
HAVEN TOWNSHIP

PLANNING COMMISSION

MEETING PACKET FOR
March 10, 2026



HAVEN TOWNSHIP
AGENDA
PLANNING COMMISSION
MARCH 10, 2026
4:00 PM

Haven Town Hall, 4230 45th Ave SE, St. Cloud, MN 56304
(or via web/phone conference - see www.haventwp.org for information)

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. Consideration of amendments to Haven Township Zoning Ordinance, Ordinance No. 2026-01. Sections to be amended include Section 5 (Definitions and Rules), Sections 7 (Agricultural District), 8 (Commercial District) 9 (Industrial District), 10 (Commercial 2 District), and 12 (Interim Use Permits). The amendments would define and regulate cannabis businesses within the Township by requiring licensing by the State of Minnesota; requiring an interim use permit; requiring setback buffers from various other land uses; requiring plans related to meeting environmental, security, and general operational procedures; and providing mechanisms for enforcement. Section 12, Subp. 5.13 (Mining) is proposed to be deleted as a separate Township ordinance regulating mining has recently been adopted. Amendments will also make spelling and organizational corrections throughout the Ordinance. Applicant: Haven Township.
5. Approve Previous Meeting Minutes
 - a. February 10, 2026
6. Other Business
 - a. Request for Township Recommendation - Sherburne County Variance Request (Latterell), PID 25-00406-0106 (5750 16th Ave SE, Lot 3, Block One, River Haven)
 - b. Request for Township Recommendation - Sherburne County Rezoning Request (Forcier), PIDs 25-00021-1405 and 25-00021-1410, 4286 42nd St SE)
 - c. Committee Members and Residents Continue Reporting on Re-Defining Haven Township Zoning Districts.
 - i. Rural Residential - Commission Member , Jim O'Donnell
 - ii. Commercial - Commission Member, Bob Kolkman
 - iii. Industrial - Resident, Ann ImHolt
 - iv. Agricultural - Commission Member Kari Watkins and Resident, Bob Bezek
 - v. Data Centers?
 - vi. Merging of Committee Recommendations with City of St. Cloud Zoning Ordinance as possible base for new Township Ordinance.

- d. Updates
 - i. Extension of Orderly Annexation Agreement with City of Saint Cloud
 - ii. Enforcement Matters (Import Motors property)
 - iii. Past Permitting Compliance (Wiilo Event Center)
 - iv. Future Permitting (Amrize Mining IUP)
- e. Update - Other (MPCA actions relating to groundwater pollution at PID 25-00030-1400 - 4958 County Road 8 SE)
- f. Review - Xcel Energy letter re: Sherco Solar 4 Project (1160 acres in Clear Lake, Haven and Palmer Townships north of the City of Clear Lake)
- 7. Open Forum - Time for Residents to Address the Planning Commission
- 8. Zoning Administrator's Report
- 9. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

STAFF REPORT

Application:	Consideration of amendments to Haven Township Zoning Ordinance, Ordinance No. 2026-01. Sections to be amended include Section 5 (Definitions and Rules), Sections 7 (Agricultural District), 8 (Commercial District) 9 (Industrial District), 10 (Commercial 2 District), and 12 (Interim Use Permits). The amendments would define and regulate cannabis businesses within the Township by requiring licensing by the State of Minnesota; requiring an interim use permit; requiring setback buffers from various other land uses; requiring plans related to meeting environmental, security, and general operational procedures; and providing mechanisms for enforcement. Section 12, Subp. 5.13 (Mining) is proposed to be deleted as a separate Township ordinance regulating mining has recently been adopted. Amendments will also make spelling and organizational corrections throughout the Ordinance. Applicant: Haven Township.
Applicant:	Haven Township Planning Commission
Agenda Item:	4a

Background Information:

- **Proposal:** The proposed ordinance amendments are intended to address two matters:
 1. Adopt regulations related to cannabis businesses largely in line with the regulations adopted previously by Sherburne County, with the exception that in the draft amendments all cannabis businesses would require an interim use permit rather than a conditional use permit or being considered a permitted use. The regulations include limiting the various types of cannabis businesses to certain zoning districts, the requirement for an interim use permit, setbacks between cannabis businesses and certain other land uses, performance standards for cannabis businesses and other general regulations.
 2. Remove the section of the existing ordinance relating to mining regulations, as this has been replaced by a recently adopted township-wide ordinance addressing mining and mineral extraction.

Planning Commission Action: The Planning Commission may recommend approval of the proposed variance to the Town Board, denial of the request(s), or tabling of the request(s) if the Commission should need additional information from the applicant.

A copy of the proposed amendments is attached.

SECTION 5 - DEFINITIONS AND RULES OF LANGUAGE CONSTRUCTION

Subdivision 1: Rules of Language Construction

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. Words used in the present tense shall include the future; words in the singular shall include the plural; and the words "shall" and "must" are mandatory and not discretionary. Unless otherwise specified, all distances shall be measured horizontally and in feet. Nothing in these definitions gives anyone a substantive right not explicitly provided for elsewhere in this Ordinance.

Subdivision 2: Definitions

Accessory Use, or Building and Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture: See Minnesota Statutes Section 17.81, Subdivisions 3 and 4. May also include animal husbandry, tree nurseries, and orchards. The cultivation of soil for crops with the intention of making cash profit.

Agricultural Building: A structure used for agricultural purposes as defined in the Minnesota State Building Code.

Agricultural Use: The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products, as defined by Minnesota Statute Section 40A.02, Sund. 3, as it may be amended from time to time. Agricultural use also includes wetlands, pasture, forest land, wildlife land, and other uses that depend on the inherent productivity of the land.

Asphalt and Concrete Mixing Plants, Portable: A temporary facility crushing, refining, or processing of sand, gravel, and rock on the site of a permitted IUP for Grading, Excavating or Filling, or in conjunction with a municipal road project.

Asphalt and Concrete Mixing Plants, Permanent: A permanent facility crushing, refining, or processing of sand, gravel, and rock on the site of a permitted IUP for Grading, Excavating or Filling, or in conjunction with a municipal road project.

Auction Business: A building, area or areas within a building used for the regularly scheduled public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes farm auctions, estate sales, garage sales, or similar on-site events conducted no more than six (6) days (i.e. two weekends) per calendar year.

Automobile Mechanical and/or Body Repair Shop: Any building or premises or portion thereof, used or intended to be used for motor vehicle repair that may have minor retail sales.

Automobile Service Station: Any building or premises, or portion thereof, used or intended to be used for the retail dispensing or sale of automobile fuels, which activity may be accompanied by accessory uses such as sale of lubricants, tires, accessories or supplies, or minor repairing of automobiles.

Bed-and-Breakfast Establishment: A structure designed and used as a residence in which one or more bedrooms are rented to transient guests on a day-to-day basis and in which meals are served to these overnight guests.

Billboard: See: Minnesota Statutes Section 173.02, Subdivision 16 “Advertising Device.”

Bluff Impact Zone: A bluff and land located within 20 feet from the top of a bluff.

Bluff: (In Mississippi Scenic River District): See: Minnesota Administrative Rules 6106.0050, Subpart 8.

Buffer: The use of land, topography (differences in elevation), space, fences, or landscape plantings to screen or partially screen a tract of property from another tract or property and thus reduce undesirable influences such as sight, noise, dust and other external effects which a land use may have upon other adjacent or nearby land uses.

Building Line: An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the earth.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building Official: Sherburne County Building Official.

Business: Any occupation, employment, or enterprise wherein merchandise is exhibited or sold or rented, or which occupies time, attention, labor, or materials, or where services are offered for compensation.

Business Sign: A sign which only pertains to the use of the premise on which it is located.

Cannabis Cultivation: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts for sale or distribution.

Cannabis Delivery: As described in MN State Statute 342.41.

Cannabis Event: A temporary cannabis event open to the public in compliance with MN Rules 9810 and lasting no more than four days.

Cannabis Manufacturing: The process by which cannabis flower or plants, cannabis concentrate, artificially derived cannabinoid, hemp plant part, or hemp concentrate are prepared into useable consumer products, or products intended for further processing.

Cannabis Medical: As described in MN State Statute 342.47.

Cannabis Mezzobusiness: As described in MN State Statute 342.29.

Cannabis Microbusiness: As described in MN State Statute 342.28.

Cannabis Retailer: Any cannabis retailer, medical cannabis combination business operating a retail location, or lower-potency hemp retailer that holds a valid applicable retailer license. means any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form (definition from the Retailer Ordinance draft).

Cannabis Testing Facility: As described in MN State Statute 342.37.

Cannabis Transporter: As described in MN State Statute 342.35.

Cannabis Wholesale: As described in MN State Statute 342.33.

Campground, Recreational: Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of tents, live in fish houses, recreational camping vehicles, or park trailers free of charge or for compensation. Ancillary uses of a campground may include storm shelters, bathrooms, clubhouse, swimming pool, maintenance facilities, and other uses as determined by the Zoning Administrator. Recreational Campgrounds exclude:

- A. United States Forest Service camps.
- B. State forest service camps.
- C. State wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landings.

Care in Home: A single-family home, duplex, or apartment unit providing day care for no more than ten children, including the day care operator's children under five years of age.

Cellar: A portion of a building located partly or wholly underground and having half or more than half its clear floor to ceiling height below grade.

Clinic: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians or dentists, or both, practicing together.

Commercial Kennel: A premise on which no more than six dogs, over six months of age are owned, kept, boarded, bred, and/or offered for sale.

Commercial Use: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and community facilities prepared and maintained by the Town.

Contractors' Yard: A site used for the storage of vehicles, equipment, and materials by a person whose business is contracting work in any of the building trades, landscaping, road building, sewer installation, transport/hauling or a similar trade.

Convenience Food Restaurant: A business whose principal function is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises, and whose design or principal method of operation includes both of the following characteristics: (1) foods, frozen desserts, or beverages are usually served in edible containers or in paper, Styrofoam, or other disposable containers, (2) the customer is not served food at his or her table by an employee but receives it at a counter, window, or similar facility for carrying to another location on or off the premises for consumption.

Convenience Store: A store selling on a retail basis food for consumption off the premises along with other items, sometimes including gasoline; differentiated from a grocery store by its size of not more than 5,000 square feet.

County: Sherburne County.

Day Care: ~~See: Minnesota Administrative Rules 9502.0315, Subpart 9.~~
An individual, childcare center, or facility licensed with the Minnesota Department of Human Services to provide for the care of a child in a location outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

Day Care Center: A business in which ten or more children receive adult supervision and meals in the temporary daily absence of their parents. A similar business with fewer than ten children is considered a home occupation.

Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point.

or similar vehicles that provide temporary human living quarters. A Recreational vehicle is a vehicle that:

- A. Is not used as the residence of the owner or occupant.
- B. Is used while engaged in recreational or vacation activities.
- C. Is either self-propelled or towed on public roadways incidental to the recreational or vacation activities.
- D. Shall not be connected to a permanent water or sewer source.
- E. Shall not be used as a Dwelling Unit.

Recycling Operations Facility for Non-Hazardous Waste: A facility that, provided a plan is approved by the Township Board, controls noise, litter, odors, traffic, air pollution and water pollution. In all cases the facility must meet all County, State and Federal statutes, rules, regulations, ordinances and/or agreements.

Residential Treatment Facility: A 24-hour-a-day program for persons under the treatment supervision of a mental health professional or substance use disorder professional, in a community residential setting other than an acute care hospital or regional treatment center inpatient unit, that must be licensed as a residential treatment program by the State of Minnesota.

Resort: A building, structure, enclosure, or any part thereof located on, or on property neighboring any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent one or more cottages, rooms, or enclosures.

Restaurant: An establishment where food is available to the general public for consumption on the premises.

Retail Sales: The act of selling goods to consumers.

Riding Academies Stable: A facilities for the housing of horses or ponies, for hire or for private use, where the horses or ponies are boarded and cared for. The facility may also provide riding, jumping, or showing instruction.

Sales or Service Businesses Dealing Principally with Business, Not Retail, Consumers: A business where majority of the transaction occur with another business.

Salvage and Wrecking Yard: An outdoor facility used by a business engaged in the reclamation of parts or materials from machinery or buildings.

Satellite Antenna: A device for the reception of signals from communication satellites.

School: A public school including elementary, middle, and secondary school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

School Bus Service: The operation, maintenance, and storage of more than two school buses. The operation must be located on a parcel of land that is ten (10) acres or more, must be located on a hard surface road, unless otherwise approved by the Township Board, and must screen all buses from the public view.

Screened: When a structure is built to be placed on a lot or vegetation is planted such that when the structure is built it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months.

Seasonal or Temporary Businesses: Where the business is an accessory use of the property, and may be utilized for not more than ninety (90) days per calendar year.

Seasonal Storage: Where 25% or more of an agricultural building(s) is converted for the purposes of renting or leasing indoor storage space for storing and removing personal property, and where the facility is open to the public in the spring and fall on a limited seasonal basis, an Interim Use Permit for Seasonal Storage shall be required.

Semi-public Use: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive Resource Management: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback: The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility. (All dimensions are measured in feet).

Sewage Treatment System: A septic tank and soil absorption system or other individual type sewage treatment system as described and regulated in Section 14, Subd. 1, of this ordinance, and/or as described in Sherburne County Ordinances.

Sewered Areas: An area that is serviced by a wastewater treatment facility (s), or publicly owned, operated, or supervised centralized septic systems servicing the entire development.

Sewer System: Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal. Also subject to Sherburne County Ordinances.

Shooting Range: Defined in Minnesota Statutes Chapter 87A.

Shore Impact Zone: Land located between the ordinary high water level of public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland: Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Minnesota DNR.

Sign Area: Projecting or freestanding signs: The area of a freestanding or projecting sign shall be the area of the largest face including its border area. If a sign has an irregular shape or has open spaces within its border, the sign area shall be the area of the smallest single rectangular figure that encloses it. If a freestanding sign or sign structure is constructed so that the faces are not back to back, the angles shall not exceed ten degrees, the total area of both sides added together shall not exceed the maximum allowable sign area for that district.

Single Family Residence: A dwelling which is a minimum of twenty four (24) feet wide and a minimum of seven hundred and twenty (720) square feet in main floor area.

Site-based Business: Any occupation which is clearly incidental to the principal use of the lot as a single-family dwelling unit, is conducted in a building other than the dwelling or off-site (with the site as a staging area only), is conducted by a resident occupant, and does not change the character of the principal use.

Solar Farm: A solar energy system composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary user, but rather for the primary purpose of wholesale sales of generated electricity. Solar Farms include, but are not limited to community solar gardens which are defined as a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with the MN Statute § 216B.1641 or its successor statute. Height restrictions may apply pursuant to St. Cloud Airport Municipal Zoning Ordinance and FAA regulations.

Solar Use: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical or chemical means for a household consistent with the Minnesota State Building Code, MN Statute § 326B.121 or its successor statute.

Steep Slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Stormwater Management: The Sherburne County Stormwater Management and Erosions Control Ordinances and Regulations.

Structure: Anything constructed, placed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, decks, detached garages, cabins, manufactured homes, travel trailers/vehicles.

Subdivision: Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Temporary Tire and/or Waste Collection and/or Recycling Operations: A facility where tires are collected and hauled away for reuse and recycling, which is only in operation ninety (90) days per calendar year.

Temporary Use by Government Entities: Use by a city, township, county, state or other governmental organization that is only in operation ninety (90) days per calendar year.

Toe of the Bluff: Minnesota Administrative Rules 6106.0050, Subpart 77.

Top of the Bluff: See: Minnesota Administrative Rules 6106.0050, Subpart 78.

Town or Town Board: Haven Town Board.

Town Hall: Haven Town Hall.

Townhouses: A group of attached single-family dwelling units on a common lot.

Travel Trailer: A trailer mounted on wheels that (1) is designed to provide temporary living quarters during recreation, camping or travel (2) does not require a special highway movement permit based on its size or weight when towed by a motor vehicle and (3)

complies with applicable Minnesota Statutes. A Travel Trailer may not be connected to a permanent water or sewer source. A Travel Trailer may not be used as a Dwelling Unit.

Truck Terminal: A warehouse and distribution business specializing in the shipment or storage of goods or materials.

Self-Service Salvage Yard: A commercial or industrial establishment, also known as a “U-pull” Auto Parts yard, auto recycling facility, or automobile graveyard, where the primary use is the outdoor storage of wrecked, scrapped, dismantled, and inoperable motor vehicles and their parts. The business operates by allowing customers to enter the premises to select, dismantle, and remove parts from the vehicles and purchase those parts from the establishment.

Variance: Means a modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation. Variance is further defined and limited in Minnesota Statutes Chapter 462.

Warehousing: The storage of materials, goods, or equipment within an enclosed building as a principal use.

Water-Oriented Accessory Structure or Facility: A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetland: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this Ordinance, wetlands must (1) have a predominance of hydric soils; (2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) under normal circumstances, support a prevalence of hydrophytic vegetation.

"A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of the preceding paragraph, surrounded by non-wetland and including all contiguous wetland types except those connected solely by riverine wetlands. "Wetland are" means a portion of "a wetland" or "the wetland."

Wetlands do not include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minnesota Statutes, Section 103G.201.

Wholesaling: The selling of goods, equipment, or materials to another business that in turn sells to other customers.

Wooded: A tract of land that has mature trees (trees at least 18 feet tall from ground to the top of the canopy and with a trunk diameter of not less than five inches at 4 feet off the ground) with a tree canopy covering over at least 75 percent of the land.

Zoning District: An area or areas within the limits of the Haven Township for which the regulations and requirements governing land use are uniform, as defined in the October 18, 2010 Orderly Annexation Agreement between Haven Township and the City of St. Cloud.

Wind Power Management, generally: The oversight of any system designed to convert the energy of wind movement into mechanical or electrical energy.

Wind Power Management (Hobbyist): The oversight of any system designed to convert the energy of wind movement into mechanical or electrical energy, when used for personal use or to supplement commercial grid supplied electricity. The system may be connected to the commercial electrical grid and electricity sold.

Wind Power Management (Commercial): The oversight of any system designed to convert the energy of wind movement into mechanical or electrical energy, when used for the primary purpose of creating energy for a business to then sell to customers.

Yard Waste Composting: The composting of grass clipping and leaves in a privately owned yard.

SECTION 6 - CLASSIFICATION OF DISTRICTS

Subdivision 1: Districts

For the purpose of this Ordinance, Haven Township is hereby divided into classes of districts which will be designated as follows:

1. Agricultural District (A)
2. Commercial District (C)
3. Commercial 2 District (C2)
4. Industrial District (I)
5. Scenic River District (SR)

Subdivision 2: Zoning Map

The location and boundaries of the Districts established by this Ordinance are hereby set forth on the zoning maps. Said maps, known as the "Township Zoning Maps," and consisting of sheets and all notations, references and data shown thereon, are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said maps, and amendments thereto shall be recorded on said Zoning Maps within thirty days after official publication of amendments. The official Zoning Maps shall be kept on file at the Town Hall.

Subdivision 3: District Boundaries

The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto, or section, half-section, quarter-section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law.

SECTION 7 - AGRICULTURAL DISTRICT

Subdivision 1: Purpose

The purpose of the Agricultural District is to preserve for farming those locations that have soils which, when properly managed, are capable of high crop yields, to prevent scattered non-farm growth, and to protect from deleterious influences those farms locations that have high investments in buildings, equipment or irrigation, and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools. All uses must be listed as either Permitted Uses or Interim Use Permits, or they shall not be allowed within the Agricultural Zoning District.

Subdivision 2: Permitted Uses

1. Agricultural Uses
2. Day_eCare
3. Parks
4. Single-Family Residence

Subdivision 3: Interim Uses

Land in the Agricultural District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Refer to Section 12 for a description of the requirements for each of these Interim Uses.

1. Asphalt and Concrete Mixing Plants, Portable and Permanent
2. Auction Business
3. Bed and Breakfast Establishment
4. Campgrounds, Recreational
5. Cannabis Cultivation (Indoor or Outdoor)
6. Cannabis Delivery
7. Cannabis Events
8. Cannabis Medical Combination (Cultivate or Manufacture)

9. Cannabis Mezzobusiness (Cultivate or Manufacture)

10. Cannabis Microbusiness (Cultivate or Manufacture)

4.11. Cannabis Transporter

5.12. Commercial Kennel

6.13. Contractors' Yard

7.14. Farm Related Business

8.15. Home Occupation

9.16. Licensed Vehicle Sale or Leasing

10.17. Mining

11.18. Nursery, Retail

12.19. Occasional Special Event

13.20. Personal Storage Structure

14.21. Place of Worship

15.22. Recreational Activity

16.23. Riding Academies Stable, and Similar Uses

17.24. Seasonal Storage

18.25. Solar Use

19.26. Temporary Tire and/or Waste Collection and/or Recycling Operations

20.27. Temporary Use by Government Entities

21.28. Wind Power Management (Hobbyist)

22.29. Yard Waste Composting

Subdivision 4: Accessory Uses

1. Personal Storage Structure.

SECTION 8 - COMMERCIAL DISTRICT

Subdivision 1: Purpose

The purpose of the Commercial District is to provide locations for retail and service businesses. This District is intended to be located along a State or Federal Highway, County Road or County State-Aid Highway.

All uses must be listed as either Permitted Uses or Interim Use Permits, or they shall not be allowed within the Commercial Zoning District.

Subdivision 2: Permitted Uses

1. Agricultural Uses
2. Automobile Service Stations
3. Automobile Mechanical and/or Body Repair Shops
4. Day Care Center
5. Licensed Vehicle Sales or Leasing Lot
6. Mini Storage
7. Motel
8. Office-Showroom Buildings
9. Pawnbroker
10. Restaurant
11. Retail Sales
12. Seasonal Storage
13. Wind Power Management (Hobbyist)

Subdivision 3: Interim Uses

Land in the Commercial District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Refer to Section 12 for a description of the requirements for each of these Interim Uses:

1. Asphalt and Concrete Mixing Plants, Portable and Permanent
2. Auction Business
3. Cannabis Cultivation (Indoor or Outdoor)
4. Cannabis Delivery
5. Cannabis Events
6. Cannabis Manufacturing
7. Cannabis Medical Combination (Retail, Cultivate or Manufacture)
8. Cannabis Mezzobusiness (Retail, Cultivate or Manufacture)
9. Cannabis Microbusiness (Retail, Onsite Consumption, Cultivate or Manufacture)
10. Cannabis Retail
11. Cannabis Testing Facility
12. Cannabis Transporter
13. Cannabis Wholesale
- ~~3.14.~~ Commercial Kennels
- ~~4.15.~~ Light Industry
- ~~5.16.~~ Occasional Special Event
- ~~6.17.~~ Permanent Municipal, Township, or County Structure
- ~~7.18.~~ Personal Storage Structure
- ~~8.19.~~ School Bus Service
- ~~9.20.~~ Seasonal or Temporary Business
- ~~10.21.~~ Temporary Use by Government Entities
- ~~11.22.~~ Event Center

Subdivision 4: Accessory Uses

SECTION 9 - INDUSTRIAL DISTRICT

Subdivision 1: Purpose

The purpose of the Industrial District is to provide locations for industrial development adjacent to existing industrial development and along a federal, state, county or Town road or in locations consistent with a City land use plan.

All uses must be listed as either Permitted Uses or Interim Use Permits, or they shall not be allowed within the Industrial Zoning District.

Subdivision 2: Permitted Uses

1. Agricultural Use
2. Automobile Mechanical and/or Body Repair shops
3. Licensed Vehicle Sales or Leasing Lot
4. Manufacturing, compounding, processing, packaging, treatment or assembly of products and materials
5. Mini Storage
6. Office-Showroom Building
7. Sales or service businesses dealing principally with business, not retail, customers
8. Warehousing and Seasonal Storage
9. Wholesaling
10. Wind Power Management (Hobbyist)

Subdivision 3: Interim Uses

1. Asphalt and Concrete Mixing Plants, Portable and Permanent
- ~~2.~~ Auction Business
- ~~2.3.~~ Cannabis Cultivation (Indoor or Outdoor)
- ~~3.4.~~ Cannabis Delivery

- ~~4.5.~~ Cannabis Events
- ~~5.6.~~ Cannabis Manufacturing
- ~~6.7.~~ Cannabis Medical Combination (Retail, Cultivate or Manufacture)
- ~~7.8.~~ Cannabis Mezzobusiness (Retail, Cultivate or Manufacture)
- ~~8.9.~~ Cannabis Microbusiness (Retail, Onsite Consumption, Cultivate or Manufacture)
- ~~9.10.~~ Cannabis Testing Facility
- ~~10.11.~~ Cannabis Transporter
- ~~11.12.~~ Cannabis Wholesale
- ~~12.13.~~ Commercial Kennels
- ~~13.14.~~ Contractor's Yard
- ~~14.15.~~ Mining
- ~~15.16.~~ Occasional Special Event
- ~~16.17.~~ Permanent Municipal, Township, or County Structures
- ~~17.18.~~ Personal Storage Structure
- ~~18.19.~~ Recycling operations for non-hazardous waste
- ~~19.20.~~ Seasonal or temporary businesses
- ~~20.21.~~ Temporary Use by Government Entities
- ~~21.22.~~ Salvage Yard
- ~~22.23.~~ Self-Service Salvage Yard

Subdivision 4: Accessory Uses

Uses customarily incidental and subordinate to a Permitted or Interim Use, in the opinion of the Town Board.

Subdivision 5: Dimensional Regulations (All dimensions are measure in feet)

SECTION 10 - COMMERCIAL 2 DISTRICT

Subdivision 1: Purpose

The purpose of the Commercial 2 District is to provide locations for retail and service businesses, with limited additional interim uses not allowed in the Commercial District. This District is intended to be located along a State or Federal Highway, County Road or County State-Aid Highway.

All uses must be listed as either Permitted Uses or Interim Use Permits, or they shall not be allowed within the Commercial 2 Zoning District.

Subdivision 2: Permitted Uses

1. Agricultural Uses
2. Automobile Service Stations
3. Automobile Mechanical and/or Body Repair Shops
4. Day Care Center
5. Licensed Vehicle Sales or Leasing Lot
6. Mini Storage
7. Motel
8. Office-Showroom Buildings
9. Pawnbroker
10. Restaurant
11. Retail Sales
12. Seasonal Storage
13. Wind Power Management (Hobbyist)

Subdivision 3: Interim Uses

Land in the Commercial District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Refer to Section 12 for a description of the requirements for each of these Interim Uses:

1. Asphalt and Concrete Mixing Plants, Portable and Permanent
2. Auction Business
3. Cannabis Cultivation (Indoor or Outdoor)
4. Cannabis Delivery
5. Cannabis Events
6. Cannabis Manufacturing
7. Cannabis Medical Combination (Retail, Cultivate or Manufacture)
8. Cannabis Mezzobusiness (Retail, Cultivate or Manufacture)
9. Cannabis Microbusiness (Retail, Onsite Consumption, Cultivate or Manufacture)
10. Cannabis Testing Facility
11. Cannabis Transporter
12. Cannabis Wholesale
13. Commercial Kennels
14. Light Industry
15. Occasional Special Event
16. Permanent Municipal, Township, or County Structure
17. Personal Storage Structure
18. Salvage Yard
19. School Bus Service
20. Seasonal or Temporary Business
21. Temporary Use by Government Entities
22. Self-Service Salvage Yard

SECTION 12 – INTERIM USE PERMITS

This section presents the conditions that must be met for each possible Interim Use listed in the various Zoning Districts.

The procedure for review and approval of an Interim Use Permit is presented in Section 16 of this Ordinance, Administration and Enforcement.

Subdivision 1: Authority:

No person or entity shall allow the existence of the following uses on lands that are partially or entirely owned, leased, or occupied by them without an Interim Use Permit (IUP), as defined in Minnesota Statutes Section 462.3597 issued by the Haven Township Board of Supervisors. Interim Uses must be consistent with the terms of the Interim Use Permit and any applicable local, state or federal law, rule or other statutory provision.

Under Minnesota Statutes, Haven Township may approve an Interim Use Permit for a property if:

1. The use conforms to the zoning regulations.
2. The date or event that will terminate the use can be identified with certainty.
3. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
4. The user agrees to any conditions that Haven Township deems appropriate for permission of the use. Any interim use may be terminated by a change in zoning regulations.

Subdivision 2: Permit Expiration and Transferability:

Unless otherwise provided for in an IUP, all IUPs issued under this Ordinance are granted solely to the applicant and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person, entity or premises. If a change of ownership, control, or location of any person or entity to whom the IUP has been granted, or if the real property, either voluntary or involuntary is transferred, licensed premises occurs, whether pursuant to move, sale, transfer, assignment, foreclosure, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

1. The sale of all or substantially all of the company assets.
2. Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded.
3. Sale of fifty-one (51) percent of the voting stock if a non-publicly traded stock or closely held corporation.
4. Execution of a management agreement.
5. The change of any officer or majority stockholder if the company is a closely-held corporation.
6. The Town Board may waive the requirements of this Subdivision in writing if after the change of ownership or control of the same, or in the Zoning Administrator's opinion, substantially the same persons control or own the entity or property.

The IUP shall expire with a change of ownership, or unless otherwise stated in the IUP's conditions as determined by the Township Board. The IUP shall expire if the approved use is inactive for one (1) year or longer as determined by the Zoning Administrator and/or tax records indicating that the use was inactive.

Subdivision 3: Process of Approval:

1. **Application.** A complete IUP application shall comply with Section 16, subdivision 5 of the Zoning Ordinance.
2. **Reserved.**
3. **Public Hearing.** Complete applications shall be scheduled for a Public Hearing by the Planning Commission, and publicized according to Minnesota Statutes.
4. **Township Board Approval/Denial.** After a public hearing has been held, the Town Board shall approve, deny, or continue an IUP request.
5. **Compliance.** Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. If the applicant does not abide by the conditions set forth in the permit, the Township has the right to either revoke the permit or hold another hearing to investigate and set additional conditions.
6. **Fees.** The applicant shall pay all IUP and recording fees as determined by the Town Fee Schedule. The Applicant shall also deposit with the Town a sum

determined by the Zoning Administrator for all Town costs and fees (legal, engineer, expert and other assistance). All fees are considered the minimum amounts necessary to reimburse the Township for costs incurred in processing the application and investigating the application and the proposed premises and are, therefore, nonrefundable. As a condition of approval of the IUP, the Township Board may require an additional annual Inspection Fee as stated in the Fee Schedule. The Annual Inspection Fee shall cover the cost of Staff or their agent to inspect the property as required within the IUP's conditions of approval.

7. In no case will Haven Township accept responsibility for or dedication of any drainage system or road right of way as part of an IUP.
8. An application to amend an existing IUP shall be administered in the same manner as that required for a new IUP.
9. No application for an IUP shall be resubmitted for a period of six (6) months from the date of any order of denial.

Subdivision 4: List of Interim Uses:

1. Asphalt and Concrete mixing plants, portable, and permanent
2. Auction Business
3. Automobile mechanical and/or body repair shop
4. Bed & Breakfast Establishment
5. Campgrounds, Recreational

6. Cannabis Businesses

6.7. Commercial Kennel

7.8. Contractors' Yards

8.9. Farm-Related Business

9.10. Home Occupation

10.11. In-home Business

11.12. Licensed Vehicle Sales or Leasing

12.13. Light Industry

13.14. Mining

- ~~14.15.~~ Occasional Special Event
- ~~15.16.~~ On-site Business
- ~~16.17.~~ Permanent Municipal, Township or County Structure
- ~~17.18.~~ Personal Storage Structure
- ~~18.19.~~ Place of Worship
- ~~19.20.~~ Private Game Refuge and Wildlife Management Area
- ~~20.21.~~ Recreational activity
- ~~21.22.~~ Recycling Operations Facility for Non-Hazardous Waste
- ~~22.23.~~ Riding Academies Stable
- ~~23.24.~~ School Bus Service
- ~~24.25.~~ Seasonal or Temporary Businesses
- ~~25.26.~~ Seasonal Storage
- ~~26.27.~~ Site-based Business
- ~~27.28.~~ Solar Use
- ~~28.29.~~ Temporary Tire and/or Waste Collection and/or Recycling Operations
- ~~29.30.~~ Temporary Use by Government Entities
- ~~30.31.~~ Wind Power Management, Hobbyist and Commercial
- ~~31.32.~~ Yard Waste Composting
- ~~32.33.~~ Salvage Yard
- ~~33.34.~~ Self-Service Salvage Yard
- ~~34.35.~~ Event Center

Subdivision 5: Conditions:

1. **Asphalt and Concrete Mixing Plants, Portable, and Permanent** provided:

- A. The plant and equipment must be located and screened in such a manner so as to have the least environmental and aesthetic impact on adjacent properties.
 - B. Traffic to and from the mining site shall be routed to avoid streets that primarily serve abutting residential properties.
 - C. All Federal, State and local air, water and noise standards must be met. All necessary Federal, State and local permits shall be obtained by the operator.
 - D. Aggregate mined on site must be adequate for use in asphalt or concrete and must be the primary sources of aggregate used in the plant.
 - E. Days and Hours of operation will be determined by the Town Board.
2. **Auction Business**, provided:
- A. The entire operation takes place on ten (10) acres or more.
 - B. The applicant shall demonstrate adequate on-site parking and restroom facilities.
 - C. Goods to be auctioned may be displayed outside in a secured area two (2) weeks prior to the auction, and must be removed from outside within two (2) weeks after the auction unless otherwise required by the IUP.
 - D. All signage shall comply with Section 14, subdivision 2 of the Zoning Ordinance.
3. **Automobile Mechanical and/or Body Repair Shop**, provided that all storage of vehicles with damaged body parts is screened from view as required in Section 14, General Development Regulations, of this Ordinance.
4. **Bed & Breakfast**, provided:
- A. The facility may have no more than five (5) guest rooms, used by temporary guests.
 - B. The owner or caretaker shall live in the facility during normal operations.
 - C. Banquets, weddings, commercial meetings, luncheons, and similar activities serving more than ten (10) guests may require an IUP for “An Occasional Special Event” unless otherwise permitted by the IUP conditions.

- D. Rooms used for sleeping shall be part of the primary residential structure. The facility shall have a minimum of one (1) parking stall per guest room, and two (2) parking stalls for staff. All parking shall be off-street.
- E. There may be one non-illuminated sign totaling not more than 12 sq ft in size, located on the property, but outside of the public right-of-way.

5. **Campgrounds, Recreational**, provided:

- A. The campground shall be seasonal, and shall not be in use from November 1st through May 1st. Areas within a floodplain shall not be in use from October 1st through May 1st. Campgrounds shall comply with all local, state, and federal rules and regulations.
- B. The campground owner/operator shall provide an operational plan, to be approved by the Township Board. In addition to addressing the provisions listed in this section, the operational plan shall include the calendar months of the year which the campground will operate, the maximum number of camping sites including the type of site (i.e. primitive tent camping, RV full hook-ups, etc.).
- C. The campground owner/operator shall obtain a primary or annual license from the Minnesota Department of Health in compliance with Minnesota Statutes, prior to recording of the IUP and shall submit a copy of the license to the Township.
- D. All overnight guests of the campground shall register their names, permanent address(s), make and model of vehicle(s), and license plate number(s). The campground owner/operator shall retain this registration log for at least one-year, and shall be made available to law enforcement officials upon request.
- E. Campgrounds shall provide a caretaker or attendant who shall maintain all facilities in a clean, orderly and sanitary condition. The caretaker or attendant shall be readily available at all times in case of an emergency.
- F. The storage, collection, and disposal of refuse and garbage in a recreational campground shall be so conducted as to not create a health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. In recreational camping areas, garbage and refuse containers shall be provided on the ratio of at least one for every four sites. Refuse and garbage collection shall be made at least twice each week and more often when necessary to prevent nuisance conditions.

- G. Campgrounds shall have a Grading and Drainage Plan approved by the Township Engineer.
- H. Wells and septic systems shall comply with MN Department of Health, Sherburne County and MPCA regulations.
- I. Campgrounds shall have an adequately sized severe weather shelter(s) on-site, as approved by the Building Official. Temporary campgrounds established as emergency housing in a disaster area as declared by the Governor or President of the United States may be exempt unless its use exceeds a period of 18 months.
- J. Campgrounds shall provide an evacuation plan in case of severe weather, flood, fire, or other disaster, as approved by the Sherburne County Emergency Management Director, and shall be provided to campers at the time of registration.
- K. All livable structures (i.e. RV's, park trailers, etc.) must be road ready, licensed (if applicable) and able to operate on their own power, or towed on public roads in a legal manner.
- L. The Campground owner shall maintain streets and roadways in the campground so as to permit passage of emergency vehicles and reverse maneuvering of recreational vehicles.
- M. Each RV site shall be a minimum of 16' in width and 70' in depth (minimum area of 2,000 sq ft per RV site) to accommodate an RV and secondary vehicle.
- N. Each tent site shall be a minimum of 10' wide and 30' in depth and accommodate the structure and one parking space.
- O. On site toilets, bathing, and laundry facilities shall comply with state rules and statutes.
- P. All dead storage fish houses must be accessible to emergency vehicles.
- Q. All campsites shall comply with applicable DNR setbacks for permanent and temporary structures, and recreational vehicles.
- R. No permanent structures shall be permitted within a Floodway.
- S. No domestic animals or pets of occupants of the campground may run at large, or be a public nuisance.

6. Cannabis Businesses:

a. Authority & Jurisdiction. Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses. The jurisdiction of this Ordinance shall apply to all the area of Haven Township within Tracts 1 and 2 of the Orderly Annexation Agreement with the City of Saint Cloud.

b. Purpose. The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Haven Township to protect the public health, safety, welfare of Haven Township residents by regulating cannabis businesses within the legal boundaries of its jurisdiction.

c. Requirements for Cannabis Businesses

i. License Required: No Cannabis or Hemp Business may operate within Haven Township without first having obtained a license to do so from the Minnesota Office of Cannabis Management.

ii. Minimum Buffer Requirements: Retail Cannabis Businesses, Temporary Events and Onsite Cannabis Consumption Businesses shall be prohibited from operating within:

1. One thousand (1,000) feet of a school

2. Five hundred (500) feet of a day care

3. Five hundred (500) feet of a place of worship

4. Five hundred (500) feet of a residential treatment facility

5. Five hundred (500) feet of an attraction within a public park that is regularly used by minors.

iii. Compliance with State Building Code and State Fire Code:

1. All Cannabis or Hemp Businesses that hold or apply for a license to operate a cannabis or hemp business within Sherburne County shall comply with all applicable State Building Code and State Fire Code rules and regulations.

2. Documentation of compliance with all applicable State Building Code and State Fire Code rules and regulations shall be provided by the Cannabis or Hemp Business to Sherburne County prior to operation of the business.

iv. General Performance Standards: The following are the minimum

performance standards for cannabis operations and are in addition to those required in applicable to all Interim Uses (see Section 16, Subd. 5)

1. Environmental Standards including but not limited to wastewater, ventilation, filtration, water and energy usage, and solid waste handling, in accordance with MN Rule 9810.1200, and Minn. Stat. 342.23 – 342.515.
2. Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.
3. General Operational Plans
 - a. Cultivation in accordance with MN Rule 9810.2000 and Minn. Stat. 342.23-342.25, and 342.30.
 - b. Delivery in accordance with MN Rule 9810.2600 and Minn. Stat. 342.23-342.25, and 342.41, 342.42
 - c. Events in accordance with MN Rule 9810.2700 and Minn. Stat. 342.23, 342.24, 342.39, 342.40
 - d. Manufacturing in accordance with MN Rule 9810.2102 and Minn. Stat. 342.23, 342.24, 342.26, and 342.31
 - e. Medical Combination in accordance with MN Rules 9810.2000-9810.4200 and Minn. Stat. 342.23, 342.24, 342.51, 342.515 and Sherburne County Ordinance #280 (Cannabis Retail Registration)
 - f. Mezzobusiness in accordance with MN Rules 9810.2000-9810.2700 and Minn. Stat. 342.23, 342.24, 342.29 and Sherburne County Ordinance #280. (Cannabis Retail Registration)
 - g. Microbusiness in accordance with MN Rules 9810.2000-9810.2700 and Minn. Stat. 342.23, 342.24, 342.28 and Sherburne County Ordinance #280. (Cannabis Retail Registration)
 - h. Retail in accordance with MN Rules 9810.2000-9810.2700 and Minn. Stat. 342.23, 342.24,
 - i. 342.32 and Sherburne County Ordinance #280. (Cannabis Retail Registration)
 - j. Wholesale in accordance with MN Rule 9810.2400 and Minn. Stat. 342.23, 342.24, 342.33, and 342.34

k. Testing Facility in accordance with MN Rules 9810.3000-9810.3100 and Minn. Stat. 342.23, 342.24, 342.37, and 342.38

l. Transporter in accordance with MN Rules 9810.2300 and Minn. Stat. 342.23, 342.24, 342.35, 342.36

v. Specific Performance Standards:

1. Cannabis Cultivation (Indoor) provided:

a. The parcel is a minimum of 40 acres in the Agricultural District

b. The parcel is not located in the Shoreland District.

c. Must be located 1,000ft from the nearest residence, except that of the owner.

d. Submittal Information. In addition to submittal requirements set forth in Section 16 (Administration and Enforcement), Subdivision 5.2 (Interim Use Permit, Application), the following information must be provided with an interim use permit application:

i. General Operational Plans for Cultivation in accordance with MN Rule 9810.2000 and Minn. Stat. 342.23-342.25, and 342.30

ii. Environmental Standards including but not limited to wastewater, ventilation, filtration, water and energy usage, and solid waste handling, in accordance with MN Rule 9810.1200, and Minn. Stat. 342.23 – 342.515.

iii. Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.

2. Cannabis Events, provided:

a. The parcel is a minimum of 6 acres in the Agricultural District.

b. The parcel is not located in the Shoreland District.

c. Submittal Information. In addition to submittal requirements set forth in Section 16 (Administration and Enforcement), Subdivision 5.2 (Interim Use Permit, Application), the following information must

be provided with an interim use permit application:

i. Site Plan

1. Proposed layout of operations
(parking, vendors, etc.)

2. Parking

3. Sanitary

4. Consumption area

ii. Written description of proposed activities

iii. Days and Hours of operation (Duration not to
exceed four days)

iv. Anticipated number of attendees

v. General Operational Plan for Events in
accordance with MN Rule 9810.2700 and
Minn. Stat. 342.23, 342.24, 342.39, 342.40.

vi. Environmental Standards including but not
limited to wastewater, ventilation, filtration,
water and energy usage, and solid waste
handling, in accordance with MN Rule
9810.1200, and Minn. Stat. 342.23 – 342.515.

i.—Security Standards in accordance with MN
Rule 9810.1500, and Minn. Stat. 342.23 –
342.515.

2.3.Cannabis Manufacturing, provided:

a. The parcel is not located in the Shoreland District.

b. Submittal Information. In addition to submittal
requirements set forth in Section 16 (Administration
and Enforcement), Subdivision 5.2 (Interim Use
Permit, Application), the following information must
be provided with an interim use permit application:

i. General Operational Plan for Manufacturing
in accordance with MN Rule 9810.2102 and
Minn. Stat. 342.23, 342.24, 342.26, and
342.31

ii. Environmental Standards including but not
limited to wastewater, ventilation, filtration,

water and energy usage, and solid waste handling, in accordance with MN Rule 9810.1200, and Minn. Stat. 342.23 – 342.515.

iii. Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.

4. Cannabis Medical Combination, provided:

a. The parcel is not located in the Shoreland District.

b. Submittal Information. In addition to submittal requirements set forth in Section 16 (Administration and Enforcement), Subdivision 5.2 (Interim Use Permit, Application), the following information must be provided with an interim use permit application:

i. General Operational Plan for Medical Combination in accordance with MN Rules 9810.2000-9810.4200 and Minn. Stat. 342.23, 342.24, 342.51, 342.515.

ii. Environmental Standards including but not limited to wastewater, ventilation, filtration, water and energy usage, and solid waste handling, in accordance with MN Rule 9810.1200, and Minn. Stat. 342.23 – 342.515.

iii. Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.

5. Cannabis Mezzobusiness, provided:

a. The parcel is a minimum of 40 acres in the Agricultural District.

b. The parcel is not located in the Shoreland District.

c. Must be located 1,000 ft from the nearest residence, except that of the owner.

d. Submittal Information. In addition to submittal requirements set forth in Section 16 (Administration and Enforcement), Subdivision 5.2 (Interim Use Permit, Application), the following information must be provided with an interim use permit application:

i. General Operational Plan for Mezzobusiness

in accordance with MN Rules 9810.2000-9810.2700 and Minn. Stat. 342.23, 342.24, and 342.29.

ii. Environmental Standards including but not limited to wastewater, ventilation, filtration, water and energy usage, and solid waste handling, in accordance with MN Rule 9810.1200, and Minn. Stat. 342.23 – 342.515.

iii. Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.

6. Cannabis Microbusiness, provided:

a. The parcel is a minimum of 5 acres in the Agricultural District and homesteaded by the applicant.

b. The parcel is not located in the Shoreland District.

c. Submittal Information. In addition to submittal requirements set forth in Section 16 (Administration and Enforcement), Subdivision 5.2 (Interim Use Permit, Application), the following information must be provided with an interim use permit application:

i. General Operational Plan for Microbusiness in accordance with MN Rules 9810.2000-9810.2700 and Minn. Stat. 342.23, 342.24, and 342.28.

ii. Environmental Standards including but not limited to wastewater, ventilation, filtration, water and energy usage, and solid waste handling, in accordance with MN Rule 9810.1200, and Minn. Stat. 342.23 – 342.515.

iii. Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.

7. Cannabis Retail, provided:

a. The parcel is not located in the Shoreland District.

b. Submittal Information. In addition to submittal requirements set forth in Section 16 (Administration and Enforcement), Subdivision 5.2 (Interim Use

Permit, Application), the following information must be provided with an interim use permit application:

- i. General Operational Plan for Retail in accordance with MN Rules 9810.2000-9810.2700 and Minn. Stat. 342.23, 342.24, and 342.32.
- ii. Environmental Standards including but not limited to wastewater, ventilation, filtration, water and energy usage, and solid waste handling, in accordance with MN Rule 9810.1200, and Minn. Stat. 342.23 – 342.515.
- iii. Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.

8. Cannabis Testing Facility, provided:

- a. The parcel is not located in the Shoreland District.
- b. Submittal Information. In addition to submittal requirements set forth in Section 16 (Administration and Enforcement), Subdivision 5.2 (Interim Use Permit, Application), the following information must be provided with an interim use permit application:
 - i. General Operational Plan for Testing Facility in accordance with MN Rules 9810.3000-9810.3100 and Minn. Stat. 342.23, 342.24, 342.37, and 342.38.
 - ii. Environmental Standards including but not limited to wastewater, ventilation, filtration, water and energy usage, and solid waste handling, in accordance with MN Rule 9810.1200, and Minn. Stat. 342.23 – 342.515.
 - iii. Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.

9. Cannabis Wholesale, provided:

- a. The parcel is not located in the Shoreland District.
- b. Submittal Information. In addition to submittal requirements set forth in Section 16 (Administration and Enforcement), Subdivision 5.2 (Interim Use

Permit, Application), the following information must be provided with an interim use permit application:

- i. General Operational Plan for Wholesale in accordance with MN Rule 9810.2400 and Minn. Stat. 342.23, 342.24, 342.33, and 342.34.
- ii. Environmental Standards including but not limited to wastewater, ventilation, filtration, water and energy usage, and solid waste handling, in accordance with MN Rule 9810.1200, and Minn. Stat. 342.23 – 342.515.
- iii. Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.

vi. Enforcement

1. Office of Cannabis Management - The Office of Cannabis Management (“OCM”) is authorized to enforce performance and operational violations under Minn. Stat. 342.19.
2. Haven Township and Sherburne County – Haven Township may report any violation by a cannabis business to OCM. Sherburne County is authorized to suspend a retailer registration for a violation of Haven Township or Sherburne County Ordinance enacted pursuant to Minn. Stat. 342.13 or if the retailer poses an immediate threat to the health or safety of the public.
3. Cost and Reimbursements - If the Township or County is required to remove or abate an imminent threat to public health or safety, the Township or County may recover all costs incurred in removal or abatement in a civil action, including legal fees, at the discretion of the respective Township or County Board, the cost of an enforcement action under this Section may be assessed and charged against the real property on which the public health nuisance was located.
4. The County Auditor shall extend the cost of as assessed and charged on the tax roll against said real property.

7. Commercial Kennel:

residing on the premises may be employed by the business. No person other than the residents or the equivalent of two additional full-time employees shall be employed or engaged in such business. Any number of employees greater than residents and two full-time equivalent employees shall require approval of an Interim Use Permit.

- C. Operation of the in-home business shall be limited to the residential dwelling and any attached garage.

11. **Licensed Vehicle Sales and Leasing**, provided:

- A. No item shall be parked on any required parking or driveway setback.
- B. Other requirements normally applying to commercial development are followed.
- C. The business is properly licensed through the State of Minnesota.

12. **Light Industry**, provided:

- A. The applicant or business involves the processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.
- B. The proposed business is located within an area of similar land uses and maintains or enhances the character of the immediate neighborhood.

13. **Mining:** Mining activities in Haven Township are regulated by the Haven Township Mineral Extraction Ordinance.

~~The permit shall be issued only upon findings that there is no substantial environmental impact or that such impact will be alleviated through a restoration program and other condition of the permit and that the activity will have no substantial adverse impact on surrounding property or that such impact will be alleviated through the conditions of the permit. Each permit shall contain the following minimum standards unless modified by the Planning Commission, and all activities shall conform to these and any additional standards:~~

~~A. General Operating Requirements must address operating hours, dust control, housekeeping, and safety.~~

~~B. Minimum Requirements for the mining operation:~~

- ~~1. No non granular material shall be removed unless the permit is specifically for such an operation.~~
- ~~2. Vertical faces shall be kept to a minimum except during active mining.~~
- ~~3. Mining shall not take place within 40 feet of a property line and/or no closer than to accomplish a 2.5:1 slope.~~
- ~~4. The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation.~~
- ~~5. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.~~
- ~~6. Excavation or grading that disturbs an area greater than one (1) acre in size shall submit a National Pollutant Discharge Elimination System Plan (NPDES), and a Storm Water Pollution Prevention Plan (SWPPP) from the MPCA. The applicant shall submit a copy of the NPDES and SWPPP permits to the County prior to any excavation.~~

~~C. The following information shall be provided by the person or agency requesting the permit:~~

- ~~1. Name and address of person or agency requesting the mining permit.~~
- ~~2. The legal property description and acreage of area to be mined.~~
- ~~3. The following maps of the entire site and including all areas within three hundred fifty (350) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below. A digital drawing in a format compatible with the CAD software used by the County of the plat on County coordinates with all the information contained in Maps A, B & C. listed below.~~

~~Map A Existing conditions to include:~~

- ~~a. Contour map, with two (2) foot intervals~~
- ~~b. Existing vegetation~~
- ~~c. Wetlands and existing surface water drainage patterns~~
- ~~d. Existing structures~~
- ~~e. Existing wells~~

~~Map B Proposed Operations to include:~~

- ~~a. Structures to be erected~~
- ~~b. Location of a permit, accessible and visible bench mark elevation in the vicinity of the mining boundary~~
- ~~c. Location of sites to be mined showing depth of proposed excavation~~
- ~~d. Location of any open water~~

- e. ~~Setback line for property lines and ordinary high water levels of public waters~~
- f. ~~Location of storage of mined materials, showing maximum height of storage deposits~~
- g. ~~Location of vehicle parking, access roads and local routes to truck routes~~
- h. ~~Staging of mining activity~~
- i. ~~Resource management plan~~

~~Map C—End Use Plan to include: the following information shall be provided by the person or agency requesting the permit:~~

- a. ~~Final grade of proposed site showing elevations and contour lines at two (2) foot intervals~~
- b. ~~Location and species of vegetation to be replanted~~
- c. ~~Reclamation staging plan~~
- d. ~~Proposed land use and development plan.~~

~~D. — Haul Route Plan. A plan shall be submitted for approval showing the public roads on which trucks will carry material from the site along with a schedule and means of cleaning the public roads of lost material. A haul route is not allowed over a Town Road unless permitted by the Town Board in this permit.~~

~~E. — Restoration. All permits shall contain a restoration plan providing for the reuse of the land after resource exhaustion. The permittee is responsible for restoration. The following are the minimum standards for restoration:~~

- 1. ~~All areas where the resource is exhausted and not needed for other operations shall be restored at the completion of mining. The entire area shall ultimately be restored.~~
- 2. ~~All restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth.~~
- 3. ~~Grading standards:~~

~~a. Final grades shall be in conformity with the topography of the surrounding land.~~

~~b. If the land is to be restored to crop production, no slope shall exceed 20 percent (5:1 slope).~~

~~c. If the restoration is not for crop production, no grade shall exceed 33 percent (3:1 slope).~~

~~4. All restored areas shall be seeded with a mixture recommended by the Soil and Water Conservation District or returned to crop production. The permit may require a reforestation plan. Reforestation requirements shall be based on the recommendation of the Soil and Water Conservation District and/or the County Forester.~~

~~5. Standards III and IV above may be raised or modified to accommodate a specific reforestation plan.~~

~~F. Performance Securities and Insurance.~~

~~1. The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance.~~

~~2. A performance cash deposit shall be provided. The permit shall specify the amount and type of cash deposit required. The cash deposit shall be used to reimburse the Town for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The cash deposit may be used after non-renewal of the permit and failure to execute the restoration plan. The cash deposit may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit. This option may be executed 180 days after written notice of non-compliance to the applicant.~~

~~The Town Board in its sole discretion may, but is not obligated to, accept a surety bond or other suitable security in lieu of a cash deposit.~~

~~G. Grading, excavating and mining, and asphalt or concrete mixing plants are not allowed in the Mississippi Seenie District.~~

14. **Occasional Special Events** under the following conditions:

A. An application is submitted which includes the following:

1. A plot plan showing:

- (a) Location of any grading, excavation or filling sites, and location of any areas for obtaining fill or for disposing of excavated materials.
- (b) Location of any temporary buildings, stockpiled materials, and or industrial equipment.
- (c) Location of storage area for equipment.

2. A letter giving an in depth description of the proposed operation.

Said letter should contain at a minimum:

- (a) The number of employees reporting to the site.
- (b) Plans for traffic control.
- (c) A discussion of parts of the special event that may have an adverse impact on the environment or may

STAFF REPORT

Application:	Requests related to the partial demolition of an existing dwelling and pool house and construction of a new one story with walkout basement dwelling addition in its place. Sherburne County approvals required include Variances to construct a dwelling addition approx. 6.9 feet from the side lot line to the northwest (minimum 10 feet required) and approx. 54 feet from the Mississippi River (minimum 150 feet required). The new construction will result in a greater side yard setback and river setback and lesser impervious coverage than what currently exists.
Applicant:	Craig Schoenberg (Schoenberg Construction)
Property Owner:	Joseph & Jasmine Latterell
Agenda Item:	6a

Background Information:

- **Proposal:** The proposal involves the demolition of approximately half of the existing dwelling (the existing attached garage and a large pool house/shelter by the river side) and replacing it with a new attached garage in place of the old garage and a one-story dwelling addition (with walkout basement) on the river side of the new garage. An existing small shed in the area of the proposed addition would also be relocated or removed from the property. The existing pool house that would be torn down is located partially across or at least on the side property line. The proposed new addition would be pulled back several feet from the river to a setback of approximately 65 feet where the required setback is 150 feet. The proposed new attached garage would be located 6.9 feet from the side lot line rather than the required 10 feet at its closest point (the building sits at an angle to the property line so as the building goes toward the river the side yard setback increase to 16.6 feet at its closest point to the river).

As such, two variances are proposed:

- A river setback of approx. 65 ft (min. 150 ft required)
- A side yard setback of 6.9 feet (min. 10 ft required)
- **Location:**
 - Property address: 5750 16th Ave SE, St. Cloud
 - Parcel number(s): 25-00406-0106
- **Sherburne County Zoning:** Scenic River District
- **Lot size:** Approx. 27,536 sq ft (0.63 acres) according to provided survey.
 - Existing Impervious Coverage: 6,270 sq ft (22.8%)
 - Proposed Impervious Coverage: 5,559 sq ft (20.2%)
 - *NOTE: Maximum impervious coverage allowed is 25%
- **Septic System Status:** The property is served by an existing septic system that Sherburne County Staff indicates was upgraded relatively recently (2021) and is adequately sized to accommodate all

bedrooms (5) in the proposed remodeled dwelling. The septic tanks and drainfield are located south of the driveway in the yard.

- **Natural Features:**

- Floodplain: The property does contain floodplain, but it is not located in the area of the proposed structure. The lowest floor of all structures need to be elevated to the Required Flood Protection Elevation (RFPE) and it appears that they would be.
- Bluff/Steep Slopes: The lot does not contain a bluff. It does contain some steep slopes near the shoreline.
- Wetlands: There are not wetlands that are likely to be impacted by the proposed improvement(s) to the property.

Planning Commission Action: The Planning Commission may recommend approval of the proposed variance to Sherburne County, denial of the request(s), or tabling of the request(s) if the Commission should need additional information from the applicant. The Commission need not come up with formal findings for its recommendation(s) as the Township is not the final decision authority for this application, but it should provide reasons to the County for its recommendation along with any recommended conditions of approval, should the County approve the request.

Staff Comments: Staff provides the following comments and thoughts on possible conditions of any recommendation for approval.

1. Clearly, the applicant's proposal is improving upon the existing situation in numerous ways. It is taking a building that currently lies partly on the neighbor's property and moving it back to the proposed 6.9 feet at its closest point (with much of the new addition more than meeting the required 10 ft side yard setback due to the angle of the addition to the property line). The river setback will improve by several feet as well and the total impervious coverage on the lot will drop from 22.8% to 20.2%.
2. While the proposal is an improvement, that is not the main criteria that needs to be met for the granting of a variance. In particular, a significant criterion for granting a variance includes a finding that "Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control" and that "The variance requested is the minimum variance which would alleviate the practical difficulty."
 - a. In the case of the river setback, the requested variance is largely due to the size and shape of the lot being far less than what would be required under current ordinances (min. required lot size being 4 acres for platted lots and min. required width being 250 ft where the lot is only about 0.63 acres in size and 100 feet wide and about 230 feet deep. Further, the existing home was built in 1966 when current regulations were not in place.
 - b. In the case of the side yard setback, the requested variance could more easily be met given that the request involves tearing down approximately half of the existing dwelling and rebuilding it entirely. That gives the applicant more flexibility than would exist normally and

requires them to show why building an approximately 3 ft smaller garage represents a practical difficulty that justifies a variance.

- c. Given all of that, state law does allow for landowners to rebuild existing nonconforming structures to the same size and location as existed previously without a variance in most circumstances. As such, if a variance is denied by Sherburne County, the Township should be aware that that option does exist for the landowner – which would result in the existing setback to the side lot line of 0 feet possibly persisting into the future.
3. The requested river setback appears to be unavoidable. Meeting the minimum required setback of 150 feet would require a complete teardown of the existing dwelling and moving it back approximately 75 feet from where it sits now. While moving the new addition further from the river than what is proposed is possible, it would arguably make the addition more out of character with the neighborhood than what they have proposed. Further, it appears most of the homes in this stretch of the river are at about the same setback or less than what the applicant is at now and is proposing.
4. The proposed setback to the side lot line of 6.9 feet is 3.1 feet short of the required 10 ft setback normally required under current Sherburne County ordinances. The Township should discuss with the applicant and their contractor whether a smaller attached garage or redesigned floor plan for the addition could make meeting the 10 ft setback feasible. Initial conversations with the contractor indicate that they are trying to avoid more complicated rooflines by having the attached garage offset from the remainder of the proposed addition closer to the river (the house sits at an angle with the property line so the portion of the addition closest to the river does more than meet the 10 ft side yard setback while the garage portion closest to the road does not).
 - a. The proposed garage is irregularly shaped, but is approximately 28 ft wide at the front and 22 ft deep for the main parking area. The plans indicate that the existing 16 ft wide garage door would be re-used and be the only overhead door into the garage. As such, reducing the width of the garage by 3.1 feet would leave an approximate 24.9 ft wide garage.
 - b. Sherburne County regulations appear to allow for up to 4'6" eaves to extend into a required side yard – i.e. if the wall of the proposed garage were brought in 3.1 feet so that the walls met the side yard setback but the roofline would not need to be changed.
5. The property has recently (2021) had the septic system on the property upgraded and sized to accommodate all five (5) of the bedrooms in the proposed remodeled home.
6. In order to confirm final details of the plan, the Township could recommend that the County require an as-built survey, prepared by a licensed surveyor, be submitted to the County verifying the final location of the dwelling. Alternatively, so long as the current survey markers of the property boundary remain in place, this could be done with field measurements.
7. Given the proximity of the proposed demolition and construction to the river, and the sloping of the land toward the river, the Township may wish to recommend that adequate erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These could include at a minimum silt fences between any areas of disturbance (if there will be any) and the waterbody as well as to any neighboring properties which are downslope of the disturbed areas and the use of mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.
8. The Township could consider recommending that the applicant be required to manage stormwater runoff from the proposed roof addition be managed and directed in a way such that no such runoff

is directed onto the neighboring property owner's property and that it minimizes the potential for untreated water running directly into the river.

Applicable Statutes/Ordinances: See Appendix A.

Appendix A

Applicable Statutes and Ordinances

Minnesota Statutes

394.27 CREATION AND DUTIES OF BOARD OF ADJUSTMENT.

Subd. 7. Variances; practical difficulties.

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Sherburne County Regulations

SECTION 18 - ADMINISTRATION AND ENFORCEMENT

Subdivision 3: Board of Adjustment

7. Variances: A variance to the provisions of this Ordinance may be issued to a landowner upon application to the Board of Adjustment under the following procedures and criteria:

G. Variances shall only be permitted if all the following criteria are met:

1. Granting the variance will not be in conflict with the comprehensive plan.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State law.
5. The variance requested is the minimum variance which would alleviate the practical difficulty.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site.
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance.

I. The Board of Adjustment may impose conditions that are directly related to and bear a rough proportionality to the impact created by the variance.

SECTION 14 - SHORELAND OVERLAY DISTRICT

SUBDIVISION 3.0 ADMINISTRATION

3.5 Variances. Variances may only be granted in accordance with Minnesota Statutes, Section 394.27 and are subject to the following:

3.51 A variance may not circumvent the general purposes and intent of this ordinance; and

3.52 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.

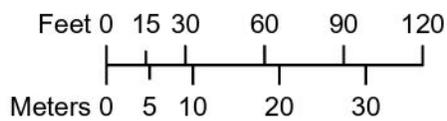
3.7 Mitigation.

3.71 In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

- A. Advanced storm water runoff management treatment;
- B. Reducing impervious surfaces;
- C. Increasing setbacks from the ordinary high water level;

- D. Restoration of wetlands;
- E. Limiting vegetation removal and/or riparian vegetation restoration;
- F. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
- G. Other conditions the zoning authority deems necessary.

Schoenberg - Variance





March 02, 2026



March 02, 2026



March 02, 2026



March 02, 2026



March 02, 2026



March 02, 2026



March 02, 2026



March 02, 2026



TOWNSHIP COMMENT FORM

Sherburne County Planning & Zoning Department
13880 Business Center Drive NW, Suite 100
Elk River, MN 55330

Date Paid: //
Receipt No:
Permit No: 26-175
763-765-4450 Fax: 763-765-4467
[REDACTED]

APPLICATION IS HEREBY MADE FOR: Variance

APPLICANT:

Craig Schoenberg
3040 36th Ave SE
Saint Cloud, MN 56304

OWNER: LATTERELL, JOSEPH & JASMINE
5750 16TH AVE SE
SAINT CLOUD MN 56304

PHONE: [REDACTED]

E-MAIL: [REDACTED]

OTHER CONTACTS:

SHERBURNE COUNTY, MINNESOTA

PID: 25-00406-0106

PLAT NAME: RIVER HAVEN

LEGAL:

LOT 3, BLK 1

OTHER PARCELS:

DEEDED ACRES: 0.62

TOWNSHIP NAME: HAVEN

SECTION: 31

TOWNSHIP: 35

RANGE: 30

OVERLAY ZONING DISTRICT:

ZONING DISTRICT: Scenic River

PROPERTY ADDRESS: 5750 16TH AVE SE

SAINT CLOUD MN 56304

SHORELAND: Mississippi River 717513 Scenic

NON-RIPARIAN:

MISCELLANEOUS NOTES:

Remove existing pool, structure and garage to construct a new mother in law suite

EXPLANATION OF REQUEST:

Requesting a 3.1' variance in setback from the side property line to construct an addition on existing house. Required setback from the side property line is 10'.

TOWNSHIP COMMENTS:

APPLICATION IS: APPROVED: DENIED: OTHER: _____

SIGNATURE OF TOWN BOARD: _____ DATE: _____



TOWNSHIP COMMENT FORM

Sherburne County Planning & Zoning Department
13880 Business Center Drive NW, Suite 100
Elk River, MN 55330

Date Paid: //
Receipt No:
Permit No: 26-183
763-765-4450 Fax: 763-765-4467
[REDACTED]

APPLICATION IS HEREBY MADE FOR: Variance

APPLICANT:

Craig Schoenberg
3040 36th Ave SE
St Cloud, MN 56304

OWNER: LATTERELL, JOSEPH & JASMINE
5750 16TH AVE SE
SAINT CLOUD MN 56304

PHONE: [REDACTED]

E-MAIL: [REDACTED]

OTHER CONTACTS:

SHERBURNE COUNTY, MINNESOTA

PID: 25-00406-0106

PLAT NAME: RIVER HAVEN

LEGAL:

LOT 3, BLK 1

OTHER PARCELS:

DEEDED ACRES: 0.62

TOWNSHIP NAME: HAVEN

SECTION: 31

TOWNSHIP: 35

RANGE: 30

OVERLAY ZONING DISTRICT:

ZONING DISTRICT: Scenic River

PROPERTY ADDRESS: 5750 16TH AVE SE

SAINT CLOUD MN 56304

SHORELAND: Mississippi River 717513 Scenic

NON-RIPARIAN:

MISCELLANEOUS NOTES:

EXPLANATION OF REQUEST:

Requesting a 95.8' variance in setback from the OHWL of the Mississippi River to construct an addition on existing house.
Required setback from the OHWL in the Scenic River District is 150'.

TOWNSHIP COMMENTS:

APPLICATION IS: APPROVED: DENIED: OTHER: _____

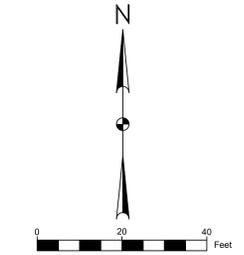
SIGNATURE OF TOWN BOARD: _____ DATE: _____

CERTIFICATE OF SURVEY

JOSEPH LATTERELL

SECTION 31, TOWNSHIP 35, RANGE 30, SHERBURNE COUNTY, MINNESOTA

NOVEMBER 26, 2025



EXISTING	ITEM
●	FOUND PROPERTY CORNER
○	SET PROPERTY CORNER
⊙	SECTION CORNER
⊕	SANITARY MANHOLE
⊖	ELECTRICAL METER
⊗	POWER POLE
⊘	WELL
⊙	IRRIGATION BOX
⊕	GAS METER
⊖	TELEPHONE PEDESTAL
⊗	MAILBOX
⊘	4" PVC RISER
⊙	SPOT ELEVATION
⊕	CONTOUR
⊖	OVERHEAD ELECTRIC
⊗	CONCRETE
⊘	BITUMINOUS

EXISTING IMPERVIOUS SURFACE AREA		
HOUSE	3709	S.F.
SHED	103	S.F.
CONCRETE	1219	S.F.
BITUMINOUS DRIVE	1239	S.F.
TOTAL	6270	S.F.
LOT AREA	27536	S.F.
LOT PERCENTAGE	22.77%	

PROPOSED IMPERVIOUS SURFACE AREA		
HOUSE	3535	S.F.
SHED	0	S.F.
BALCONY	235	S.F.
CONCRETE	550	S.F.
BITUMINOUS DRIVE	1239	S.F.
TOTAL	5559	S.F.
LOT AREA	27536	S.F.
LOT PERCENTAGE	20.19%	

AREA=27536± S.F.
0.63 ACRES

- Coordinate System: Sherburne County NAD83 (1996adj)
- PID: 25-00406-0106
- Observed evidence of utilities has been shown hereon and combined with plans and markings (if provided). The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although does certify that they are located as accurately as possible from the information available. The surveyor has not physically located the underground utilities.
- Flood Zone per FEMA Map No. 2714C0160F revised 11-16-2011.
- Reference Benchmark: GSD Station 30490, Elev.=1011.074 N.A.V.D. 1988

EXISTING LEGAL DESCRIPTION:
Lot 3, Block 1, RIVER HAVEN, Sherburne County, Minnesota, according to the recorded plat thereof.

BEARING ORIENTATION:
The Northeast line of Lot 3, Block 1, RIVER HAVEN, is assumed to bear N36°10'46"W.

SETBACKS:
Front - 67' from ROW Platted Lot
Side - 10'
Rear - 25'
OHW - 150'

SURVEYOR'S CERTIFICATE

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

Michael Scott Marlin
Michael Scott Marlin, L.S.
Date 11-26-25 Lic. No. 49988

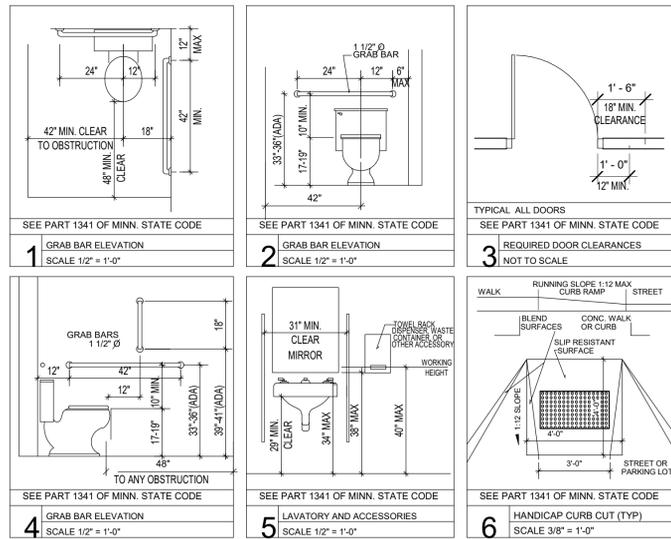
CERTIFICATE OF SURVEY AND SITE PLAN

JOSEPH LATTERELL
SHERBURNE COUNTY, MINNESOTA

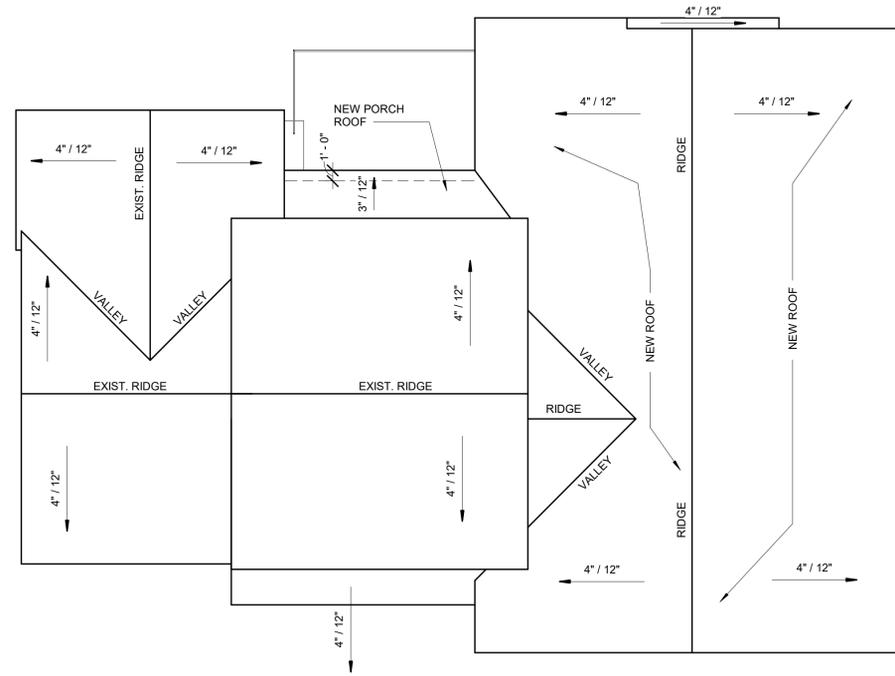
SHEET 1 OF 1

DRAFTED	JMS
REVIEWED	JMS
PROJECT NUMBER	2506-11026
ISSUE DATE	11-26-25





④ HDCP DETAILS
3/8" = 1'-0"



① ROOF PLAN
1/8" = 1'-0"

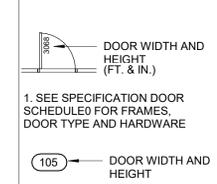


② 3D View 1

INDEX TO DRAWINGS

- A1 HDCP DETAILS INDEX TO DRAWINGS, PROJECT INFO
- A2 FOOTING/FOUNDATION PLAN, ROOF PLAN
- A3 FIRST FLOOR PLAN, ELEVATIONS, WINDOW SCHEDULE BUILDING SECTIONS
- A4 BUILDING SECTIONS & SECTION DETAILS
- A5 ELEVATIONS

DOOR SCHEDULE



PROJECT LOCATION

SHERBURNE COUNTY, MINNESOTA

CODE INFO.

OCCUPANCY
SINGLE FAMILY RESIDENCE
ZONING
R-1 RESIDENCE DISTRICT
CONSTRUCTION
TYPE V - 1 HOUR

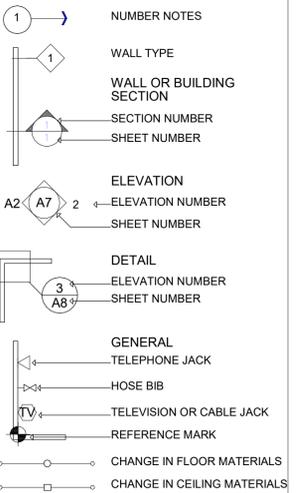
DESIGN LOADS

INTERIOR PARTITIONS
HORIZONTAL LOAD 10 PSF

FLOOR JOIST
DEAD LOAD 50 PSF
LIVE LOAD 25 PSF

ROOF LOAD
REFER TO PRE-ENGINEERED DRAWINGS BY MANF.

SYMBOLS



Stephen Rudnicki - Designer

3131st Avenue South
P.O. Box 7573
St. Cloud, MN 56302
Phone 320/293-9341
steवरudnicki@hotmail.com

Residential & Commercial Planning & Design

REMODELING FOR:
Jasmine, Joe Latterell
5750 16th Ave. S.E.
St. Cloud MN 56304
320-428-8746

ISSUE DATE PROJECT NO.
12/04/2025 25014

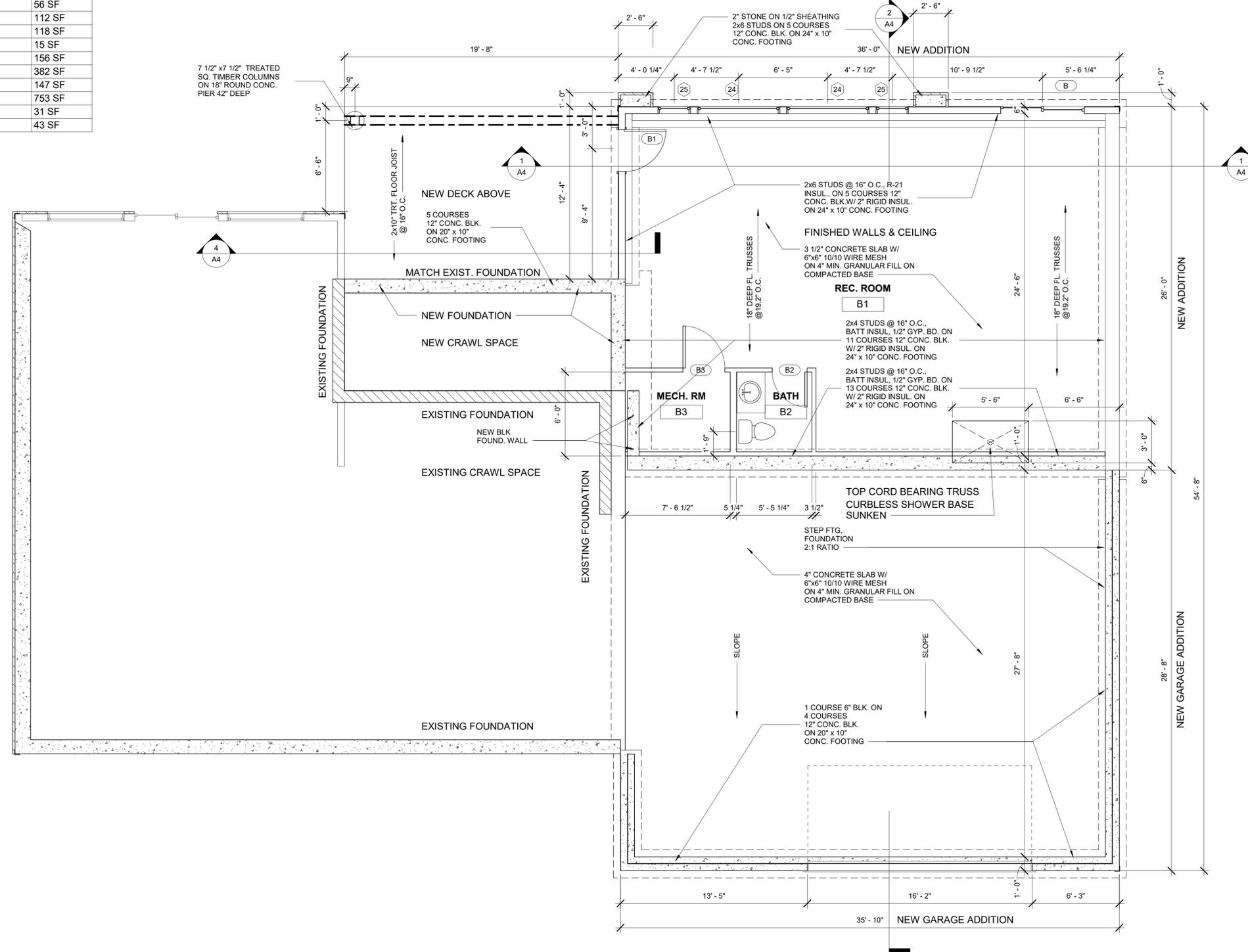
REVISIONS
12/22/25

A1

OF 5

Room Schedule				
Number	Floor Finish	Wall Finish	Base Finish	Area
100	EPOXY	LIGHT TEXT./PT.	NONE	766 SF
101	VINYL	LIGHT TEXT./PT.	WOOD	160 SF
102	VINYL	LIGHT TEXT./PT.	WOOD	37 SF
103	VINYL	LIGHT TEXT./PT.	WOOD	12 SF
104	VINYL	LIGHT TEXT./PT.	WOOD	56 SF
105	VINYL	LIGHT TEXT./PT.	WOOD	112 SF
106	TILE	SMOOTH/PT.	WOOD	118 SF
107	CARPET	LIGHT TEXT./PT.	WOOD	15 SF
108	CARPET	LIGHT TEXT./PT.	WOOD	156 SF
109	CARPET	LIGHT TEXT./PT.	WOOD	382 SF
110	TILE	LIGHT TEXT./PT.	WOOD	147 SF
B1				753 SF
B2				31 SF
B3				43 SF

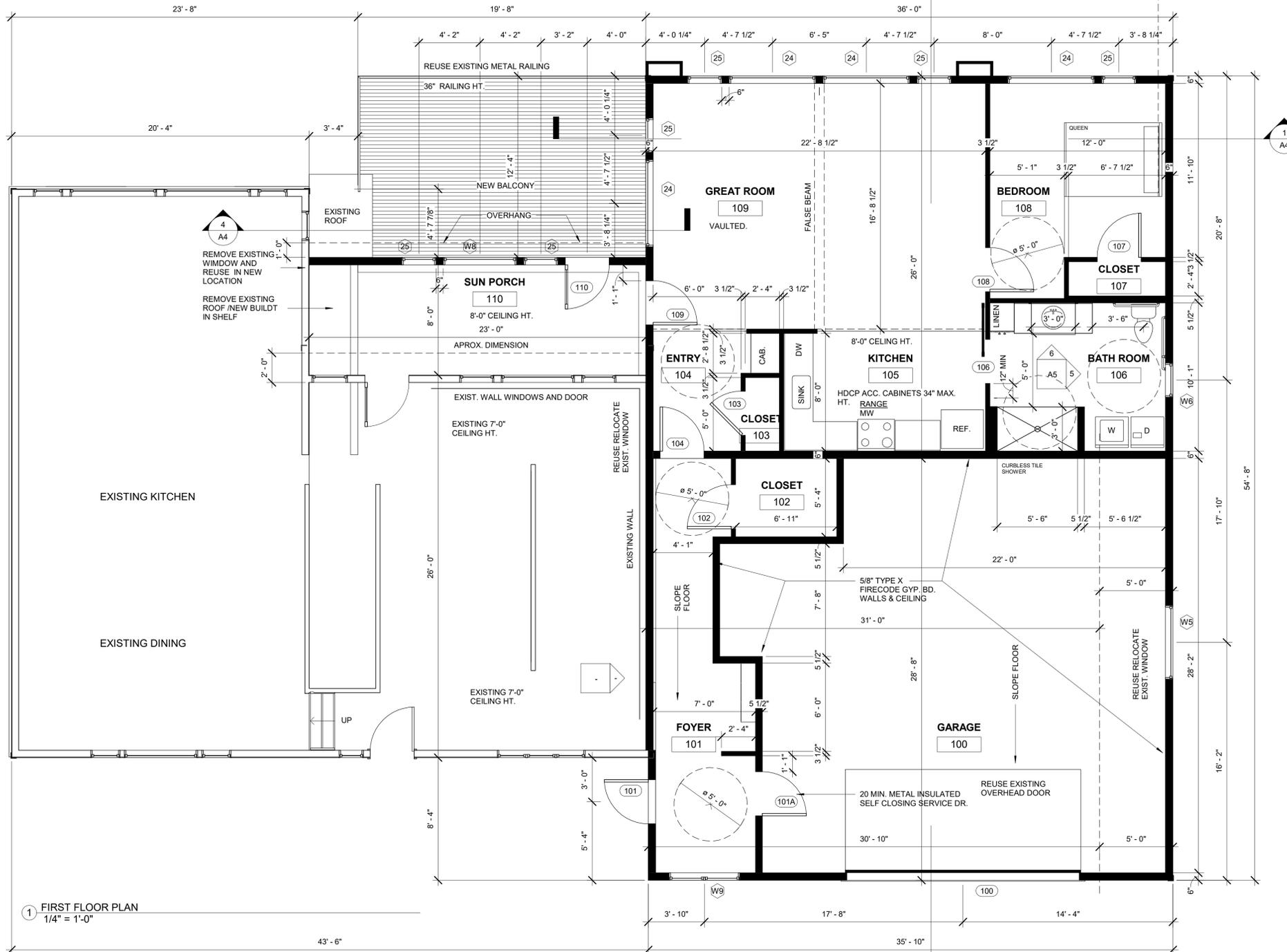
Grand total: 14



1 FOUNDATION PLAN
1/4" = 1'-0"

Window Schedule					
Type Mark	Type	Count	Rough Width	Rough Height	Manufacturer
24	P6050	6	6' - 0 3/8"	5' - 0 3/8"	ANDERSEN
25	CW15	8	2' - 4 7/8"	5' - 0 3/8"	ANDERSEN
W5	6036 FIXED	1	5' - 0"	3' - 0"	ANDERSEN
W6	CW135	1	2' - 4 7/8"	3' - 5 3/8"	ANDERSEN
W8	P5050	1	5' - 0 3/8"	5' - 0 3/8"	ANDERSEN
W9	CW24	1	4' - 9"	4' - 0 1/2"	ANDERSEN

A5 3



1 FIRST FLOOR PLAN
1/4" = 1'-0"

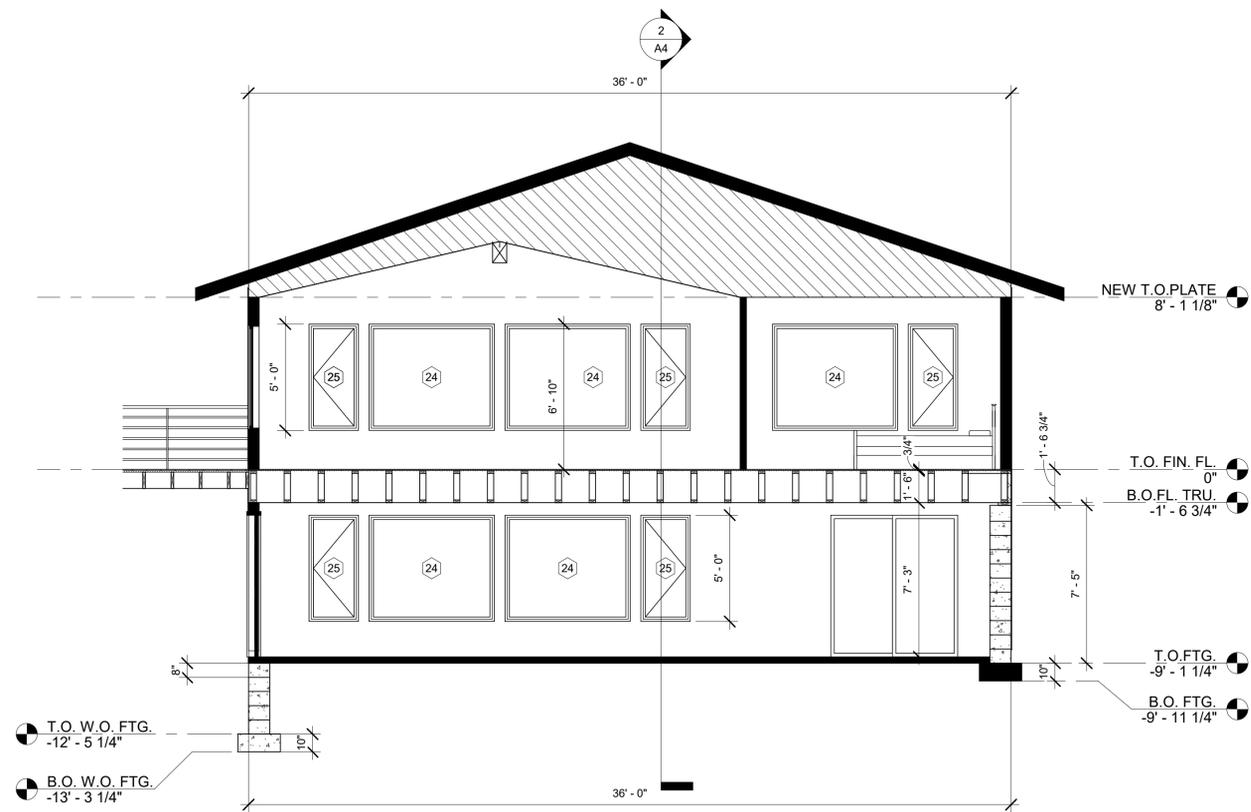
Door Schedule							
Mark	Width	Height	Count	Description	Manufacturer	Rough Height	Rough Width
100	16' - 0"	7' - 0"	1	EXIST. O.H. DR.	EXISTING		
101	3' - 0"	6' - 8"	1				
101A	3' - 0"	6' - 8"	1				
102	3' - 0"	6' - 8"	1				
103	3' - 0"	6' - 8"	1				
104	3' - 0"	6' - 8"	1				
106	3' - 0"	6' - 8"	1				
107	3' - 0"	6' - 8"	1				

Door Schedule							
Mark	Width	Height	Count	Description	Manufacturer	Rough Height	Rough Width
108	3' - 0"	6' - 8"	1				
109	3' - 0"	6' - 8"	1				
110	3' - 0"	6' - 8"	1				
B	6' - 0"	6' - 8"	1	SLIDING DOOR	ANDERSEN	6' - 8"	5' - 11 1/4"
B1	3' - 0"	6' - 8"	1	6-Panel	TruStile		
B2	2' - 6"	6' - 8"	1				
B3	3' - 0"	6' - 8"	1				

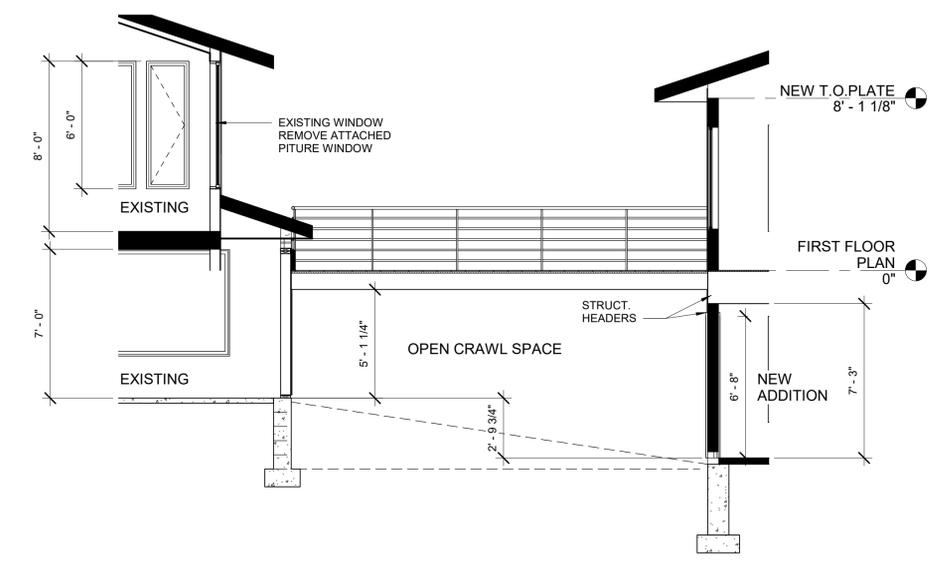
Stephen Rudnicki - Designer
31.31st Avenue South
P.O. Box 7573
St. Cloud, MN 56302
Phone 320/293-9341
stevedrudnick@hotmail.com
Residential & Commercial Planning & Design

REMODELING FOR:
JAS & Joe Latterell
5750 16th Ave. S.E.
St. Cloud MN 56320
320-428-8746

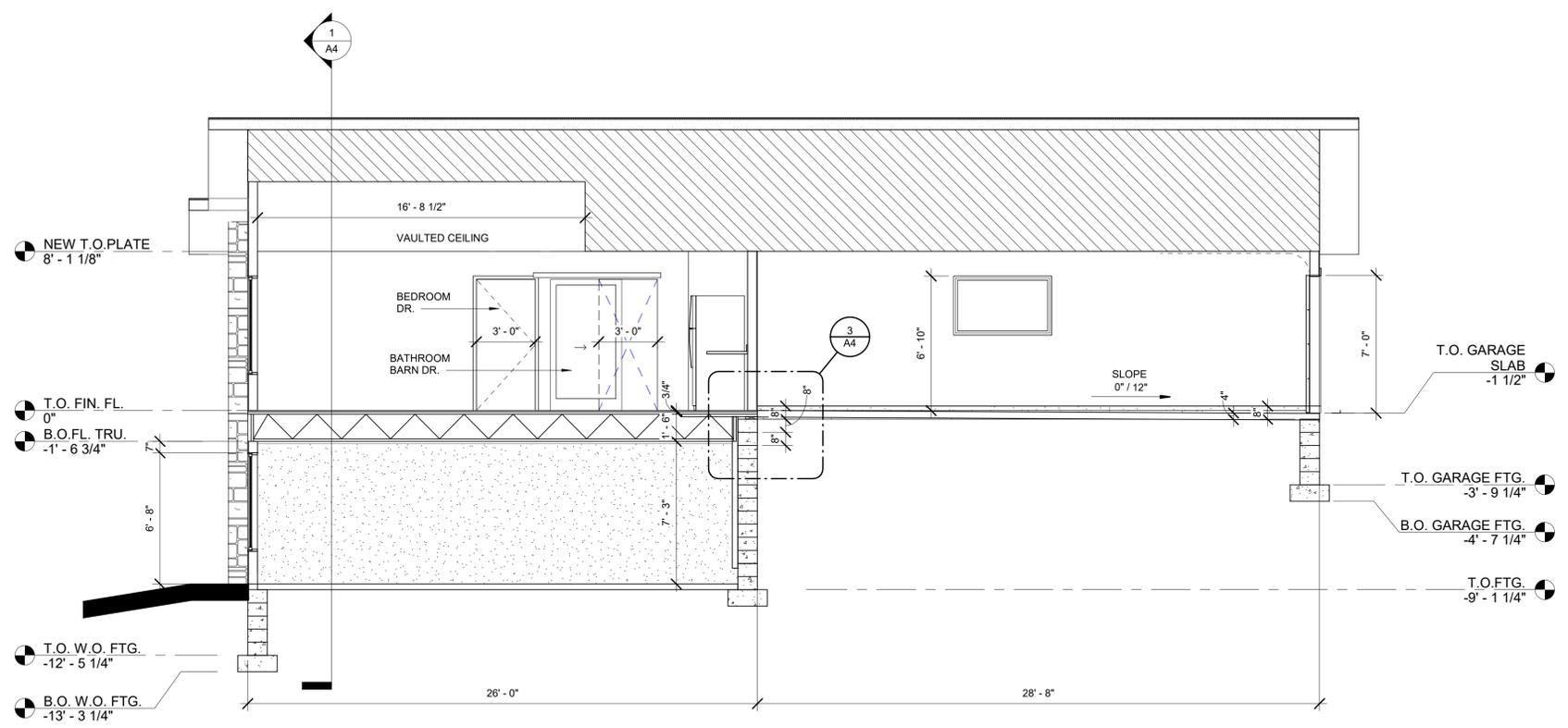
ISSUE DATE PROJECT NO.
12/04/2025 25014
REVISIONS
12/22/25



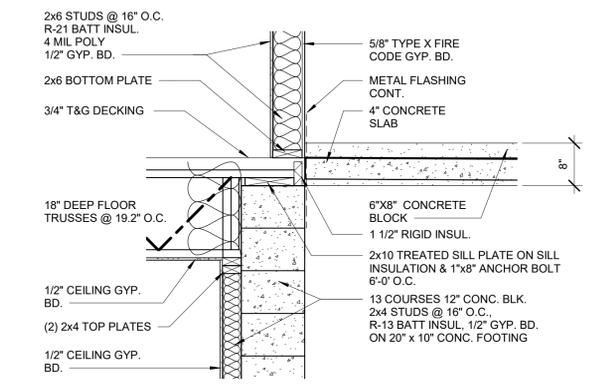
1 GREAT ROOM & BEDROOM BUILDING
SECTION
1/4" = 1'-0"



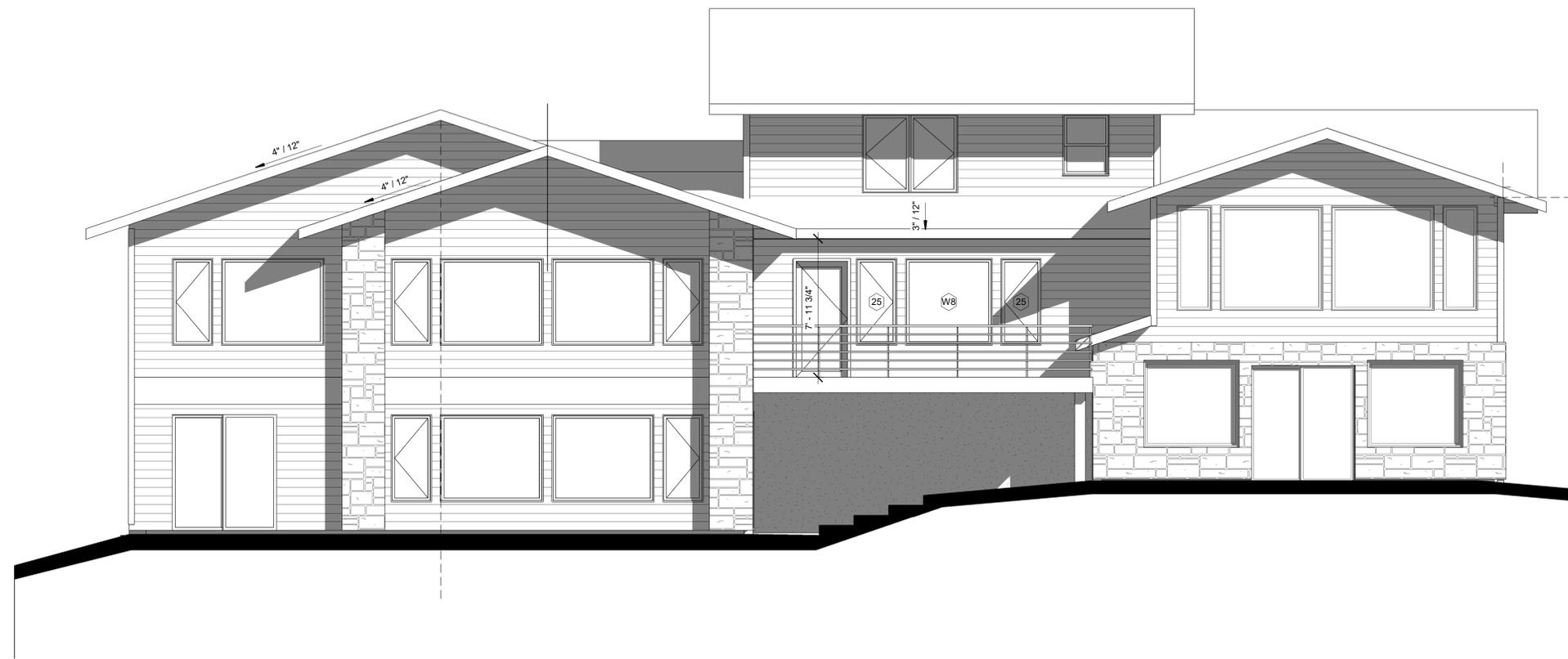
4 DECK SECTION
1/4" = 1'-0"



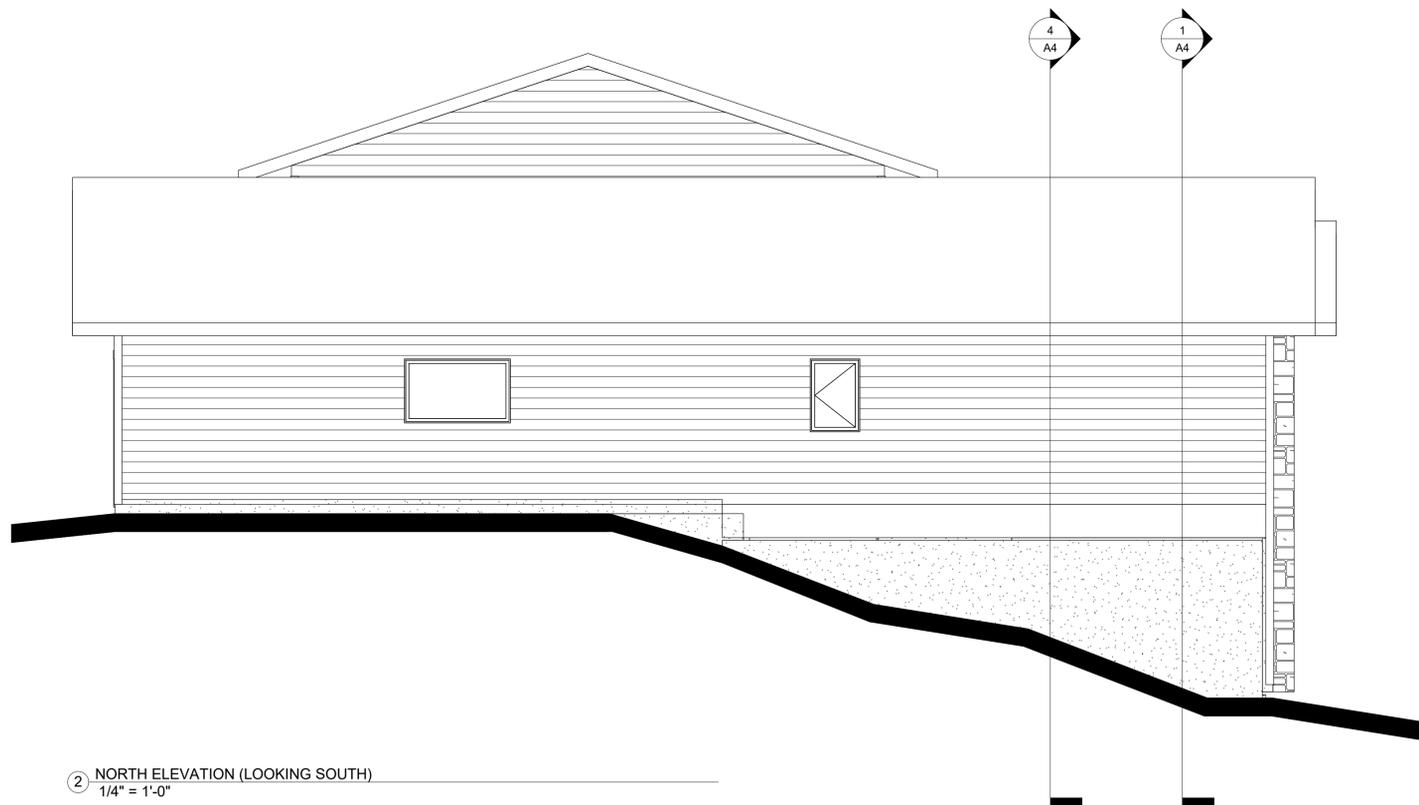
2 LIVING ROOM / GARAGE BUILDING
SECTION
1/4" = 1'-0"



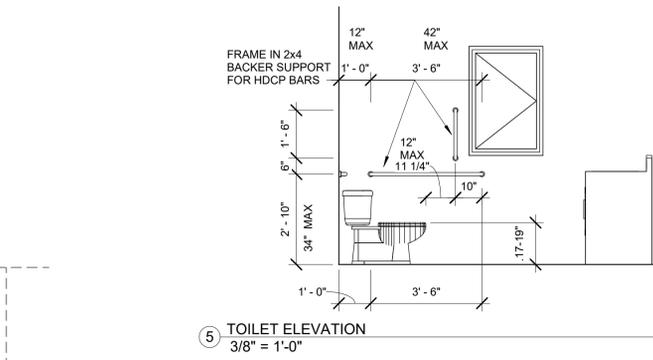
3 LIVING ROOM / GARAGE BUILDING
SECTION - Callout 1
3/4" = 1'-0"



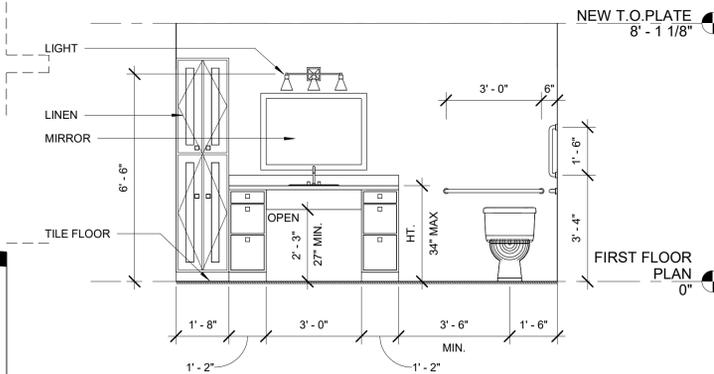
① RIVER FRONT ELEVATION
1/4" = 1'-0"



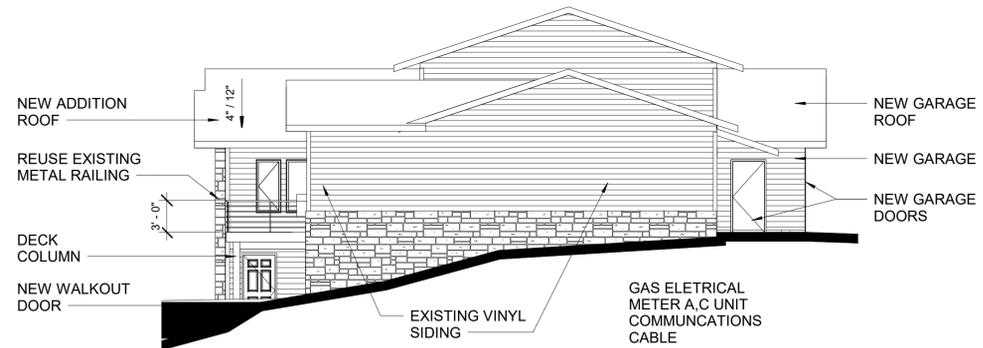
② NORTH ELEVATION (LOOKING SOUTH)
1/4" = 1'-0"



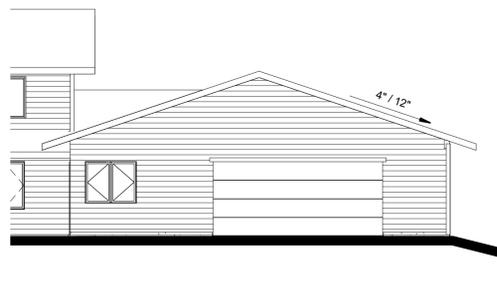
⑤ TOILET ELEVATION
3/8" = 1'-0"



⑥ VANITY ELEVATION
3/8" = 1'-0"



③ SOUTH ELEVATION (LOOKING NORTH)
1/8" = 1'-0"



④ FRONT ENTRY ELEVATION
1/8" = 1'-0"

Stephen Rudnicki - Designer
3131st Avenue South
P.O. Box 7573
St. Cloud, MN 56302
Phone 320/293-9341
steवरudnicki@hotmail.com
Residential & Commercial Planning & Design

REMODELING FOR:
Jas & Joe Latterell
5750 16th Ave. S.E.
St. Cloud, MN 56304
320-428-8746

ISSUE DATE PROJECT NO.
12/04/2025 25014

REVISIONS
12/22/25

A5

OF 5

SHERBURNE COUNTY PLANNING & ZONING ADMINISTRATION
 13880 Business Center Drive, Elk River, MN 55330
 763-765-4450 / 1-800-438-0578 Fax: # 763-765-4467 E-mail: zoning @ co.sherburne.mn.us

SEWAGE TREATMENT SYSTEM PERMIT APPLICATION

Application Received By: _____ Date: _____

KT 5/19/21

Home Owner Name: Joe Latterell Email: _____

Address: 5750 16th Ave. S.E.

City St. Cloud, State Mn Zip Code 56304

Project Address: _____

Proposed Sewage Treatment System is: New Replacement Repair Holding tank

System Type: Type I Type II Type 3 Type IV Type V

Residence Business (Enclose complete sewage treatment system design by licensed designer)

Floodplain Lake River Name of water body: Mississippi Rivert

Septic Designer: Chuck Prom MPCA LIC # 801

Company name if different than above: Prom Exc Llc MPCA LIC # 801

Email: promexc@live.com Cell number: 320-249-6080

Septic Installer: Prom Exc Llc MPCA LIC # 801

Company name if different than above: _____

Email: _____ Cell number: _____

Provide an accurate, to-scale drawing showing: all structures (labeled), setbacks from the system to the house, lakes, rivers, roads, the applicant's well and neighboring wells location and depths. Show any drainage and utility easements. Drawing should show the drainfield width/ sizing, the tank(s) size, property address, road access location, and a north arrow. These dimensions are necessary on the drawing to verify the system fits on the lot.

AGREEMENT: I hereby certify that I am the owner of the above property or their authorized agent and have read and examined this application and know the same to be true and correct. All Provisions of laws and ordinances governing this work will be complied with whether specified herein or not. I fully understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. I understand the information I provide for this application will be utilized to determine suitability under the ordinances of Sherburne County and any omissions or erroneous information provided may result in the permit not being issued. I also understand that by applying for this permit, I grant the zoning authority access to the above property for inspections throughout the application and permitting process.

Chuck Prom 5/14/21
 Printed name of Contractor, Authorized Agent, Owner or Builder (please indicate) Date

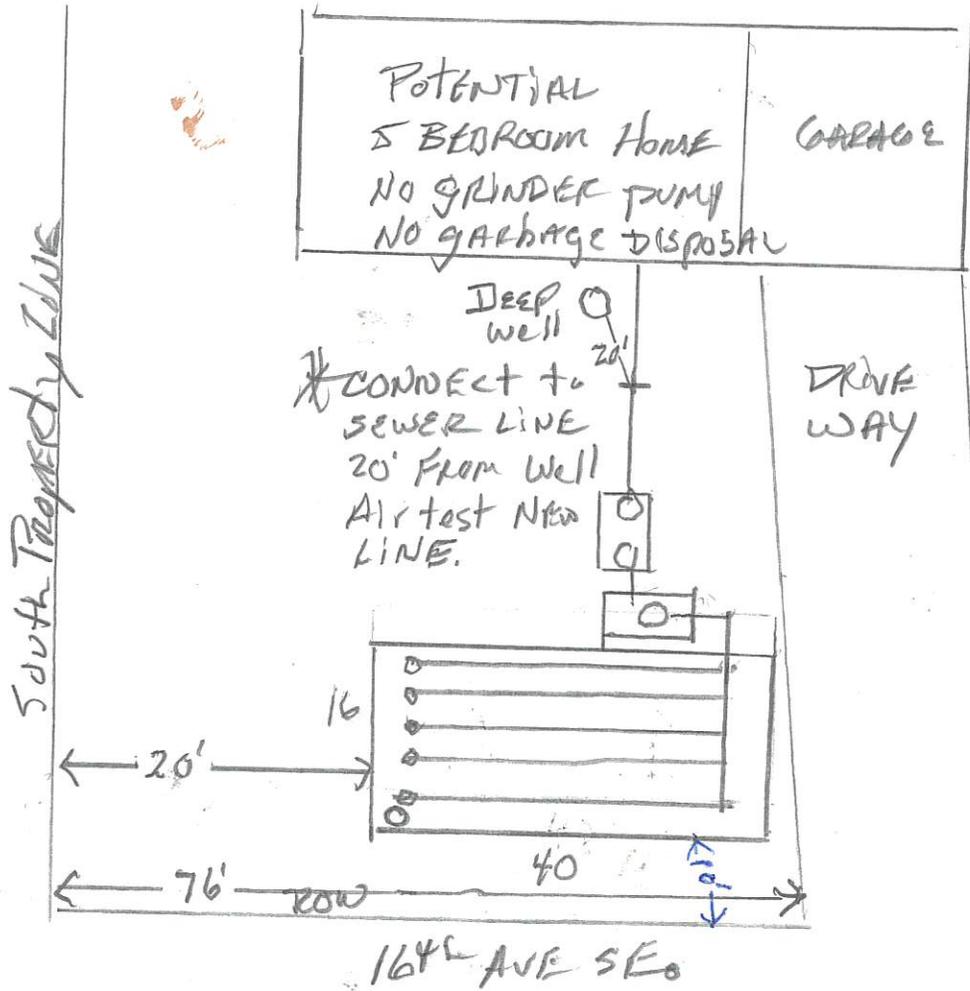
Chuck D Prom _____
 Signature of Contractor, Authorized Agent, Owner or Builder (please indicate) Date

Required Attachments

- Soil Logs Site Plans Design Worksheets Management Plan Permit Fees

Continue application on backside

N →



TANKS:

- 1) 1500 GALLONS SEPTIC TANK
- 2) APPROX. 36" COVER OVER TANK.
- 3) INSULATE IF LESS THAN 24" COVER OVER TANK.

DRAINFIELD

- 1) 16 X 40 PRESSURE BED
- 2) LOWEST ELEV. OF BED 98.25'
- 3) APPROX 18"-21" CUT.
- 4) 5- 1 1/2" LATERALS /w 1/4" PEAKS @ 36'

PID# 25-406-0106

CHARLIE T. PROM
CHUCK PROM
5/18/21 #801



Planning and Zoning Administration

Sherburne County Government Center
13880 Business Center Drive, Suite 100
Elk River, MN 55330-4668
zoning@co.sherburne.mn.us
(763) 765-4450

February 12, 2026

Craig Schoenberg
3040 36th Ave SE
Saint Cloud, MN 56304

Joseph & Jasmine Latterell (Owner)
5750 16th Ave SE
Saint Cloud, MN 56304

Sent by email to: craig@schoenbergconstruction.com

Re: Variance request on PID #25-00406-0106

Dear Craig Schoenberg,

This letter is regarding the two variance requests at 5750 16th Ave SE in Haven Township. The variances are required in order to construct an addition to an existing nonconforming structure, refer to the pictures below.

Variance #1: Requesting a 3.1-foot variance in setback to the site property line to construct an addition on an existing house. Required setback from the side property line is 10 feet.

Variance #2: Requesting a 95.8-foot variance in setback to the Ordinary High Water Level (OHWL) of the Mississippi River to construct an addition on an existing house. Required setback from the OHWL in the Scenic River District is 150 feet.

At this time your variance application is incomplete. In order for the application to be deemed complete, the Zoning Department requires the following:

1. Township comments from the Haven Town Board are needed. Please contact Tammy Schefers, the Haven Township Clerk, at 320-743-3717 and clerk@haventwp.org to be placed on their next agenda for comments. I will forward this letter and all information submitted to the Town Board.

2. Both the OHWL and impervious surface calculations must be updated on the survey. The OHWL was confirmed to be 955.3 ft (NAVD 88) by DNR Area Hydrologist James Bedell. The lot area for the impervious surface calculation should only use the area above the OHWL.
3. Please confirm if the shed is going to be moved to a different location on the property or completely removed from the property. If the shed is going to remain on the property it will need to meet setback requirements and be counted in the impervious surface calculations.
4. Additional changes or information may be required once the Zoning Office has received comments from other offices/organizations.

To discuss the items needed to move your application forward please contact me at 763-765-4462 or by email at kailee.vik@co.sherburne.mn.us

Once the required information has been submitted for your project you can be scheduled for the next available public hearing with the County Board of Adjustment. Please be aware it is up to you to show the Board of Adjustment the practical difficulty in requesting this variance. For your information, I have enclosed a copy of the eleven questions used by the Board to determine if an applicant has established a practical difficulty. *Note that the final decision on these variances will be made by the seven members of Board of Adjustment.* Sherburne County reserves the right to postpone this hearing, pursuant to the provisions of MN Statute Section 15.99.

Please Note:

1. Board of Adjustment members may stop at the property prior to the meeting to inspect current property conditions and the proposal. **Please stake or otherwise identify the proposal so that the Board of Adjustment members can clearly locate it when on site.**
2. Incomplete applications shall be considered denied one (1) year from the date of the application if the proposal has not obtained the required approvals. The Zoning Administrator may grant one 6-month extension if the Zoning Administrator determines that continuous progress has been made to keep the application moving toward approval.
3. Should the variance be approved, you will need to obtain a Shoreland Alteration Permit and a building permit to remove the current structure and build the addition.

Sincerely,



Kailee Vik
Sherburne County Planner

Cc:

Sherburne County SWCD
James Bedell, MN DNR Area Hydrologist
Sherburne County Attorney's Office

Site Photos



In Accordance with Sherburne County Zoning Ordinance Section 18 Subdivision 3.7 Variances shall only be permitted if all the following criteria are met:

1. Granting the variance will not be in conflict with the comprehensive plan.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State law.
5. The variance requested is the minimum variance which would alleviate the practical difficulty.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site.
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance.

STAFF REPORT

Application:	Requests related to the operation of businesses on the property. Sherburne County approvals required include a zoning map amendment of two properties currently developed with commercial buildings to be reclassified from Agricultural zoning to Commercial zoning and an Interim Use Permit to convert the existing building on site to a single independent used auto and equipment dealership.
Applicant:	TNG Equipment Sales LLC
Property Owner:	Arthur P Forcier Jr./ Arthur and Shirley Forcier Trust
Agenda Item:	6b

Background Information:

- **Proposal:** The proposal involves a request to operate a used auto and equipment sales dealership on the two parcels involved – parcels that have been used commercially for many years. In reviewing the request, County staff noted that the site had previously been zoned in the Industrial II zoning district in the past but was mistakenly rezoned to the Agricultural zoning district in 1994 – a mistake that was not noticed until now.

The applicant has indicated that Tony and Gina Forcier would be the sole owners and operators of the dealership and would be “limited to the sale of used trucks, trailers, forklifts, and other similar equipment. Inventory levels will vary and are expected to range from approximately two (2) to ten (10) vehicles and equipment units stored on the property at any given time.” They indicate the use of a 35’ x 70’ foot portion of the existing building for offices, a break room and two restrooms for personal and guest use along with a single vehicle bay for detailing and preparing of vehicles and equipment prior to sale. They indicate that no mechanical repair work will be conducted on site.

- **Location:**
 - Property address: 4286 42nd St SE, St. Cloud
 - Parcel number(s): 25-00021-1410 and 25-00021-1405
- **Sherburne County Zoning:** Agricultural District (formerly zoned Industrial II prior to 1994)
- **Lot size:** Approx. 10 acres total (5 acres each parcel) according to legal description.
- **Septic System Status:** The property is served by an existing septic system that was inspected in April of 2025 and found to be failing due to a non-watertight septic tank. The tank leads to a drainfield that was found to be compliant by itself.
- **Natural Features:**
 - Floodplain: The property does not contain floodplain.
 - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes.
 - Wetlands: There are not wetlands that are likely to be impacted by the proposed use of the property.

Planning Commission Action: The Planning Commission may recommend approval of the proposed Interim use permit and rezoning to Sherburne County, denial of the request(s), or tabling of the request(s) if the Commission should need additional information from the applicant. The Commission need not come up with formal findings for its recommendation(s) as the Township is not the final decision authority for this application, but it should provide reasons to the County for its recommendation along with any recommended conditions of approval, should the County approve the request.

Staff Comments: Staff provides the following comments and thoughts on possible conditions of any recommendation for approval.

1. Sherburne County Staff indicates that the site was previously zoned Industrial II, but since 1994 has been classified on the County's Zoning Map as Agricultural. They indicate it appears that the reclassification from Industrial II to Agricultural was mistakenly made during a broader update of the County Zoning Map and was not noticed until this IUP application arose.
2. While the County is likely already addressing the matter, the Township could re-iterate the need for the applicants to bring their septic system (tank) into compliance.
3. The County has indicated to the applicants of a need to formalize an easement for the access to the north parcel (which is landlocked) through the south parcel - should the parcels ever be sold separately from each other.
4. The Township could consider whether it would like to recommend conditions of any approval of the Interim Use Permit to operate the used auto/equipment dealership in the areas of:
 - a. Recommended length of time the Interim Use Permit should be allowed before it expires and/or would need to be renewed;
 - b. Limitations on the hours of operation;
 - c. Limitations on the location and/or number of vehicles/pieces of equipment that may be displayed for sale outdoors at any one time;
 - d. Limitations on outdoor lighting - so as to prevent glare or nuisance to nearby properties or motorists on the highway and other public roads;
 - e. Any specific restrictions relating to outdoor storage;
 - f. Clarifications that the property is not being approved for the storage of inoperable vehicles such that it would become a scrap/junk yard;
 - g. Any requirements for specific surfacing of vehicle/equipment display areas or other driving/parking surfaces;
 - h. Minimum requirements for customer parking (County regulations do not specifically call out used vehicle/equipment sales businesses in their regulations - they do require 5 spaces per 1000 sq ft of floor area for retail stores and service establishments);
 - i. A requirement for a traffic circulation plan to ensure adequate space for vehicles to be delivered or picked up from the site without requiring the use of public right of way;
 - j. Noise restrictions, if necessary, beyond those mandated by state or County law;
 - k. Any requirements for screening of the property from public view;

- l. Any restrictions or limitations on signage related to the proposed business that would be more restrictive than what is allowed by County Ordinance (i.e. 1 free-standing on-premise sign not exceeding 164 sq ft or 40 ft in height and one on-premise wall sign not exceeding 128 sq ft and off-premise signs consistent with state and county restrictions);
- m. Clarifications that the only permitted use would be sales and detailing of vehicles and equipment - not repair work or other associated activities;
- n. Clarification that all wastes, oils, chemicals, etc. must be managed in accordance with applicable federal, state and local regulations.
- o. Other?

Applicable Statutes/Ordinances: See Appendix A.

Appendix A

Applicable Statutes and Ordinances

Sherburne County Regulations

SECTION 18 - ADMINISTRATION AND ENFORCEMENT

Subdivision 4: Amendments and Rezoning

1. Application: This Ordinance or the Official Zoning Map may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Section. Amendments to the boundaries of a zoning district on the Official Zoning Map are known as "rezonings."

Proceedings for amendment of this Ordinance shall be initiated by:

- A. A petition of the owner or owners of the actual Property, or
 - B. A recommendation of the County Planning Commission, or
 - C. By action of the Board of County Commissioners
2. Filing: An application for an amendment or rezoning shall be filed with the Zoning Administrator. All applications for rezonings that are initiated by the petition of the owner or owners of property, the zoning of which is proposed to be changed, shall be accomplished by a map or plat showing the lands proposed to be changed and all land within one half (1/2) mile of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such area as the same appears on the records of Sherburne County. Unless there has been a substantial change in circumstances, applications for the same purpose shall not be heard for one year after the date of denial.
 3. Notification of Proposed Rezoning: The notification of public hearings shall conform to Minn. Statutes 394.2620 as amended.
 4. Public Hearing: Upon receipt in proper form of the application and other requested material, the Sherburne County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the County.
 5. Consideration: Following the public hearing, the County Planning Commission shall make a report of its consideration and recommendations on the proposed amendment and shall file a copy with the Board of County Commissioners and the Zoning Administrator.

Consideration of a rezoning request shall include without limitation, the following:

- A. Is the proposed rezoning consistent with the Comprehensive Plan?
- B. Is the current use of the property a permitted use within the proposed zoning district, or will the rezoning create a non-conforming use?
- C. Will permitted uses within the proposed zoning district be injurious to health or interfere with the comfortable enjoyment of life or property within the vicinity?
- D. How will public services (e.g. transportation, schools, parks, and police/fire) be

impacted by the proposed rezoning? Will permitted uses within the proposed zoning district adversely impact or overburden existing public service capacity?

- E. Is the proposed rezoning located in an area that has the potential to adversely impact natural resources such as surface water, groundwater, or wetlands, or sites identified for rare biological species habitat?
- F. Does the proposed rezoning have the potential to impact ecologically sensitive or historically significant areas?
- G. Does the property have sufficient size and physical characteristics to permit a reasonable use under the current zoning district?
- H. Any other factors that may be relevant to determining whether the proposed rezoning is appropriate.

Subdivision 6: Interim Use Permits

1. Transferability:

Any Interim Use Permit (IUP) issued under this Ordinance is granted solely to the applicant and the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

- A. The sale of all or substantially all of the company assets
- B. Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded
- C. Sale of fifty-one (51) percent of the voting stock if a non-publicly traded stock or closely held corporation
- D. Execution of a management agreement, or
- E. The change of any officer or majority stockholder if the company is a closely-held corporation.

2. Application:

Unless there has been a substantial change in circumstances, applications for the same purpose shall not be heard for one year after the date of denial.

An application for an Interim Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Board of County Commissioners. The applicant shall provide the following written information in order for a IUP application to be complete:

- A. A complete IUP application form signed and dated by the applicant and property owner(s) and pay all applicable fees
- B. Written description of the activities
- C. Written description of the type and number of vehicles (motorized and non- motorized, such as trailers), heavy machinery and equipment to be used on the property

- D. Days and hours of operation
- E. Number of employees using the property, including sub-contractors (full-time and part-time)
- F. Site plan, including:
 - 1. A survey or aerial photograph showing all existing and proposed buildings, well, septic system (or other restroom facilities), outside storage area(s), driveway access(s), and any public or private easements
 - 2. Existing and proposed screening (if required). Screening may consist of coniferous trees not less than 6' in height, planted not less than 8' apart and/or a non-transparent fence not less than 6' in height
 - 3. Existing and proposed signage, including a dimensional diagram of proposed signage
- G. A Certificate of Septic Compliance. If the septic system is older than ten (10) years and has not had a passing septic compliance check within the past ten (10) years, A septic compliance check must be completed. If the septic system is not in compliance with state regulations, the septic system must be upgraded before the Planning & Zoning Department will consider a IUP application to be complete.
- H. Written description of any maintenance to take place on-site, including how hazardous materials will be stored and disposed of
- I. A certificate of insurance
- J. Wetland Impact approval (if applicable)
- K. A completed Comment Form by the applicable Town Board
- L. Any additional information required by the Zoning Administrator specific to the IUP request

3. Notification and Public Hearing:

The notification for public hearings shall conform to Minn. Statutes 394.2620 as amended.

4. Findings:

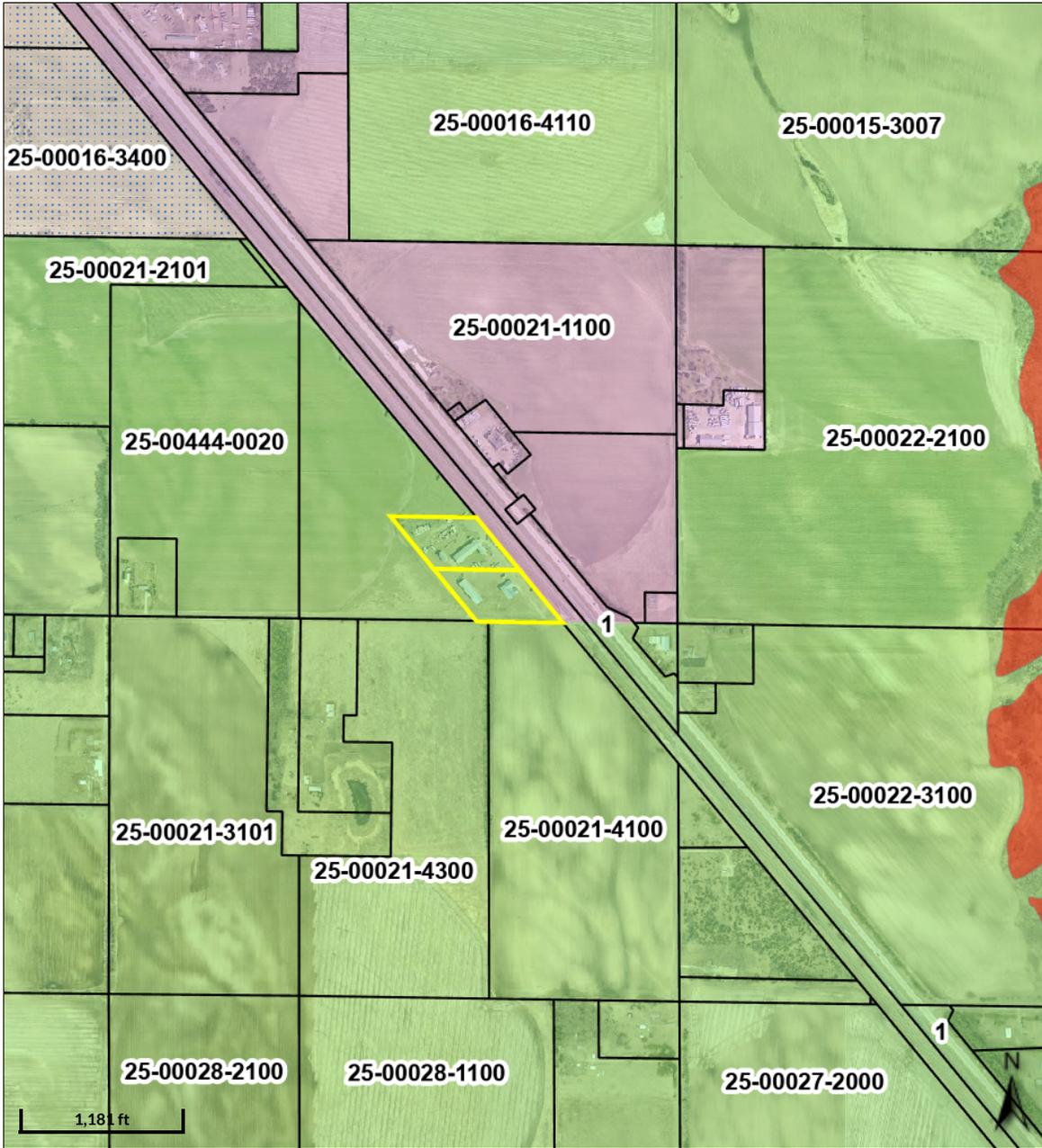
No Interim Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

- A. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
- B. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- E. 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, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

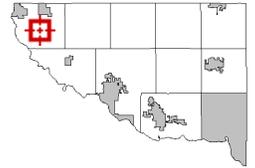
SECTION 16.2 - INTERIM USE PERMITS

Subdivision 5: Conditions:

6. Businesses Selling Vehicles, Boats, or Farm Implements provided:
 - A. No item shall be parked on any required parking or driveway setback.
 - B. Other requirements normally applying to commercial development are followed.



Overview



Legend

Public Water Inventory

-  Not Classified
-  General Development
-  Natural Environment
-  Recreational Development
-  Parcels
-  Streams

County Zoning

-  Agricultural
-  Residential PUD (A) - Overlay
-  Shoreland Residential District
-  City Limits
-  Commercial
-  General Rural
-  Heavy Industrial
-  Industrial
-  Urban Expansion
-  Recreational River
-  Scenic River
-  Special Use Dist
-  OA Industrial
-  Zoned by Township

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Disclaimer for St Cloud Parcels: Sherburne County information about St Cloud properties are limited to classification and value. Any questions regarding additional information please contact the City of St Cloud's assessor office.

Date created: 3/2/2026
 Last Data Uploaded: 3/2/2026 1:42:29 PM



Planning and Zoning Administration

Sherburne County Government Center
13880 Business Center Drive
Suite 100
Elk River, MN 55330-4668
zoning@co.sherburne.mn.us
(763) 765-4450

February 17, 2026

Anthony and Gina Forcier
1012 Cory Ln
St. Cloud MN 56303

[Sent by email to: ginaforcier1@gmail.com](mailto:ginaforcier1@gmail.com)

RE: Rezone request and Interim Use Permit (IUP) application for a Business Selling Vehicles, Boats, Farm Equipment and Auto repair (received 02/03/2026) on PIDs: 25-00021-1405 & 25-00021-1410

Dear Mr. and Ms Forcier,

This letter is a review of your request to rezone PIDs 25-00021-1405 & 25-00021-1410 from Agricultural to Commercial and an IUP on PID 25-00021-1410 application for a *Business Selling Vehicles, Boats, or Farm Equipment*. You are requesting to rezone this property so you can obtain an Interim Use Permit (IUP) to convert the existing building on site to a single independent auto dealership. The existing property is currently Zoned Agricultural, but has historically been used for commercial purposes and in the past was zoned Industrial II, but since 1994 the County's Zoning Map has classified this property as Agricultural.

Your applications are incomplete, I need additional information in order to process them. Please provide responses to the following items (All information can be sent by email):

1. Rezone Application:
 - a. Township comments from the Haven Town Board are needed for the rezone. Please contact Tammy Schefers, the Haven Township Clerk, at 320-743-3717 and clerk@haventwp.org to be placed on their next agenda for comments. I will forward this letter and all information submitted to the Town Board.
 - b. Please provide a written description of the current use of these properties and the buildings on them.
 - c. Please provide a detailed statement that provides your reason for the rezoned request.
2. Interim Use Permit Application on PID 25-00021-1410:
 - a. Township comments from the Haven Town Board are needed for the IUP. Please contact Tammy Schefers, the Haven Township Clerk, at 320-743-3717 and clerk@haventwp.org to be placed on their next agenda for comments. I will forward this letter and all information submitted to the Town Board.

- b. Please update written description to include the following information: the name the business that will be used to file for the Auto Dealership license with the MN Dept of Public Safety, days and hours of operation, proposed signage including location and dimensions.
 - c. The driveway access for the proposed auto dealership on PID 25-00021-1410 requires access across PID 25-00021-1405. It appears there is not a recorded easement giving this property access to County Road 65 (42nd Street). I am aware both properties are owned by the Forcier family, but if this IUP is granted the County will require that establish and record an easement across PID 25-00021-1405 to ensure legal access to PID 25-00021-1410 exist.
3. Additional changes or information may be required once the Zoning Office has received comments from other offices/organizations.

Please Note:

1. Incomplete applications shall be considered denied one (1) year from the date of the application if the proposal has not obtained the required approvals. The Zoning Administrator may grant one 6-month extension if the Zoning Administrator determines that continuous progress has been made to keep the application moving toward approval.
2. A County issued Building Permit will be required for any modifications to the existing building for the new use of office space for the auto dealership.

As soon as the required information has been submitted your project will be scheduled for the next available public hearing with the County Planning Advisory Board. We reserve the right to postpone this hearing, pursuant to the provisions of Minnesota Statute Section § 15.99.

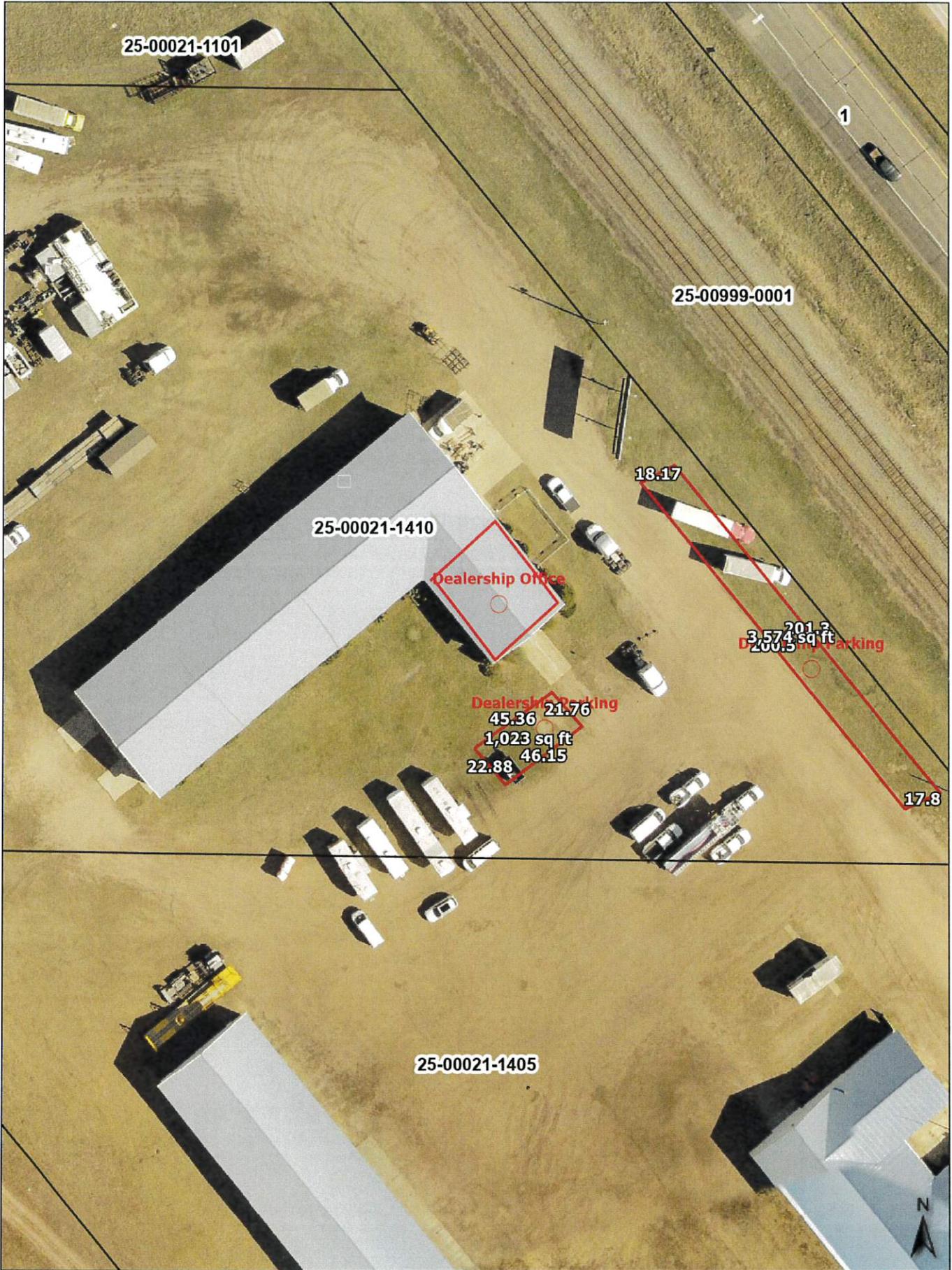
I look forward to assisting you through the Interim Use Permit process. If you have any questions please contact me at 763-765-4454 or by email at marc.schneider@co.sherburne.mn.us

Sincerely,



Marc Schneider
Assistant Zoning Administrator

Cc: County Attorney's Office
Haven Town Board



25-00021-1101

25-00999-0001

25-00021-1410

Dealership Office

Dealership Parking

45.36 21.76
1,023 sq ft
22.88 46.15

Dealership Parking

3,574 200.5
701.3 sq ft

18.17

17.8

25-00021-1405



Tony and Gina Forcier will be the sole owners and operators of the dealership, with no employees. The proposed use is limited to the sale of used trucks, trailers, forklifts, and other similar equipment. Inventory levels will vary and are expected to range from approximately two (2) to ten (10) vehicles and equipment units stored on the property at any given time.

A 35-foot by 70-foot portion of the existing shop building will be utilized for dealership operations. This area will include office space, a kitchen/lunch area, and two restroom facilities for both personal and guest use. In addition, the space will contain a single vehicle bay, which will be used for the detailing and preparation of vehicles and equipment prior to sale. No mechanical repair work will be conducted on-site.



SHERBURNE
Planning & Zoning

Anthony & Gina Forcier
Rezone from Ag to Commercial
25-00021-1405 & 25-00021-1410
Haven Township

SEC:	21
TWP:	35
RGE:	30
ACRES:	10
Agricultural	

Agricultural	Commercial	Industrial	Scenic River	Rural Residential
Permitted	Permitted	Permitted	Permitted	Permitted
Agricultural use	Agricultural use	Agricultural use	Gov camp	Agricultural use ltd.
Daycare	Auto Service	Auto Mech / Body *1	Pub access roads	Single family residence
Parks	Auto Mech / Body	Vehicle sales *2	Pub access trails	Parks
Single family residence	Daycare	Manufacturing	gov rec	Office showroom ltd.
Interim	Vehicle sales	Mini storage *3	Agricultural	Auto Mech / Body ltd.
Asphalt / Concrete	Mini storage	Office showroom	Single family residence	Interim
Auction	Motel	Sales & service	Forestry	Nursery
Bed & Breakfast *1	Office showroom	Warehouse seas storage *4	sewage	Occ.Special Events
Sewage Sludge/Biosolids	Pawn Broker	wholesale	Private Rd	Personal Storage
Campground *2	Restaurant	wind hobby *5	signage	Place of Worship
Commercial Kennel *3	Retail Sales	Interim	Gov resources	Rec Act
Contractors yard	Seasonal storage	Asphalt / Concrete *6	Interim	Riding Stable
Farm Business *4	Bed & Breakfast	Auction	Private camp	Seasonal Storage
Home Occ Vehicle	Campground	Commercial Kennel	Temp docks	Solar -home
Mining	Nursery	Contractors yard *7	Private Rec	Wind Hobby
Nursery	Place of Worship	Mining *8	Essential services	Daycare
Occ Special Events *5	Interim	Occ Special Events *9	Utility trans	Bed & Breakfast
Personal Storage *6	Asphalt / Concrete	Perm Muni struct *10	public Rd	Agricultural (limited) *1
Place of Worship *7	Auction	Personal Storage *11	churches / graves	
Rec Act *8	Commercial Kennel	Recycle non haz *12		
Riding Stable *9	Contractors Yard	Seasonal temp business *13		
Seasonal Storage *10	Home Occ Vehicle	Temp Gov *14		
Solar Home *11	Light Industry			
Temp Tire / Recycle	Occ Special Events			
Temp Gov *12	Perm Muni struct			
Wind Hobby *13	Personal Storage			
Yard Waste Comp *14	School Bus			
	Seasonal temp business			
	Temp Gov			
	Wind (commercial)			
	Solar (commercial)			

Data centers?

- *1 IUP Section 12.4
- *2 IUP Section 12.5
- *3 IUP Min Acre / set back Section 12.6
- *4 IUP Section 12.8
- *5 IUP Section 12.14
- *6 IUP Section 12.17
- *7 IUP Section 12.18
- *8 IUP Section 12.20
- *9 IUP Section 12.22
- *10 IUP Section 12.25
- *11 Personal Use Only
- *12 IUP Section 12.29
- *13 IUP Section 12.30
- *14 IUP Section 12.31

- *1 Commercial
- *2 Commercial
- *3 Ag / Commercial
- *4 Ag?
- *5 Residential (size Limit)
- *6 Limits Acreage/process/traffic
- *7 limitations?
- *8 Mining Ordinance
- *9 Commercial
- *10 Ag/Commercial
- *11 Ag
- *12 Ag?
- *13 Ag / Commercial
- *14 Commercial /Residential

*1 Ag Limits need definition

blue - added
red - deleted

Interim implies if they meet the permit conditions they can not be denied.



414 Nicollet Mall,
Minneapolis, Mn 55401

February 27, 2026

Eric Meyer
Haven Township Chairman
4230 45th Avenue SE
St. Cloud, MN 56304

RE: Notice per Minn. Stat. § 216I.05, Subd. 5 for the Proposed Sherco Solar 4 Project in Sherburne County, Minnesota

Dear Mr. Meyer,

Northern States Power Company, doing business as Xcel Energy, is gathering information and requesting comments for a proposed utility-scale solar-energy project in Sherburne County, Minnesota, the Sherco Solar 4 Project (“Project”). Xcel Energy will be submitting a joint application to the Minnesota Public Utilities Commission (“MPUC”) for this 200-MW solar energy generation facility (“Solar Facility”) and the associated 345-kV high voltage transmission line (“Transmission Facility”). Upon receipt of applicable permits and approvals, Xcel Energy anticipates construction beginning in 2027 and commercial operations commencing in 2028. We welcome any comments you may have at this time and throughout the permit application process.

The Solar Facility will encompass approximately 1,160 acres of agricultural lands located in Clear Lake, Haven, and Palmer Townships, just north of the City of Clear Lake. The Solar Facility is located approximately 6 miles northwest of the existing Sherco Coal Generation Plant and operational Sherco Solar 1 and 2 project, and approximately 2 miles north of the Sherco Solar 3 project, which is anticipated to commence commercial operations this year. The Transmission Facility will extend approximately 2.8 miles from a proposed Project Substation to a proposed Switchyard located in the southeast quadrant of 90th Street SE and County Road 8 SE. Please see the attached exhibit for the proposed Project location.

Xcel Energy continues to collect information to inform Project design. The racking layout, access roads, electrical connections, and exact transmission line route have not been finalized. In general, the Project’s permanent facilities will include:

- Solar modules, inverters, and racking
- Fencing
- Access roads
- On-site below-ground collection lines



414 Nicollet Mall,
Minneapolis, Mn 55401

- Project substation
- Above-ground transmission lines
- Switchyard

The MPUC must approve the proposed Project before it can be constructed. Multiple stakeholder and public input proceedings will be included in the permitting process. Xcel Energy is actively compiling information in support of the application for approval of the Solar Facility and Transmission Facility preparing to file an application to the MPUC in mid-2026. If you would like to request a meeting or have any questions about the Project, please contact me at 651-249-6543 or by email at carrie.boecher@westwoodps.com.

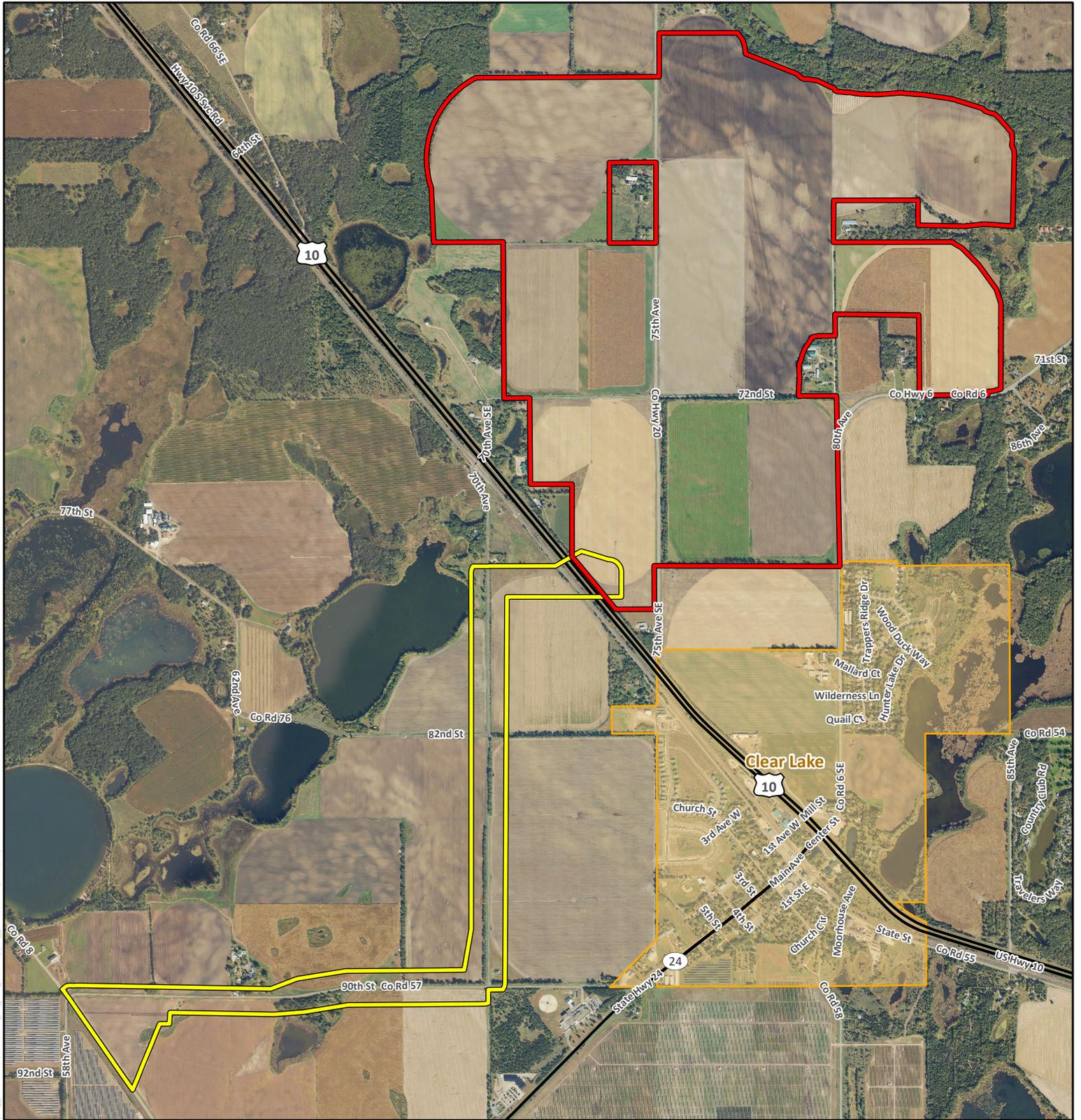
Sincerely,

A handwritten signature in blue ink that reads 'Carrie Boecher'.

Carrie Boecher [on behalf of Ellen Heine, Xcel Energy]
Permitting Specialist

Westwood
12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343
westwoodps.com

Attachment: Project Location Map



Data Source(s): Westwood (2026); Esri WMS World Streets Basemap (Accessed 2026); NAIP (2025); Sherburne County, Minnesota (2026); OpenStreetMap (2024); Census Bureau (2025).

Sherco Solar 4 Project

Sherburne County, Minnesota

Project Location Map

February 25, 2026



Legend

- Solar Project Site
- Transmission Line Route
- Municipal Boundary
- Major Road

Westwood

Toll Free (888) 937-5150 westwoodsps.com

