

Carver County Planning Commission
Regular Meeting - **Tuesday, January 16, 2023**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

7:00 P.M.

Meeting call to order by Zoning Official

- A. Organization of the Commission
- B. Election of Chair
- C. Election of Vice-Chair
- D. Appointment of Land Management Staff as Secretary
- E. Appointment to Board of Adjustment

- 1.) Approve minutes of December 19, 2023 regular meeting
Pages 1-1 through 1-6
- 2.) **File #20230045**– Public hearing on application by John Zimmerman for a
Conditional Use Permit. (Home Extended Business Accessory Use)
Waconia Township Pages 2-1 through 2-16

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – December 19, 2023
Minutes

Members Present: Scott Wakefield, Matthew Kerber, Greg Grazzini, Andy Steinhagen

Members Late: None

Members Absent: John P Fahey, Scott Hoese, Frank Mendez

Staff Present: Jason Mielke, Donovan Hart

Pursuant to due call and published notice thereof, the December 19, 2023, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Chairman Wakefield announced that the roll call indicates four board members are present with three members – Fahey, Hoese, & Mendez absent.

Agenda – A motion was made by Steinhagen to approve the agenda as printed. Grazzini seconded the motion for approval. All voted aye. Motion carried.

Minutes – A motion was made by Grazzini and seconded by Steinhagen to approve the minutes from the October 17, 2023, regular meeting. All voted aye. Motion carried.

File #PZ20230044 – Aaron & Ashley Schram – Chairman Wakefield called the public hearing to order at 7:02 p.m. to consider a request by Aaron & Ashley Schram. The purpose of the public hearing was to consider a request to operate a winery as a Large Scale Activity – Agri-Tourism pursuant to Chapter 152 of the County Code. The property is located in Sections 19 & 20 of Laketown Township.

The following were present: Aaron Schram, Ashley Schram, Pete Parris, Sean Haas, Sybil Haas, Dick Molnau, Les Janski, Christine Fenner

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 September 21, 2023

Exhibit F – Staff Report addressed to the Planning Commission and Laketown Township dated December 11, 2023, and all attachments

Exhibit G – Letter from Don & Diane McCall dated December 14, 2023

Exhibit H – Letter from the Waconia Chamber of Commerce dated December 17, 2023

Exhibit I – Letter unsigned dated December 15, 2023

Exhibit J – Letter from Mark Frederickson dated December 14, 2023

Exhibit K – Letter from D\Scott & Deborah Lensing dated December 19, 2023

Exhibit L – Letter from Keith & Gail Peters dated December 19, 2023

Exhibit M – Email letter from Deborah Mott, dated December 19, 2023

Exhibit N – Email letter from Michael & Heather Orth, dated December 19, 2023

Senior Planner Hart stated the applicants own an approximate 12-acre parcel and are purchasing an approximate 21-acre parcel on contract for deed to be used in conjunction with the Schram Vineyards business. The properties are improved with a house and attached garage, 3 structures for the business, 2 agricultural structures and areas for vehicle parking and grape growing fields. The property has an existing CUP issued in 2012 for a Farm-Related Large-Scale Activity. In 2014, the CUP was amended to add a new wine tasting/production building, year-round operating hours and increased acreage for hops and grape production and parking areas. The current request is to expand the operational area of the business and construct new commercial structures and operate a Large-Scale Activity (Agri-Tourism). The plan identifies increased parking and overflow parking areas, a new retail and production building, expansion of the existing tasting and tap room building, conversion of an agricultural building to a production building in the future and increase the number of allowable special events. The master plan also identifies a future sparkling wine building. Hart used an aerial photo of the submitted site plan to identify the existing buildings and the areas of future expansion. The submitted operational plan indicates the proposed public hours of operation will remain the same. A total of four annual events is proposed, which is an increase from two special events. The number of employees is approximately 12 – 15 during the winter months and approximately 20 – 30 during the summer months. The parking plan shows 66 parking spaces, including 6 handicap-accessible, in the current parking area and ‘overflow parking’ of 216 spaces. The access from Airport Rd remains the same. Lori Brinkman, Senior Environmentalist, reviewed the application information. She responded to the request with an explanation of the current sewage treatment system and holding tanks, and confirmed a preliminary septic system design has been submitted for the proposed expansion. She stated the requirements necessary for approval, issuance, and compliance for the proposed system. Tim Sundby of the Planning and Water Department reviewed the proposal and commented that the overall area of disturbance and proposed operational area may trigger additional permit requirements by the CCWMO. All CCWMO permits and conditions shall be met prior to the issuance of any future building permits or beginning any excavation activity. Jack Johansen, Transportation Planner with Public Works, identified Airport Rd as a future County Rd and recommended that any new structure have a setback of at least 80 feet from the centerline of Airport Rd. He stated that, at a minimum, any future structures be located no closer to the centerline of the road than the existing agricultural building, which appears to be setback approximately 60 feet. No comments were received from the DNR about this request. Laketown Town Board reviewed the request at their November 27, 2023, meeting and recommended their support with the following comments: *1) Annual review of traffic counts while the entrance to Schram Vineyards remains with the Township’s road authority – to be scheduled for the same meeting where annual liquor license renewal is considered as a separate matter. 2) Stated hours of operation are supported with the exception of Sundays between April 1 and October 31 of each year, in which Schram Vineyards will close by 6:00 p.m. An event permit may be requested through the Township if there is a need for an exception. 3) Outdoor amplified music prohibited after 8:00 p.m.; no outdoor music after 10:00 p.m. An event permit may be requested through the Township if there is a need for exception.* Hart read the proposed conditions for consideration if the Planning Commission recommends approval for the CUP to the County Board. If the Planning Commission recommends denial of the request, the reasons supporting the denial must be clearly stated.

Aaron Schram, 8785 Airport Rd, explained that growing grapes is more labor-intensive than growing corn or soybeans. With the expansion of another 20+ acres of vineyards, comes a need for some employees hired to tend to the fields. He further explained the intended uses of the

buildings and how regulations and restrictions from the MN Dept of Agriculture dictate their business and the need for this request. He stated they would like to expand some of their activities to the newly acquired land to the east to increase the distance from the neighborhood residences. He was pleased to share that Schram Vineyards was named 'Winery of the Year' in the Star Tribune last year and they would like to continue to be leaders in this industry for Minnesota and continue to remain competitive with the other vineyards and wineries. He feels the proposed expansion plan will help them to achieve this goal in the agri-tourism business.

Ashley Schram, 8785 Airport Rd, explained one of the original buildings was 2-story and required employees to use stairs. She stated the 1-level production/wine tasting building will provide the needed space and provide safer walking for employees. She stated the proposed expansion plan is written to include opportunities for the future so they do not have to revisit another amendment to the CUP anytime soon.

Chairman Wakefield asked the applicants if they had read and agree with the proposed conditions of the CUP as written and presented by Hart.

Mr. & Ms. Schram stated they had read and agree with the proposed conditions.

Pete Parris, Laketown Township supervisor, stated the applicants and the Township board had a thorough discussion about the proposed changes. The Township expressed their concerns which were accepted by the applicants. He stated the Township has not received any calls or complaints about the operation and feel they have been good partners for the community. The Town Board unanimously recommended approval of the request.

Christine Fenner, President of Waconia Chamber of Commerce and Tourism Bureau, stated the winery has had a positive effect on the agri-tourism industry in the County. The events they host bring new people to the area, which has a ripple effect for other local businesses. She would like to see continued support for this business and reiterated the positive effect it has on other businesses also in bringing people into the community.

Sybil Haas, 8845 Airport Rd, stated is supportive of success for the business, however; she expressed concerns about noise made by the guests at the winery which interferes with their enjoyment of sitting in a peaceful backyard. She would like the neighborhood to maintain a residential atmosphere rather than a commercial business feeling. Her husband has talked with Aaron who expressed ideas for mitigating noise which she would like to have implemented. She asked for more details on how many special events would be allowed and the allowable frequency of outdoor music. She stated the Schram's have been very good about addressing any concerns they have had about the business and wanted to ensure that their residence and the area would be able to live in harmony with each other and be fair to both the residents and the business.

Les Janski, 8855 Airport Rd, expressed concerns with the noise that is generated by people gathering outdoors on the west side of the winery building. He stated it is disturbing and disruptive for them to enjoy sitting on their patio in the afternoon or evening. He mentioned the noise from the outdoor music, especially drums beating, shakes the walls of the house. He asked that the noise issue be addressed and successfully mitigated prior to any building permits for future expansion are issued.

Chairman Wakefield asked the applicant to respond to these concerns. Mr. Schram stated he has begun to construct a berm to help capture and mitigate the noise, however; he noted that noise regulation is very difficult. He has done research to learn more about alleviating the noise and will include a fence or vegetation atop the berm to help capture the noise. He is certainly working to reduce the noise but could not promise that it could or would be completely eliminated. He stated the fact that the city of Waconia has grown rapidly in the past few years and traffic noise from Hwy 5 & Hwy 10 is also audible from their backyard. Ironically, he noted that most of the neighbors who were here since the winery was started have remained and also enjoy visiting the site, prompting him to presume that the business or the noise has not been extremely detrimental to the area.

Mr. Janski recognized the letters of support for this request and cited that many of them do not live as close to the business as he does and can escape the noise when they leave the facility. He felt the residents along Airport Rd experienced most of the noise.

Mielke stated that the applicants met with Hart and himself to discuss the business expansion. One of the reasons for constructing the production building on the newly acquired property is to put more distance between the Airport Rd residences and the business activity. They are consciously making an effort to reduce the noise, while realizing it will not be completely eliminated. Mielke explained the State decibel level requirements and cited an example of how the noise level is measured.

A motion was made by PLC Member Grazzini to close the public hearing. PLC Member Kerber seconded the motion to close. Chairman Wakefield called for a vote on the motion. All voted aye. The public hearing was closed at 7:45 p.m.

Steinhagen asked where the current tasting room and outdoor events take place on the property.

Ms. Schram referred to the submitted site plan to identify the current tasting room and outdoor event areas.

Steinhagen noted with the proposed expansion, the existing buildings should also help to screen and reduce the noise.

Ms. Schram agreed and stated that the proposed building and additional land will allow them to move the activities further from the existing residences. They would also like to use the indoor space to accommodate people for an event during the less desirable outdoor months. She recognized that much of the outdoor activity and noise occurs through the late summer and fall.

Commissioner Grazzini asked how much noise is generated from activity at the airport.

Mr. Schram speculated that the airport is not a deterrent for any guests and that most of the people are pleased or awed to see an airplane at the airport. The airport use is very infrequent, and any noise lasts only seconds when a plane lands or takes off. He viewed it was a key feature of the area.

Commissioner Kerber stated he has visited the winery and felt the grounds are well-kept and he believed the same would apply for any business expansions. He understands that noise from guests is difficult to control or completely eliminate. He stated growing grapes was environmentally friendly with no use of chemicals.

Chairman Wakefield noted the comments about noise and mitigating the sound. He stated there are screening standards and suggested the applicants work with staff concerning the berm and plantings to help reduce the noise. He mentioned traffic control is also difficult as Waconia grows and there are more people and vehicles in the area. He felt the operational plan for growth of the business is reasonable, especially moving more of the activity to the east and away from the residences.

Mielke stated recognizing amplified outdoor music is regulated by the conditions of many similar permits because of the noise factor. He stated the location of the berm should be identified and discussion of the proposed plantings should also be noted. He stated the screening standards are usually to reduce visibility of outside storage from neighbors. In this case, the screening will also be designed to help with noise mitigation.

Chairman Wakefield stated the planting requirement should apply to the west and north of the activity areas to reduce the noise to existing residences. He also commented about the types of music allowed and how eliminating drums and amplification will help to reduce the sound and appease the neighbors.

Ms. Schram stated their bonfire event is the one special event that usually had the bands and outdoor music. She stated that they are not focusing on becoming a concert venue. The topic of having music and bands is often discussed and they would like to find a reasonable solution to everyone's satisfaction.

Mr. Schram stated he purchased a decimeter and has used it during some of their busy times. He stated the results are below the State standards, but also recognized that it didn't mean the noise wasn't audible to the neighbors.

A motion was made by Wakefield to **approve and issue Resolution #23-17** incorporating the findings of fact and adding the requirement for a berm and screening on the west and north sides of the property, in approving the Conditional Use Permit for a Large-Scale Activity (Agri-Tourism).

Commissioner Steinhagen agreed with screening on the west side of the property, but asked for more details on how much screening would be required on the north side.

Chairman Wakefield used the aerial site plan to clarify his screening requirement to include the area designated as overflow parking, east of the existing driveway along the road.

Mielke further clarified the location of existing trees and screening. He asked Mr. Schram to identify the area where he will construct the berm.

Mr. Schram identified his proposed berm area using the aerial map of the operation plan. He stated there was a berm area that was 4 feet high last year and mentioned some options to complete the current berm construction. He stated the dirt was extra from the prepared pad for the new agricultural structure.

Mielke stated the specific details of the plantings or a single versus double berm could be determined by working with staff and suggestions from the Soil & Water Conservation team for suitable results.

Chairman Wakefield agreed to a friendly amendment to his motion, better identifying the area for the screening/berm requirement.

Kerber seconded the motion for approval. Chairman Wakefield called for a vote on the motion for recommending approval of the request to the County Board. All voted aye. Motion carried.

Adjournment

Having no other business to discuss, a motion was made by Steinhagen and seconded by Kerber to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 8:07 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

January 5, 2024

TO: Carver County Planning Commission & Waconia Town Board
FROM: Land Management Department
SUBJECT: Application for a Conditional Use Permit (Home Extended Business Accessory Use)

FILE #: PZ20230045
APPLICANT: John Zimmerman
OWNER: John & Barbara Zimmerman
SITE ADDRESS: 10850 110th Street, Cologne, 55322
PERMIT TYPE: Home Extended Business Accessory Use
PURSUANT TO: Carver County Code: Section 152.079 (C)(9)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 09-035-0400

BACKGROUND:

1. John Zimmerman homesteads and owns an approximate 30-acre parcel located in the East Half (E½) of the Southwest Quarter (SW¼) of Section 35, Waconia Township. The property is improved with a single-family residence with an attached garage, a sawmill building, a woodworking shop, and several wood and machinery storage buildings. Mr. Zimmerman was granted a Conditional Use Permit (CUP) (#11746) to operate a Christmas tree farm on the property in 1999. The parcel is located in the Agricultural Zoning District and Carver County Water Management Organization - CCWMO (Carver Creek watershed). The neighborhood is comprised of a mixture of large agricultural and scattered residential uses.
2. The applicant is requesting a Conditional Use Permit (CUP) for a HEBAU to operate his existing custom sawmilling, firewood sales, and furniture and cabinet-making workshop, pursuant to Section 152.079 (C)(9) 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.

(9) Home extended business accessory use.

- (a) It is the intent of this section to provide for the use of newly constructed accessory structures, or adaptive re-use of residential accessory and farm structures on parcels two acres or greater by permitting the use of the structures for limited business purposes upon the issuance of a conditional use permit pursuant to this section. Permits shall be issued and remain in effect pursuant to this section only upon findings that the proposed use will clearly be accessory and subordinate to the principal use of the land. Examples of businesses permitted under this section include: woodworking, repair, machining, professional services, and small-scale contractor's activities.
- (b) The following shall be the minimum conditions/operational standards for the issuance and continuation of such a permit; additional conditions may be added as necessary;
 1. 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.
 2. The business must be conducted in one or more of the following: an attached or detached garage, residential accessory structure, or agricultural structure.
 3. Businesses prohibited for the purposes of this section shall be on-site recreation and entertainment businesses, mini-storage or seasonal vehicle storage when storage is the principal activity of the business, and businesses that require more than one truck with capacity greater than one ton.
 4. There shall be no more than four employees in addition to the owner/operator of the business and family of the owner/operator residing in the home, providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two employees in addition to family members residing in the home.
 5. The business shall utilize no more than four business vehicles, providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two business vehicles.
 6. There shall be no retail sales. The sale of incidental stock-in-trade shall not be considered retail sales.
 7. No more than three clients shall be allowed on the premises at any one time.

STAFF ANALYSIS:

1. In 1999, Mr. Zimmerman obtained a Farm-Related Business Conditional Use Permit (CUP) (#11746) to operate a Christmas tree farm on the property and another nearby parcel. A condition of that permit stated a substantial change in the operation of the business, such as change in use, must be amended. Mr. Zimmerman no longer operates a tree farm, nor uses the nearby parcel as a commercial use, hence the reason for the CUP application. The type of land use and scale of the business (Z's Trees and Wood Products) categorizes it as a Home Extended Business Accessory Use (HEBAU).
2. The applicant has submitted an operational plan (dated December 18, 2023) outlining the details of the CUP operation. His narrative states the hours of operations of the sawmill/firewood processing operation are 7:00AM to 8:00PM operating about two to three days per week and usually not during the colder months of December to February. The furniture operation would be year-round from 8:00AM to 5:00PM typically one to four days per week. The workshop would have a maximum of three workers. The narrative states there is a maximum of four work vehicles "at the work site at any one time" and four trailers used for business purposes. Only limited numbers of the public come to the property. Furniture and

cabinets constructed in the workshop are delivered to the customer and “Ninety-five percent of firewood sales involve delivery to the customer.” The business would use the existing driveway access on 110th Street. The narrative lists the setbacks to neighboring residences, all of which exceed the required 500-foot minimum for this type of land use. The applicant states that porta-potties, serviced every two weeks, are used for sanitation.

3. The applicant has submitted a site plan (dated December 4, 2023) showing the 2.2-acre operational area with structures and outdoor storage on the northwest portion of the property. Mr. Zimmerman proposes to use the existing 36’ x 44’ (1,584 square-foot) sawmill and 28’ x 45’ (1,260 square-foot) workshop for primary business operations. There are several structures for drying wood prior to processing. The site plan shows exterior storage areas for firewood and lumber, which are tucked behind woods on three sides and a row of trees along the fourth (driveway) side. The site plan shows dedicated areas for 10 vehicle spaces near the buildings, which appear to be adequate for the number of work vehicles, workers, and rare customers coming to the property, which is less than 10 vehicles per day. There is an existing 28 square foot sign at the driveway entrance. The application includes a photo, dated December 12, 2023, showing the sign. The operational plan and site plan appear to meet the standards of the Zoning Code.
4. On December 28, 2023, Jacob McLain, Senior Environmentalist - Carver County Environmental Services Department, reviewed the application and commented in an email: “A new septic system was recently installed at 10850 110th street for the residence. If they are using a mini biff as the waste management method on site, that is compliant with the septic ordinance.”
5. The subject property is located within the CCWMO jurisdiction. Abigail Ernst of the CCWMO reviewed the application and in an email dated January 2, 2024, reported that she had no comments. Kristen Larson of the CCWMO reviewed the application and in an email dated January 3, 2024, commented: “The site in its current configuration predates the buffer requirement for wetlands. If the applicant makes a change that would trigger our rule in the future the wetland buffer requirement would likely come into play.” 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).
6. The Waconia Township Board reviewed the application request at their December 11, 2023, meeting. The Township Board recommend approval with the comment: “No complaints to this date!”

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the Conditional Use Permit application for a Home Extended Business Accessory Use on the parcel described in in Exhibit A, the previous CUP (#11746) to operate a Farm-Related Business and any other prior permits, amendments or renewals for a Farm-Related Business would be terminated upon final approval (and recording) of the new CUP #PZ20230045. The following conditions should be considered part of the permit:
 1. The permit is subject to administrative review. An owner of the business shall homestead and occupy 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 and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
 2. The operation shall be substantially in accordance with the submitted operational plan (dated December 18, 2023) and site plan (dated December 4, 2023). These plans shall be attached to and become part of this permit. The hours of the operation shall be within the hours of 7:00AM – 8:00PM (as described), with no more than three customers coming to the site at any time. Outdoor storage shall be screened and within the operational area.
 3. All business-related trucks, equipment and supplies shall be stored within the approved operational area. Any expansion of the approved operational area shall constitute an expansion of the use and may require a review by Land Management for determination as to an amended Conditional Use Permit will be required.

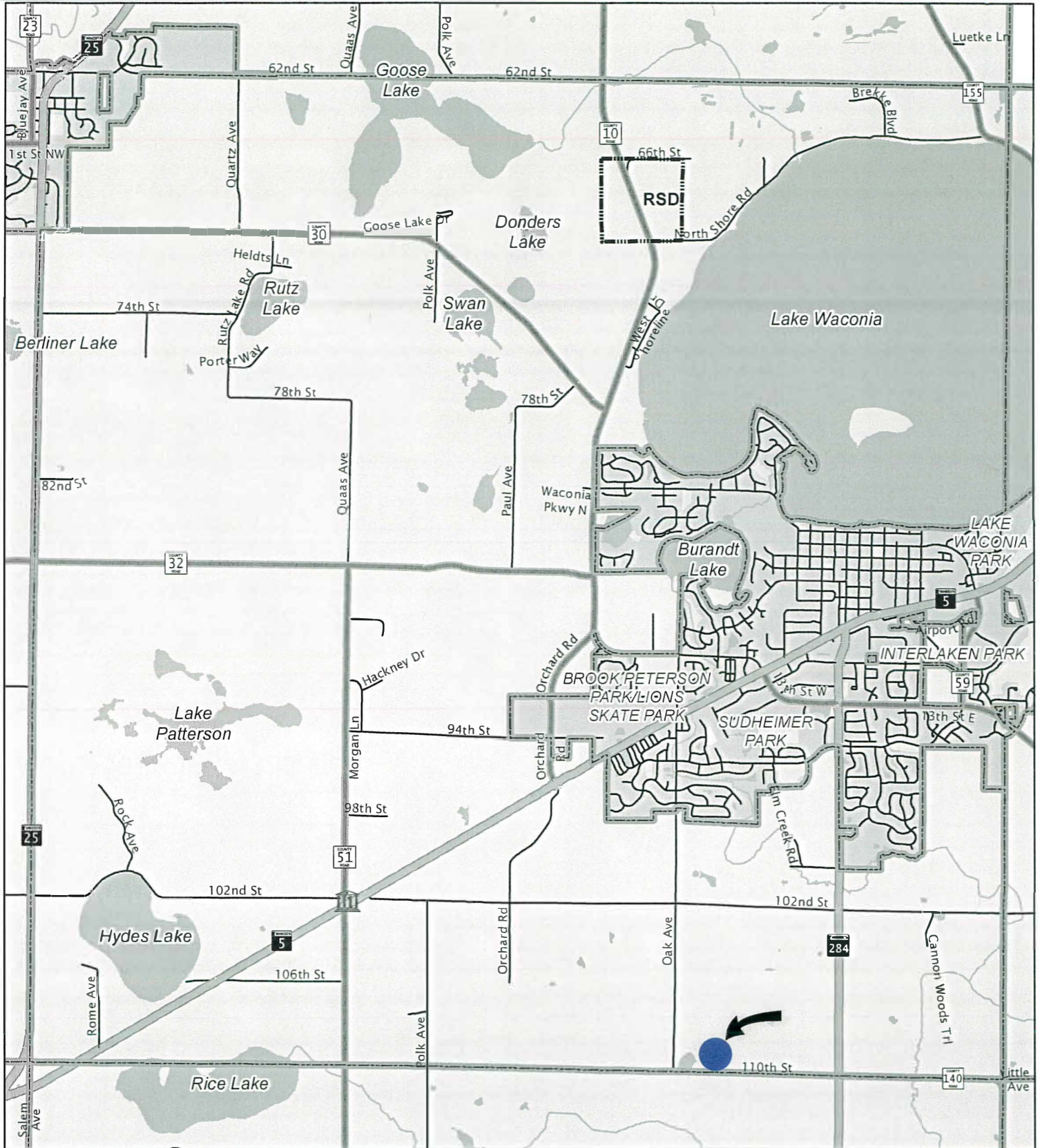
4. Any grading and/or filling activity on the property shall be completed in accordance with CCWMO Water Resource Management standards and the Wetland Conservation Act (WCA), if applicable. All site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
 5. All structures, utilized as part of the business, shall meet the applicable requirements of the County Zoning Code and MN State Building Code. Any required building permit(s) shall be applied for and issued prior to using the structure(s). Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP is necessary.
 6. 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.
 7. The permittee shall comply with the road authority's (Waconia or Benton Township) access requirements, improvements and/or standards, if any. Parking along Township right-of-way shall be prohibited.
 8. Permittee shall contact the Environmental Services Department to determine if a Hazardous Waste Generator License is required.
 9. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 51 – Hazardous Waste Management, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations. No signage shall be allowed within the public road right-of-way.
 10. 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.

WACONIA TOWNSHIP

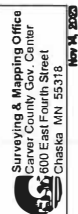


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

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



Z's Trees and Wood Products

The current Conditional Use Permit for Z's Trees (CUP #11746) is outdated, and some operations have changed. This new CUP will accurately reflect the current business conducted by Z's Trees and Wood Products.

The CUP being applied for is for a **Home Extended Business Accessory Use** (Section 152.0790 of County Code.)

Current Activities:

1. Saw Milling Operation
2. Drying Kiln Operation
3. Storage area for air drying Lumber.
4. Workshop for cabinet making and furniture making.
5. Firewood processing and storage area for drying before selling.

General Information:

Currently I reside at 10850 110th St. in Cologne. This 30 acre parcel also includes a saw milling/firewood processing/furniture making business on the western edge of the property. It is currently zoned agricultural because it is a forestry related business.

Sawmill and firewood processing:

Ninety percent of the milling is done with my own logs. Saw milling operation and firewood processing would usually not occur during colder weather (December through February). Hours of operation are limited to 7:00 a.m. to 8:00 p.m. Typically, this would be two to three days per week. Ninety five percent of firewood sales involve delivery to the customer.

Furniture Making:

Operation of the cabinet making and furniture making operations will occur year-round and work will be conducted one to four days per week between 8:00 a.m. and 5:00 p.m. A maximum of three workers will be at the site at any given time and a maximum of four work vehicles will be at the work site at any one time. Furniture/cabinets that are produced are delivered to the customer.

Outdoor storage:

Outdoor storage includes typical farm machinery used in the operation: two flatbed wagons, two other trailers for wood storage and trailer for hauling logs. Several piles of logs for processing are located on site as well as stacked and drying firewood.

Site Layout;

Attached a map of the 30 acre homestead located at 10850 110th St, Cologne, Mn. My residence is outlined in the southeast quadrant of the property. The polygon area outlined in the northwest portion of the property is the sawmill/woodshop complex which is the primary reason for this CUP application. This area is screened with trees on the west, south, and east. The closest neighbor is Brad Blystone, 650 feet west. John Russell lives 1200 feet due north and Zack Remer lives 915 feet southeast of the sawmill site. The building setback is 70 feet from the west property line and 225 feet from the north property line.

There is a driveway on the west side of the 30 acre parcel which provides access to the John Russell residence, agricultural fields to the north and the sawmill complex. The driveway accesses township road 110th street to the south.

Miscellaneous info:

There is no well on the site, sanitation is provided by On Site Sanitation and is serviced every two weeks. The buildings are on a knoll and all drainage runs away from the site. There is a drainage ditch on the east, a drainage ditch on the north property line and there is a designated wetland to the south. There are more than ten parking spaces on the site. The number of daily vehicle trips to the site is less than ten. The signage at the sawmill site is a 28 square foot round sign just north of 110th street at the driveway entrance. People at the site may include a friend who volunteers his time at the sawmill, and the two workers who, with myself, work in the workshop.

Future plans:

- A. Downsize rather than expand.
- B. Less firewood processing/sales.
- C. Continued operation of sawmill.

Z's Trees & Wood Products

Existing buildings and dimensions:

Dehydration drying kiln: 8 ft x 20 ft
Sawmill: 36 ft x 44 ft
Wood drying and storage building: 50 ft x 56 ft
Wood shop: 28 ft x 45 ft
Wood and machinery storage: 30 ft x 65 ft
Solar drying kiln: 12 ft x 12 ft
Dry lumber storage building: 8 ft x 28 ft
Open sided roofed structure for air drying wood: 18 ft x 14 ft

Total square feet of buildings: 8374

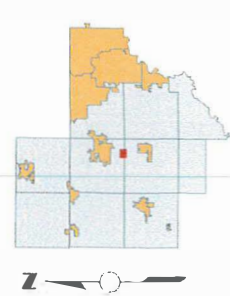
ZIMMERMAN PROPERTY



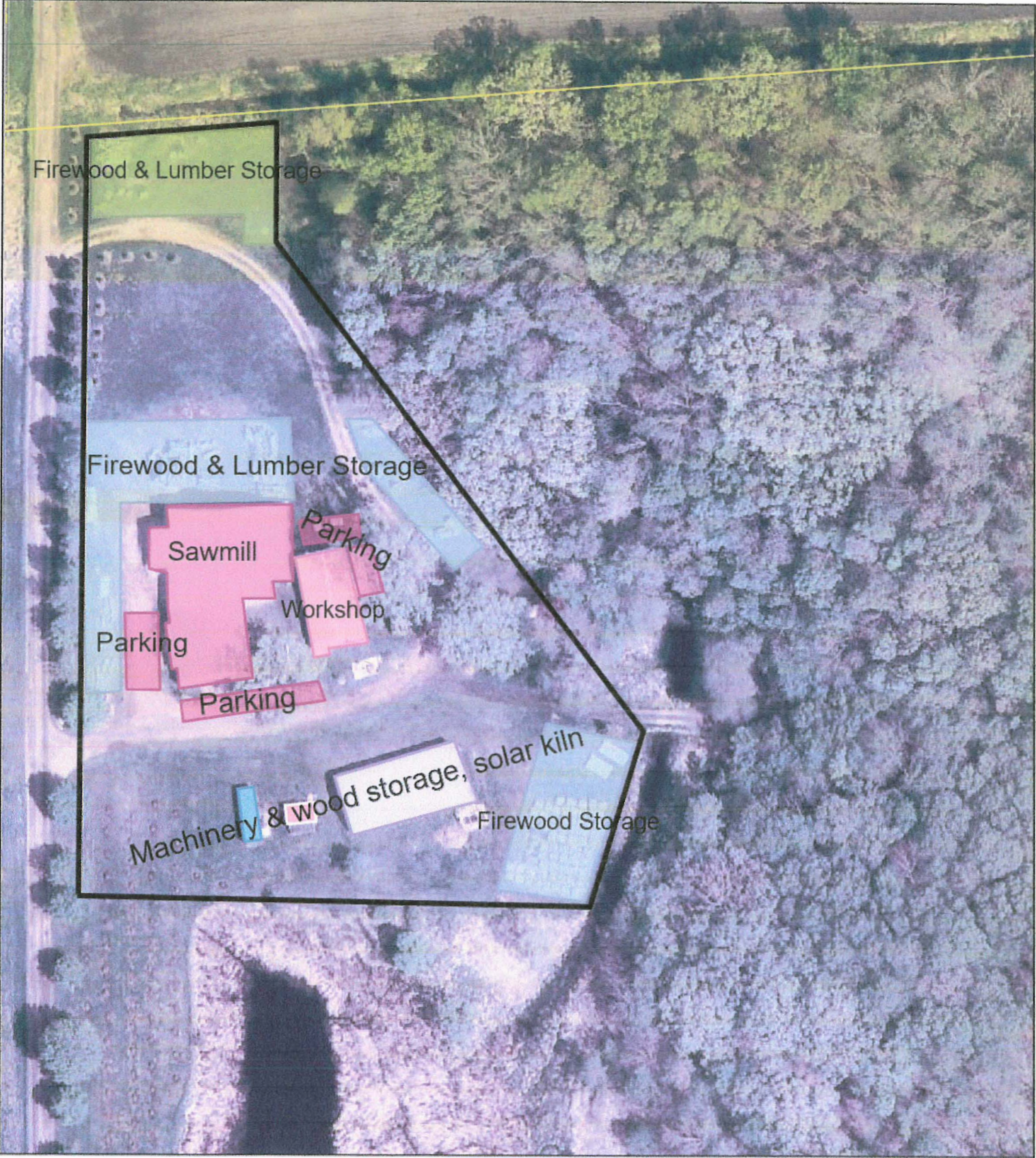
12-4-23



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.

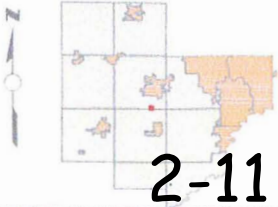


Z'S TREES & WOOD PRODUCTS SITE PLAN



Date: 12/4/2023
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Sawmill Site Plan
Z's Trees



2-11

2-2 acre portion of 30 acre home stead parcel



12-12-23

2-12



Township Presentation & Recommendation Form

PARCEL # <u>090350400</u>	Permit # <u>P720230045</u>
Owner's Name: <u>John M. Zimmerman</u>	Owner's Mailing Address: <u>10850 - 110th St</u>
City: <u>Cologne</u>	Owner State: <u>Mn</u>
	Owner Zip: <u>55372</u>
Applicant (if other than owner): 	Site Address: <u>Same</u>

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: <u>Modify CUP # 11746 to accurately reflect current business of 7's trees.</u>	
Date of County Public Hearing: <u>1-16-24</u>	Date of Township Meeting: <u>12-11-2023</u>

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:

No complaints to this date!

****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]

Signature of Applicant

[Signature]

Signature of Township Official

Date 12-11-2023

Date 12-11-2023

2-13



COUNTY OF CARVER

State of Minnesota

Document No.

A261904



OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA

Filing Fee: \$ 00

Check#: 00

Certified filed and recorded on 12-15-1999 at 09:00 ☒ AM ☐ PM



12-15-99

LF

Carl W. Hanson, Jr.
County Recorder

FILE #: 11746

APPLICANT: John Zimmerman

SITE ADDRESS: 10850 110th St., Cologne

PERMIT TYPE: Farm Related Business

PURSUANT TO: Ordinance No. 32S, Section 3.0305

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-034-0910 & 035-0400

~~1~~ **Drafted by} Planning & Zoning**

~~1~~ **Return to } Planning & Zoning**

CONDITIONAL USE PERMIT #11746

PLANNING COMMISSION RESOLUTION #: 99-51

ORDER #: 11746

DATE ISSUED: November 30, 1999

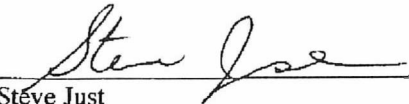
This permit is issued for property legally described on the attached Exhibit "A", pursuant to Carver County Ordinance #32S.

Purpose of Permit: To allow for the operation of a farm related business.

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

1. The Operational and Site Plans shall be attached to and become part of the permit. If there is a substantial change in the operation of the business, as determined by the Zoning Administrator, including, but not limited to, traffic, employees, items sold, and/or buildings and uses, the permit must be amended.
2. Permittee shall submit proof of liability insurance and a certificate of workers' compensation insurance, or proper affidavit, prior to the 1999 operations and annually thereafter.
3. Permittee must comply with any dust/traffic controls or access requirements specified by Waconia Township for the seasonal operations.
4. Bathroom satellites must be utilized and maintained by a licensed company.
5. Temporary promotional/directional signs may be utilized for the seasonal event with the permission of affected landowners. Permittee may utilize temporary signage as needed on-site. No additional applications or permits shall be required provided Permittee notifies the Planning & Zoning Department of the anticipated installation and removal dates.

6. The permit shall be subject to annual administrative review.

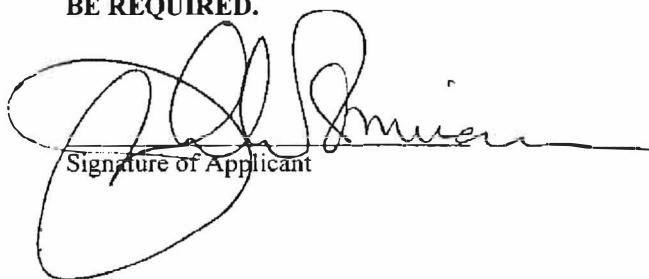

Steve Just
Deputy Planning Director

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT

Applicant signature block

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

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


Signature of Applicant

12-10-99
Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-035-0400

File# PZ20230045

APPLICANT/OWNER: John M Zimmerman & Barbara I Zimmerman

*** * * * ***

That part of the East Half of the Southwest Quarter (E½ of SW¼) of Section 35, Township 116 North, Range 25 West of the 5th Principal Meridian, which lies Southerly of a line described as follows: Commencing at the Southwest corner of said East Half of the Southwest Quarter (E½ of SW¼); thence Northerly along the West line of said East Half of the Southwest Quarter, a distance of 904.02 feet to the beginning of the line to be described; thence Easterly deflecting to the right 85 degrees 14 minutes 46 seconds, a distance of 859.49 feet; thence Northeasterly, deflecting to the left 31 degrees 31 minutes 05 seconds, a distance of 589.93 feet to the East line of said East Half of the Southwest Quarter and said line there terminating.