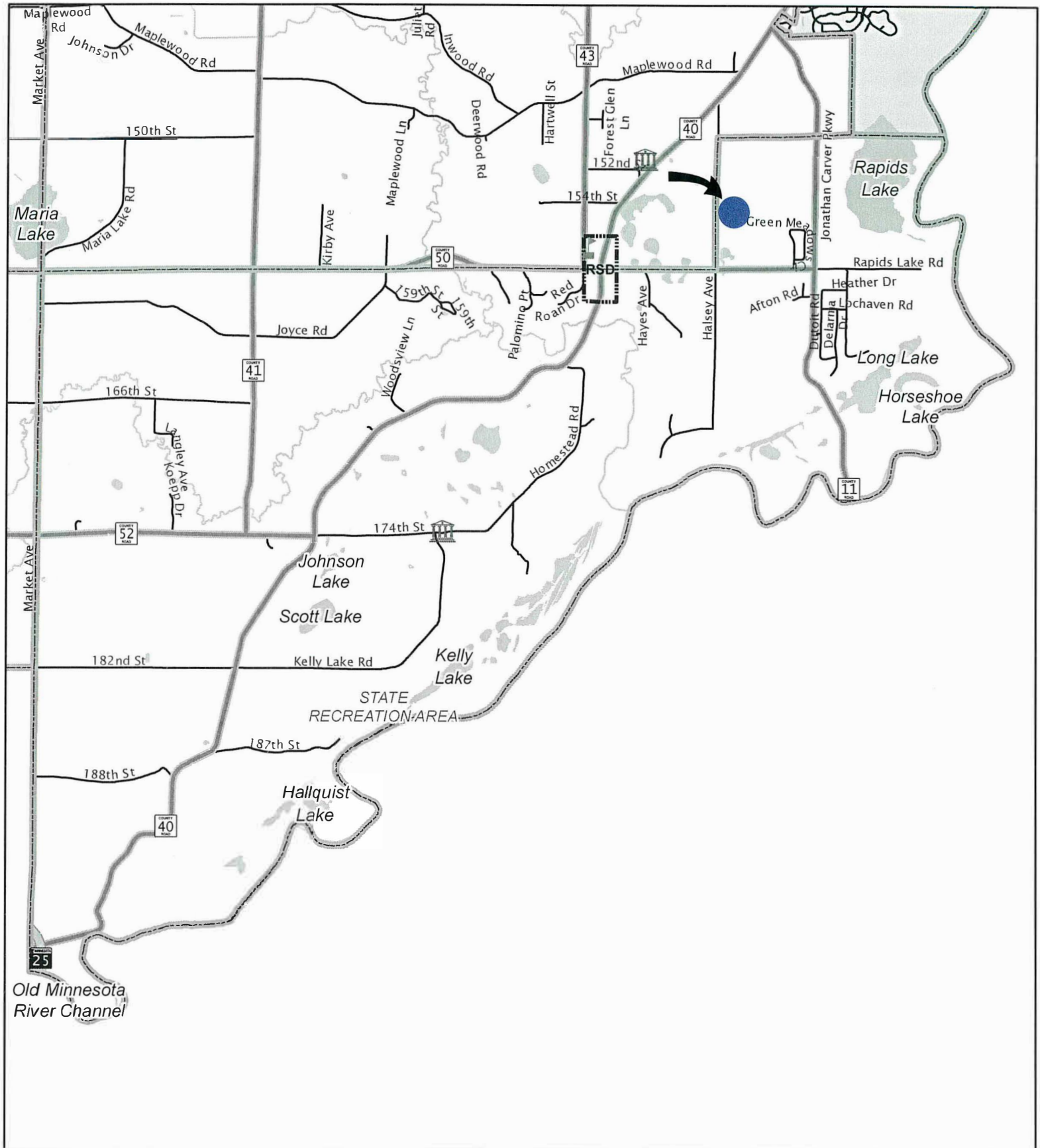
PLANNING COMMISSION CONSIDERATION:

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

1. A total of five (5) lots to be platted; three (3) conservation incentive lots (two residential and one agricultural), one (1) high amenity lot (residential), and the reconfiguration of an existing 1 per 40 lot (residential) are permitted. The property shall be platted in accordance with M.S. Chapter 505, Carver County Zoning Subdivision Code, Chapter 151, and the Carver County Zoning Code, Chapter 152.
2. The layout of the final plat must substantially conform to the preliminary plat. Any significant departure from the preliminary plat must be approved by the Planning Commission before final plat consideration. As part of the preliminary plat approval, each lot shall document a suitable one (1) acre building site including; a house location and primary & alternate septic site locations. All conditions of CUP #PZ20220009 shall be satisfied prior to the recording of the final plat.
3. The Covenants as required by CUP #PZ20220009 must be approved prior to final plat consideration. The County Attorney Office shall approve the Covenants and title work prior to the final plat consideration by the County Board. As a part of the platting process the applicant will develop covenants to be filed with the final plat. The Covenants, at minimum, shall address the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area (i.e. Lots 2-5).
 - B. A covenant stating that the area is rural and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notification must be provided regarding "odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities". Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture with certain conditional use(s) listed in the "A" district.
 - C. If the home sites include any environmentally sensitive land, restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.

- D. A covenant must be added requiring that the alternative septic site must be preserved for a future septic site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he shall submit percolation tests and soil borings for another site before any building permit will be issued.
 - E. A covenant must be included to provide notice and restrictions pertaining to the conservation easement on the existing wooded bluff area, existing wetland area, and proposed prairie restoration areas.
- 4. The above-required Covenants shall be become part of the plat approval.
 - 5. The approved Conservation Easement areas shall be shown on the final plat and the Conservation Easement document shall be recorded simultaneously with the final plat.
 - 6. Each lot shall be reviewed in the field prior to the issuance of any driveway permit, building permit and/or SSTS permit. All SSTS locations shall be fenced off prior to any land alterations.
 - 7. Specific construction plan details for each lot shall be submitted to the CCWMO for review and approval prior to issuance of building permit(s) and/or an administrative driveway permit. Each lot shall conform to the standards of the County Code, Chapter 153 – Water Management Standards.
 - 8. The proposed lots shall conform to the Wetland Conservation Act (WCA), Carver County Land Management Department, CCWMO, and San Francisco Township requirements.
 - 9. The applicant shall comply with any and/or all requirements established by the appropriate road authority. An access permit for each driveway from Halsey Avenue shall be obtained prior to issuance of new home building permit(s) and administrative driveway permit.
 - 10. As per Section 151.163 of the Carver County Subdivision Code, all utility facilities are to be located underground. The access and drainage ways shall be designed so that public utilities can be installed at a later date.

SAN FRANCISCO TOWNSHIP



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



Map Created by Carver County GIS

N 1/2 SEC. 36, T.115, R.24



June 24, 2022

Jason Mielke
Carver County Planning Commission
600 E. 4th Street
Chaska, MN 55318

RE: Serenity Place – Preliminary Plat application

Jason,

The following documents are for the preliminary plat application, based on the checklist you have previously provided. The name of this plat is Serenity Place.

We will be delivering printed copies of the plat drawings, based on your check list. On the next page I will outline all the supporting documents for reference purposes.

There are a couple open items, which are in process now, and should be completed soon:

- The design of the alternate SSTS drain field on our current residence at 15255 Halsey Ave, Carver, MN, as requested by Lori Brinkman.
- The review of our wetland delineation reports for the entire property, currently being processed by Kristen Larsen.

Please let me know if this application includes all necessary information as soon as possible. If this looks good, I can deliver hard copies of any or all of this contact to your offices by Friday, June 23rd.

Thank you for all the help along this journey.

Best regards.



Roger Falkenstein

Serenity Place Preliminary Plat Application – June 22, 2022

Document List:

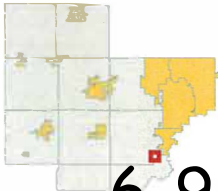
- Preliminary Plat
- Final Plat
- Serenity Place Proposed Covenants
- Conservation Easement Maintenance Plan
- Confirmation of San Francisco Township Preliminary Plat Approval
- Title Commitment Document
- SSTS Plans (electronic copies only)
- Wetland Delineation Report (electronic copies only)

SERENITY PLACE LOCATION MAP



Date: 7/10/2022

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SERENITY PLACE
PRELIMINARY PLAT

SEE SHEETS 2 AND 3 FOR EXISTING CONDITIONS & PROPOSED INFORMATION

LEGAL DESCRIPTION

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

OWNER

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

ENGINEER/SURVEYOR

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

WETLAND DELINEATOR

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

SEPTIC DESIGNER

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

TOWNSHIP/DISTRICT INFORMATION

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

LOT/SITE INFORMATION

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

SETBACKS

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

PROPOSED R/W AREA = 1.71 acres

PROPOSED LOT AREAS

LOT 1 = 59.76 ACRES
LOT 2 = 4.57 ACRES
LOT 3 = 3.86 ACRES
LOT 4 = 3.41 ACRES
LOT 5 = 3.41 ACRES

BUILDABLE AREAS (NON-SETBACK, EASEMENT, OR SEPTIC)

LOT 1 = 19.64 ACRES
LOT 2 = 2.56 ACRES
LOT 3 = 2.46 ACRES
LOT 4 = 2.44 ACRES
LOT 5 = 2.44 ACRES

POTENTIAL BUILDING AREAS

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

SOILS

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

STORMWATER MANAGEMENT

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

EXISTING COVENANTS, LIENS, OR ENCUMBRANCES

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

100-YR FLOOD ELEVATIONS

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

CONSERVATION EASEMENT

LOT 1 HAS PROPOSED CONSERVATION EASEMENTS AS SHOWN.



CONSERVATION EASEMENT

EXISTING DRAIN TILE

THERE ARE NO KNOWN DRAINTILE LOCATIONS WITHIN THE PROPOSED PLAT.

SEPTIC SITES

SEPTIC SITES HAVE BEEN EVALUATED AND SUBMITTED TO CARVER COUNTY.

EXISTING WOODED AREAS

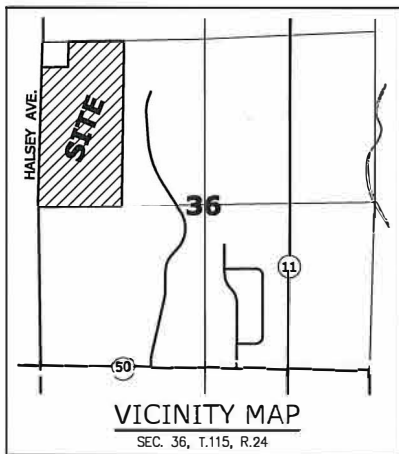
EXISTING WOODED AREAS ARE SHOWN ON SHEETS 2 AND 3. A TREE INVENTORY HAS NOT BEEN PERFORMED.

BLUFF AREAS

THERE ARE NO BLUFF AREAS WITHIN THE PROJECT LIMITS.

WETLANDS

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



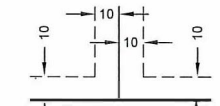
VICINITY MAP

SEC. 36, T.115, R.24

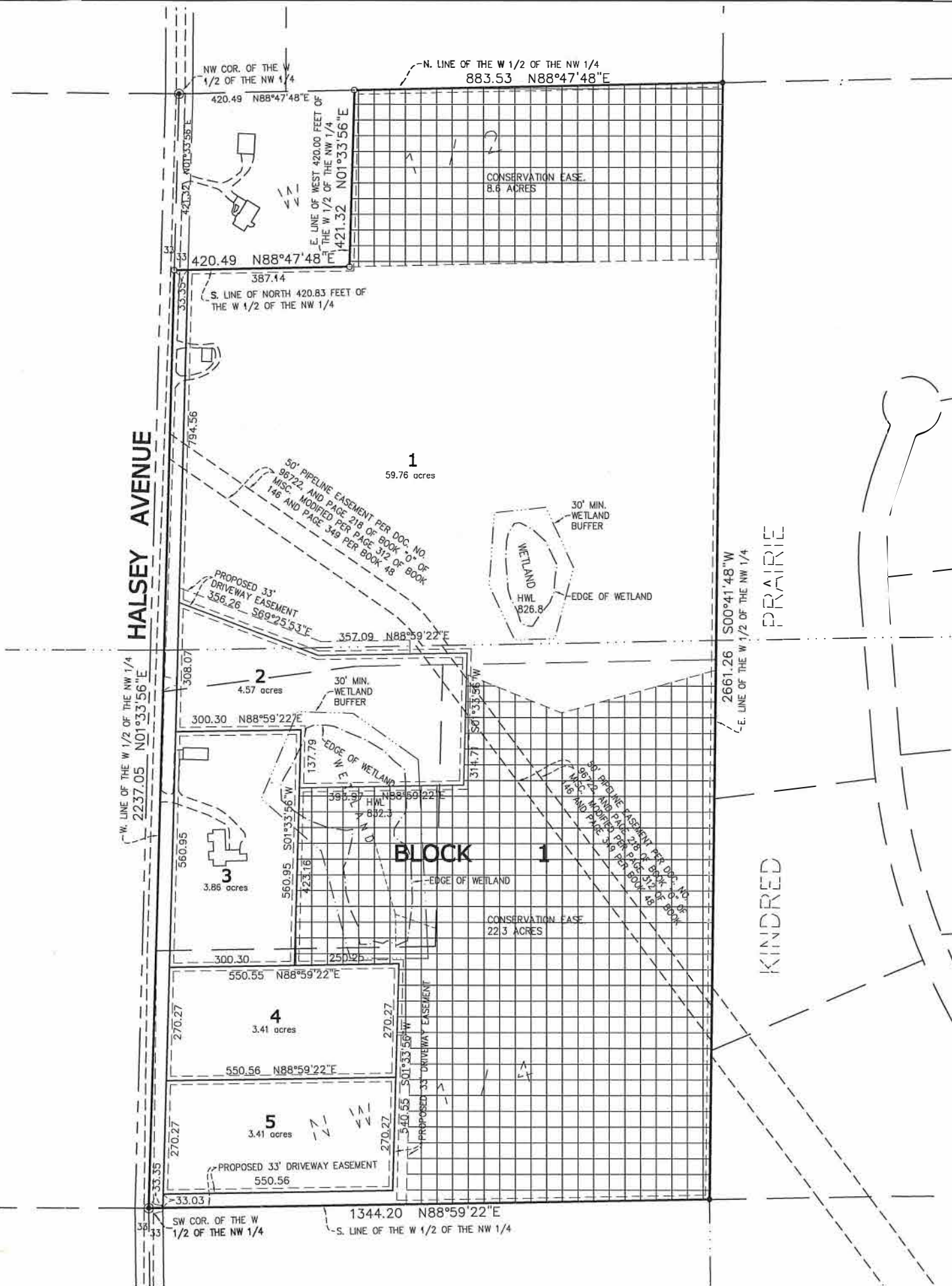
0 150 300
SCALE IN FEET

- DENOTES COUNTY MONUMENT FOUND
- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26908, UNLESS OTHERWISE SHOWN.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



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



Land Surveying
& Engineering

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

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

Curt Kallio
CURTISS J. KALLIO

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

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

Preliminary Plat
SERENITY PLACE
San Francisco Twp.,
Carver County, MN

DATE	REVISION	BY

PROJECT NO:
202160

SHEET
1 OF 3

SEE SHEET 3

50' PIPELINE EASEMENT PER DOC NO. 98722 AND PAGE 218 OF BOOK 0 OF MISC. MODIFIED PER PAGE 312 OF BOOK 146 AND PAGE 349 PER BOOK

PROPOSED 33' DRIVEWAY EASEMENT

356.28 569°25'53"E

357.09 N88°59'22"E

308.07

4.57 acres

300.10 N88°59'22"E

POTENTIAL BUILDING AREA

MIN. LFE 830

PRIMA

ALTERNATE

EDGE OF WETLAND

137.76

593.67 N88°59'22"E

H.W. 832.3

560.95

83

EX. GAR

3.86 acres

PID 080360200 ROGER FALKENSTEIN

300.30

250.26

423.16

550.55 N88°59'22"E

3.41 acres

370.27

550.56 N88°59'22"E

3.41 acres

270.27

33.03

550.56

PROPOSED 33' DRIVEWAY EASEMENT

33.03

SW COR. OF THE W 1/2 OF THE NW 1/4

1344.20 N88°59'22"E

S. LINE OF THE W 1/2 OF THE NW 1/4

PID 080360020 MISTHAVEN LLC 4785 HODGSON RD., #311 SHOREVIEW, MN 55126

PID 080360020 MISTHAVEN LLC 4785 HODGSON RD., #311 SHOREVIEW, MN 55126

PID 08710030 KINDRED PRAIRIE LLC 15115 KINDRED WAY CARVER, MN 55315

PID 08710020 KINDRED PRAIRIE LLC 15115 KINDRED WAY CARVER, MN 55315

PID 040350410 WM MUELLER & SONS PO BOX 247 HAMBURG, MN 55339

HALSEY AVENUE

KINDRED PRAIRIE

W. LINE OF THE W 1/2 OF THE NW 1/4

E. LINE OF THE W 1/2 OF THE NW 1/4

300'4'48" W

2861.26

500'4'55" W

514.71

502'46"55" W

50' PIPELINE EASEMENT PER DOC NO. 98722 AND PAGE 218 OF BOOK 0 OF MISC. MODIFIED PER PAGE 312 OF BOOK 146 AND PAGE 349 PER BOOK

ORIENTAL BUILDING AREA

PRIMA

ALTERNATE

EDGE OF WETLAND

826.8

826.6

826.4

826.2

826.0

825.8

825.6

825.4

825.2

825.0

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824.6

824.4

824.2

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6-12

CONSERVATION EASEMENT AGREEMENT

This **CONSERVATION EASEMENT AGREEMENT** is entered into by and between **Roger and Julie Falkenstein**, a property owner(s) under the laws of the State of Minnesota (the “**Grantor**”), and Carver County, Minnesota, a political subdivision of the State of Minnesota (the “**Grantee**”); the terms of this Conservation Easement Agreement may also be enforced by the **Carver County Land Management Department, Carver county Water Management Organization (CCWMO), and Carver Coil and Water Conservation District (SWCD)**, as the agent(s) for Grantee, as authorized by Grantee from time to time.

RECITALS

- A. Grantor is the current owner of real property in Carver County, Minnesota legally described on **Exhibit A** attached hereto (the “**Protected Property**”).
- B. The Protected Property possesses or after restoration will possess one or more of the following: wetlands, forest or woodlands, prairie, bluffs, or shoreline. These natural resources on the Protected Property are hereafter referred to as “Protected Amenities.” Preservation and/or restoration of the Protected Amenities of the Protected Property will further policies established by the Carver County Comprehensive Land Use Plan, Minnesota Statutes Chapter 84C, and Minnesota Statutes Chapter 103A (only include for wetlands, shorelands, or riparian areas).
- C. Preservation and/or restoration of the Protected Amenities of the Protected Property must comply with Chapter 152 (Zoning Code), Chapter 153 (Water Resource Management), and any other applicable chapters of Carver County’s Code of Ordinances. It must also comply with Minnesota State Statutes 103F.48 and 103G if applicable.
- D. The Grantor and Grantee intend to create a conservation easement that is binding upon the Grantor and all future owners of the Protected Property, conveying to Grantee the right to protect and preserve the Protected Amenities of the Protected Property for the benefit of current and future generations.

CONVEYANCE OF CONSERVATION EASEMENT

Pursuant to the laws of the State of Minnesota including Minnesota Statutes Chapter 84C, and in consideration of the facts recited above and the mutual covenants contained herein, Grantor, for themselves and for their successors and assigns, hereby conveys and warrants to Grantee, and their successors and assigns, a perpetual conservation open space easement over the Protected Property, consisting of the following rights, terms, and restrictions (the “Easement”):

1. CONSERVATION PURPOSE.

The purpose of this Easement is to preserve, enhance and protect in perpetuity the Protected Amenities of the Protected Property, by restricting the future development, management and use of the Protected Property, and by providing remedies for any breach or violation of this Agreement or the Easement.

2. LAND USE RESTRICTIONS.

Except as specifically permitted in paragraph 3 below, restrictions imposed upon the Protected Property include the following:

- 2.1. Industrial and Commercial Activity.** No industrial or commercial activities may be conducted upon the Protected Property.
- 2.2. Agricultural Use.** No agricultural activities may be conducted upon the Protected Property. Prohibited agricultural activities include, without limitation, tilling, plowing, haying, planting and harvesting of row crops, or the keeping, breeding, feeding or grazing of poultry, swine, cows or any other livestock.

- 2.3. Residential Development.** No residential use or development of the Protected Property is allowed.
- 2.4. Right of Way.** No right of way shall be granted across the Protected Property, in conjunction with any industrial, commercial, or residential use or development of other adjacent land not protected by this Easement; provided, that nothing in this paragraph shall impose any duty on the part of the Grantor to contest any eminent domain or other similar proceeding, or other taking by any federal, state or local government entity or agency.
- 2.5. Subdivision.** The Protected Property may not be subdivided or partitioned and may hereafter be conveyed only in its entirety as a single parcel, except as otherwise agreed by Grantee in each instance.
- 2.6. Density.** No portion of the Protected Property may be used to satisfy land area requirements for other property not subject to this Easement, for purposes of calculating building density, lot coverage, or open space under otherwise applicable laws, regulations, or ordinances controlling land use.
- 2.7. Conservation Programs.** The Protected Property must not be enrolled in any other conservation programs.
- 2.8. Structures and Improvements.** No temporary or permanent buildings, structures, utilities, roads or other improvements of any kind may be placed or constructed on the Protected Property.
- a. **Utilities.** Overhead and unground utilities may be maintained, repaired and replaced only to serve uses and activities already occurring, or as otherwise hereafter approved by Grantee. Communications towers, electrical transmission towers and lines, wireless communication facilities and towers, energy production (i.e. wind energy, solar energy and biomass) and other similar structures will not be permitted, without prior written approval of Grantee in each instance.
 - b. **Signs.** No billboards or other signs may be placed or maintained on the Protected Property, other than small, unlighted signs for notice purposes, such as "no trespassing," "private property," or "conservation area" signs.
 - c. **Roads and Trails.** No roads or trails may be constructed or used on the Protected Property.
 - d. **Outdoor Lighting.** No permanent outdoor lighting is allowed.
- 2.9. Dumping.** No trash, non-compostable waste, hazardous or toxic substances, junk, or other unsightly material or debris may be dumped or accumulated on the Protected Property.
- 2.10. Mining and Extraction.** No mining, drilling, exploring for, or removing any minerals, sand, gravel, rock, or fossil fuels from the Protected Property is allowed.
- 2.11. Topography and Surface Alteration.** No alteration or change in the topography of the surface of the Protected Property is allowed. Ditching, draining, filling, grading and excavation or removal of soil, sand, gravel, rock or other materials, are not permitted, except where incidental to activities or uses specifically permitted by this Easement.
- 2.12. Water.** No alteration or manipulation of natural watercourses, ponds, lakes, wetlands or other surface or subsurface bodies of water is allowed, except to restore or enhance wildlife habitat or native biological communities, or to improve or enhance the function and quality of existing wetlands, in accordance with a habitat management plan approved by the Grantee under paragraph 3 below. No activities on or uses of the Protected Property that cause erosion or that impair water quality are allowed.
- 2.13. Storage.** The Protected Property may not be used for any kind of storage, whether above or below ground, specifically including boats, vehicles, equipment, etc.
- 2.14. Vegetation Management.** The Grantor must comply with an Establishment and Maintenance Plan (Exhibit B) approved by the Grantee. No removal, cutting, pruning, trimming or mowing of any trees or other vegetation, and no introduction of non-native species, is allowed, except as follows:
- a. In conjunction with forest or habitat protection and management.
 - b. As reasonably required to construct and maintain permitted buildings, structures, and other improvement, provided vegetation is restored following any construction, to a condition consistent with the conservation purposed of the Easement.
 - c. As reasonably required to prevent or control insects, noxious weeds, invasive vegetation, disease, fire, personal injury, or property damage.
 - d. To remove fallen or dead trees, and to gather firewood for personal use
 - e. To comply with an Establishment and Maintenance Plan approved by the Grantee.

3. RESERVED RIGHTS.

Grantor retains all rights associated with ownership and use of the Protected Property that are not expressly restricted or prohibited by this Agreement and the Easement. The Grantor may not, however, exercise such rights in a manner that would have a material, adverse impact on the Protected Amenities of the Protected Property. Additionally, the Grantor must give notice to the Grantee before exercising any reserved right that might have a material, adverse impact on the Protected Amenities on the Protected Property. Without limiting the generality of the above, the following rights are expressly reserved and the Grantor may use and allow others to use the Protected Property as follows:

- 3.1. Right to Convey. The Grantor may sell, give, lease, bequeath, devise, mortgage or otherwise encumber or convey the Protected Property; provided, that any conveyance or encumbrance of the Protected Property is subject to the Easement and the terms of this Agreement.
- 3.2. Recreational Uses. Unpaved paths or foot trails may be established and maintained for personal recreational uses. Trails may be established, maintained and used only in a manner that does not result in erosion or that impairs or interferes with the natural habitat, water quality or scenic quality of the Protected Property.

4. GRANTEE'S RIGHTS AND REMEDIES.

In order to accomplish the purposes of this Easement, the Grantee has the following rights and remedies:

- 4.1. Right to Enter. The Grantee or its agent has the right to enter the Protected Property at reasonable times and in a reasonable manner for the following purposes:
 - a. To inspect the Protected Property annually for the first three years and, as needed for the duration of the Easement to monitor compliance with the terms of this Easement and the Establishment and Maintenance Plan approved by the Grantee.
 - b. To obtain evidence for use in seeking judicial or other enforcement of this Easement.
 - c. To survey or otherwise mark the boundaries of all or part of the Protected Property, if necessary to determine whether there has been or may be a violation of this Easement.
 - d. To otherwise exercise its rights under this Easement.
- 4.2. Right of Enforcement. The Grantee has the right to prevent or remedy violations of this Easement through appropriate judicial action brought against the Grantor or other responsible party, in any court of competent jurisdiction.
 - a. Notice. Grantee may not initiate judicial action until Grantor is given written notice of the violation, or threatened violation, of this Agreement and the terms of the Easement, and a reasonable opportunity to correct the violation, unless immediate judicial action is necessary to prevent or mitigate significant damage to the Protected Property and good faith efforts to notify Grantor are unsuccessful.
 - b. Remedies. Remedies available to the Grantee in enforcing the terms of the Easement and this Agreement include the right to request temporary or permanent injunctive relief for any such violation or threatened violation, to require restoration of the Protected Property to its condition at the time of this conveyance or as otherwise necessitated by such violation, to seek specific performance or declaratory relief, and to recover damages resulting from such violation. The foregoing remedies are cumulative and are available without requiring the Grantee to prove actual damage to the Protected Amenities.
 - c. Costs. Any cost of restoration necessitated by Grantor's violation of the terms of this Agreement shall be borne by Grantor.
 - d. Discretionary Enforcement. Enforcement of the terms of the Easement and this Agreement is solely at the discretion of Grantee, and Grantee does not waive or forfeit the right to take any action necessary to assure compliance with the terms of the Easement and this Agreement by any delay or prior failure of Grantee in discovering a violation or initiating enforcement proceedings.
 - e. Acts Beyond Grantor's Control. Grantee may not bring any action against Grantor for any change to the Protected Property resulting from causes beyond Grantor's control, such as changes caused by fire, flood,

storm, natural deterioration or the unauthorized acts of persons other than the Grantor or the Grantor's agents, employees or contractors, or, changes resulting from reasonable actions taken in good faith to attempt to prevent or mitigate damage resulting from such causes.

5. REQUIRED SUBMITTALS.

5.1. The following must be submitted by the Grantor with the Conservation Easement:

- a. An Establishment and Maintenance Plan approved by the Grantee, which includes a description (inventory) of baselines conditions, a schedule of maintenance activities, identification of roles and responsibilities as well as funding sources. The schedule of maintenance activities shall be appropriate to sustaining the type and quality of the plant community existing at the time of dedication or pertaining to the establishment and maintenance of the target plant community determined by the restoration assessment;
- b. Final Plat Submittal;
- c. Any other information, as required.

6. NO PUBLIC ACCESS.

Although the public benefits from this Easement through the preservation and protection of the Conservation Values of the Protected Property, nothing in this Easement gives the public a right to enter upon or use the Protected Property where no such right existed prior to the conveyance of this Easement.

7. GENERAL PROVISIONS.

7.1. Assignment. This Agreement and the Easement may only be assigned or transferred by Grantee to Carver County, or to another political subdivision of the State of Minnesota. Any such future holder of the Easement shall have the rights of Grantee pursuant to the terms of the Easement and this Agreement. Grantee will notify Grantor of any assignment within fifteen (15) days thereof and will provide the Grantor with the name and address of the new holder.

- a. Assignment with Orderly Annexation. Should the Protected Property become part of an orderly annexation plan... upon annexation of the Protected Property to a city (i.e. the City of Carver), this easement shall be assigned or transferred by Grantee to the annexing city (political subdivision).

7.2. Amendment. This Agreement and the Easement may not be modified, amended or extinguished without the express written agreement of Grantee in each instance. If the Easement is extinguished or terminated in whole or in part, Grantee shall not be entitled to any portion of any proceeds received from a sale, exchange or involuntary conversion.

7.3. Ownership Responsibilities, Costs and Liabilities. The Owner retains all responsibilities and shall bear all costs and liabilities of any kind related to the use, ownership, and maintenance of the Protected Property.

- a. Indemnification. Grantor, its successor and assigns, shall hold harmless, indemnify and defend Grantee and its employees, agents and contractors, and their successors and assigns (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including without limitation, reasonable attorneys' fees arising from or in any way connected with: (1) the result of a violation or alleged violation of any State or Federal environmental statute or regulation including the storage or disposal of hazardous or toxic chemicals or materials; (2) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition or other matter related to or incurring on or about The Protected Property, regardless of costs, unless due solely to the gross negligence of any of the Indemnified Parties; and (3) existence and administration of this easement.
- b. Regulatory Compliance. All activities or construction permitted by this Easement shall be undertaken in accordance with applicable federal, state and local laws, regulations and ordinances and nothing in this

Easement shall be construed to exempt the Protected Property or the Owner from otherwise applicable laws or regulations. The Grantor is solely responsible for obtaining any required governmental permits.

7.4. Binding Effect. The Easement and this Agreement shall run with and burden the Protected Property in perpetuity. The terms of this Easement are binding and enforceable against Grantor, all successors in title to the Protected Property, and all other parties entitled to possess or use the Protected Property. This Easement creates a property right immediately vested in the Grantee and its successors and assigns that cannot be terminated or extinguished except as set out herein.

7.5. Notices: Any notices permitted or required to be given or made pursuant to this Easement shall be delivered personally or mailed by the United States Mail to the addresses hereinafter set forth by certified or registered mail. Such notices, demand or payment shall be deemed timely given or made when delivered personally or when deposited in the United States Mail in accordance with the above. Addresses of the parties hereto are as follows:

If to the County: Land Management Department
Carver County Government Center - Administration Bldg.
600 East 4th Street
Chaska, MN 55318-2102

If to the Township: Watertown Township Clerk
11975 Swede Lake Road
Watertown, MN 55388

If to the CCWMO: Carver County Water Management Organization
Carver County Government Center – Administrative Bldg.
600 East 4th Street
Chaska, MN 55318-2102

If to the SWCD: Carver County Soil Water and Conservation District
Carver County Public Works
11360 Hwy 212 West
Cologne, MN 55322

7.6 Enforceability. If any provisions of this easement, or the application thereof to any person or circumstances, is found to be invalid, the remainder of the provisions of this easement, or the application of such provision to the persons or circumstances other than those as to which it found to be invalid, as the case may be, shall not be affected and shall continue in full force and effect.

7.7 Authorized Representative. Each individual signing on behalf of a party to this Agreement states that he or she is the duly authorized representative of the signing party and that his or her signature on this Agreement has been duly authorized by; and creates the binding and enforceable obligation of the party on whose behalf the representative is signing.

IN WITNESS WHEREOF, said parties have hereunto executed this document the date and year first written below.

DATE:

GRANTORS:

STATE OF MINNESOTA)
) ss
COUNTY OF CARVER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____, named in the forgoing instrument, and _____, his spouse, as their free act and deed.

Notary Public

OR

STATE OF MINNESOTA)
) ss
COUNTY OF CARVER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____, Grantor.

Notary Public

OR

STATE OF MINNESOTA)
) ss
COUNTY OF CARVER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____, a Minnesota corporation named in the forgoing instrument, and said that he did so pursuant to authority given him by the board of directors of said corporation.

Notary Public

GRANTEE:
County of Carver

By: _____

STATE OF MINNESOTA)
) ss
COUNTY OF CARVER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____, Grantor.

This document drafted by:

Office of the Carver County Attorney
604 East Fourth Street
Chaska, Minnesota 55318
(952) 361-1400

CONSENT OF MORTGAGEE

The foregoing Conservation Easement is hereby consented to by _____, a national association.

BANK

By _____

Its _____

By _____

Its _____

Date: _____

STATE OF MINNESOTA)
) ss
COUNTY OF CARVER)

The foregoing instrument was acknowledged before me on _____, 20__ by _____, the _____ and _____, the _____, of _____, a national association on behalf of said national association.

EXHIBIT A (legal description of Protected Property)

DRAFT

EXHIBIT B (Maintenance Agreement)

DRAFT

Serenity Place – Conservation Easement Prairie Vegetation Maintenance Plan

Roger & Julie Falkenstein (owners)

June 20, 2022

rogerf@usfamily.net

612-965-1923

Post Planting Maintenance Schedule

Year One:

- Mowing will occur about once a month during the first growing season. The actual mowing frequency will depend on rainfall in any given year, actual weed density and height.
- The entire planting will be mowed when weeds reach the height of 12 inches to a height of 6 inches.
- In small areas a string trimmer or weed eater will be used. In larger areas, a flail mower will be used.
- Weeds will be mowed before seeds set, to prevent further infestation.
- At the end of the first growing season dead vegetation and or stubble will be left standing.

Year Two

- During the spring of the second year the residual vegetation will be mowed as close to the ground as possible in mid spring, and cuttings will be raked and disposed of.
- If Biennial weeds such as Sweet Clover, Burdock, and Wild Parsnip etc., appear or are a problem, planting will be mowed again at approximately 12 inches when weeds are in full flower. Mowing will occur before seeds set.
- Plantings will not be mowed once native plants are one foot or taller.

Serenity Place – Conservation Easement Prairie Vegetation Maintenance Plan

Year Three

- During the spring of the third year, vegetation will be burned or mowed as close to the ground as possible in mid spring when weeds are over 1', and cuttings will be raked and disposed of.
- Plantings will not be mowed once native plants are one foot or taller.
- Area will be spot mowed and sprayed as needed

Long-term

- Area will be spot mowed and sprayed as needed
- Site will be burned or mowed every 3-4 years depending on weeds

Serenity Place Subdivision

San Francisco Township, Carver County, Minnesota

This is to certify that San Francisco Township board has approved the Preliminary Plat for the subdivision, Serenity Place, as submitted by Roger Falkenstein on June 20, 2022. This form is to subsequently include with the preliminary plat application to Carver County Planning.

Name: Larry Schmitt

Title: Chair

Signature: Larry Schmitt Chair

Date: 6-20-2022

COUNTY OF CARVER BOARD OF COMMISSIONERS

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

DATE: April 12, 2022

ORDER #: PZ20220009

FILE #: PZ20220009

APPLICANT: Roger Falkenstein

PROPERTY OWNER: Roger W. and Julie W. Falkenstein

SITE ADDRESS: 15105 Halsey Ave, Carver, MN 55315

PERMIT TYPE: Additional Density (High Amenity & Conservation)

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-036-0100

A public hearing was held on this matter on March 15, 2022, by the Carver County Planning Commission, and the recommendation of the Planning Commission was duly considered in the issuance of this order.

FINDINGS OF FACT

1. Roger and Julie Falkenstein own approximately 75 acres located in Section 36, San Francisco Township. The property is improved with a house, attached garage, and two (2) detached accessory buildings. The parcel also includes agricultural production land, small pocket wetlands, woods, as well as an existing pipeline easement (i.e. Northern Natural Gas). It is located within the Agricultural Zoning District and the CCWMO (Carver Creek watershed).
2. Mr. Falkenstein is proposing to create and develop three (3) residential parcels and one (1) agricultural parcel. The proposed development would result in a total of five (5) single family dwellings, and approximately 30.2 acres of conservation area. The applicant is requesting a Conditional Use Permit (CUP) pursuant to Section 152.78 of the Carver County Zoning Code.
3. San Francisco Township has provided for both Conservation Incentive and High Amenity options in its chapter of the Comprehensive Plan. The Falkenstein property having bluffs, steep slopes, wetlands, and area for prairie restoration (for permanent preservation) is considered to be eligible land under the conservation incentive. The property also has an area of wooded pasture, not in agricultural production which is considered eligible land under the high amenity option. The proposed development would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼¼). In addition, a CUP has not been previously issued for additional density on the subject property; therefore, allowing the site to be considered eligible for the additional density provision.
4. The subject property has been owned by Roger & Julie Falkenstein for over 25 years as three separate parcels, which were combined via a quit claim deed recorded on February 2, 2022. Based on historic GIS aerial photography, the use of the land over the years has not changed from how it is currently being utilized. The areas that are in agricultural production have remained in production and the areas not in agricultural production may be due to topographic limitations such as sandy soils, wetlands, steep slopes, or low-lying drainage swales not suitable for farming.
5. The applicant is proposing three (3) conservation incentive lots that would range in size from approximately 3.41 acres (i.e. residential Lots 4 & 5) to approximately 58.88 acres (i.e. agricultural Lot 1). Each newly created lot would exceed the 1.5-acre minimum lot size. The proposal also includes one (1) high amenity option (Lot 2) that would consist of approximately 5.45 acres (i.e. residential lot). This newly create lot would exceed the 2.5-acre minimum lot size. The existing 1 per 40 single family dwelling lot would be reconfigured as part of the platting process. Each lot would meet

road frontage and width to depth requirements. All lots would utilize the entirety of the 76.72 acres, with approximately 30.2 acres to be in 2 separate conservation easements. A total of four (4) buildable lots and the reconfiguration of one (1) existing 1 per 40 residence are proposed as part of the development (plat). Additionally, each building site has been chosen to be outside of an established 500-foot setback from the operational area of the WM Mueller & Sons -Lundquist gravel mining operation located to the west. Note: the required 500-foot setback only applies from a new mining operation boundary to an existing residence and not vis verse.

6. As a requirement for the creation of three (3) conservation lots, the applicant needed to identify the establishment of a preservation, restoration, or enhancement are consisting of a minimum of ten (10) acres in order to be granted one (1) additional building eligibility. With that being said Mr. Falkenstein has identified and proposed two conservation easements of at least 30 acres in total. The easement language would need to be submitted to the Land Management Department for review and approval prior to preliminary plat approval. The applicant shall provide a plan for restoration to native plant community, including method of restoration (seeding, planting, etc), a list of establishment and maintenance activities detailing how the plant community will be established over the next 2-3 years, and how the community will be maintained in the future.
7. During the preliminary platting process, the applicant must document a suitable one (1) acre building site for each lot. The concept plan illustrates the potential locations for Subsurface Sewage Treatment Systems (SSTS) on each lot. A licensed SSTS professional would need to provide appropriate soils reports for the County's review. The applicant stated that Lots 1 & 2 have established SSTS locations with soil borings, and soil borings for Lots 4 & 5 are to be completed this spring. The existing home site (Lot 3) would need to complete a SSTS compliance review as part of the preliminary plat process.
8. Each lot would meet the requirements for public road frontage; therefore, no additional township roadway design or construction is being proposed. All future driveway access point locations serving each building site would need to be reviewed and approved by the San Francisco Town Board, as the road authority.
9. On February 22, 2022, this request was reviewed by Kristen Larson, Water Resources Program Specialist, who stated that the development falls under the CCWMO Water Rules provision, which is required to be reviewed and approved by the Carver County Planning & Water Management Department. The property includes a number of wetlands, including on the lots proposed for development. The applicant must complete a wetland delineation and address any wetland impacts and/or degradation in accordance with the Wetland Conservation Act (WCA) and also submit a Stormwater Pollution Prevention Plan (SWPPP). A pre-application meeting is recommended with Water Rules permit review staff to discuss concept plans and permit review requirements.
10. The entire layout as proposed would properly be addressed during the preliminary plat process.
11. The San Francisco Town Board reviewed and recommended approval of the request during their February 14, 2022, Town Board meeting, without any additional conditions.
12. The Board of Commissioners has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20220009. THIS PERMIT IS ISSUED PURSUANT TO SECTION 152.078 (C) AND (D) OF THE CARVER COUNTY CODE, FOR THE CREATION OF THREE (3) CONSERVATION INCENTIVE LOTS, ONE (1) HIGH AMENITY LOT, AND ONE (1) RECONFIGURED 1 PER 40 EXISTING HOME LOT ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A." THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. Three (3) residential lots, one (1) agricultural lot, and one (1) re-configured 1 per 40 lot are permitted (i.e. one 1-per 40 existing home. A total of four (4) buildable lots and the re-configuration of one (1) 1 per 40 parcel are being proposed as part of the plat. The entire subject property shall be platted in accordance with M.S. Chapter 505, the Carver County Subdivision Ordinance Chapter 151, and the Carver County Zoning Code Chapter 152. Any lots not meeting the required minimum standards pursuant to Mn Statute and the Carver County Code of Ordinances shall not be platted.

2. The lots shall be laid out on the preliminary plat substantially as agreed upon by the Township, the County, and the developer during the Conditional Use Permit (CUP) process. The CUP shall be redrafted and recorded with the final plat stipulating, at a minimum, the building eligibility status for each parcel, the restrictions in the conservation and agricultural areas, a statement regarding agricultural uses in the area, and the protection of environmentally sensitive land(s). The potential for future easement(s) shall be evaluated during the preliminary platting process.
3. The conservation easement proposal must be drafted for review and submitted with the preliminary plat application. Easement documents must be recorded simultaneously with the final plat.
4. Access permits must be approved by San Francisco Township (road authority) prior to any work occurring within the road right-of-way.
5. Each additional density lot within the plat must show a designated building site as defined by the Zoning Code. Soil borings for the two SSTS locations on each building site must be submitted with the application for preliminary plat. The building sites must be located so that all buildings and sewer systems will meet County Code setback requirements.
6. As a part of the platting process the applicant will develop covenants to be filed with the plat. The covenants will address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
 - B. A covenant stating that the area is rural and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notification must be provided regarding "odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities". Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the "A" district.
 - C. If the home sites include any environmentally sensitive land then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he will have to submit percolation tests and soil borings for another site before any building permit will be issued.
 - E. A covenant must be included to provide notice and restrictions pertaining to the conservation easement on the existing wooded bluff area, existing wetland area, and proposed prairie restoration areas.
7. The above-required covenants shall become part of the permit.
8. A completed CCWMO Water Rules application with required attachments, shall be submitted with the preliminary plat application. A drainage plan, erosion control plan, and storm water management plan shall be submitted with the preliminary plat.
9. The boundaries of any possible wetlands must be included on the preliminary plat so appropriate drainage easements may be determined. A wetland delineation shall be completed for the site prior to submitting the preliminary plat.


Gayle Degler, Chairman
Carver County Board of Commissioners

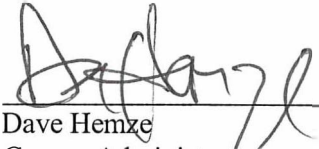

Dave Hemze
County Administrator

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-036-0100

File# PP-PZ20220031

**APPLICANTS/OWNERS: Roger W Falkenstein &
Julie W Falkenstein**

* * * * *

The West Half of the Northwest Quarter of Section 36, Township 115, Range 24, Carver County,
Minnesota, EXCEPT the North 420.93 feet of the West 420.00 feet thereof.