

Carver County Planning Commission
Regular Meeting - **Tuesday, October 15, 2024**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of September 17, 2024 regular meeting
Pages 1-1 through 1-12
- 2.) **File #PZ20240042**– Public hearing on application by Roger Nitz, representing CBR, LLC, for a Conditional Use Permit. (Adaptive Re-use of RSD Building)
Waconia Township Pages 2-1 through 2-11
- 3.) **File #OA-PZ20240043**– Public hearing on application by Carver County for amendments to the County Code.
(Chapter 152-Cannabis Regulations & Administrative Updates)
ALL Townships Pages 3-1 through 3-28

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – September 17, 2024
Minutes

Members Present: Scott Hoese, Greg Grazzini, Matthew Kerber, Scott Wakefield, Tim Lynch (for John P Fahey)

Members Late: None

Members Absent: John P Fahey, Frank Mendez, Andy Steinhagen

Staff Present: Jason Mielke, Donovan Hart, Christina Neel, Matthew Steele

Pursuant to due call and published notice thereof, the September 17, 2024, regular meeting of the Carver County Planning Commission was called to order by Chairman Hoese at 7:00 p.m. He noted four regular board members were present, which constitutes a quorum to hold the meeting, and the absence of three board members, Fahey, Mendez, and Steinhagen. Tim Lynch was present sitting in for John P Fahey.

Minutes – Chairman Hoese called for a motion on the minutes from the August 20, 2024, meeting. A motion was made by Kerber and seconded by Grazzini to approve the minutes from the August 20, 2024, regular meeting with the noted correction. All voted aye. Motion carried.

Agenda – Chairman Hoese asked if there were any additions or corrections to the agenda. Hearing none, he asked for a motion to approve the agenda. A motion was made by Wakefield to approve the agenda as printed. Kerber seconded the motion for approval. All voted aye. Motion carried.

File #PZ20240034 – Freshwater Community Church (continued) – Chairman Hoese called the public hearing to order at 7:01 p.m. to consider a request by Elijah Kracht, representing Freshwater Community Church. The purpose of the public hearing was to consider a request for a conditional use permit for a large-scale activity/church facility pursuant to Chapter 152 of the County Code. The property is located in Section 6 of Laketown Township.

The following were present: John Brandt, Zach Freitas, Jenni Rademacher, Dale Rademacher, Jeff Sayre, Pat Sayre, Brielle Iddings, Cynthia Sauter, Rose Haeg, Amanda Gregorich, Jeremy Gregorich, Neil Weinzierl, Jill Weinzierl, Lisa Theisen, Bob Bolles, Diane Bolles, Wayne Paulson, Mindy Notch, Mark A Precht, Paul Higgins, Jeff Geddes, Brian, Schwarz, Mike Wegner, Peggy Wegner, Bruce Minor, Alice Minor, Tim Jenkins, Claudia Barron, Dale Barron, Carmein McCurry, Rebekah Jutz, Bryan Venr, Katie Braland, John Braland, Mark Gray, Lisa Paora, Mike Klingelutz, Jean Simon, George Zenanko, Lisa Barron, Angie Thom, Greg Scheff, Don D Bouchard, Heather Augustine, Alex Hay, Patrick Haeg, Timon Sahlstrom, Lisa Laurent, Lori Brighton, Sara Braland, Ryan Hakes, Kapo Lew, Hannah E Leiferman, Katy Sudlaw, Terry Thelemann, Robert Holz

The following items were entered into the record:

Exhibit H – Staff Report addressed to the Planning Commission and Laketown Township dated September 9, 2024, and all attachments

Exhibit I – 60-day Law Letter dated September 11, 2024

Exhibit J – Various emails expressing support of the request (16) and 2 emails with questions/concerns about the application

Hart briefly reviewed the history of the parcel, stating Freshwater Church acquired the property in 2019. They are requesting approval to construct an approximate 39,000 square foot structure with worship space, daycare facility, and supporting site improvements. Hart stated this request is a continuation of the public hearing from August 20, 2024, where the Planning Commission members requested:

- Clarification of when the Event Traffic Control Plan protocols would be utilized. Specifically, when are the circumstances when a Sheriff Deputy or State Trooper would be stationed along the side of Laketown Parkway?
- An inquiry with Public Works on whether the driveway access location could be shifted to minimize exiting vehicle headlights shining in the windows of the house directly across the street. Also, provide final review comments on intersections improvements, if possible.
- Minnehaha Watershed District stormwater review comments. Specifically, will the proposed church impervious surface area exacerbate reported wet conditions of the property to the south?
- Description of signage: Will the church seek a variance? Or will the property have signage that complies with the Sign Code?
- Clarification on events with outdoor event noise/music. Will the church have any large events with amplified music included as part of the CUP? Or will those be proposed as Special Events when planned?

The proposed structure would include a large assembly space with a capacity of 541 seats, a multi-purpose room, a playroom, classrooms, restrooms, gathering area, and administrative offices. Site improvements would include parking to accommodate 201 vehicles, access improvements on Laketown Parkway, a new septic system installation and stormwater retention system. The existing residence on the property would remain and would continue to be used as long-term housing for adult women who are in recovery from a substance abuse disorder. This use is a completely separate use from the proposed church CUP. Hart highlighted the proposed hours of operation for the church and daycare facility, numbers of staff and anticipated participants, and approximate daily vehicle trips. The Event Traffic Control Plan submitted at the prior meeting has been revised to state: *“This plan will be implemented for events held outside of regular weekly worship gatherings where there is an anticipated 200+ cars arriving for a fixed start time.”* The concerns expressed with safety issues and the access location on Laketown Parkway were addressed by Traffic Engineer, Whitney Schroeder as follows: (Her answers appear in red font)

- **Residents expressed safety concerns with current posted speed limit and construction of a turn lane in a location with that traffic speed: A Traffic Impact Assessment (TIA) was performed as part of the County’s application requirement. This TIA evaluates the existing roadway and surrounding intersections under existing and future traffic volumes with and without the site to identify needs and recommendations to accommodate the additional traffic safely and effectively. The proposed access meets turn lane warrants for both directions, therefore there will be a designated southbound left and northbound right turn into the church site. The turn lane lengths and design components are determined by many factors such as future traffic volumes on the mainline roadway, posted speed limit, turning volumes into the church site, crash history of the roadway and roadway characteristics such as urban vs rural. The turn lane design is consistent with national roadway design standards and best practices.**

- Residents talked about a possible frontage road that would use Crown College Road access: **I believe this was deemed not feasible during past discussions as we could not force Crown College to provide temporary easement for a driveway.**
- Residents expressed concerns that the proposed intersection improvements were too close to the neighbor's driveway or will intersection improvements will encroach upon the neighbor's private property: **The proposed access meets the County's access spacing policy guidelines.**
- Residents asked whether driveway could be relocated northward or to the southwest corner of church property: **Originally, the proposed access was located further south directly across from the home. The headlights issue was brought to attention as well as the County's access policy which generally aims to consolidate accesses and align them across from one another when possible. This led to the proposed access to be shifted north to align with the homeowner's existing driveway as it is currently shown.**
- Residents expressed concerns about the safety of the neighbor exiting from his driveway onto Co Rd 92 opposite proposed church driveway: **Aligning the accesses across from each other follows access management practices to aid in safety and visibility for drivers on the mainline.**
- When would Event Traffic Control Plan protocols be followed? **Any special event affecting traffic operations on county roads would require a separate permit. As part of that permit, an event traffic control plan would be required and need to be approved by the County. Any temporary change in County intersection control or closure would need to be communicated through the permit's event traffic control plan, which would then demonstrate the need for law enforcement.**
- Could the driveway access location could be shifted to minimize exiting vehicle headlights shining in the windows of the house directly across the street? **Originally, the proposed access was located further south directly across from the home. The headlights issue was brought to attention as well as the County's access policy which generally aims to consolidate accesses and align them across from one another when possible. This led to the proposed access to be shifted north to align with the homeowner's existing driveway as it is currently shown.**

In regard to the shining of headlights from exiting vehicles, the applicant provided an exhibit illustrating the distance low beam vehicle headlights would travel onto the neighboring property and the higher elevation of the house which would prevent the direct glare of headlights from reaching the house windows. The applicant submitted an updated Exterior Elevation plan with a dashed area representing the approximate location and size of signage, shown only for reference. In response to concerns expressed about the impact from noise from outdoor activities, Executive Pastor Freitas states, *"Outdoor activities may have music played from a small portable speaker. At this time, we do not have plans for large outdoor events requiring a large speaker system. It is the intention of the new building to house the weekly churchwide worship services."* Hart noted that a Landscaping Plan shows a mixture of deciduous trees on the edges and within the parking lot to soften the hardscape appearance and also shows a line of evergreen trees between the parking lot and Laketown parkway to provide some screening between the church and the adjacent property across the street. The applicant has provided a Photometric Plan showing levels of illumination on the parking lot and surrounding the church. The highest light level is about .3 footcandles in the public right-of-way near the driveway entrance, which is about 1/10th of the maximum allowed by the Zoning Code. The subsurface sewage treatment system (SSTS) location for the proposed church facility has been identified to the east of the church building. At the previous meeting, concerns were expressed about the stormwater management design and Minnehaha Creek Watershed District (MWCD) permitting. The applicant provided an update of the MWCD permitting process in an email stating, *"After*

ongoing coordination between the County and Minnehaha Creek Watershed District (MCWD) in regard to storm water management for the turn lanes, MCWD agreed to review the stormwater management drawings for the “private” Freshwater Church site. Those drawings have been sent and received by Maggie Menden at MCWD. MCWD will be providing feedback by 9/20 at the latest. It is the understanding of the design team that drawings submitted to MCWD meet their design standards pertaining to post-development runoff can’t exceed pre-development runoff. If MCWD has any comments or requested revisions to the submitted plans, those changes would be made prior to building permits being issued.” The subject property is in the jurisdiction of the City of St. Bonifacius Fire Department. Chief Eric Anderson received the application materials and provided a review letter dated August 23, 2024. Land Management received many letters both in support and in opposition to this request since the August 20, 2024, public hearing, which were provided to the Planning Commission members and made available at this meeting. The Laketown Town Board reviewed the application again at their August 26, 2024, meeting and in an email dated September 5, 2024, the Town Clerk Leanne Kunze reported: “In regard to the Freshwater Church CUP application, the Board has no further comment other than the request to clarify their previous position supporting the land use from ag to church, and the remaining concerns relating to CUP to be addressed by the road authority and watershed district.” Hart read the proposed conditions for consideration if the Planning Commission recommends approval of the request.

Chairman Hoese asked the applicant if he had any additional comments.

Zach Freitas, Executive Pastor for Freshwater Community Church, emphasized Freshwater Church is a local church and has been a part of the community for about 25 years. Their membership has sacrificed and worked to raise funds for this new structure, and they are excited to be moving forward with this project. He thanked everyone for doing their due diligence in reviewing this request and offered to answer any questions that might arise. He stated the civil engineer, builder, and architect are also present to answer questions.

Chairman Hoese asked for further clarification about implementation of the Event Traffic Control Plan as referenced on page 2-3 of the staff report.

Pastor Freitas stated this plan would be in effect when they have a large (concert-type) event which would result in a full parking lot and a concentration of vehicles arriving at the same time. The regular worship services have volunteers in the parking lot directing vehicles that trickle in more spaced timing than for an event.

Chairman Hoese followed the bullet points on page 2-1 and asked if there was more information from Public Works concerning the driveway access location. He alleged that location was pretty well designated from the previous meeting. He mentioned any signage was not a part of this request.

Chairman Hoese announced the continuation of the public hearing and asked for comments from the Township.

Mike Klingelhutz, Laketown Township supervisor, stated this is a big project and will be a change to the neighborhood. He complimented the Planning Commission for continuing the public hearing to gain more information on certain issues and complimented the church team for providing clarification and additional information addressing some of the residents’ concerns.

Terry Theleman, 6680 Laketown Pkwy, commented about the high-beam lights from vehicles exiting the property and seemed unsure that that issue was completely resolved, but recognized the information provided on the exhibit. She acknowledged it is not the intention of the church to hold any outdoor services as had been done in the past and asked that a condition be specific to deny any outdoor services or concerts to eliminate the possibility of the loud amplified music. Or, if a special outdoor event was to be held, that there would be notification to the surrounding property owners describing the details of the event.

Pastor Freitas stated after their first outdoor service event, the church did respond to the neighbor's concerns and paid to have a covered stage which allowed speaker to face downward to help alleviate the noise from traveling directly toward the neighbor's property. He reiterated that those outdoor services were held to raise funds for the proposed building and they do not anticipate having outdoor services once the structure is completed.

Mielke added that if the church was to have a special event, the County Board would need to approve the administrative permit and those parameters would be addressed and established with that permit issuance. An administrative special event permit does not require notification to the neighbors, but is strongly encouraged that the event holder reach out to inform the neighbors of what will be taking place.

Bob Holz, 6680 Laketown Pkwy, stated he is concerned with lighting, noise, and traffic. He explained that his concerns would be the same for a church or an office building or a gas station. He claimed he has tried to reach out to the church with his concerns and has not gotten any response. He is concerned about the proposed location of the church access because he feels it will be difficult to enter and exit his property. He would like to see the access moved further south on the property or use the existing access to the north. He also voiced irritation with the disruptive noise from the outdoor events. He expressed disappointment that he received no response when tried to reach out to the church to discuss and try to resolve these issues. He stated he feels outnumbered by expressing his concerns but stated he lives directly across the road and everything that happens on this property will directly affect him.

Becky Kutz, Office Mgr for Freshwater Church, stated she is the contact person for the church who answers telephone calls and emails. She recalled talking to a neighbor concerning the noise level from the outdoor service and apologized because the event happened the day prior and she is in the office Monday through Friday. She stated the caller hung up during the conversation. Ms. Kutz felt it was not accurate or fair to say that there was no response from the church because she has replied to all emails and calls which were received. She tried to be compassionate and understanding to their statements as well as explaining the church's position.

John Brandt, attorney, stated the church has had 5 special events for which permits have been obtained. He restated that after the first event, the church incurred additional costs to have a covered stage so the speakers could be downward facing in an attempt to relieve the neighbors' concerns for noise. These events were done as fundraisers and are not in the foreseeable future after the building is completed.

Mr. Holz defended his previous statement saying he called the church office and likely talked to Mr. Kutz who gave him the telephone number for the pastor. He called that number and left a detailed message as to why he was calling and never received a return phone call.

Hannah Leiferman, 885 Airport Rd, read a prepared statement outlining instances of care and comfort the church leaders and church body have provided for her and her son during crisis times in her life. She believes this church structure is vital to provide a place for the congregation to continue to meet and grow and provide support for many people in the area.

Ms. Theleman clarified her statements are not made to interfere with the church's mission and the many outreach services that the church and its members provide in the community. She stated her concern lies with trying to open communication and informing neighbors about things that are planned or will be happening so that everyone is aware. She felt that her concerns are not unreasonable and would like to have everyone be a considerate neighbor.

Commissioner Kerber commented about communication with neighbors about CUP requests because many times issues can be addressed and/or resolved if the neighbors are aware of the project proposal. He stated it appears the church has good intentions of controlling the loud outdoor music by holding their events in the proposed structure. He mentioned the access, noting that it appears the Public Works Department is set on the location as shown on the drawings. He offered an opportunity for communication with the church about the landscaping plan and possible changes to reduce headlight glare toward the property.

Ms. Theleman also offered to review any landscape changes they could implement and noted it is difficult to know what effect the access will have until it is established because they have only one vehicle entering or exiting as opposed to many from the church.

Pastor Freitas apologized to the neighbors for the lack of communication. He stated some very nasty emails and voicemails were received concerning the previous outdoor services and he did not identify the origin of them but promised improve his communication with them.

Chairman Hoese shared the photo presented to the board by Ms. Theleman of the view from their house of the church's parking area for an outdoor service.

Tim Jenkins, 1930 10th St E, Glencoe, has attended Freshwater Church for approximately 2 years and has helped with tree removal and burning of brush at the property. He stated he has some experience with problem solving or mediation from his real estate business and offered his service in that capacity to talk with the neighbors for the church with any future issues that may come up.

Bruce Minor, 662 Ravencroft Rd, has previously lived across from Faith Lutheran Church, which is in a residential neighborhood, but he felt that the church is a service to the community so it is worth a little bit of irritation. He now lives in a different residential where there will be an additional 500+ houses and townhouses constructed which will increase the traffic, but is willing to deal with the inconveniences because it is a great community in which to live.

Mr. Holz asked for a condition of the CUP could restrict all outdoor amplified music. He stated Pastor Freitas' statement was that there are no outdoor events planned for 'the foreseeable future' and wanted to have that more defined by eliminating it.

Pastor Freitas stated that other than a small radio or speaker used while kids are playing outside, there are no future plans for large outdoor events. However, he stated if another Covid pandemic comes along, he does not want to have the church shut down and the congregation not be able to gather.

Mr. Holz also asked that the access location be changed to be the existing access or to the very south of the property.

Pastor Freitas stated the access location was not determined by the church but was controlled by the County Public Works Department. Their submitted plans which identified three different access locations. This was discussed initially about a year and a half ago and Public Works chose the location shown on the plans and has held to it. It was brought up again at a meeting in August and was denied. He stated the church would be willing to move the access, but it is not in their control.

Chairman Hoese confirmed if the church is planning to have an outdoor event, they would need to obtain an administrative permit and the amplified music issue could be addressed with that permit.

Dr. John Braland, Lead Pastor at Freshwater Church, stated he loves the community and attending local outdoor events and activities. He understands the neighbor has a beautiful house and enjoys his property. He stated the church serves the community with social services. He asked for the assurance that the church would not be subject to hostility from neighbors if/when the church reaches out to discuss their proposal for large scale events.

Ms. Theleman responded that she and her husband are not hostile people and would welcome discussion and communication from the church. She cautioned that they may not always agree with the proposal and that discussion from both sides should be considered. She assured the church that they would not respond with hostility but allow civil open communication.

Wayne Paulson, 5125 Shady Island Rd, addressed the proposed business hours for the church are mostly outside of hours when headlights would be required and concluded that vehicle lighting should not be a problem for the neighbors.

Chairman Hoese noted the daycare hours are early and it is dark at those times for months.

A motion was made by Wakefield to close the public hearing. The motion was seconded by Kerber.

Lynch asked if the number of daily vehicle trips on Laketown Parkway was known.

Mielke replied that he did not have that figure and was not aware that it was supplied by the Public Works Department. The road authority should be the best source to determine access locations from a safety standpoint and the location directly across from the neighbor was the location that was chosen. They were supplied with the application information and the proposed traffic numbers, and they make their decision based on the information supplied.

Lynch stated that the numbers supplied and the peak times of the traffic seem to be minimal considering the amount of traffic on that road. He felt the church had done a good job in meeting with Public Works

about the access and also with MWCD and the stormwater plan. He shared with everyone that Carver County does have a noise ordinance but did not quote the specifics of it.

Wakefield also agreed the church has made some adjustments since the last meeting. He recognized that Laketown Parkway carries a lot of traffic and the road authority has the speed limit set for that road.

Chairman Hoese called for a vote on the motion to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 8:08 p.m.

Lynch made a motion to **approve and issue Resolution #24-11** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for a large-scale activity/church facility on the subject parcel. Wakefield seconded the motion for approval.

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

File #PZ20240036 – Tim Erhart – Chairman Hoese called the public hearing to order at 8:13 p.m. to consider a request by Erhart. The purpose of the public hearing was to consider a request for an interim use permit for a contractor's yard pursuant to Chapter 152 of the County Code. The property is located in Section 8 of Laketown Township.

The following were present: Dan Blake, Matt Wentzlaff, Mike Klingelhutz

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 August 22, 2024

Exhibit F – Email received on September 16, 2024

Exhibit F – Staff Report addressed to the Planning Commission and Laketown Township dated September 6, 2024, and all attachments.

Neel stated Tall Grass Properties, LLC (Tim & Dawne Erhart) own an approximate 73.48-acre parcel improved with a single-family dwelling with attached garage, a metal shed, and a large barn, along with cropland under production and wooded acreage. Prior to the Interim Use Permit (IUP) application for a contractor's yard, the applicants obtained a variance to operate a contractor's yard on a property that is not homesteaded. The property is leased to a business owner (Matt Wentzlaff/True N Fair Tree Care). The applicants are requesting an IUP to operate a tree service business from the subject property as a contractor's yard. The proposed location of the contractor's yard meets the Zoning Code required setback of 500 feet from any residences. Consistent with the residence requirement for home-based businesses, Matt Wentzlaff resides in the house on the property. The submitted operational plan describes the business as having six employees who report on workdays to the subject property to pick up vehicles and equipment and return to the property at the end of the day, along with the owner. The operational hours as Monday-Friday, 6:00a.m.-7:00p.m., Saturdays from 8:00a.m.-3:00p.m. and occasionally on Sunday from 8:00 a.m.-3:00p.m. Winter hours are reduced due to daylight hours. There are no proposed onsite operations other than the employees parking and leaving or returning with

vehicles and equipment. At full operations capacity, estimated daily trips would be 26. There are six work vehicles. There is no access for the public or any retail sales conducted at the property. No signage is proposed. Neel used an aerial photo of the property to illustrate the structures and area from which the business will operate. The existing metal hoop shed will be used for storage of materials and equipment. The applicant states that no materials will be stored outdoors, except temporary stockpiling of logs, which would not exceed 600 square feet, prior to delivering to a disposal site. Employee parking will be to the north of the metal shed and up to six work vehicles (pickup trucks and trailers) will be parked adjacent to the shed. The existing barn may be used as possible winter storage and the applicant understands that all buildings used for commercial activity must meet state building code requirements. Existing mature poplar trees along the southern property line aid in screening the operation from public view and appears to comply with the screening standards in the Zoning Code. The property has a current certificate of compliance for the septic system and no bathrooms are proposed for any of the commercial structures. Carver County Environmental Services had no additional comments or requirements for the septic system. On July 22, 2024, Lane Braaten, City of Waconia Community Development Director, stated there are no concerns as the business use would not be a permanent installation within the city's growth area. The Laketown Town Board reviewed the request at their July 24, 2024, meeting and gave their support with the following statement: *"Township Board plans to be present for comment at the County hearing. Board voted in unanimous support for the Interim Use Permit requested to allow True 'N Fair Tree Care to operate at 8850 Island View Road in Laketown Township – with business owner and his family residing on site – subject to expire when/if business owner moves. Board unanimously supports parameters set forth in application letter such as business hours, number of work vehicles, and requests Carver County include requirement for business owner to participate in annual dust control at 100% cost for 1st application and 50% cost for 2nd application for 1600' (starting at driveway access and ending at Hwy 5). Board unanimously believes the requested IUP and Variance request should be granted as it meets the intent of "owner occupied" with the business owner residing on site as their primary address – avoiding commercial property in rural areas without business owner living on site (also noting unenforced CUPs where business owner is not living on site."* An additional email dated August 29, 2024, from Laketown Town Clerk, Leanne Kunze, stated, *"The Board requests that heavy equipment travel on the easterly portion between the driveway and Hwy 5 as the primary commute, and supports the use of the westerly segment of Island View Road for return trips coming south on County Rd 92 and turning east on Island View Road as this would be a considerable safety concern to have work vehicles proceed further south on Co Rd 92, necessitating a left hand turn onto Hwy 5, and again turning left off of Hwy 5 onto the easterly portion of Island View Road to reach the property."* On September 16, 2024, Land Management received an email from John McCain inquiring about onsite operations of wood chipping or storage of equipment. Staff confirmed that equipment for the tree business is only to be stored on the site. Neel read the proposed conditions for consideration if the Planning Commission recommends approval of the request. If the Planning Commission recommends denial of the request, the deficiencies found in Section 152.251 of the Carver County Zoning Code, should be referenced.

Chairman Hoesle asked the applicant if he had any additional comments.

Dan Blake, representing the property owners, stated he had no additional comments.

Mike Klingelhutz, Laketown Township Supervisor, confirmed the Town Board's support for the request and stated they are confident the business owner will operate the business according to the submitted plans.

There was no one present from the public with comments about this request.

A motion was made by Lynch to close the public hearing. The motion was seconded by Grazzini. Chairman Hoese called for a vote on the motion to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 8:22 p.m.

Lynch asked the applicant to confirm that there will be no wood chipping done at the site.

Matt Wentzlaff, 8850 Island View Rd, stated that the only chipping done might be for tree removal from the subject property, but not any chipping for others or materials brought to the site.

A motion was made by Grazzini to approve and **issue Resolution #24-12** incorporating the findings of fact and staff recommendations with the noted changes approving the Interim Use Permit for a contractor's yard (True N Fair Tree Care) on the subject parcel. Wakefield seconded the motion for approval. Chairman Hoese call for a vote on the motion for approval of the request. All voted aye. Motion carried.

File #PZ20240037 – Serenity Acres Holdco, LLC – Chairman Hoese called the public hearing to order at 8:29 p.m. to consider a request by William, Teena, and Alexie Dietz. The purpose of the public hearing was to consider a request for a conditional use permit for a public equestrian facility pursuant to Chapter 152 of the County Code. The property is located in Section 14 of Watertown Township.

The following were present: William Dietz, Teena Dietz, Alexie Dietz

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 August 23, 2024

Exhibit F – Staff Report addressed to the Planning Commission and Watertown Township dated September 9, 2024, and all attachments.

Hart stated the applicants own an approximate 16.6-acre parcel improved with an existing house, an accessory structure, a barn with an attached indoor riding arena, four small horse run-ins and grazing pasture. There is an existing conditional use permit (CUP) issued on the property to allow an equestrian facility with boarding and training up to 18 horses. When the Dietz's purchased the property, they chose to establish the property ownership in an LLC. However, the Assessor's Office has determined that an LLC ownership cannot qualify for homestead, which is a requirement for a CUP. One of the owners, Alexie Dietz, does reside at the property. The applicants applied for and were granted a variance to the homestead status requirement and are now pursuing continued use of the existing CUP with an amendment to add equine therapy and an emotional counseling practice to take place on the property.

Teena Dietz is a licensed therapist and wishes to add a range of therapeutic services, including equine therapy, offered to client on the property. The applicant's letter describes the owners' intent to provide boarding services *"in the same exact manner"* as the previous owners. *"We will utilize the same pasture structure, same manure management, and same stable structure. Hours of operation, number of employees, vehicles, sanitary facilities, waste management/disposal, and all other details will be consistent with past approved operations."* The existing CUP allows for up to 18 horses on the property. The operational hours in the plan dated August 23, 2024, are 9:00 a.m.-9:00p.m. and *"likely not open during the holidays."* The horse boarding activities *"will utilize pastures, stables, riding arena, tack room, feed storage room, shop."* Furthermore, the narrative states, *"we will use the grounds and facilities to offer an equine therapy and emotional counseling practice."* The submitted site plan shows the operational area and general layout of the property. The existing indoor riding arena includes a room used for therapy sessions, a farmhouse used for therapy sessions, small group sessions and occasional retreats, a farm office building for administrative work and therapy sessions. There is one full-time employee and up to 4 part-time employees. The therapy clients, one at a time, would be on-site 1 to 2 times per day, with occasional therapy groups of 15 or fewer. There is on-site parking of 8 spaces for employees and clients located north of the farmhouse and north of the indoor riding arena. There is currently a 28.3 square foot sign for Serenity Acres, which is compliant with the Zoning Code regulations. Carver County Feedlot Officer, Matt Steele, reviewed the application materials and provided the following email response on September 5, 2024:

- *I performed a routine compliance inspection on August 30, 2024, and determined the site to be well maintained and compliant with County Ordinances and Minnesota Rules Chapter 7020.*
- *The site consists of the following feedlot components: A 2,400 square foot barn with 7 stalls, 4 partial confinement barns (run-in sheds), and 6 paddock areas (open lots). Additionally, the site includes non-feedlot components including 7 pastures for rotational grazing, a round pen, an outdoor riding arena, and a 70' x 200' indoor riding arena equipped with a tack room and therapy room.*
- *During the inspection, staff identified a total of 10 horses and 2 mini horses on site (10.8 animal units). The applicants are currently boarding 4 of the horses, while the remaining animals are owned by staff members. Eight horses and two mini horses (8.8 animal units) are kept within feedlot components, and two horses (2 animal units) are kept in the southeast pasture.*
- *Manure is removed from paddocks and stalls twice daily and placed into a permanent manure storage structure. The manure is transferred off-site for composting twice a month.*
- *Minn. R. 7020.2005 subp. 1, prohibits new animal feedlots of 10 animal units or more from being built or established in the shoreland district, with certain exceptions. Notably, pastures and areas not classified as feedlot components are exempt from these location restrictions. However, these areas must still comply with Minnesota's Water Quality Rules (Minn. R. Ch. 7050 and 7060).*

Lori Brinkman, Carver County Senior Environmentalist, reviewed the septic records and reported in an email dated September 4, 2024: *"There are 2 mound septic systems at the property – one for the house and one for the riding arena. Both were inspected on August 18, 2022, and found to be compliant. The riding arena mound system is sized for 300 gallons per day. Average daily flow must not exceed 200 gallons per day to avoid mound system failure."* The Watertown Town Board reviewed the request and recommended approval at their July 1, 2024, meeting with no additional comments or concerns. Hart read the proposed conditions for consideration if the Planning Commission recommends approval of the

request. If the Planning Commission recommends denial of the request, the deficiencies found in Section 152.251 of the Carver County Zoning Code, should be referenced. Or, if the current application fails, or it is withdrawn, the private Equestrian Facility CUP (#PZ20140031) would remain in full force and effect. The existing use (public equestrian facility) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

Chairman Hoeser asked the applicants if they had any additional comments.

The applicants had no additional comments.

Scott Hoeser, speaking as Watertown Town Board supervisor, confirmed the applicants had gone through the process to obtain a variance for the homestead issue and the Town Board recommended approval of the CUP request.

A motion was made by Wakefield to close the public hearing. Lynch seconded the motion to close. Chairman Hoeser call for a vote on the motion. All voted aye. The motion was closed at 8:33 p.m.

A motion was made by Lynch to approve and **issue Resolution #24-13** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for a public equestrian facility on the subject parcel. Kerber seconded the motion for approval. Chairman Hoeser call for a vote on the motion for approval of the request. All voted aye. Motion carried.

Adjournment

A motion was made by Wakefield and seconded by Lynch to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 8:37 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

October 4, 2024

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

FILE #: PZ20240042

APPLICANT: Roger Nitz

OWNER: CBR, LLC

SITE ADDRESS: 6750 County Rd 10 N Waconia 55387

PERMIT TYPE: Adaptive Reuse of an Existing Building in a Rural Service District

PURSUANT TO: Carver County Code: Section 152.097 (B)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-003-0500

BACKGROUND:

1. CBR, LLC owns an approximate 2.65-acre parcel located in the West Half (W½) of the Southeast Quarter (SE¼) of Section 3, Waconia Township. The property consists of the Maple Creamery building, which was built in the 1930s and is approximately 25,000 square feet in size. The parcel is located in the Agricultural Zoning District, Rural Service Overlay District (Maple) and Carver County Water Management Organization - CCWMO (Carver Creek watershed).
2. The applicant, Roger Nitz, is requesting a Conditional Use Permit (CUP) to operate a seasonal boat storage facility and a K-Bid online auction facility on the subject parcel, with storage in the existing building as well as outdoors. The CUP for an adaptive re-use of an existing structure would be allowed pursuant to Section 152.097 (B) of the Carver County Zoning Code, which reads as follows:

RURAL SERVICE OVERLAY DISTRICT

§ 152.097 CONDITIONAL USE PERMITS.

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

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

§ 152.098 SERVICE LEVEL.

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

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

STAFF ANALYSIS:

1. The property and the Maple Creamery building have been utilized by various Conditional Use Permits since the adoption of the Carver County Code in 1974. It was used as a mechanical and electrical machine shop and warehouse (#2871), then a newspaper shredding and recycling facility (#7822 and #8162), a fitness equipment manufacturing facility (#10185) and most recently, adaptive reuse for 6 bays to be leased for warehouse and storage uses. The current CUP (#PZ20060049) was issued November 7, 2006, prior to CBR, LLC purchasing the property in 2014. Mr. Nitz would like to depart from the prior business and utilize the building in a way that he believes supports the community and surrounding area by offering seasonal boat storage and winterization as well as K-Bid online auctions.
2. The subject property is within the Maple Rural Service District and is located on the west side of County Road 10 N. The applicant has submitted an operational plan (dated: September 17, 2024) outlining the details of the operation. According to the applicant, there are two separate businesses that would operate from the site: boat storage and winterization and a K-Bid online auction company. For the boat storage and winterization, the applicant is requesting to seasonally store up to 30 boats in the 17,000 square feet (0.4 acre) grass area on the north portion of the site. This staging process will be utilized for approximately 4-6 weeks in the spring and in the fall (usually April and October, depending on the weather). The narrative states: "There will be no storage of boats during the winter and summer months."
3. For the K-Bid use of the building, the applicant states up to 10 items (cars, trucks, personal watercraft, etc.) will be stored outside during auction periods, for up to two weeks. K-Bid auctions take place online, then buyers schedule pickup during specific load out days. This helps control the number of cars and people arriving to the site. Load out days are from 10:00AM to 3:00PM and up to 10-15 individuals, plus employees would be utilizing the front parking area during those times. The applicant plans to have no more than 2 auctions per month, with one load out day per auction.
4. The applicant has submitted a site plan (dated September 23, 2024) showing the operational area of the building and grounds of the site. The indoor storage area consists of seasonal boat storage and winterization, as well as some of the applicant's personal storage (cars, boats, trailers and property upkeep machinery) within approximately 14,000 square feet of the building. Additional personal storage use may be in the rear of the building, provided the applicant maintains an emergency access easement along the rear property driveway. The site plan also identifies approximately 5,000 square feet of the building interior to be used for K-Bid auction storage, as well as up to 4,000 square feet of outdoor temporary storage directly south of the building. Employee and customer parking shall be located along the front of the building, with no storage or parking within the County right-of-way. There is space for up to 20 parking spaces, which exceeds the maximum expected visitors to the site on a K-Bid load out day.
5. Hours of operation for each business are 8:30AM to 5:00PM Monday-Friday. The applicant works on site an average of 40 hours per week, and 1-4 additional employees work 10-15 hours each. There is no bathroom in the building, so a biff-type portable restroom is rented and maintained on site. There is a well for water, but it is shut off during the winter months. At peak operations during the spring and fall boat season, the applicant estimates up to 10 trips per day. Off season would be 1-5 trips per day, plus 1-4 employee trips each day.
6. The site is partially screened by existing trees to the east, south, and north. The applicant has not proposed additional screening at this time.
7. The applicant has not proposed any signage for the location. All future signage would be required to meet the Carver County Sign Regulations of Chapter 154 of the Code of Ordinances.
8. The Permittee would be required to contact the Carver County Environmental Services Department to further discuss the requirements of obtaining a Hazardous Waste Generator's License, if applicable.

9. The neighborhood is comprised of residential, agricultural and commercial land uses within the Maple Rural Service District and surrounding agricultural zoned district area. The request would not cause a substantial change in the character of the neighborhood, nor would it result in a detriment to neighboring properties.
10. The proposed use appears to meet the general requirements for a conditional use in the Rural Service District (i.e. adaptive re-use of existing structures).
11. The request was sent to the road authority, Carver County Public Works, for review. On October 2, 2024, Whitney Schroeder, Traffic Engineer, commented *"Please ensure boat storage is kept outside of County right of way (ROW) limits."*
12. On September 27, 2024, Jacob McLain, Senior Environmentalist - Carver County Environmental Services Department, reviewed the application and commented in an email:
 - *"The narrative states that there is no bathroom on the property, but we have a record of a holding tank being installed. If the holding tank is not in use and there are no plans for future use, it should be abandoned in accordance with Carver County Ordinance 52.058."*
 - *"Since there is a proposed change in property use that will impact water consumption due to the addition of on-site auctions, a compliance inspection on the existing system must be conducted per Carver County Ordinance 52.197 (A)(2)."*
 - *"There is planned spring and fall staging very close to the holding tank, and precautions should be taken to ensure that boats and trailers are not placed over the existing tanks."*
13. The subject property is located within the CCWMO jurisdiction. Tim Sundby of the CCWMO reviewed the application and in an email dated September 26, 2024, stated that *"the site is not having any additional disturbance, so nothing is needed for WMO permitting at this time."*
14. The Waconia Township Board reviewed the application request at their September 9, 2024, meeting. The Township Board provided the following comments:
"Only concern is limiting outside boat storage to 15 and not to be seen from County Rd 10! This would be for winter storage also! No objections to auctions."

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval or the permit application, the previous CUP #PZ20060049 (recorded as Doc. No. A57775) and any other permits or amendments issued to the property in the Rural Service District shall be terminated upon final approval (and recording) of the new CUP #PZ20240042, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
2. The operation shall be substantially in accordance with the submitted operational plan (dated: September 17, 2024). and site plan (dated September 23, 2024). These plans shall be attached to and become part of this permit. The hours of the operation shall typically conform to the hours of 8:30AM – 5:00PM Monday-Friday.
3. All business-related trucks, equipment, supplies and customers' boats 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.

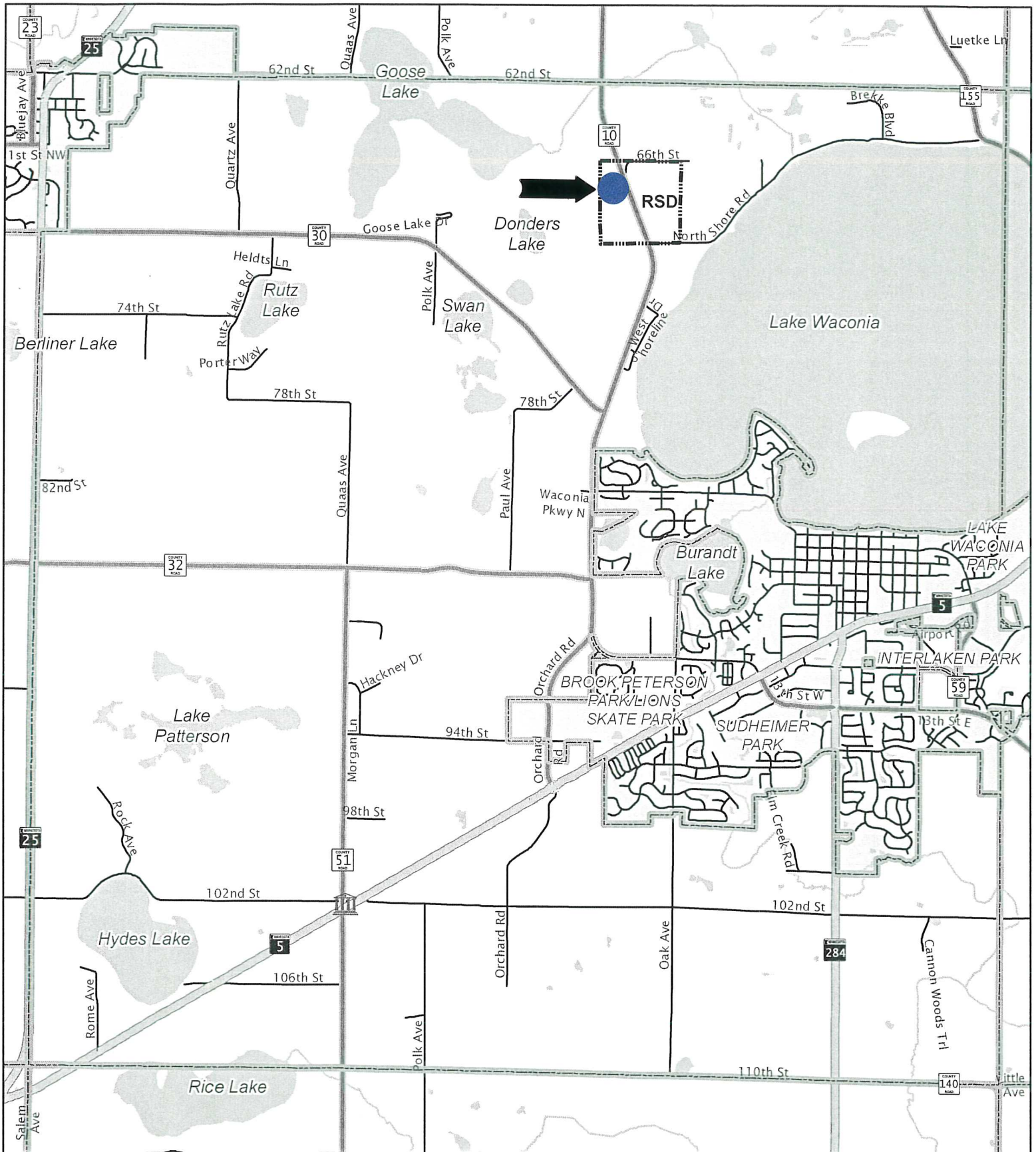
4. All structures, utilized as part of the business, shall meet the applicable requirements of the County Zoning Code and MN State Building Code. Any required building permit(s) shall be applied for and issued prior to using the structure(s). Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP is necessary.
 5. Permittee shall contact Environmental Services to determine whether the holding tank on site will require either abandonment or a compliance inspection. The permittee shall ensure that no vehicles will be placed over the existing tanks on the north end of the property.
 6. The permittee shall comply with the road authority's (Carver County Public Works) access requirements, improvements and/or standards, if any. Parking along County Road 10 N shall be prohibited.
 7. Permittee shall contact the Environmental Services Department to determine if a Hazardous Waste Generator License is required.
 8. 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.
 9. 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.

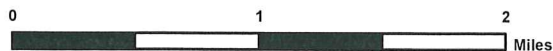
An order for the issuance of a CUP or IUP can be adopted only if all the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

- (A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules, or regulations.
 - (B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 - (C) The establishment of a conditional or interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - (D) The effects of the proposed use will not be detrimental to the health, safety, and welfare of Carver County or to the occupants of the immediate neighborhood.
 - (E) That adequate utilities, access roads, drainage and other facilities have been or are being provided.
 - (F) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use if these measures are applicable.
 - (G) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance if these measures are applicable.
 - (H) The use or development conforms to the County Comprehensive Plan.
 - (I) The use or development is compatible with the land uses in the neighborhood.
 - (J) A public hearing was held pursuant to § 152.285 and M.S. § 394.26, as it may be amended from time to time.
- If the current application fails, or it is withdrawn, the existing CUP (#PZ20060049) would remain in full force and effect. The existing use (adaptive reuse) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

WACONIA TOWNSHIP



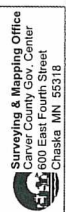
This map was created using Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



2-5

Map Created by Carver County GIS

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



9-17-24

CUP for 6750 County Road 10, Waconia MN 55387

There are two separate functions of my business: Boat storage and winterization, and KBid Auction Company. A portion of the building is used for personal storage of my own boats and vehicles.

Boat Storage and Winterization: I am asking for permission to place up to 30 boats or trailers to stage before putting them into or taking them out of storage. The process allows me to fit 5-7 more boats in the building. The staging area will be used for approximately 4-6 weeks in the spring and in the fall (usually April and October, but it depends on weather). The staging area will be the grass area on the north side of the property, approximately 17,000 square feet (0.4 acre). There will be no storage of boats during the winter or summer months.

Auction Company: Kbid: I am asking permission to place up to 10 items (cars, trucks, personal watercraft, etc.) outside during auction periods. Each auction period lasts no more than 2 weeks, from initial delivery through action, and buyer pickup. Approximately 5,000 square feet of the building interior will be used for K-bid auction storage, as well as up to 4,000 square feet of outdoor storage directly south of the building.

Hours: The hours of operation for either business are 8:30am-5pm Monday-Friday

Employees: 1-4 people working 10-15 hours per week. I usually work 40-50 hours per week. There are no bathrooms at the building, but we rent a portapotty to be maintained on site. There is a well for water, but we shut off the water for the winter.

Trips: On the busiest day at the height of boat season (spring and fall), there may be up to 10 trips a day. Off season would be 1-5 trips per week, not including 1-4 employee trips per day.

Personal Storage: I have 12-15 personal vehicles, boats, trailers, etc that I store in the building. We also store materials for upkeep of the building and maintenance for the outside areas: forklifts, skid steers, tractors, and mowers. These are kept indoors when not in use. Any outdoor storage will be kept to the area at the rear of the building, screened by existing trees.

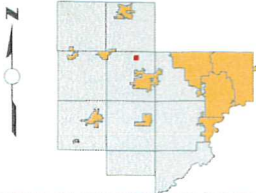
Signage: None proposed.

The only persons besides employees who come to the site are the customers who arrive to pick up items from the k-bid auctions. Load out days for the auction are 10am – 3pm and are usually 10-15 customers. We plan no more than 2 auctions per month and 1 load out day for each auction.

NITZ CUP



Date: 9/23/2024
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.





Township Presentation & Recommendation Form

PARCEL # <u>09-003-0500</u>	Permit # <u>720240042</u>
Owner's Name: <u>Roger Nitz</u>	Owner's Mailing Address: <u>3821 Glen Dale Dr</u>
City: <u>Chanhassen</u>	Owner State: <u>MN</u> Owner Zip: <u>55331</u>
Applicant (if other than owner):	Site Address: <u>6750 County Road 10</u>

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: <u>Shopping cart repair work!</u> <u>on line auction site - completing inside except for a few items!</u> <u>Outside boat storage</u>	
Date of County Public Hearing: <u>10/15/24</u>	Date of Township Meeting: <u>9/9/24</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:	
<u>Only concern is limiting outside boat storage to 15' & not to be seen from county Rd. 10 - this would only be for winter storage also!</u> <u>No objections to auctions & Shopping cart repair business</u>	

****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.

Roger Nitz

Signature of Applicant

Date 9-9-24

Mark Nickmeyer

Signature of Township Official

Date 9/9/24

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-003-0500

File# PZ-20060049

APPLICANT: Roger Nitz

OWNER: CBR, LLC

* * * * *

That part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 3, Township 116 North, Range 25 West described as follows:

Beginning at a point on the South line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, which point is distant 460 feet West of the Southeast corner of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence Northwesterly to a point which is distant 230 feet North of said South line, and measured at right angles thereto, and 190 feet Southwesterly of, and measured at right angles to the Westerly line of State Aid Road No. 13, Carver County, Minnesota, as same is now located; thence Northwesterly on a line 190 feet Southwesterly of, and measured at right angles to and parallel with the Westerly line of said State Aid Road No. 13, to the South line of the Great Northern Railway Company's Right of Way, as the same is now located; thence Easterly along said Right of Way line to the Westerly line of said State Aid Road; thence Southeasterly along the Westerly line of said State Aid Road to the South line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3; thence West along said South line to place of beginning.

ALSO that part of the Southwest Quarter of the Southeast Quarter, (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 3, Township 116 North, Range 25 West, described as follows:

Beginning at a point on the South line of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 3, which point is distant 460 feet West of the Southeast corner of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence Southeasterly parallel with the Westerly line of State Aid Road No. 13, Carver County, Minnesota, as the same is now located, to a point 30 feet South of, and measured at right angles to said South line of NW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence East on a line 30 feet South of, and measured at right angles to and parallel with said South line of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, to the Westerly line of said State Aid Road; thence Northwesterly along said Westerly line of State Aid Road to said South line of NW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence West along said South line to place of beginning.

ALSO, that part of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3, Township 116 North, Range 25 West, described as follows:

Commencing at a point on the south line of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 3, 460 feet west of the Southeast corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence Southerly, parallel with the Westerly line of State Aid Road No. 13, Carver County, Minnesota, as the same is now located to a point 30 feet south of, measured at right angles, to said south line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, which shall be the point of beginning for the description of the land hereby to be conveyed; thence continuing Southerly, parallel with the Westerly line of said State Aid Road No. 13, a distance of 40 feet; thence Northeasterly to a point on the Westerly line of said State Aid Road which is 30 feet south of, measured at right angles to said south line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence Westerly on a line which is 30 feet south of, measured at right angles, to and parallel with said South line of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the point of beginning, containing 1/10th of an acre, more or less.

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 116, Range 25, Carver County, Minnesota, which is included in the tract of land described as follows: Beginning at a point on the south line of said Northwest Quarter of the Southeast Quarter, distant 460 feet west of the southeast corner of said Northwest Quarter of the Southeast Quarter; thence southeasterly parallel with the southwesterly right of way line of Carver County Highway Number 10, a distance of 31.90 feet to a point, distant 30.00 feet south of, as measured as a right angle to, the south line of said Northwest Quarter of the Southeast Quarter; thence continue southeasterly along said parallel line, a distance of 37.00 feet; thence southwesterly deflecting $99^{\circ} 13' 56''$ right, a distance of 17.00 feet, thence northwesterly deflecting $79^{\circ} 36' 09''$ right, a distance of 110.88 feet, thence northwesterly deflecting $6^{\circ} 29' 5''$ right, a distance of 200.30 feet to a point, distant 230.00 feet north of, as measured at a right angle to, the south line of said Northwest Quarter of the Southeast Quarter and 190.00 feet southwesterly of, as measured at a right angle to, the southwesterly right of way line of said Carver County Highway Number 10; thence southeasterly to the point of beginning. Containing 0.09 of an acre.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

October 7, 2024

TO: Carver County Planning Commission & Town Boards

FROM: The Land Management Department

SUBJECT: County Zoning Code Text Amendments, including Cannabis Business Land Use Standards
County Carver Zoning Map Amendments

FILE #: OA-PZ20240043

INITIATED BY: County Land Management Dept & MN Office of Cannabis Management (OCM)

TYPE: Ordinance No. 108-2024 to update Chapter 152 of the County Code and
The Official Zoning Map for the unincorporated areas of the County.

PURSUANT TO: County Code, Chapter 152

LEGAL DESCRIPTION: County-wide

STAFF ANALYSIS:

1. Carver County Land Management and the Carver County Attorney's Office have drafted an ordinance amending the Carver County Code and Zoning Map. The purpose of the draft language is to amend Chapter 152, Zoning Code, and the Carver County Zoning Map to include licensed cannabis business land use standards, clarify zoning text related to selected current administrative practices, and update the external references to other State Statutes and Rules. Except for the new cannabis business rules, the majority of the proposed changes fall into the general category of administrative updates that correct text or clarify current practices.
2. On August 8, 2024, the Carver County Board of Commissioners adopted by Resolution No. 74-24, an interim ordinance (Ordinance No. 107-2024) prohibiting the operation of cannabis businesses in the unincorporated areas of the county, set to expire on January 1, 2025. The purpose of the cannabis business moratorium was to allow County staff the time to research, assess the impact, and develop draft land use regulations that would permit cannabis businesses to operate in the county, while still protecting the health, safety, and welfare of county residents. The interim ordinance would become null and void upon the adoption of the proposed cannabis business regulations found in the proposed Ordinance #108-2024.
3. **PROPOSED CHANGES:** Ordinance #108-2024 would amend the County Code Chapter 152 to:
 - Include standards for licensed cannabis businesses:
 - Definitions of cannabis business authorized by M.S. § 342 (The "Cannabis Ordinance")
 - Definitions related cannabis standards
 - Require an administrative special use permit, with specific standards, for Cannabis Events
 - Permit most cannabis businesses, with specific standards, as an interim use in the Agriculture District.
 - Permit selected cannabis businesses, with specific standards, as an interim Large-Scale Activity with Unique Land or Location Needs land use in the Agriculture District
 - Permit cannabis retail businesses, with specific standards, as an interim use in the Rural Service Districts
 - Require any licensed cannabis activity to have setbacks from a school, church, day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

- Clarify that a proposal for complete replacement of nonconforming structure would require conformance with existing zoning and building code standards.
 - Add a definition of homestead that includes owner residency of an LLC-owned home/farm-based business.
 - Clarify that a corner lot has two side lot lines opposite the front lot lines.
 - Update numerous references to State Statutes and several internal Code references.
 - Update “One Hundred Year” flood to “One Percent” flood to be consistent with current DNR terminology.
 - Clarify that all residential lots cannot contain more than 2 acres of prime ag soils, even after the initial minor subdivision.
 - Define the width of a screening planting strip for purposes of calculating the financial surety that must be submitted.
 - Eliminate the Administrative Permit option to allow up to 2,000 sq. ft. of personal storage structures on parcels of 20 acres or more prior to constructing a single-family dwelling within two years of the certification of compliance.
 - Allow up to 10 fowl on parcels less than 1½ acres in size.
 - Eliminate current overlap of Land Management and CCWMO permitting for administrative fill permits.
 - Clarify that mining is an interim use in the Shoreland Overlay District (same as in Agriculture District).
 - Update the Zoning Map to exclude areas recently annexed by municipalities, as well as Floodplain study areas.
4. Since 2014, medical cannabis has been legal in the state. Lower-potency hemp edible products (“gummies”) were allowed in 2022. The 2023 Minnesota Cannabis Ordinance legalized recreational use of cannabis (known commonly as marijuana) and created different cannabis business types, with accompanying licensing for different components of the cannabis industry such as growing, processing, packaging, transporting, delivering, event organizing, retail operations, etc. The state proscribed in statute that January 1, 2025, would be the start date for the licensed cannabis business operations. Carver County’s current efforts to establish licensing standards and local land use controls is aligned with this early 2025 date. All cannabis businesses must be licensed, registered with the County, and comply with both state and local rules.
5. The proposed cannabis business land use standards for Carver County’s Zoning Code have been drafted to comply with State Statutes. The Cannabis Ordinance states: “A local unit of government may adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business,” but it cannot prohibit cannabis businesses within its jurisdiction.
6. Minnesota’s state Cannabis Ordinance created licensing standards for 14 cannabis businesses:
- Cannabis Cultivator
 - Cannabis Delivery Service
 - Cannabis Event Organizer
 - Cannabis Manufacturer
 - Cannabis Microbusiness
 - Cannabis Mezzobusiness
 - Cannabis Retailer
 - Cannabis Testing Facility
 - Cannabis Transporter
 - Cannabis Wholesaler
 - Medical Cannabis Combination Business
 - Medical Cannabis Cultivator
 - Medical Cannabis Processor
 - Medical Cannabis Retailer.

Appended to this staff report is a chart that lists the different license types and some details about the license types.

7. Specifically, the proposed zoning code text for a Cannabis Event, where cannabis smoking and other cannabis related activities are allowed, requires the event holder to obtain an administrative Special Event permit. Standards include:
- Compliance with all cannabis licensing requirements and rules
 - Event is maximum two days in duration.
 - Maximum of three times per year on same parcel of land.
 - County Board must approve the permit.
 - Required setbacks from school, church, day care facility, residential treatment facility, public park used by minors.

8. Specifically, the proposed zoning code standards for the home/farm based interim use licensed cannabis businesses include:
- Compliance with all cannabis licensing requirements and rules.
 - Required setbacks from school, church, day care facility, residential treatment facility, public park used by minors, and neighboring residences not on the subject property.
 - Exterior lights must cast only minimal light on neighboring properties.
 - Outside growing areas surrounded by a minimum 6-foot tall commercial grade fence.
 - Business must not be located within the Shoreland Overlay District or the Floodplain Overlay District.
 - These standards do not apply to Cannabis Retailer, Lower-Potency Hemp Edible Retailer, Medical Cannabis Cultivator, Medical Cannabis Combination Business, Medical Cannabis Retailer, and Cannabis Testing Facility license holders.
- Draft state rules require outdoor cannabis cultivation areas to be fenced. (Minn R. 9810.1500 Subp. 15. “An outdoor cultivation area must be securely surrounded by fencing and locked gates on the entire perimeter, to prevent access to the area by unauthorized persons. Fencing and all gates must be secure, at least 6 feet high and obscure, or have a cover that obscures, the fenced area from being readily viewed from outside of the fenced area. Such fencing must be commercial or security grade, not agricultural or residential grade, and designed to prevent access to the cultivation area by unauthorized persons.”)
9. Specifically, the proposed zoning code standards for Medical Cannabis Cultivator, Medical Cannabis Combination Business, Medical Cannabis Retailer, and Cannabis Testing Facility as a Large Scale Activity with Unique Land or Location Needs (Interim use) include:
- Compliance with all cannabis licensing requirements and rules.
 - No other cannabis businesses shall be located at the property.
 - Outdoor growing areas screened from public view and surrounded by a commercial grade fence at least six feet in height.
 - Required setbacks from school, church, day care facility, residential treatment facility, public park used by minors.
10. Specifically, the proposed zoning code standards for Cannabis Retailer, Medical Cannabis Retailer, and Lower-Potency Hemp Edible Retailer as an interim use in Rural Service Districts include:
- Compliance with all cannabis licensing requirements and rules.
 - Required setbacks from school, church, day care facility, residential treatment facility, public park used by minors.
 - Must be on a parcel of 2 acres or more in size.
 - Buildings must meet the State Building Code.
 - Must be located on a hard surfaced road unless specific approval for location on a township road is given by the affected township or townships.
11. For reasons of security and proximity to well-traveled thoroughfares, a cannabis retail operation may be the most visible of the licensed businesses and generate the most impacts with vehicle traffic and public visitation. Apparently with curbing adverse impacts in mind, the Cannabis Ordinance specifically grants local governments discretion on limiting, but not prohibiting, the number of cannabis retail outlets within their jurisdiction. A local government that issues licenses may, by ordinance, limit the number of retailers to 1 for every 12,500 residents within their jurisdiction. Land Management staff does not know at this time if the Carver County Commissioners will impose this limit for their licensing area. “If a county has one active registration for every 12,500 residents, a city or town within the county is not obligated to register a cannabis business.” A separate Registration Ordinance will be established through the County Taxpayer Services Department to administrator and regulate retail business locations for the government entities which have granted the County the power to be the registration authority.

12. The public hearing notice for the proposed text amendments was published in the Patriot (official newspaper), and it was sent to all townships and cities within the County, Carver County Public Works, and Carver County Environmental Services. If the proposed amendments are recommended for approval by the Planning Commission, a public hearing would also be necessary at the County Board and the hearing notices would be properly titled “intent to enact” an ordinance.
13. Several townships responded to the Land Management Department’s request for comments.
- Laketown Township’s comments, received in an email dated September 23, 2024, included:
 - *Retail limited to ag service district – none in Laketown.*
 - *Fence or screening may be merited near a property line, but otherwise would already be trespassing.*
 - *State already requires an in-depth security plan, motion lights, electric fence, cameras.*
 - *Board believes grow is same as agricultural.*
 - *Board does not agree with limiting retail to ag rural service districts.*
 - *Board does not support fence requirement if 300 feet or more from neighboring property.*
 - *Clerk Kunze confirmed with Carver County Land Management that the fence requirement is from the State.*
 - *Should allow growing while they figure out the retail and manufacturing aspects.*
 - *Concern this moratorium is having the reverse effect on social equity; hard for in-state folks to be ready to compete against outstate.*
 - *Board requests exemption from county moratorium if a township resident/proposed business were to be drawn in the social equity lottery in 2024.*
 - Benton Township, in an email dated September 25, 2024, reported: “Benton Township Supervisors don't have any additions or concerns with updates to zoning code regulations. Benton Township is grateful for the leadership Carver County has taken in updating the zoning code.”
 - Dahlgren Township, in an email dated September 25, 2024, reported: “The Board discussed the proposed changes to the Zoning Code and understand the proposed changes and have no comments regarding any of the proposed changes.”
 - Hancock Township, in an email dated September 26, 2024, reported: “Hancock Township Supervisors do not have any additions or concerns with the updates to the zoning code regulations dealing with the cannabis language. Hancock Township is so grateful that the leadership at Carver County has taken on the updating of the zoning codes.”
14. The draft text amendments for Chapter 152, the Zoning Code are attached for your review. (Note – underline is for new language and strikethrough is for deletion.) The “proposed” Official Carver County Zoning Map has also been attached for review.

PLANNING COMMISSION CONSIDERATION: If the Planning Commission concludes the public hearing and recommends approval, the County Board would likely hold a public hearing on November 19, 2024, to consider the adoption of Ordinance 108-2024.

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

1. The amendments are in conformance with the Minnesota Office of Cannabis Management rules and standards.
2. The amendments are in conformance with the Comprehensive Plan.
3. The amendments are not in conflict with any other official controls.
4. The amendments will not be detrimental to the health, safety, or general welfare.
5. The Interim Ordinance (No. 107-2024) authorizing a study and imposing a moratorium on the operations of cannabis businesses in the unincorporated areas of Carver County shall cease upon the adoption of Ordinance No. 108-2024.

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Carver County, MN Code of Ordinances CHAPTER 152: ZONING CODE

Proposed Zoning Code Amendments

*Note: Zoning text proposed to be deleted contains a ~~strikethrough~~. Text proposed to be added is underlined. The text shown in **red** relates to cannabis businesses for this review copy.*

§ 152.003 AUTHORITY.

This chapter is adopted pursuant to M.S. §394.21, M.S. §473.865, and M.S. Chapters 103B and 103F, as they may be amended from time to time.

(Ord. 47, passed 7-23-02)

- (C) Where the conditions imposed by any provision of the chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards of requirements shall prevail except that all uses legally established under the provisions of Ordinance No. ~~32S97-2021~~ and amendments thereto may continue in the manner established under this chapter. The provisions of this chapter shall not apply until there is a change in use or an increase in the intensity of the established use.

§ 152.009 NON-CONFORMING USES AND STRUCTURES.

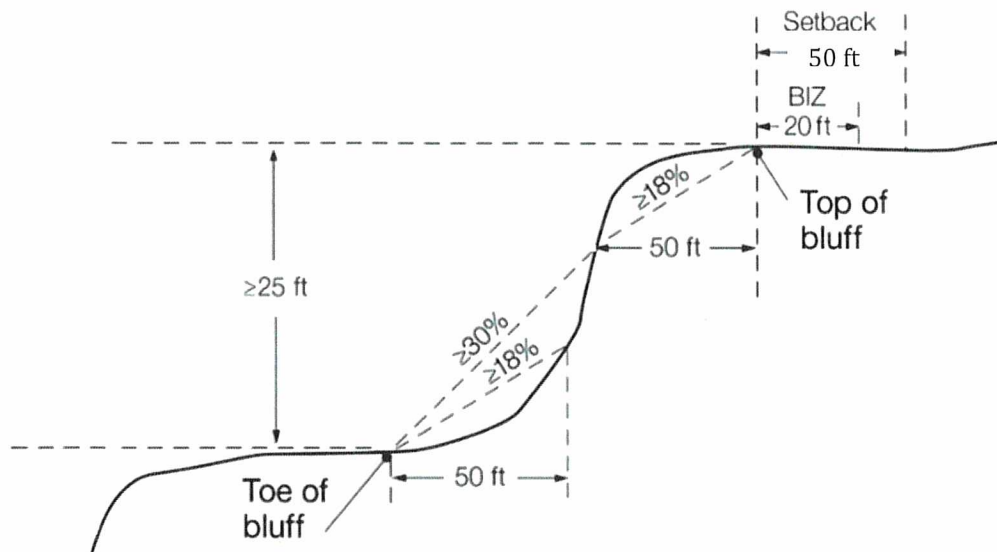
- (A) Any structure or use of a structure, or use of land lawfully existing upon the effective date of this chapter may be continued at the size and in the manner of operation existing upon the date, notwithstanding the certain classes pursuant to M.S. § 394.36, except as hereinafter specified.
- (1) *Certain classes of property.* This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, partial replacement, restoration, maintenance, or improvement, but not including physical expansion, substantial improvement, complete replacement, and intensification of use. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of the damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50% of the required setback from the water is destroyed by fire or other peril to greater than 50 % of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

§ 152.010 DEFINITIONS.

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BLUFF. A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- (1) The slope rises at least 25 feet;
- (2) The grade of the slope from the toe of the bluff to the top of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent of a distance of at least 50 feet shall not be considered part of the bluff).
- (3)



CANNABIS BUSINESS. Includes any of the following licensed under MN Statutes, Section 342, and as amended from time to time: Cannabis Cultivator, Cannabis Delivery Service, Cannabis Event Organizer, Cannabis Manufacturer, Cannabis Microbusiness, Cannabis Mezzobusiness, Cannabis Retailer, Cannabis Testing Facility, Cannabis Transporter, Cannabis Wholesaler, Medical Cannabis Combination Business, Medical Cannabis Cultivator, Medical Cannabis Processor, and Medical Cannabis Retailer.

CANNABIS MEDICAL COMBINATION BUSINESS. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS CULTIVATOR. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS MEDICAL CULTIVATOR. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS DELIVERY SERVICE. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS EVENT. A public event organized by a Cannabis Event Organizer.

CANNABIS EVENT ORGANIZER. A person, cooperative or business licensed under to organize a temporary cannabis event and perform other actions approved by the Office of Cannabis Management.

CANNABIS LICENSE HOLDER. A person, cooperative, or business that holds an approved license issued by the State of Minnesota's Office of Cannabis Management.

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CANNABIS MANUFACTURER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS MEZZOBUSINESS. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS MICROBUSINESS. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS PROCESSOR, MEDICAL. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS RETAILER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS RETAILER, MEDICAL. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS TESTING FACILITY. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS TRANSPORTER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

CANNABIS WHOLESALER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

COMPREHENSIVE PLAN. The document entitled Carver County/Townships Comprehensive Plan adopted pursuant to M.S. § 473.864 and M.S. § 394.243 and all amendments thereto.

CONTROLLED ACCESS LOT. A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

FENCING, COMMERCIAL GRADE. Fencing that is at least 6 feet high and obscure, or have a cover that obscures, the fenced area from being readily viewed from outside of the fenced area. Such fencing must be security grade, not agricultural or residential grade, and designed to prevent access to the enclosed area by unauthorized persons.

HOMESTEAD. To own and occupy a single-family residence on a property as defined by the Carver County Assessor's Office, or with property owned by a Limited Liability Company (LLC) registered with the MN Secretary of State's Office, the homestead requirement may be satisfied by a principal of the activity providing proof they are an owner of property, reside at and utilize the single-family residence as their primary domicile, and provide proof of residency.

LOT-CORNER. A lot situated at the intersection of two streets. A corner lot shall have two side lot lines opposite the front lot lines.

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LOWER-POTENCY HEMP EDIBLE MANUFACTURER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

LOWER-POTENCY HEMP EDIBLE RETAILER. A person, cooperative, or business licensed to conducted activities as allowed by M.S § 342 and perform other actions approved by the Office of Cannabis Management.

MINNESOTA STATE BUILDING CODE. ~~(add definition and refer to Chap. 150)~~ The State Building Code, established under M.S. § 326B, governing the construction, reconstruction, alteration, repair, and use of buildings and other structures to which the code is applicable and administered by Chapter 150.

ONE HUNDRED YEAR ONE PERCENT ANNUAL CHANCE FLOODPLAIN. Lands inundated by the REGIONAL FLOOD.

PARTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which is less than 50% of the market value of the structure before the start of construction of the improvement.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in a magnitude of the 1% annual chance flood ~~or 100-year recurrence interval~~. REGIONAL FLOOD is synonymous with the term BASE FLOOD as used in the Flood Insurance Study.

SOLAR ENERGY BATTERY STORAGE. An accessory use to a Solar Energy System which captures solar energy produced at one time for use at a later time.

SPECIAL FLOOD HAZARD AREA. A term used for flood insurance purposes and synonymous with ~~the ONE HUNDRED YEAR FLOODPLAIN~~ that portion of the floodplain subject to inundation by the base flood (1% annual chance) and/or flood-related erosion hazards.

SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS). Either an individual sewage treatment system or a mid-sized subsurface sewage treatment system pursuant to Chapter 52 and Minn. Rules Chapters 7080, 7081, 7082, and 7083; or successor rules as they are amended from time to time.

§ 152.033 LOT REQUIREMENTS.

(D) *Road frontage, lot width and depth.*

- (1) *Road frontage.* All new lots shall have frontage on a public road or be attached to an adjacent parcel having the required road frontage; minimum road frontage is 125 feet.
- (2) *Minimum width.* One hundred twenty-five feet with 125 feet of frontage on a public road existing at the time of application or the minimum width required to maintain width to depth ratio, whichever is greater. The required minimum width of a specified lot must be maintained for the entire depth of the lot except where the lot is located on a cul-de-sac.

(F) *Use of prime AG land.* Lots of less than 20 acres created for a new residential building site shall contain no more than 2 acres of prime agricultural land under till. No land subdivision involving an existing residential parcel shall result in the parcel containing more than 2 acres of land with prime agricultural soils. The setbacks as required by this chapter shall not be included in the calculation.

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§ 152.034 SETBACKS.

(C) Exemptions. The following shall not be subject to setback requirements:

- (1) Chimneys, flues, belt courses, leaders, sills, pilaster, lintels, cornices, eaves, gutters, provided they do not extend more than two feet into a setback area;
- (2) Yard lights and signs provided they are located three feet or more from all lot lines. Luminaires must be full-cutoff or fully shielded. Lights for illuminated parking or loading areas or yards for safety and security purposes may be installed where necessary provided that glare is not visible from public right-of-way or adjacent residential property and not more than three-foot candles of light intensity is present at a residential property line;

(D) *Table of setback requirements.* All structures unless exempted above; and signs and parking areas near a public right-of-way:

Side Lot Line Setbacks	All Districts	15 feet
Rear Lot Line Setback	All Districts	30 feet
Bluff Setback– All Structures	All Districts	Structures 50 feet; 100 feet for actively eroding bluffs.
Bluff Impact Zone		The clear-cutting of existing natural vegetation or other disturbance is prohibited.
Front Setbacks		The front setback shall be required from any public road or private road serving the function of a public road. Front setbacks are measured from the center of the road. R-O-W shall be the typical planned right-of-way.
<u>Wetlands</u>	<u>All Districts</u>	<u>As required by the Carver County Water Management Organization, Minnehaha Creek Watershed District, this chapter, or MN Wetland Conservation Act, as applicable</u>

<u>Setbacks from Ordinary High Water Level in Shoreland District</u>	<u>Setback Required for Structures</u>	<u>Setback Required for SSTS</u>
Natural environment lake	150	as required by Chapter 52
Recreational development lake	100	as required by Chapter 52
General development lake	75	as required by Chapter 52
Agriculture, Urban & Tributary Rivers	100	as required by Chapter 52
When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions.		
Structures and sewage treatment systems must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with § 152.124 118.1 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL.		
All SSTS setbacks are regulated by the SSTS regulations pursuant to Chapter 52		

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* Provision for reduction of front setback: The front setback may be reduced by the Department to the value shown, provided the applicant demonstrates need; and, the responsible road authority submits a statement certifying that the reduction will not impair any planned widening, relocation, repair, upgrading, construction or similar activity.

NOTICE: The SSTS regulations, Chapter 52, feedlot management regulations, Chapter 54, water and wetland rules, Chapter 153, and sign regulations, Chapter 154, of this code of ordinances and water rules contain setback provisions that may affect the placement of buildings and structures. All setback provisions of those chapters must be maintained.

<u>Front Setbacks</u>		<u>The front setback shall be required from any public road or private road serving the function of a public road. Front setbacks are measured from the center of the road. R-O-W shall be the typical planned right-of-way.</u>		
<u>Future Functional Class of Road as Shown in Roadway Systems Plan Figure 4.13</u>	<u>Setback from Centerline</u>	<u>Reduced Setback*</u>	<u>R-O-W</u>	<u>Reduced R-O-W</u>
Principal arterial not in Shoreland District	145	90	200	130
Principal arterial in Shoreland District	150	Right of Way + 50 ft.	200	130
Minor arterial <u>reliever, connector, expander, or other arterial</u> not in Shoreland District	120	80	150	110
Minor arterial <u>reliever, connector, expander, or other arterial</u> in Shoreland District	125	Right of Way + 50 ft.	150	110
Collector (<u>major & minor</u>) roads not in Shoreland District	95	75	120	100
Collector (<u>major & minor</u>) roads in Shoreland District	110	Right of Way + 50 ft.	120	100
Local roads not in Shoreland District	68	N/A	66	
Local roads in Shoreland District	68	N/A	66	

In a case where the actual R-O-W plus 35 feet results in a greater setback requirement; this greater requirement shall be enforced. Right of Way for County roadways with a Corridor Study shall be designated per the study.

In a case where a cul-de-sac is present, the front setback shall be measured from the center of the cul-de-sac. No structure shall be closer than 35 feet from the exterior radius of a cul-de-sac.

§ 152.038 PARKING STANDARDS.

(B) *Parking lot design.*

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- (1) Off-street parking areas shall be surfaced to control dust and shall be drained to dispose of all surface water accumulation within the parking area in accordance with the County Erosion Control and Water Management Plan. All surfacing must be completed prior to the occupancy of the structure, unless otherwise approved by the Department and/or County Board of Commissioners.
- (2) Each parking space shall be unobstructed and not less than 9 feet wide and 20 feet in length, plus adequate system of access.
- (3) The grade elevation of any parking area shall not exceed 5% except as approved by the Department.
- (4) Disability accessible parking spaces shall be provided as applicable pursuant to M.S. § ~~168.021~~ 169.346, as it may be amended from time to time.

§ 152.040 OPERATIONAL STANDARDS.

§ 152.041 SCREENING STANDARDS.

- (A) *Purpose:* The screening of activities conducted under a conditional use permit, interim use permit or variance issued under this chapter may be required as a condition of a permit or variance to break up the visual profile in an aesthetically pleasing manner.
- (B) If screening is required as a condition, the following standards shall be complied with:
 - (1) A planting strip shall consist of evergreens deciduous trees, shrubs and/or plants of a sufficient density to compose a substantially opaque visual screen and reasonable buffer viewed at a ninety (90) degree angle from the planting strip.
 - (2) A planting strip shall be designed to provide visual screening to a minimum height of six (6) feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Land Management Department. An earth berm may be used but shall not be used to achieve more than eight (8) feet of the required screen. The planting plan and type of plantings shall require the approval of the Planning Department.
 - (3) Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Planning Department.
 - (4) Where massing of plants or screening is intended, large deciduous shrubs shall be planted four (4) feet on center or closer, and/or, evergreen shrubs shall be planted eight (8) feet on center or closer.
 - (5) Trees and shrubs shall not be planted in the right of way.
 - (6) Trees and shrubs shall not be planted in or across any recorded easement.
 - (7) All plants required as part of an approved screening plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved screening plan.
 - (8) All new plants shall be guaranteed for a full growing season from the time planting has been completed. All plants shall be alive, of good quality, and diseases free at the end of the warranty period or be replaced. Any replacements shall be warranted for a full growing season from the time of planting. The growing season is herein defined as the period from June 1 to September 30.
 - (9) Planting operations shall be conducted under favorable weather conditions during one of the following planting seasons as specified herein. For deciduous plant materials, spring planting should occur from April 1 to June 1; and fall planting from September 30 – November 15. For coniferous plant materials, spring planting should occur from April 1 to May 15; and fall planting from August 15 to October 15.
 - (10) Any proposed modifications to these landscape requirements must consider a site-specific design solution if site conditions are deemed appropriate and other functional requirements (screening, etc.) are met.
 - (11) Financial surety pursuant to the Carver County Fee Schedule may be required to insure the establishment of the required screening. If required, the following standards shall apply:

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- (a) The responsible party shall provide acc for the performance of the work described and delineated on the approved landscape plan and any related remedial work.
- (b) The acreage on which the financial surety is calculated is based on the width of a 10-foot wide planting strip multiplied by the length of installation of the planting material or total length of berm.
- ~~(b)~~(c) The form and conditions of the surety shall be as follows:
 - 1. Deposit, either with the county or a responsible escrow agent, cash escrow. The financial assurance must be in a form acceptable to the county and from a surety licensed to do business in the State of Minnesota.
 - 2. The financial assurance shall be in favor of the county and conditioned upon the applicant's performance of the authorized activity in compliance with the permit and applicable laws, including this chapter, and the payment when due of any fees or other charges authorized or required by the permit and this chapter. The financial assurance shall state that in the event the conditions of the financial assurance are not met, the county may make a claim against it. The county shall be authorized to make a claim or draw against the surety after any default by the responsible party under the permit or these rules.
 - 3. If at any time during the course of the work or the initial two growing seasons the financial surety amount falls below 50% of the required deposit, the responsible party shall make another deposit in the amount necessary to restore the cash deposit to the required amount.
 - 4. If the responsible party does not bring the financial surety back up to the required amount within seven days after notification by the county that the amount has fallen below 50% of the required amount the county may take such legal action as specified in section 152.999 of this ordinance.
 - 5. The county shall be authorized to make a claim or draw against the surety after any default by the responsible party under the permit or this chapter.
 - 6. The county may use funds from this surety to finance remedial work undertaken by the county or a private contractor and to reimburse the county for all costs incurred in the process of remedial work including, but not limited to, staff time and attorney's fees under the following circumstances:
 - i. The responsible party ceases land altering activities and abandons the work site prior to completion of the screening plan;
 - ii. The responsible party fails to conform to the screening plan as approved by the county;
 - iii. The screening techniques utilized under the screening plan are not maintained during site construction, for the initial two growing seasons after being planted; or
 - iv. The responsible party fails to reimburse the county for corrective action.
 - 7. The surety deposited with the county for faithful performance of the screening plan and any related remedial work to finance necessary remedial work shall be released after the practices identified in the screening plan have been installed, two full growing seasons have elapsed from the time of planting, and a final inspection has been completed by the county.
 - 8. The county may return a portion of the financial surety submitted to assure performance if the county determines that the entire amount is no longer required to ensure compliance with permit conditions and rules.

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§ 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.
- (C) New feedlots shall not be located within a Floodplain District.
- (D) Existing feedlots in a Shoreland District shall not be expanded above 999 animal units. Existing feedlots in a Floodplain District shall not be expanded.
- (E) In cases where the feedlot regulations require a conditional use permit, the permit shall be considered under the provisions of this chapter.
- (F) The establishment of a new feedlot of 50 or more animal units on a parcel of less than 40 acres shall require the issuance of a conditional use permit pursuant to this chapter.
- (G) The animal unit density of a feedlot shall be limited only by the provisions of the feedlot permit, the county feedlot management regulations, or other provisions of this section. A feedlot operated under or as part of a conditional use permit may be further regulated by the conditions of the permit in addition to the provisions of the feedlot permit.
- (H) Animal density regulations. These regulations apply to lots of less than 20 acres unless otherwise regulated by this chapter or the county feedlot management regulations. A manure-handling plan may be required when there are any domestic animals other than customary household pets.
 - (1) On lots of less than 1½ acres, only dogs, cats, and other animals customarily kept as pets, are permitted. Ten or fewer fowl shall be permitted and not considered livestock.
 - (2) On parcels of at least 1½ acres, but less than 2.4 acres, one animal unit is permitted.
 - (3) On parcels of 2.4 to 5 acres, one animal unit per acre is permitted, with the number of acres rounded up to the nearest whole number.
 - (4) On lots of greater than 5 acres and less than 20 acres, the number of animal units is limited only by the provisions of Chapter 54, the provisions of this chapter, and any other applicable county ordinances.
 - (5) Dogs, cats and other animals customarily kept as pets are not subject to the animal density regulations.
 - (6) On any parcel where there are animals and a feedlot certificate is not required, manure must also be handled in an environmentally sound and nuisance free manner pursuant to MN Rules Chapter 7020, and all applicable regulations listed in Chapter 54 of the County's Code of Ordinances.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

- (F) Swimming pools, provided the pool is:
 - (1) Not located under any power line;
 - (2) Located so that water from the back flushing of a filter or draining the pool is naturally filtered before reaching a stream or lake;
 - (3) Located so that water from the back flushing of a filter or draining the pool will not flow on neighboring property unless there is written permission from the adjoining property owners and the agreement is recorded.
 - (4) Located so that the pool basin does not encroach upon a required structure setback.

§ 152.074 ACCESSORY USES AND STRUCTURES REQUIRING AN ADMINISTRATIVE SPECIAL USE PERMIT.

- (B) *Activities requiring a special use permit.*
 - (1) ~~Personal storage structures of 2,000 square feet or less on parcels of 20 acres or more, provided a building eligibility is available and the landowner submits an affidavit or proper surety stating the single family dwelling will be constructed within two years of the issuance of the certificate of compliance.~~

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- (2)(1) Agricultural structures that include an accessory structure and/or personal storage component on parcels of 20 acres or more, provided the agricultural structure, accessory structure and/or personal storage sizes and uses meet the standards of this chapter and are constructed in accordance to Minnesota State Building Code.
- (3)(2) Driveway construction and associated land preparation prior to issuance of a residential building permit provided a building eligibility is available. A survey of affected property lines shall be obtained, at the property owner's expense, and submitted to the Department when project is within ten feet of a property line.
- (4)(3) Grading, excavating, or filling of 400 cubic yards or more but less than 10,000 cubic yards for one project including, but not limited to landscaping, excavation, site preparation for building and similar activity and land improvements. An administrative permit is not required when a Carver County Water Management Organization or Minnehaha Creek Watershed District permit has been issued for the project. A survey of affected property lines shall be obtained, at the property owner's expense, and submitted to the Department when project is within ten feet of a property line.
- (5)(4) Temporary uses on private property by a township, city, county, the state or persons engaged in a construction project for a township, city, county, or the state. If the project is not temporary in nature, then the applicant must apply for a conditional or interim use permit.
- (6)(5) Occasional special events not to exceed three requests per year for any parcel of land. Gatherings or events, ~~typically one or~~ for a maximum of two days in length, which are open to or accessible by the general public. The County Board must approve the issuance of the permit. For the purpose of this section, an event permitted by the County Parks Department which takes place within a county park is exempt from this provision.
- (7)(6) Contractors' yards existing prior to January 1, 1989 are allowed to remain but not expand, pursuant to a certificate of compliance provided the applicant submits verifiable proof that his or her contractor's yard was in existence on the date.
- (8)(7) Spreading of petroleum contaminated soil. Soil that has been determined by the Minnesota Pollution Control Agency to be contaminated with petroleum may be land spread upon issuance of permit pursuant to this provision. The following additional criteria also apply to this provision:
- (a) The MPCA has issued or has indicated that it will issue a permit for the land spreading of contaminated soil on the proposed site;
 - (b) The affected township or townships approve the issuance of the permit. Approval shall have occurred at a town board meeting. All property owners within ½-mile of the proposed site shall be given notice that the matter is to be considered at the town board meeting;
 - (c) The Carver County Environmental Services Department has reviewed and approved the proposal. The Director of Environmental Services may impose conditions upon the permit;
 - (d) The County Board of Commissioners must approve the application prior to approval.
- (9)(8) Temporary home or emergency dwelling. An interim home or emergency dwelling (such as, travel trailer) may be temporarily located on a parcel for the purpose of housing the property owners while they are constructing a permanent home provided:
- (a) Temporary homes require the following:
 - 1. The property owner must obtain building and SSTS permits for construction of a permanent home;
 - 2. A building permit must be obtained for the temporary home. The temporary home is not required to be attached to a permanent foundation and may be less than 20 feet in width but it must meet the applicable requirements of the building code;
 - 3. An SSTS must be installed in accordance with Chapter 52 of this code of ordinances prior to occupancy of the temporary home;
 - 4. There must be a water supply meeting the state plumbing code available for the temporary home;

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5. The temporary home must be removed within two years of issuance of the building permit for the permanent home;
 6. The temporary home must be removed from the parcel within thirty days of issuance of a certificate of occupancy for the permanent home.
- (b) Emergency dwellings require the following:
1. A travel trailer, motor home or similar dwelling is needed in an emergency situation (such as, fire, tornado) and when the length of time the temporary home will be needed would typically be less than 180 days;
 2. The landowner is in the process of obtaining building and SSTS permits (if needed) for the construction or repair of the permanent home;
 3. The property owner must obtain approval by the Department and Building Official for occupancy of any temporary trailer;
 4. The temporary manufactured home must be unoccupied within 30 days of issuance of a certificate of occupancy for the permanent home.
- (10) (9) Roadside stands less than 200 square feet for the sale of horticultural products grown on the premises or grown by the owner of the roadside stand, on a seasonal basis, that has a “pick your own” component with an operational area accessed by the public greater than two acres in size, provided sufficient off-street parking is available.
- (11) (10) Biomass systems on parcels with an existing single-family home provided installation is solely used by/for home/farmstead.
- (11) Cannabis Event. A Cannabis Event shall be subject to the following provisions:
- (a) The event shall be for a maximum of two days in length that are open to the public and shall not occur more than three times per year on the same parcel of land.
 - (b) The County Board must approve the issuance of the permit.
 - (c) The event location shall not be within 1,000 feet of the nearest property line of a parcel containing a school, church, day care facility, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - (d) The cannabis event organizer and all cannabis license holders operating at the event shall adhere to state licensing standards and Office of Cannabis Management rules.
 - (e) The cannabis event shall take place on a parcel of at least five acres in size.

§ 152.078 CONDITIONAL USES—ADDITIONAL DENSITY OPTIONS.

(C) High amenity areas.

(4)(6) Minimum conditions of high amenity lots:

- (a) The keeping of animals, with the exception of dogs, cats, ~~and~~ similar animals kept as household pets, and fewer than 10 fowl, is prohibited on any residential lot.

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

(C) Activities allowed as a conditional use.

(D) Activities allowed as an interim use.

(1) Cannabis Business, Lower-Potency Hemp Edible Manufacturer.

- (a) The business must adhere to all applicable State Cannabis Ordinance, Office of Cannabis Management license standards and County cannabis registration requirements established by ordinance. The license standards include, but are not limited to, Office of Cannabis Management

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rules regarding security, standard operating procedures, wastewater, odor and filtration, solid waste disposal, water standards, and energy use.

- (b) The business operational area shall not be within 1,000 feet of the nearest property line of a parcel containing a school, church, day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field; or within 500' of a neighboring residence not on the same parcel of property existing at the time of application for the permit.
- (c) All exterior lights on a parcel with a cannabis business shall be shielded or use a hood and lens that cast light downward to minimize the amount of light cast onto adjacent properties or upward into the night sky.
- (d) All outdoor growing areas shall be surrounded by a commercial grade fence at least six feet in height.
- (e) The operational area of the business shall not be located within the Shoreland Overlay District or the Floodplain Overlay District.
- (f) These standards do not apply to Cannabis Retailer, Lower-Potency Hemp Edible Retailer, Medical Cannabis Cultivator, Medical Cannabis Combination Business, Medical Cannabis Retailer, and Cannabis Testing Facility license holders. The land use standards for these cannabis businesses are regulated by §152.080 and §152.098.

§ 152.080 CONDITIONAL/INTERIM USES—LARGE SCALE ACTIVITIES WITH UNIQUE LAND OR LOCATION NEEDS.

(C) Activities allowed as a conditional use.

(D) Activities allowed as an interim use.

(1) Medical Cannabis Cultivator, Medical Cannabis Combination Business, Cannabis Testing Facility subject to the following criteria:

- (a) The business must adhere to all applicable State Cannabis Ordinance, Office of Cannabis Management license standards and County cannabis registration requirements established by ordinance. The license standards include, but are not limited to, Office of Cannabis Management rules regarding security, standard operating procedures, wastewater, odor and filtration, solid waste disposal, water standards, and energy use.
- (b) The business operational area shall not be within 1,000 feet of the nearest property line of a parcel containing a school, church, day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field; or within 500' of a neighboring residence not on the same parcel of property existing at the time of application for the permit.
- (c) No other cannabis businesses shall be located at the property.
- (d) All outdoor growing areas shall be screened from public view and surrounded by a commercial grade fence at least six feet in height.

§ 152.082 INTERIM USE PERMIT-AG DISTRICT.

(A) Activities (For the purpose of this section, conditional use permit activities may also be considered and processed as interim uses).

- (1) Mining and/or land reclamation involving 10,000 cubic yards or more and no Carver County Water Management Organization or Minnehaha Creek Watershed District permit has been issued when the project involves relocation of more than 10,000 cubic yards of material from the site (allowed in AG Preserve if the principal use remains ag and restoration is suitable for farming).

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RURAL SERVICE OVERLAY DISTRICT

§ 152.097 CONDITIONAL USE PERMITS.

(B) Adult uses.

- (1) A conditional use permit shall be required for the establishment of an adult use business pursuant to Chapter 113 of the Carver County Code. A conditional use permit pursuant to this provision shall not be issued until the proposed adult use has an approved provisional adult use license pursuant to Chapter 113. In considering a conditional use permit pursuant to Chapter 113 of the Carver County Code:
 - (a) Only the definite, objective guidelines and standards of §§ 152.245 through 152.254~~2~~ apply; and
 - (b) No general health, safety and welfare requirements shall apply, as adult use businesses as defined in Chapter 113 are protected by the First Amendment of the United States Constitution.
- (2) The requirements of this chapter which may not be constitutionally applied shall be severed from the requirements which may be constitutionally applied and those applicable shall remain in full force and effect.

§ 152.098 INTERIM USE PERMITS.

Within the Rural Service Districts, interim use permits may be issued for the following: Cannabis Retailer, Medical Cannabis Retailer, Lower-Potency Hemp Edible Retailer. An interim use permit for the establishment of these businesses shall be required, pursuant to MN Statutes, Section 342 and to the following conditions:

- (1) The business must adhere to all applicable State Cannabis Ordinance, Office of Cannabis Management license standards and County cannabis registration requirements established by ordinance. These standards include, but are not limited to, Office of Cannabis Management rules regarding security, standard operating procedures, hours of operation, wastewater, odor and filtration, solid waste disposal, water standards, and energy use.
- (2) The business operational area shall not be within 1,000 feet of the nearest property line of a parcel containing a school, church, day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- (3) The business shall be located on a parcel of 2 acres or more in size.
- (4) All buildings utilized by the operation must meet the State Building Code.
- (5) 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.

§ 152.098~~9~~ SERVICE LEVEL.

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

§ 152.115.1 LAND USES BY LAKE, RIVER AND STREAM CLASSIFICATIONS

Shoreland district land uses listed in Sections 152.115.1 are regulated as:

- (A) Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;

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(B) Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in § 152.113 and any additional conditions listed in this ordinance; ~~and~~

(C) Interim uses (I). These uses are allowed through an interim use permit. The use must be evaluated according to § 152.245 of this ordinance and any additional conditions listed in this ordinance; and

(D) ~~(C)~~Not permitted uses (N). These uses are prohibited.

(E) ~~(D)~~Land Uses for lake classifications:

Land Uses	General Development	Recreational Development	Natural Environment
Single residential	P	P	P
Commercial	C	C	C
Parks & historic sites	C	C	C
Public, semipublic	C	C	C
Agricultural: cropland and pasture	P	P	P
Agricultural feedlots: New	N	N	N
Agricultural feedlots: Expansion or resumption of existing	C	C	C
Mining	C I	C I	C I

~~(E)~~(F) Land uses for stream/river classifications:

Land Uses	Agriculture	Tributary
Single residential	P	P
Commercial	C	C
Parks & historic sites	C	C
Public, semipublic	C	C
Agricultural: cropland and pasture	P	P
Agricultural feedlots: New	N	N
Agricultural feedlots: Expansion or resumption of existing	C	C
Mining	C I	C I

§ 152.118.2 MINING STANDARDS.

§ 152.118.2 Mining Standards. Extractive uses are ~~conditional~~ interim uses and must meet the following standards:

- (A) Site Development and Restoration Plan. A site development and restoration plan must be developed, approved, and followed over the course of operations. The plan must:
 - (1) Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
 - (2) Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
 - (3) Clearly explain how the site will be rehabilitated after extractive activities end.
- (B) Setbacks for Processing Machinery. Processing machinery must meet structure setback standards from ordinary high water levels and from bluffs.
- (C) Must meet the provisions of Minnesota Statutes, Sections 93.44 to 93.51.

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§ 152.134 ADMINISTRATION.

(D) *Variances*. Variances may only be granted in accordance with ~~Minnesota Statutes § 152.153~~ of this ordinance and are subject to the following:

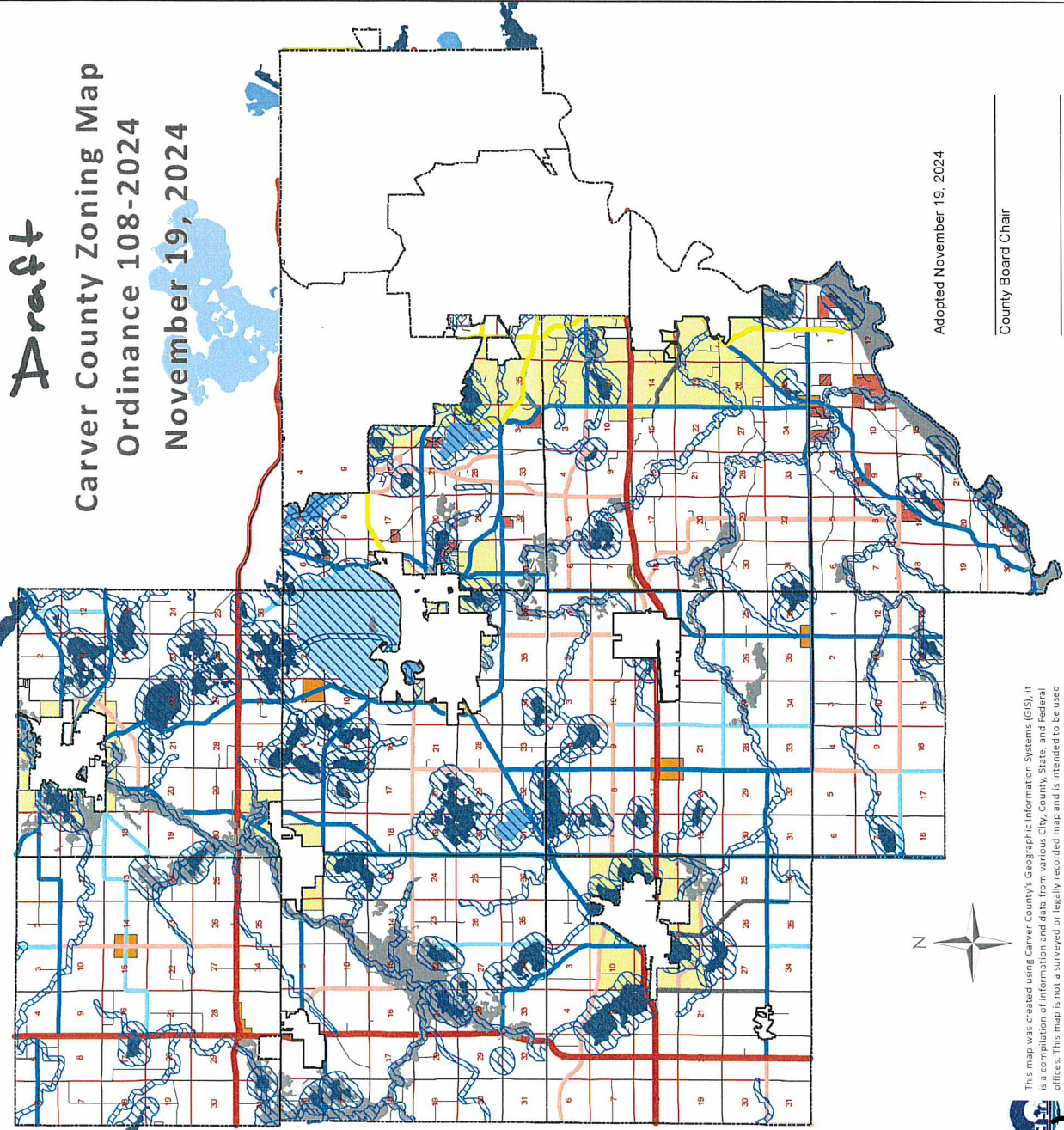
- (1) A variance may not circumvent the general purposes and intent of this ordinance; and
- (2) For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

Draft

Carver County Zoning Map

Ordinance 108-2024

November 19, 2024



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.

Adopted November 19, 2024

County Board Chair

David Henze, County Administrator

"A" Agricultural District

The County has and may in the future enter into or be affected by a variety of official controls, orderly annexation agreements, joint powers agreements, or other similar agreements that affect the actual extent of this district. Such controls or agreements shall supercede the boundaries shown on this map.

Transition Area Overlay District

The extent of the District as shown on this map is illustrative of Transition Areas as shown on the map in the Comprehensive Plan or the State of the County Report of this Ordinance. The actual extent of the District shall be determined by the Board of Commissioners in the Comprehensive Plan. A change in the Plan map shall constitute a change in the District boundaries.

Rural Service Overlay District

Residential Cluster District

These lands were rezoned to this District under a previous ordinance. No new zones of this type shall be created. Actual boundaries of the zone are defined in Appendix A of the Zoning Ordinance.

Shoreland Overlay District

The map illustrates the general extent of the Shoreland Overlay District and the classification of the lakes. Actual determination of the Shoreland Zone is made by measurement on air photos or on the ground on a site by site basis.

Floodplain Overlay District

The map illustrates the approximate extent of the Floodplain Overlay District. Actual determination of the Floodplain Zone is made according to the rules for interpretation specified by the County Code.

LAKE SHORELAND CLASSIFICATIONS

General Development

Recreational Development

Natural Environment

BOUNDARY LINES

City/Township Boundaries

Sections

FUTURE ROAD CLASSIFICATIONS

Principal Arterial

A Minor Reliever

A Minor Expander

A Minor Connector

Other Arterial

Major Collector

Minor Collector

Local Road

BUSINESS TYPE	DESCRIPTION OF ACTIVITY	OTHER LICENSE & ENDORSEMENT DETAILS	NOTES
Cannabis Cultivator (342.30)	Grow cannabis; may grow in an indoor facility with up to 30,000 SF of plant canopy, up to 2 acres outdoors; package, label, sell cannabis parts to other cannabis businesses.	May also hold a cannabis manufacturing license, medic cannabis cultivator license, medical cannabis producer license, license to grow industrial hemp, and cannabis event organizer license.	
Cannabis Microbusiness (342.28)	Grow, manufacture, package, label, sell cannabis and hemp products; may grow in an indoor facility with up to 5,000 SF of plant canopy, up to ½ acre outdoors; sell product to other businesses.	May also hold a Cannabis Event Organizer license and may hold the following endorsements: cultivation, extraction and concentration, production of customer products, retail operations, on-site consumption of edible cannabis products and lower-potency hemp edibles.	May “operate an establishment that permits on-site consumption of edible cannabis products and lower-potency hemp edibles.” (No smoking.) May operate one retail operation.
Cannabis Mezzobusiness (342.29)	Grow, manufacture, package, label, sell cannabis and hemp products; may grow in an indoor facility with up to 15,000 SF of plant canopy; up to 1 acre outdoors; sell product to other cannabis businesses	May also hold a Cannabis Event Organizer license and a Medical Cannabis Retailer license; May not own or operate any other cannabis business or hemp business nor hold more than one cannabis mezzobusiness license; May hold the following endorsements: cultivation, extraction and concentration, production of customer products, retail operations, and medical cannabis.	May conduct cannabis business-to-business sales; May operate up to 3 retail locations; no smoking
Cannabis Manufacturer (342.31)	Manufacture & package cannabis and hemp products; sell products to other cannabis businesses	May also hold a Cannabis Cultivator license, a Medical Cannabis Cultivator license, a Medical Cannabis Processor license, and a Cannabis Event Organizer license.	

BUSINESS TYPE	DESCRIPTION OF ACTIVITY	OTHER LICENSE & ENDORSEMENT DETAILS	NOTES
Cannabis Retailer (342.32)	Sell cannabis and hemp parts and products to consumers; may operate up to 5 retail locations	May also hold a Cannabis Delivery Service license, a Medical Cannabis Retailer license, and a Cannabis Event Organizer license. May not hold a license to own or operate more than one cannabis retail business in one city and three retail businesses in one county.	"A city or county may adopt an ordinance to prohibit sales for any period between 9:00 p.m. and 2:00 a.m. the following day or between 8:00 a.m. and 10:00 a.m. on the days of Monday through Saturday."
Cannabis Wholesaler (352.33)	Sell cannabis and hemp parts and products to cannabis and hemp retailers.	May also hold a Cannabis Transporter license, a Cannabis Delivery Service license, and a Cannabis Event Organizer license.	
Cannabis Transporter (342.35)	Transport cannabis and hemp parts and products from cannabis businesses	May also hold a Cannabis Wholesaler license, a Cannabis Delivery Service license, and a Cannabis Event Organizer license.	
Cannabis Testing Facility (342.39)	Test cannabis parts and products obtained from cannabis businesses	May not own or operate, or be employed by, any other cannabis or hemp business.	
Cannabis Event Organizer (342.40)	May organize a temporary cannabis event	May not hold a Cannabis Testing Facility license, a Lower-Potency Hemp Edible Manufacturer license, or a Lower-Potency Hemp Edible Retailer license.	Entitles the license holder to organize a temporary cannabis event lasting no more than four days; Event organizer shall not permit consumption of alcohol or tobacco.

BUSINESS TYPE	DESCRIPTION OF ACTIVITY	OTHER LICENSE & ENDORSEMENT DETAILS	NOTES
Cannabis Delivery Service (342.41)	May purchase cannabis and hemp parts and products from cannabis businesses and deliver to customers	May also hold a Cannabis Retailer license, a Cannabis Wholesaler license, a Cannabis Transporter license, a Cannabis Event Organizer license, and a Medical Cannabis Retailer license.	
Medical Cannabis Cultivator (342.49)	Grow cannabis; may grow in an indoor facility with up to 60,000 SF of plant canopy; package and label product; sell cannabis flower to other medical cannabis businesses.		
Medical Cannabis Processor (342.50)	Manufacture medical hemp and cannabis products; package and label medical cannabinoid products for sale to other processors and medical cannabis retailers.		
Medical Cannabis Retailer (342.51)	Sell medical cannabinoid products to authorized persons		Pharmacist must approve medical cannabinoid product sale to authorized person.
Medical Cannabis Combination Business (342.515)	Grow up to 60,000 SF of plant canopy, manufacture, package, and label cannabis and hemp parts and products; sell cannabis and hemp parts to customers		May grow both medical and adult-use cannabis plants; may operate one retail location in each congressional district.

Potential Cannabis/Edible Hemp Businesses in Rural Service Districts

This document is for study purposes to identify the location viability of Rural Service District (RSD) parcels for licensed cannabis/edible hemp retail businesses. Any cannabis or lower potency hemp edible retail operations must meet required setbacks and other IUP standards. The required setbacks in draft form are: "The business operational area shall not be within 1,000 feet of the nearest property line of a parcel containing a school, church, day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field." The draft standard requires a minimum 2 acre parcel size on which the business is located. Parcels currently enrolled in the Agricultural Preserve Program or located on Township roads were not included as potential locations of cannabis/edible hemp retail businesses.



Bongards RSD

Benton Twp.

There are several parcels (outlined in red) that potentially meet the draft minimum location requirements for a retail cannabis or lower-potency hemp edible business. The orange circular area represents the required 1,000-foot setback from a church.

Maple RSD

Waconia Twp.



There is one parcel that potentially meets the draft minimum location requirements for a retail cannabis or lower-potency hemp edible business.

Gotha RSD

Hancock Twp.



There are several parcels that potentially meet the draft minimum location requirements for a retail cannabis or lower-potency hemp edible business.

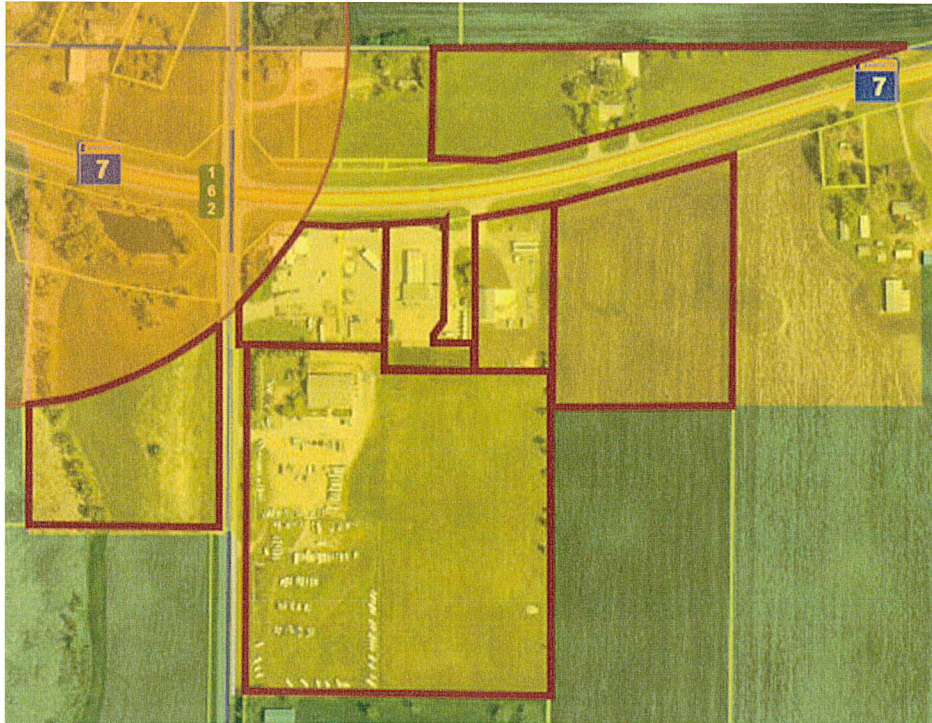
East Union RSD

(Dahlgren & San Francisco Twps.)



There are two parcels that potentially meet the draft minimum location requirements for a retail cannabis or lower-potency hemp edible business. The orange circular area represents the required 1,000-foot setback from a school.

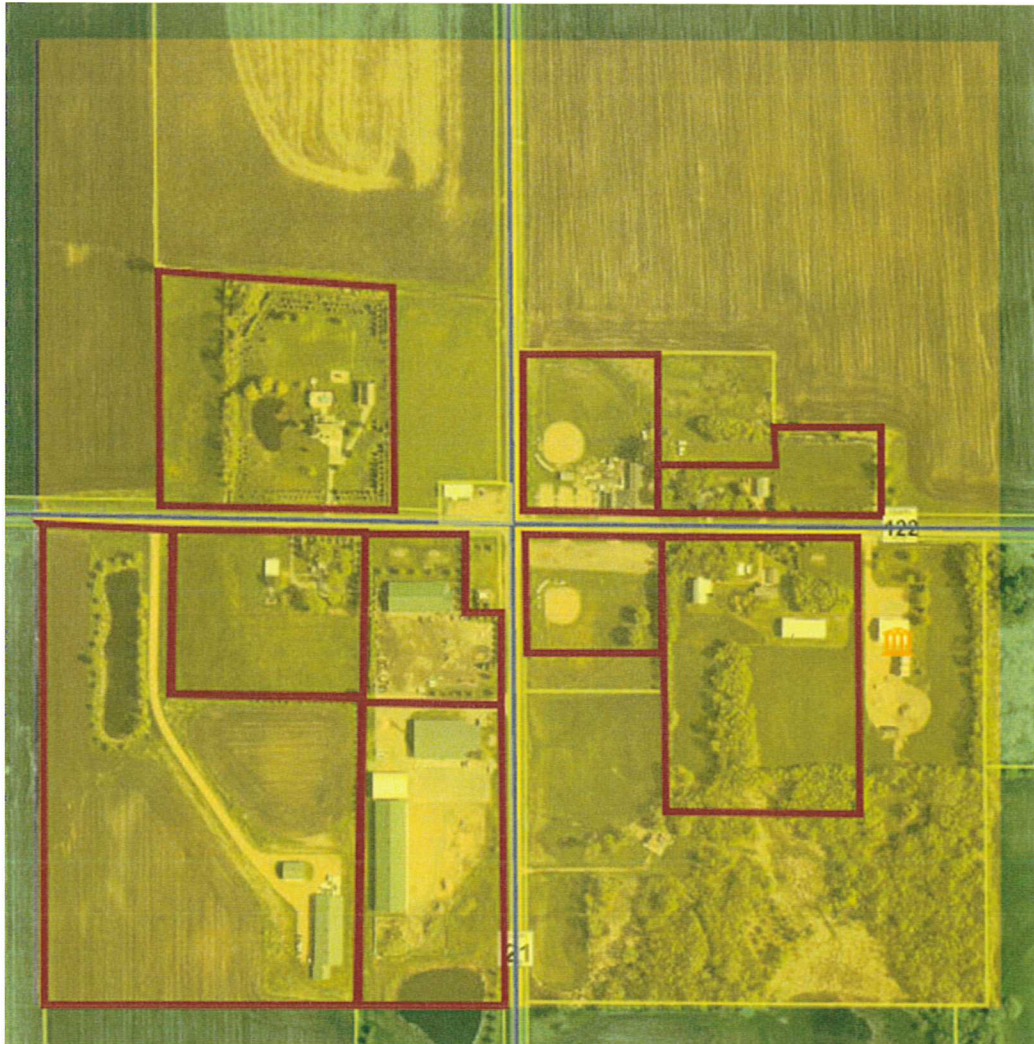
Hollywood Station RSD (Hollywood Twp.)



There are several parcels that potentially meet the draft minimum location requirements for a retail cannabis or lower-potency hemp edible business. The orange circular area represents the required 1,000-foot setback from a church.

Hollywood RSD

Hollywood Twp.



There are multiple parcels that potentially meet the draft minimum location requirements for a retail cannabis or lower-potency hemp edible business.