



CARVER COUNTY PLANNING COMMISSION

Regular Meeting – **March 18, 2025, 7:00 PM**

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

AGENDA

1. **Convene**

- 1.1. Call to Order
- 1.2. Pledge of Allegiance
- 1.3. Attendance
- 1.4. Agenda review and adoption
- 1.5. Approve Minutes from February 18, 2025**2-4**

2. **Agenda**

- 2.1. **File #20250005** - Public hearing on application by Rufino Mendoza for a Conditional Use Permit
(Home Extended Business Accessory Use)
Laketown Township.....**5-18**
- 2.2. **File #20250006** - Public hearing on application by Brad Matter for a Conditional Use Permit
(Contractor's Yard)
Hollywood Township**19-29**

3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

March 7, 2025

TO: Carver County Board of Adjustment & Laketown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Home Extended Business Accessory Use)

FILE #: PZ20250005

APPLICANT: Rufino Mendoza

OWNERS: Rufino Mendoza & Leticia Mendoza Gonzalez

SITE ADDRESS: 7485 State Hwy 5, Waconia, 55382

PERMIT TYPE: Home Extended Business Accessory Use.

PURSUANT TO: Carver County Code: Section 152.079 (C)(9)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-016-1001

BACKGROUND:

1. Rufino Mendoza & Letitia Mendoza Gonzalez own and homestead an approximate 3.02-acre parcel located in the Northwest Quarter (NW¼) of Northeast Quarter (NE¼) of Section 16, Laketown Township. The property is improved with a single-family residence and an approximate 1,400 square foot accessory structure. The parcel is located in the Agricultural Zoning District, Shoreland Overlay District (Lunsten Lake and a DNR Protected Watercourse), 2040 Growth Area (City of Victoria), and Minnehaha Creek Watershed District.
2. The general scale of Mr. Mendoza's business classifies it as a Home Extended Business Accessory Use (HEBAU). However, after purchasing the parcel and relocating his business, he learned the maximum number of work vehicles for a HEBAU on a parcel less than five acres in size is two vehicles. Additionally, only one vehicle with a capacity greater than one-ton is allowed. To accommodate his business needs, Mr. Mendoza applied for and received a variance (V-PZ20250001) permitting a total of four work vehicles, including two trucks exceeding one-ton in capacity.
3. The applicant is requesting a Conditional Use Permit (CUP) for a HEBAU in order to operate his existing tree service and snow removal business (E & R Landscaping), pursuant to Section 152.079 (C)(9) of the Carver County Zoning Code, which reads as follows:

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

(A) Minimum criteria for issuance of permit:

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

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

(B) Minimum conditions:

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

(C) Activities.

(9) Home extended business accessory use.

- (a) It is the intent of this section to provide for the use of newly constructed accessory structures, or adaptive re-use of residential accessory and farm structures on parcels two acres or greater by permitting the use of the structures for limited business purposes upon the issuance of a conditional use permit pursuant to this section. Permits shall be issued and remain in effect pursuant to this section only upon findings that the proposed use will clearly be accessory and subordinate to the principal use of the land. Examples of businesses permitted under this section include: woodworking, repair, machining, professional services, and small-scale contractor's activities.
- (b) The following shall be the minimum conditions/operational standards for the issuance and continuation of such a permit; additional conditions may be added as necessary;
 1. The business shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.
 2. The business must be conducted in one or more of the following: an attached or detached garage, residential accessory structure, or agricultural structure.
 3. Businesses prohibited for the purposes of this section shall be on-site recreation and entertainment businesses, mini-storage or seasonal vehicle storage when storage is the principal activity of the business, and businesses that require more than one truck with capacity greater than one ton.
 4. There shall be no more than four employees in addition to the owner/operator of the business and family of the owner/operator residing in the home, providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two employees in addition to family members residing in the home.
 5. The business shall utilize no more than four business vehicles, providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two business vehicles.
 6. There shall be no retail sales. The sale of incidental stock-in-trade shall not be considered retail sales.
 7. No more than three clients shall be allowed on the premises at any one time.

STAFF ANALYSIS:

1. In February 2025, the approval of variance V-PZ20250001, allowing a total of four work vehicles, including two dump trucks (each exceeding one ton in capacity), on a parcel smaller than five acres, enabled Mr. Mendoza to apply for a CUP to operate a Home Extended Business Accessory Use on the property.
2. The applicant has submitted a Business Operating Plan (dated March 3, 2025) outlining the details of business operations. The business specializes in landscaping installation and maintenance, including tree services. Operating hours are 7AM – 7PM, Monday through Friday in the summer and 8AM – 4PM, Monday through Friday in the winter.

The applicant notes that some projects may require extended hours but assures they would remain within reasonable limits. The business generates an average of 12 vehicle trips per day using a fleet of four work trucks, including two dump trucks. This total includes four daily trips for the two employees who do not reside on the property. The business appears to comply with Home Extended Business Accessory Use (HEBAU) zoning standards, including employee limits, operating hours, screening requirements, and the minimum 500-foot distance from adjacent residences. In total, the business has four employees, including the applicant (owner) and the applicant's son, who also lives on the property.

3. The applicant has submitted a site plan (dated March 3, 2025) outlining the property's current and proposed business operation areas. Mr. Mendoza plans to construct a 6,000-square-foot structure at the rear of the property, which would include both commercial and personal storage space. The proposed structure, designed to meet setback requirements and avoid encroachment on wetlands, would consist of 4,600 square feet of commercial storage and 1,400 square feet of personal storage. It would replace an existing 1,400-square-foot accessory structure on the property. The site plan also designates areas for work vehicle parking and temporary outdoor storage, all screened by existing and proposed trees. Additionally, pine trees would be planted along the western and northwestern property lines west of the driveway to enhance screening. Vehicle access would remain via the existing driveway on Highway 5.
4. The surrounding neighborhood includes a mix of agricultural and residential uses, along with several properties that have CUPs. The subject property is located within the City of Victoria's future growth area. According to Minnesota State Statute, public notice is required for land use applications within two miles of a municipality to allow for comments. As of the completion of this staff report, no review comments had been received from the City of Victoria.
5. Abigail Couture, Permitting Technician with the Minnehaha Creek Watershed District, reviewed the CUP request. In an email dated February 25, 2025, she referenced a previous email from January 22, 2025, stating:
"If the applicant proceeds with the proposed work—such as adding outbuildings or pavement for their landscaping business—they may need to obtain permits from MCWD to do this work."
A letter from Ms. Couture describing permitting thresholds is appended to this report.
6. Jacob McLain, Senior Environmentalist with Carver County Environmental Services, reviewed the applicant's septic compliance. In an email dated February 25, 2025, he referenced a previous email from January 14, 2025, stating:
"The system was installed in 2023 and is compliant. An alternative site has also been identified. The site plan shows the driveway and employee parking in a location that does not interfere with the existing mound system. The owner should be reminded of the potential negative impacts of driving on a septic system. Otherwise, it appears the proposed commercial structure is intended for storage. However, if the use changes and septic is required, a design must be completed."
7. Taylor Huinker, Area Hydrologist at Minnesota Department of Natural Resources (MNDNR) reviewed the request. In an email dated March 4, 2025, she stated that she had no concerns or comments regarding the Home Extended Business Accessory Use.
8. Since the parcel has direct access from MN State Highway 5, Minnesota Department of Transportation (MNDOT) serves as the acting road authority. Cameron Muhic, Transportation Planner with MNDOT, reviewed the CUP request and, in an email dated March 5, 2025, stated that he had no comments.
9. The Laketown Town Board reviewed the CUP application and recommended approval during their January 13, 2025, Town Board meeting.

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the Conditional Use Permit application for a Home Extended Business Accessory Use on the parcel legally described in Exhibit A, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The Permittee shall homestead and occupy the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early as possible in the process of the proposed change.
 2. The operation shall be substantially in accordance with the submitted operational plan and site plan (dated March 3, 2025). These plans shall be attached to and become part of this permit. The operation hours shall generally follow 7AM – 7PM weekdays in summer and 8AM - 4PM weekdays in the winter. Temporary outdoor storage shall be screened and contained within the approved operational area.
 3. In line with the approval conditions of V-PZ20250001, the operation shall not exceed four work vehicles, including two dump trucks (vehicles with more than one-ton capacity), and a maximum of four employees.
 4. Any grading or filling activity on the property shall be conducted in accordance with the Minnehaha Creek Watershed District standards and the Wetland Conservation Act (WCA), if applicable. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
 5. The Permittee shall obtain all required building permits for the proposed shed, and construction shall comply with the State Building Code.
 6. The permittee shall comply with Minnesota Department of Transportation (MNDOT) access requirements.
 7. All business-related trucks, equipment, and supplies shall be stored within the approved operational area. Any expansion of this area will be considered an expansion of the use and may require a review by the Land Management Department to determine if an amended Conditional Use Permit is needed.
 8. Permittee shall maintain the Non-generator's Certificate or contact the Environmental Services Department to determine if a Hazardous Waste Generator License is required.
 9. The Permittee shall comply with all applicable county regulations, including Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 51 – Hazardous Waste Management, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations. No signage shall be allowed within the public road right-of-way.
 10. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit (if no employees are involved) to the Land Management Department. The insurance or affidavit shall be maintained for the duration of the CUP.
- If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

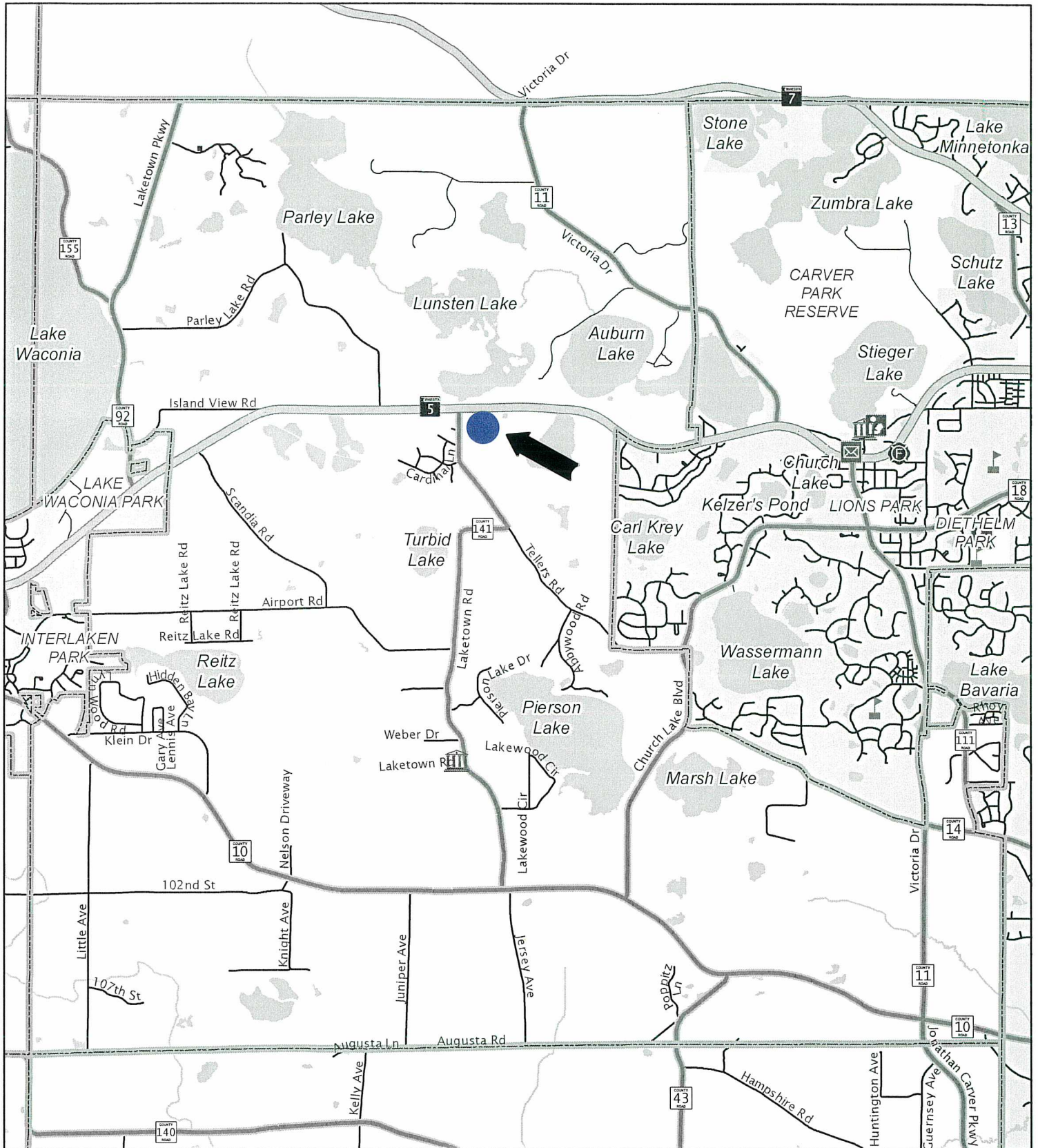
§ 152.251 REQUIRED FINDINGS.

An order for the issuance of a CUP or IUP can be adopted only if all 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:

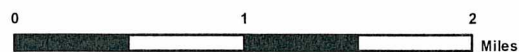
- (A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules or regulations.
- (B) The conditional or interim use will not be 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.

LAKETOWN TOWNSHIP

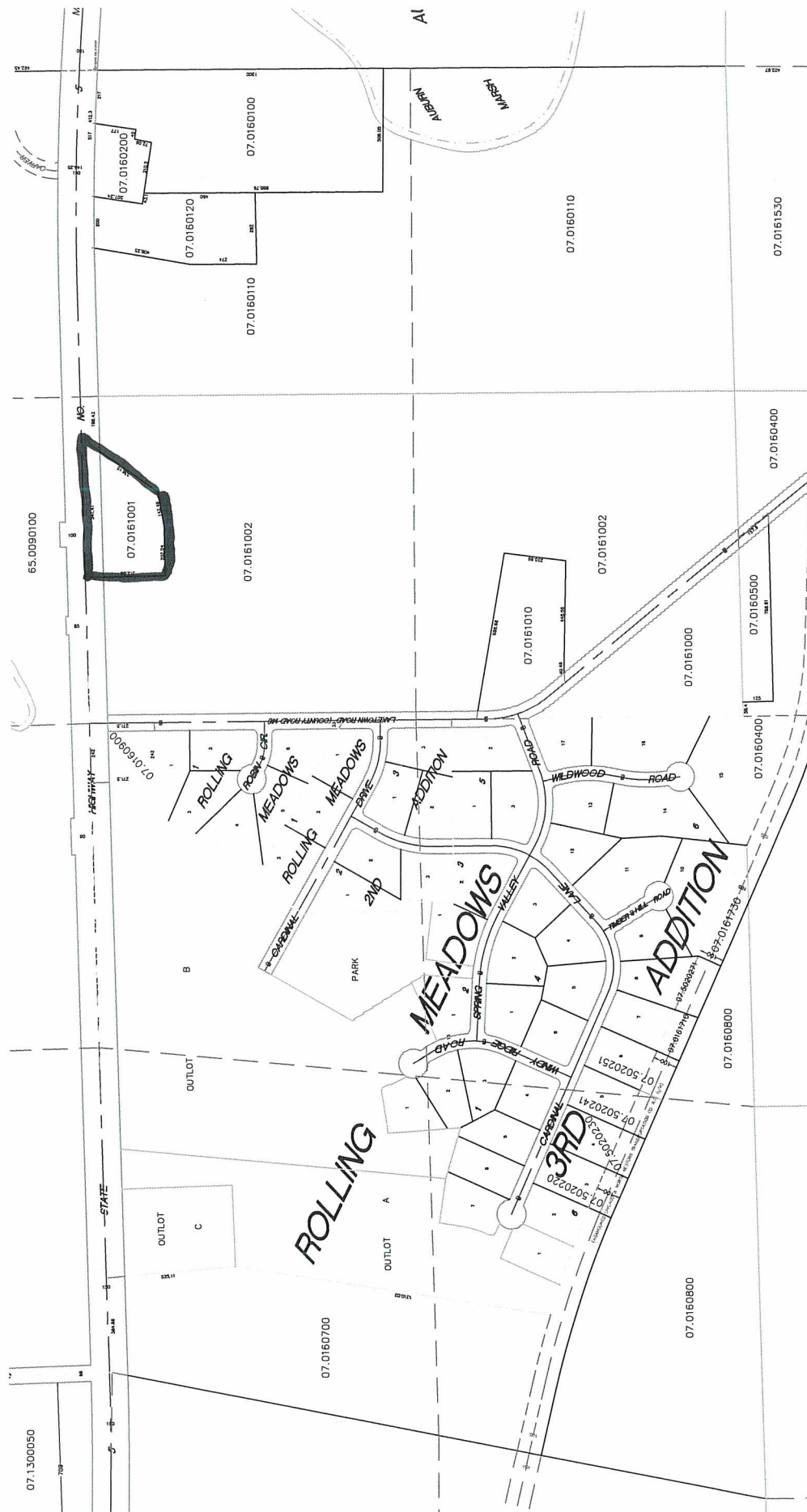


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
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March 3, 2025

Business Operating Plan

I, Rufino Mendoza, respectfully submit this request for a Conditional Use Permit for a Home Extended Business Accessory Use, pursuant to Section 152.079c9 of the zoning code. The purpose of this request is to operate a small-scale landscaping and snow removal business, E&R Landscaping and Tree Service, within a proposed detached structure on my property located at 7485 State Highway 5. Waconia, MN

Business Overview:

My Proposal is to operate a small-scaled landscape business as a “Home Extended Business Accessory Use” I previously was granted a variance in February (#PZ20250001) to allow me to apply for this CUP. The variance request involved having this business on a lot smaller than 5 acres with four work vehicles including two dump trucks with a capacity greater than 1 ton.

Landscaping is the art and practice of designing and maintaining outdoor spaces to enhance both their beauty and functionality. Services provided by E&R Landscaping and Tree Service include planting trees, shrubs, and flowers, designing and building outdoor features such as patios and walkways, as well as caring for lawns and gardens. Our operations also include tasks such as pruning, mulching, and seasonal maintenance to ensure the long-term health and aesthetics of outdoor spaces.

Our standard hours of operation are from 7:00 AM to 7:00 PM, Monday through Friday during the summer. Our Winter (November – March) Hours are from 8 AM to 4 PM, Monday through Friday. Certain projects may require extended hours or earlier start times, though this will remain within reasonable limits. The business generates an average of 12 trips per day with a fleet consisting of four work vehicles (trucks) and including two dump trucks. This includes four trips per day for the two employees who do not live at the residence. My son works with me and lives with me, so his work-related trips are only in a work vehicle. I will use the existing driveway to Hwy 5 for access.

Purpose of the Conditional Use Permit:

The Conditional Use Permit will allow me to legally operate my landscaping and snow removal business from the property, in compliance with zoning regulations. The business will employ myself and up to four employees, including my son who lives at our residence. The business will serve as my primary source of income for my family and I, and access to the site will be restricted to myself, my family, and the employees.

Since moving to the property in 2023, no modifications have been made to the existing structure. Currently, the existing detached structure is used for company storage, but we are proposing to construct a replacement detached accessory structure measuring about 60' x 100' (6,000 sq ft), of which 4,600 square feet of that structure would be dedicated to accommodating business equipment and vehicles. The remaining 1,400 square-feet would be used for personal storage. I showed this on my site plan.

The structures will serve as storage for business materials, equipment, and vehicles. Should indoor storage capacity be reached, any vehicles will be stored in a neat and orderly manner along the east side of the building along the rear property line. Additionally, materials such as logs and boulders may be temporarily stored outdoors, at the rear of the property, until they are used or disposed of. All materials will be stored in approved areas and in compliance with zoning requirements. Waste disposal will be handled off-site through a contracted company that will remove and properly dispose of any used materials. All exterior storage will be hidden from the public and neighbors.

For screening purposes, I plan to plant pine trees along the western/northwestern property boundary to block public views from Highway 5 and the residential neighborhood to the west.

Currently, no signage is displayed on the property. Should a sign be necessary in the future, I propose a sign that meets all setback requirements, either at the end of the driveway or attached to the detached garage. The decision regarding signage will be made in accordance with the Planning Commission's discretion.

The business will be located at least 500 ft from neighboring residences. The nearest residence not on the property is over 1,000 from the operation area of my business.

I am fully committed to adhering to all conditions set forth by the Planning Commission and complying with the current Zoning Code.

Thank you for your time and consideration.

Sincerely,

Rufino Mendoza

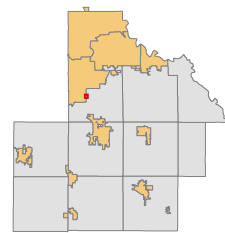
MENDOZA SITE PLAN



Date: 3/3/2025



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Carver County GIS



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL # <u>070161 001</u>	Permit # <u>PZ20250005</u>
Owner's Name: <u>Leticia Gonzalez</u>	Owner's Mailing Address: <u>7485 State Hwy 5</u>
City: <u>Waconia</u>	Owner State: <u>MA</u> Owner Zip: <u>55387</u>
Applicant (If other than owner): <u>Rafino Mendoza</u>	Site Address:

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal
Description of Request: <u>Home exctated business Accessory Conditional Use Permit</u>
Date of County Public Hearing: <u>3/18/2025</u> Date of Township Meeting: <u>1/13/2025</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:	✓ CUP to operate business @ residence. ✓ Variance to add another shed to be able store business separate from personal storage. ✓ Board recommends approval.
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****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

<u>[Signature]</u> Signature of Applicant	Date <u>01/02/2025</u>
<u>Deanne Kume, Clerk</u> Signature of Township Official	Date <u>01-13-25</u>



January 22, 2025

Carver County Public Services Division

Attn: Christina Neel, Land Management Planner

600 East 4th Street

Chaska, MN 55318

RE: Request for Review – 7485 State Hwy 5 – Variance Request

Dear Ms. Neel,

The Minnehaha Creek Watershed District (MCWD or District) received notice of a variance request being reviewed by Carver County on January 14, 2025, regarding a Conditional Use Permit to operate a landscaping business and have two trucks with capacity greater than one ton on the site.

MCWD has reviewed the plans and requests that the applicant (Rufino Mendoza) contact the District for their review for potential applicable District rules, outlined below, if the applicant desires to move forward with this proposed plan:

Erosion and Sediment Control Rule:

If proposed development will disturb more than 5,000 square feet of land or excavate or grade more than 50 cubic yards, an Erosion and Sediment Control permit would be required.

Stormwater Management Rule:

Proposed development appears to be increasing impervious surface, therefore the Stormwater Management Rule may be triggered.

Wetland Protection Rule:

Proposed development appears to be occurring where MCWD has mapped wetlands. Impacts to these wetlands may require additional review through the Wetland Conservation Act (WCA) and a separate WCA application.

Wetland buffers may be required on wetlands down-gradient of the proposed impervious surface, if the Stormwater Management Rule is triggered.

We encourage the applicant to communicate with the District regarding their proposed plans in order to obtain the required permits.

Thank you for your ongoing coordination with MCWD. Please do not hesitate to reach out with any questions.

Abigail Couture

Abigail Couture

Permitting Technician

acouture@minnehahacreek.org

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-016-1001

File# PZ-20250005

**APPLICANTS/OWNERS: Rufino Mendoza & Leticia Mendoza
Gonzalez**

* * * * *

That part of the Northwest Quarter of the Northeast Quarter of Section 16, Township 116, Range 24, Carver County, Minnesota, described as follows: Commencing at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence on an assumed bearing of North 89 degrees 50 minutes 22 seconds West, along the North line of said Northwest Quarter of the Northeast Quarter, a distance of 198.43 feet to the point of beginning; thence continue North 89 degrees 50 minutes 22 seconds West, along said North line, a distance of 541.41 feet; thence South 01 degrees 24 minutes 24 seconds East, a distance of 312.68 feet; thence North 88 degrees 23 minutes 35 seconds East, a distance of 202.04 feet; thence North 79 degrees 06 minutes 12 seconds East, a distance of 142.49 feet to a line that bears South 34 degrees 33 minutes 57 seconds West from the point of beginning; thence North 34 degrees 33 minutes 57 seconds East, a distance of 338.15 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

March 7, 2025

TO: Carver County Planning Commission & Hollywood Town Board

FROM: The Land Management Department

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

FILE #: PZ20250006

APPLICANT: Brad Matter

OWNER: Kristine Matter Revocable Trust (Bradley and Kristine Matter, trustees)

SITE ADDRESS: 3710 County Road 21

PERMIT TYPE: Conditional Use Permit - Contractor's Yard

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-015-1810

BACKGROUND:

1. Kristine and Brad Matter own approximately 21.87 acres located in the South Half (S½) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 15 in Hollywood Township. The property is improved with an existing single-family home with attached garage, a 30' x 30' (900 square feet) machine shed, a 28' x 45' (1,260 square feet) personal storage shed, and cropland currently in production. The site is located within the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO) - Crow River watershed.
2. The applicant is requesting a Conditional Use Permit to operate an excavation business (Matter Excavating) from the subject property as a Contractor's Yard, pursuant to Section 152.079 (C)(10) of the Carver County Zoning Code, which reads as follows:

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

(A) Minimum criteria for issuance of permit:

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

(B) Minimum conditions:

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

(C) Activities.

(10) Contractor's yards.

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

STAFF ANALYSIS:

1. The proposed location of the Contractor's Yard is in a rural area of Hollywood Township, with no residences located within 500 feet of the operational area, as shown on the submitted site plan. In accordance with the residency standard for home-based businesses, the business owner, Brad Matter, resides on the property.
2. The submitted operational plan (dated February 21, 2025) describes Mr. Matter's existing business that he intends to operate from the property. Matter Excavating is a family-owned and operated business, currently being run from Mr. Matter's father's property. The family is anticipating moving all operations to the subject property once the proposed structure is completed, then terminating the original Matter Excavating CUP (#7005). Matter Excavating specializes in farm drainage, septic service, and residential excavating projects. The applicant has 4 employees and a total of 6 work vehicles, and he estimates 6-12 daily vehicle trips per day during busy season. Hours of operation are Monday-Saturday 6AM - 9PM, during spring, summer and fall. Winter hours and days of operation are minimal due to daylight limitations and ground freeze. There is no public access to the property and no retail sales will occur at the property. No signage is proposed.
3. The site plan (dated February 25, 2025) outlines the current property layout and the proposed commercial building. The new structure, measuring 60' x 120' (approximately 7,200 square feet), would be located west of the existing house and personal storage buildings. It would include an office space, material and vehicle storage, and maintenance shop for company equipment. The applicant has designed a screened area adjacent to the commercial building for outdoor material storage, including gravel and sand. Employees would park south of the new building and access work vehicles and equipment, including a dump truck, pickup trucks, trailers, and an excavator. Mature trees surrounding the proposed building site provide natural screening for the operational area. The existing screening appears to meet the requirements outlined in Section 152.041 of the County Zoning Code.

4. The subject property falls under the jurisdiction of the Carver County Water Management Organization (CCWMO). Tim Sundby, Water Resources Supervisor, reviewed this request and stated in an email dated February 26, 2025, that a stormwater permit is not required at this time. However, if the total disturbed area during construction exceeds one acre, an erosion sediment control permit may be required.
5. Mike Wanous, District Manager at Carver County Soil & Water Conservation District, reviewed this request. In an email dated February 24, 2025, he stated he had no concerns regarding the proposed contractor's yard but noted the presence of a wetland west of the proposed building site. He emphasized that no material shall be placed in a wetland area and the site must comply with Wetland Conservation Act (WCA) regulations.
6. Lori Brinkman, Senior Environmentalist and Advanced SSTS Inspector with Carver County Environmental Services, reviewed the application materials. In an email dated February 13, 2025, she stated:
"Carver County Code 52.197 requires a SSTS compliance inspection when there is an application for a contractor's yard; however, since the existing mound system will be abandoned, a compliance inspection of the existing drainfield is not appropriate. A design for a replacement mound, including tank certification for reuse of the existing tanks, must be submitted to Carver County. The replacement mound should be installed prior to abandonment of the existing mound."
7. The contractor's yard is accessed via a single driveway on County Road 21. In an email dated March 6, 2025, Drew Pflaumer, Carver County Public Works Transportation Planning Manager, stated that he had no comments or concerns regarding the proposed contractor's yard.
8. The Hollywood Town Board reviewed the request at their February 10, 2025, Town Board meeting and expressed support, stating there are *"no concerns at this time."*

PLANNING COMMISSION CONSIDERATION:

- If the Planning Commission recommends approval of the Conditional Use Permit application for a Contractor's Yard on the parcel legally described in Exhibit A, the following conditions should be considered part of the permit:
 1. The permit is subject to administrative review. The Permittee shall homestead and occupy the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early as possible in the process of the proposed change.
 2. The operation shall be substantially in accordance with the submitted operational plan (dated February 21, 2025) and site plan (submitted February 25, 2025). These plans shall be attached to and become part of this permit. The operation hours shall generally follow Monday-Saturday 6AM - 9PM, during spring, summer and fall. Winter hours and days of operation are minimal due to daylight limitations and ground freeze. Temporary outdoor storage shall be screened and contained within the approved operational area.
 3. All structures used in conjunction with the contractor's yard operation shall comply with the Minnesota State Building Code. The proposed shop building shall require review and approval from the Carver County Building Official, along with the necessary permits. Any future construction of new structures for the business shall also undergo review and receive the appropriate building permit(s) prior to beginning construction.
 4. All business-related trucks, equipment, and supplies shall be stored within approved structures or the approved operational area. Any expansion of this area will be considered an expansion of the use and may require a review by the Land Management Department to determine if an amended Conditional Use Permit is needed. All outside storage shall be screened from neighboring properties and the public road.
 5. The Permittee shall comply with all Carver County Public Works access requirements. There shall be no parking within the public right-of-way.

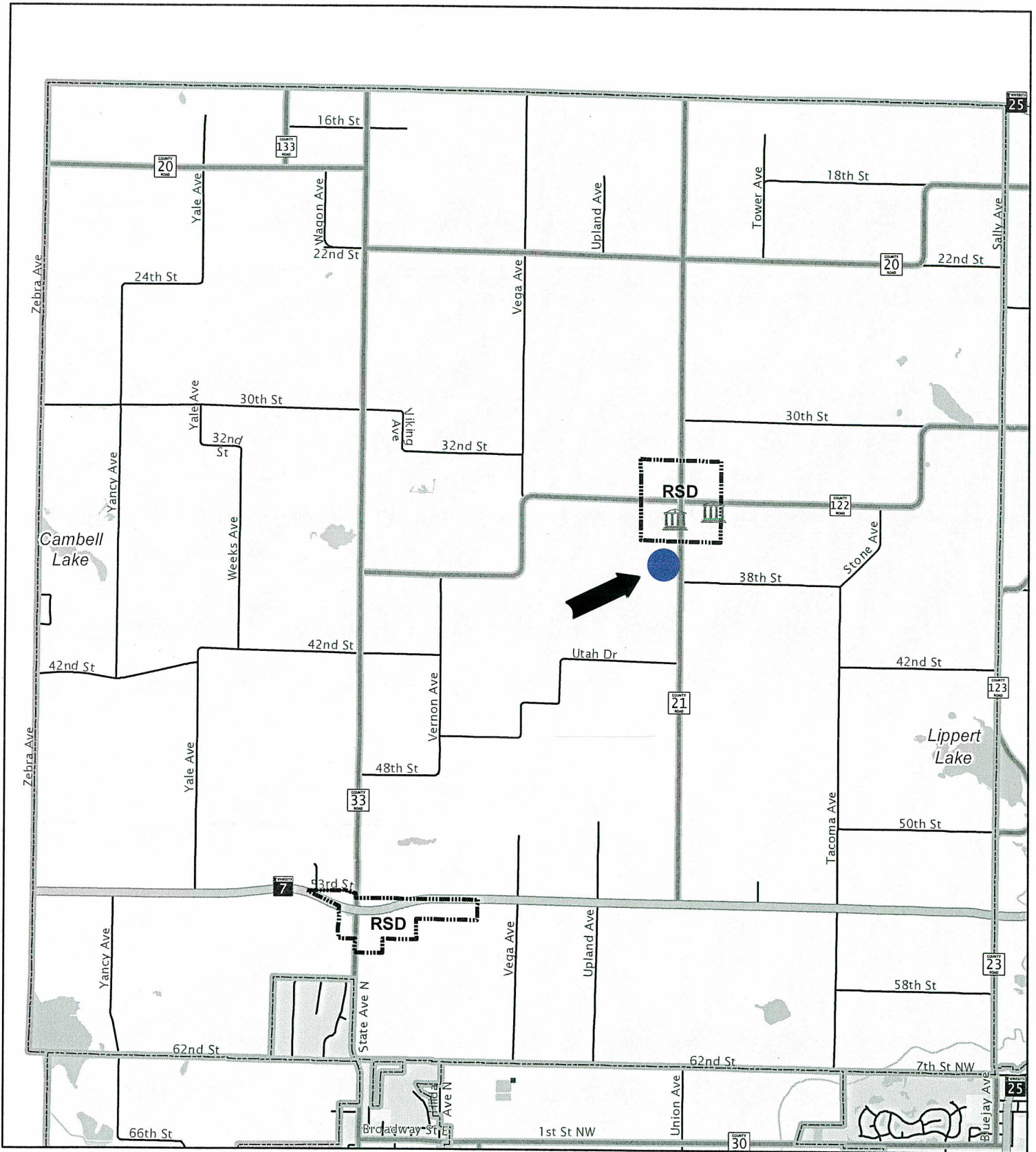
6. A replacement Subsurface Sewage Treatment System (SSTS) design and location shall be submitted to the Carver County Environmental Services Department for review and approval prior to the issuance of the commercial building permit. The SSTS installation shall comply with all applicable regulations.
 7. Permittee shall maintain the Non-generator's Certificate or contact the Environmental Services Department to determine if a Hazardous Waste Generator License is required.
 8. Any grading and/or filling activity on the property shall comply with the Carver County Water Management Organization (CCWMO) and, if applicable, the Wetland Conservation Act (WCA). Any site improvements shall adhere to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required before construction or building permits can be issued.
 9. The Permittee shall comply with all applicable county regulations, including Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 51 – Hazardous Waste Management, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations. No signage shall be allowed within the public road right-of-way.
 10. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit (if no employees are involved) to the Land Management Department. The insurance or affidavit shall be maintained for the duration of the CUP.
- If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

§ 152.251 REQUIRED FINDINGS.

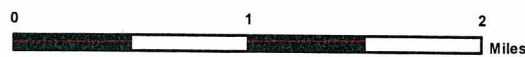
An order for the issuance of a CUP or IUP can be adopted only if all the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

- (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.

HOLLYWOOD TOWNSHIP



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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
AS THEY APPEAR IN THE 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.



Brad Matter
Matter Excavating LLC
3710 County Road 21
Mayer, MN 55360

612-644-4587
Matterexcavating@gmail.com

Subject: Conditional Use Permit

Dear Planning Commission:

I am submitting my application for a conditional use permit to operate my excavating business out of my property at 3710 County Road 21, Mayer, MN 55360

-Description of Operation:

This is a family run business. This is a general excavating company specializing in farm drainage, septic system service and residential excavating. Employees typically arrive in the morning to load supplies for the day and return at the end of the day.

-Hours of Operation:

6:00 am to 9:00 pm Monday- Saturday primarily during the spring, summer and fall months.

Hours during the winter months are minimal.

-Employee Detail:

Total number of Employees: 4 Family members

-Traffic Generated:

Number of work Vehicles: 6

Trips in and out of the property: 6-12 per day

Parking Spaces 6

-Use of Structures:

I am proposing a 60'X120' building with a 32'X32' office and toll storage area attached. The building will be used to store supplies, maintain machinery and vehicles.

-Material Storage:

Storage area will be needed for work related materials such as sand and gravel and outdoor storage for machinery, trucks and trailers

Water Services, Sewage Disposal:

Existing mound system will need to be moved to access the new proposed building. The new system will be installed before the old one is removed.

- Parking Area:

Customer parking will not be needed, just parking for my own vehicles.

Access to the property will be from the existing driveway off of County Road 21

-Screening:

The proposed site is already screened by the existing trees and buildings.

-Signage:

N/A

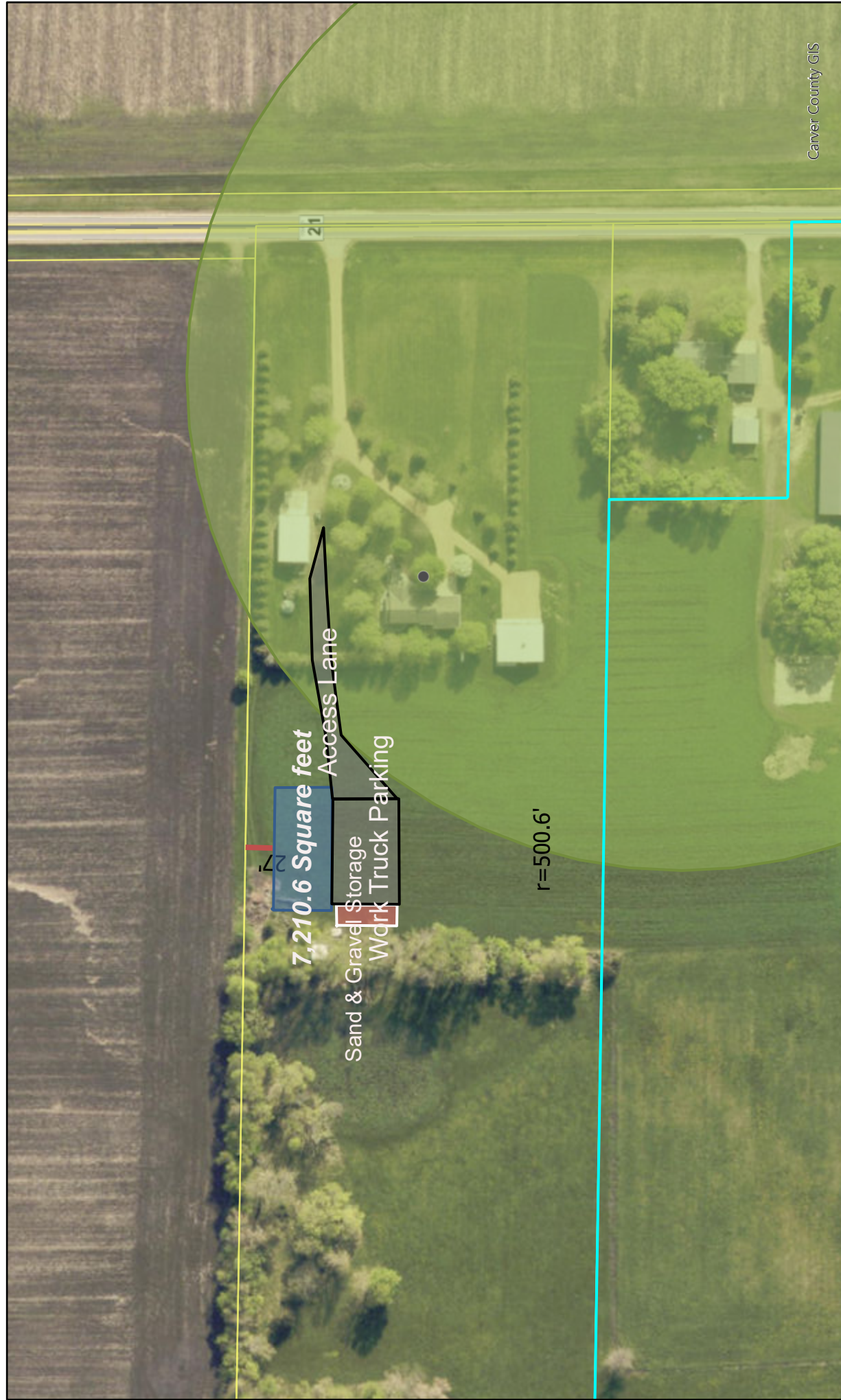
I am committed to abiding by the regulation lined out in the Land Use Ordinance and to address any concerns that the Planning Commission may have.

Sincerely,

Brad Matter

 2-21-25

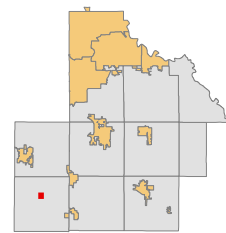
MATTER CUP SITE PLAN



Date: 2/25/2025



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Township Presentation & Recommendation Form

PARCEL # 06.0151810	Permit # PZ20250006	
Owner's Name: Kristin J. Matter Rev. Trust	Owner's Mailing Address: 3710 Co Rd 21	
City: Mayer	Owner State: MN	Owner Zip: 55360
Applicant (if other than owner): Brad Matter	Site Address: 3710 Co Rd 21	

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal

Description of Request:

I would like to move existing Excavation operation to my home property at 3710 Co Rd 21, Mayer

Date of County Public Hearing: 3-18-25 **Date of Township Meeting:** 2-10-25

Actions:

Township Action Taken:

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

No concerns at this time

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

Signature of Applicant: Brad Matter

Signature of Township Official: [Signature]

Date: 2-9-25

Date: 2-10-25

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 06-015-1810

File# PZ20250006

APPLICANT: Brad Matter

OWNER: Kristine J Matter Revocable Trust

* * * * *

That part of the South Half of the Southeast Quarter of the Southeast Quarter of Section 15, Township 117, Range 26, Carver County, Minnesota, that lies North of the South 300.00 feet thereof, AND

That part of the South Half of the Southwest Quarter of the Southeast Quarter of Section 15, Township 117, Range 26, Carver County, Minnesota, that lies North of the South 300.00 feet thereof.

DRAFTED BY: Carver County Land Management Department