

## **City of Dayton Economic Development Authority (EDA)**

April 16, 2024- 7:30 a.m.

### **Agenda**

1. Call to Order
2. Approve Agenda
3. Consent Agenda
  - a. Approval of Minutes – March 19, 2024 EDA Meeting
4. Open Forum – Time is limited to 3 minutes. No EDA Board Action will be taken, however direction can be given to staff for future meetings.
5. EDA Flower Pots – Approval for Advertising for 2024
6. Recommendation for City Council of Current Applications
  - a. IUP for Extended Home Business, LawnSmart
  - b. IUP for Event Center, Dehns Pumpkins
7. Staff and Board Updates
8. Adjourn

*The mission of the EDA is to promote economic growth in the City of Dayton through the attraction of new business, retention of existing business and promotion of managed growth and redevelopment of key areas by providing resources that enable development and enhance the quality of life in Dayton.*

## **MINUTES OF THE MARCH 19, 2024 ECONOMIC DEVELOPMENT AUTHORITY MEETING**

Chair Huttner called the March 19, 2024 EDA to order at 7:30 a.m.

### **Roll Call**

Present: EDA Chair Huttner, Fashant, Luther, Peralta, Salonek

Absent: Bernens

Also, in attendance: Zach Doud, City Administrator/Finance Director; Jon Sevald, Community Development Director

### **Approval of the Agenda**

Motion to approve the agenda by Salonek seconded by Luther all ayes. Motion passed unanimously.

### **Approval of EDA Minutes from January 16, 2024**

Motion to approve the minutes by Salonek seconded by Luther all ayes. Motion passed unanimously.

### **Open Forum**

There was no one present for open forum.

## **AGENDA ITEMS**

### **Approval of Goals for 2024**

Doud came forward and stated that it would be good to present the EDA's goals to City Council. Once the goals are set, Sevald will be able to assist in pushing the goals toward completion through his position as Community Development Director.

Huttner stated that the focus should be on the commercial properties. Additional conversation ensued. The goal is noted as awareness of property.

Peralta inquired about the website for potential commercial properties that are available. Doud stated that it would have to be added to the EDA budget for next year.

The goal was noted as establish listings from MLS commercial site.

Salonek stated that the EDA should be looking at the lots available in the Historic Village, but there has to be an interested developer in order for it to progress. Doud stated that the City currently owns four vacant lots in the Historic Village.

Huttner asked how EDA can get the City Council to release the lots. Fashant stated that EDA needs to prepare a plan and present it to the City Council. The goal is noted as plan for the redevelopment of available properties in the Historic Village for 2024.

Doud stated that it would be good to have the entire EDA reach out to local businesses to discuss their potential future needs. Huttner stated that a one-on-one meeting may be more productive and inspire less apprehension as apposed to five-on-one.

Luther suggested that by the next meeting, each EDA member should talk to a business owner and share their findings at the next meeting. Doud suggested that each member should visit at least three businesses.

The goal is noted as each EDA member will visit local businesses and report back to the group.

Doud stated the EDA has a Revolving Loan Fund that is currently limited to \$50,000. The purpose of the Revolving Loan Fund is to help businesses make facade changes or assist in construction costs to make their businesses larger. This is a low-interest-loan, designed to help our business community. This program was instituted in 2018, and it has never been utilized. Huttner stated that maybe the loan amount should be increased. Additional discussion ensued.

Luther brought up the fact that there seems to be a lot of large warehouse facilities and asked about the folks who need smaller warehouse facilities like a plumber or a landscaper that can't afford such a large space. Doud stated that this concern falls under the re-development goal.

Sevald asked how much land and how many businesses does the EDA want to take care of. Keeping in mind that with re-development, some of Dayton's current small businesses may be displaced. The EDA may want to take on the task of determining where in Dayton some of these businesses can be re-located.

Huttner asked how the EDA can gain control of "the triangle" (a specified piece of property). Doud stated that it would be the same process that was noted for the property in the Historic Village. Huttner requested that the re-development of "the triangle" be put on next month's agenda.

Motion by Salonek and seconded by Luther to approve EDA goals. Motion passed unanimously.

### **Approval for Posting of RFP for Real Estate Broker**

Huttner stated that there are lots of things the EDA will have access to just by having a real estate broker.

Motion by Salonek and seconded by Peralta to approve the posting of an RFP for a real estate broker. Motion passed unanimously.

### **Approval for Posting of RFP for Legal Services**

Huttner stated that this RFP is more for commercial real estate services.

Fashant noted the potential for ongoing retainer fees, another set of books to manage, and duplication of services give his hesitation.

Motion by Luther and seconded by Salonek to approve posting for RFP for legal services. Motion passed 4 ayes, 1 nay (Fashant).

## **Discussion on AI Camera System for Police Operations**

Huttner stated that the business community is the first to be struck by theft. Huttner stated that his expansive camera system assisted in catching the people who broke into his business. Huttner stated that an AI camera system would be an attraction for businesses. The cost of the system is \$50,000 per year for 11 cameras in the City. Huttner asked if this is an item that we should request from the City Council, or is this something that the EDA should take on.

Fashant stated that he could not speak as a business owner, but this seems like a public safety budget question rather than an EDA budget question. Fashant noted this is a topic that warrants Chief Enga's input.

Salonek stated that he has spoken to Chief Enga, who agrees it is a very good tool. A lot of the larger cities do have this program. Tax dollars will ultimately have to fund this. Salonek further stated that the biggest value of this system would be to find missing children.

Luther stated this a great idea, but he's not convinced that it is the financial responsibility of the EDA.

Doud stated that crime is not going to stop with or without this system. The system may deter the crime somewhat, but it will not eliminate it.

Huttner asked if this should fall under the EDA or the Council. Salonek stated that he'd support it. Peralta stated that he doesn't believe it should fall under the EDA. Luther stated it is a great idea, but he doesn't believe it should fall under the EDA, especially \$50,000. Fashant stated that he believes it should fall under the Police budget.

Motion by Luther and seconded by Fashant to recommend City Council purchase an AI camera system for police operations. Motion passed unanimously.

## **Recommendation for City Council of Current Applications**

### **a. Preliminary Plat of Ziegler Dayton Addition**

Doud presented the Ziegler plan and asked the EDA for their thoughts on the plan. Luther stated that it is a great plan with very few changes. Fashant expressed concern for the potential of additional outdoor storage. The original CUP does not mirror this plan. Huttner agreed with Fashant.

### **b. Conditional Use Permit for Driven Auto Sales**

Doud presented the CUP for Driven Auto Sales. Sevald explained the tenant's plans and that the Planning Commission did not recommend acceptance. Huttner stated that no dealer would purchase a salvage vehicle. Huttner further stated that not all of the fluids are stripped. Huttner stated that he does not support this effort. Fashant stated that he is concerned about the CUP stays with the property. If is going to be pursued, it should be an IUP rather than a CUP because it would be this person and this business, but not the property. Peralta stated that he was under the impression that the business is already functioning as a dealership. Peralta stated that he is not in favor of this CUP. Luther stated that he is not in favor of this CUP.



**c. Preliminary Plat and Site Plan Riverview Villas**

Doud asked the EDA members to put on their HRA (Housing Redevelopment Authority) hats. Doud stated that Riverview Villas plans to put two properties on the Levee Street property. This re-development consists of two formerly single-family homes becoming two triplexes. Sevald gave the EDA details of the plan. Doud asked the EDA if they believe this is a good use of the property. Luther approved. Huttner stated that he sees no reason to push against it.

**d. Concept Plan for Kwik Trip**

Doud presented the original Kwik Trip Concept Plan, noting that nothing has changed. Huttner is in favor. Luther is in favor. Fashant does not want it and stated that the City spent \$1,500,000 making that interchange look pretty, it's the gateway to Dayton, and the long-term plan had a higher vision than a truck stop.

**Staff and Board Updates**

**a. Dayton Apparel**

Doud asked if the EDA was interested in having any Dayton EDA apparel. All members were interested.

**b. Board Updates**

There were no updates.

**ADJOURN**

Motion by Peralta and seconded by Luther to adjourn at 8:52 a.m. Motion passed unanimously.

Respectfully submitted,  
Zach Doud, City Administrator/Finance Director

**ITEM:**

Annual EDA Flower Pots Sponsorships

**PREPARED BY:**

Zach Doud, City Administrator

**POLICY DECISION / ACTION TO BE CONSIDERED:**

Approve Advertising for EDA Flower Pots Sponsorships

**BACKGROUND:**

The EDA purchased Flower Pots for the Historic Village in 2023 and asked for sponsorships for the 8 pots. The sponsorship is for an annual timeframe of June to May of the following year. This allows us to plant flowers in them in the summer and decorate them for the winter.

The sponsorship was \$150 for the year which includes the plaque on the flower pot and the plantings inside them. During last year we had the winter decorations donated to us by a local resident which we would like to say thank you again for. If we are looking to not have these donated, there is a recommendation to increase the annual sponsorship to \$200 for the year to include those winter decorations.

**RECOMMENDATION:**

Staff recommends approving the advertising for flower pot sponsorships and increasing the cost of the sponsorship to \$200 for the year.

**ATTACHMENT(S):**

None

**PRESENTER:**

Michael Groves, Lawn Smart

**ITEM:**

Interim Use Permit for an Extended Home Business, Lawn Smart, 17480 117<sup>th</sup> Avenue N.

**PREPARED BY:**

Jon Sevald, Community Development Director

**POLICY DECISION / ACTION TO BE CONSIDERED:**

Recommend Approval or Denial of an IUP for a Home Extended Business

**BACKGROUND:**

The Applicant purchased the property in 2022, and relocated Lawn Smart to this property from a commercial property in Maple Grove. Lawn Smart is a lawncare and snow removal business with four FTE employees and up to 12 seasonal employees. Employees come to the property to pick up equipment. Employee parking is located in front of the red Accessory Building. The building is used for storage of construction equipment (excavator, skid steers). Behind the building is a shipping container used for salt storage, bulk fuel tanks, outdoor storage of snowplows, skid steer attachments, and a carport containing lawnmowers. Lawn Smart has six trucks.

In addition to Lawn Smart, the Applicant uses the property for seasonal outdoor storage of about 20 RV's, boats, and other vehicles.

The property is zoned A-1 Agriculture, and is 4.6 acres in size, located at the intersection of 117<sup>th</sup> Avenue and Dayton Parkway, across from The Cubes.



## CITY COUNCIL REGULAR MEETING

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A Home Extended Business includes businesses conducted outside of the home, involving an accessory building, and/or outdoor storage.

Home Extended Businesses require an Interim Use Permit (IUP) in Agricultural and Residential zones on 1-acre or larger. If 2.5 acres or larger, screened outdoor storage is permitted up to 20% of the lot (e.g. 0.92 acres, or 40,487 sq ft). The business shall have a minimum 100' setback from adjacent homes. One accessory structure may be used for the business. The business must be operated by the homeowner. There may be up to two employees or contract workers. The business may have one vehicle up to 12,000 lbs on the property, and one vehicle up to 18,000 lbs parked inside or screened outside.

The City Council may allow the IUP to exceed these restrictions.<sup>1</sup>

The Applicant installed about an acre of gravel in 2022-2023 to raise low-wet areas (excess gravel from West French Lake Road project).

### **CRITICAL ISSUES:**

- The business exceeds the amount of outdoor storage permitted. Outdoor storage is not clearly delineated. It appears to be about 1¼ acres, whereas City Code limits it to about 1-acre (20% of lot). Outdoor storage must be adequately screened from adjacent homes. The neighboring home is about 150' away. The treeline along the side yard is not adequate screening.
- The business exceeds the number of employees permitted (2), whereas there are about 12.
- The business exceeds the number of trucks permitted (2), whereas there are six.
- The business uses a shipping container for salt storage. Shipping containers are not permitted as permanent structures.<sup>2</sup>
- The business uses a carport for storage of lawnmowers. Carports are limited for the parking of vehicles, not materials or refuse.<sup>3</sup>

### **60/120-DAY RULE (IF APPLICABLE):**

Complete Application	60-Days	120-Days
IUP – Jan 29, 2024	Mar 29, 2024 <sup>4</sup>	May 29, 2024

### **RELATIONSHIP TO COUNCIL GOALS:**

Create a Sought After Community

### **BUDGET IMPACT:**

N/A

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<sup>1</sup> City Code 1001.13, Subd 4(2) (Home Extended Business performance standards)

<sup>2</sup> City Code 1001.35, Subd 2(5)(b) (Requirements are for residential districts over 1 acre in size)

<sup>3</sup> City Code 1001.35, Subd 2(5)(6) (Carports).

<sup>4</sup> The Applicant had a conflict with the dates of the March city meetings, which delayed the Planning Commission/City Council meeting to April. The 60-Day Rule has been extended to 120-Days. Notice was provided to the Applicant on March 27, 2024.

**RECOMMENDATION:**

Staff recommends DENIAL of the IUP. It is Staff's opinion that the size of the business, number of employees and amount of outdoor storage exceed the City Code's intent for a Home Business. Lawn Smart would be more appropriate in an Industrial Park.

However, the property is adjacent to an Industrial Park, but is guided for Medium Density Residential in the 2040 Comprehensive Plan, and the DRAFT Dayton Parkway Master Plan. Plans intend for Dayton Parkway to be extended north through the middle of this property, meaning the current use of this property should be considered temporary.

If an IUP is approved, Staff recommends a 5-year expiration of the IUP, providing the owner adequate time to find a more permanent location.

**ATTACHMENT(S):**

Aerial Photo

Site Photos

Applicant's Narrative

City Code 1001.13 Home Occupations

Resolution







**SITE PHOTOS**



*17480 117th Ave, view of front yard (photo March 6, 2024)*



*17480 117TH Avenue N, view of shop, looking north. Shop is used to store excavation equipment (photo March 6, 2024)*



*17480 117th Avenue N, view of outdoor storage behind red shop (plows and skid steer attachments. Carport is used for storage of mowers. Shipping container is used for salt storage (March 6, 2024).*





*17480 117th Avenue N, panoramic view from NE corner, looking south (left) to west (right) (photo March 6, 2024).*



*17480 117th Avenue N, view near rear property looking south through outdoor storage area (photo March 6, 2024).*



To whom it concerns,

LawnSmart is a small grounds maintenance company. We provide commercial services to HOA and industrial properties. Our current outdoor storage requirements are trucks, trailers, 1 John Deere tractor, and winter equipment such as plows and salters. We also have one small front end loader. In the summer, we employ roughly 5-6 people who work on Monday – Thursday from 7a-5p. They park on our property, in front of our pole barn. They are not working onsite, as we leave each day to mow other properties.

We also have 20 storage spaces in the middle of our property: Items in storage include boats, campers, 5<sup>th</sup> Wheels and a few vehicles. Our clients can choose year-round or season storage.

## **1001.13 HOME OCCUPATIONS.**

### **Subd. 1 Purpose.**

The purpose of this Subsection is to maintain the character and integrity of residential areas, to prevent competition with commercial districts, to encourage telecommuting, and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Subsection is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

### **Subd. 2 Home Business Categories**

Home businesses shall fall into 2 categories.

(1) Administrative Home Occupations are those Home Occupations that have no effect on the surrounding neighborhood. This accessory use may be allowed with an administrative permit in all agricultural and residential neighborhoods when the occupation conforms to the standards of Subdivisions 3 and 4(1) below.

(2) Home Extended Businesses are those Home Occupations that typically involve more significant element of commercial-type activity that may have a minimal effect on the surrounding neighbors. This accessory use may be allowed if the use meets all the criteria of Subdivisions 3 and 4(2) below, and requires the issuance of an interim use permit. The Council may require compliance with any reasonable conditions, restrictions or limitations necessary to protect the residential or agricultural character of the area.

### **Subd. 3 General Provisions**

All Home Occupations shall meet the following standards:

(1) All Home Occupations shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

(2) The applicant shall reside in the home associated with the Home Occupation.

(3) No Home Occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

(4) No Home Occupation shall involve the use of equipment other than that customarily found in a residential dwelling.

(5) No Home Occupation shall be visible from the outside of the dwelling. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from the outside of the dwelling with the exception of one directional or identification/business sign not to exceed 2 square feet in area.

(6) All Home Occupations shall comply with the provisions of the City Nuisance Ordinance and City Noise Ordinance.

(7) All parking associated with the Home Occupation shall occur on-site on the driveway.

(8) The Home Occupation shall not cause septic waste flow to exceed the design capacity of the septic system.

(9) No Home Occupation shall generate traffic (by customers, employee, deliveries, etc.) to and from ("trip") the dwelling that is not characteristic of the neighborhood and shall not exceed 8 trips per day by any combination of employee, contract employee, customer or client visits, and/or deliveries per standard 8 hour day and no more than one customer or client visit on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle.

(10) No Home Occupations shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

(11) No equipment shall be used in the operation of a Home Occupation which will create electrical interference to surrounding properties.

(12) All Home Occupations shall meet all applicable fire and building codes.

(13) No Home Occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless the Home Occupation does not require any on-street or off-street parking facilities or require in person customer interaction on site (e.g. telecommuting).

(14) No vehicles or machinery related to the home occupation shall be idling or running on site, outdoors, between the hours of 10:00 p.m. and 7:00 a.m.

#### **Subd. 4 Performance Standards**

##### **(1) Administrative Home Occupation Performance Standards.**

a. The occupation shall not use more than 25% of the floor area of the home (excluding the garage area). State licensed day care facilities serving 12 or fewer persons are exempt from this Subsection.

b. No part of any detached garage or accessory building can be used for the occupation.

c. No outdoor storage of supplies, materials, debris, equipment or maintenance items; all home occupation related items shall be kept in an enclosed structure.

d. The home occupation is conducted entirely by the occupants of the home and up to 2 nonresident employee, or contract employee, working on, or reporting to, the home.

e. No direct sale of goods to the consumer are allowed to occur at the home occupation site.

f. Up to 1 vehicle associated with the business with a gross vehicle weight rating under 12,000 lbs. may be parked on the home property. No vehicles over a gross vehicle weight rating of 12,000 lbs. associated with the occupation shall be parked at or near the home. The Home Occupation shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.

g. If the proposed home occupation cannot comply with all of the above rules, an interim use permit for a Home Extended Business is required.

**(2) Home Extended Business performance standards (interim use permit required).** Home Extended Business occupations shall only be allowed in Agricultural Zoned Districts, or any Residential Zoned Properties over 1 acre.

a. The occupation use of the home shall not exceed 30% of the floor area of the principal dwelling (excluding the garage area). State licensed day care facilities are exempt from this Subsection.

b. No outdoor storage of supplies, materials, debris, equipment, machinery or maintenance items; all home occupation related items shall be kept in an enclosed structure on properties less than 2.5 acres. On properties which are at least 2.5 acres, outdoor storage may be allowed provided the

outdoor storage area is significantly screened from view from the street and adjacent properties and does not exceed 20% of the lot. Screening shall consist of a combination of existing or proposed landscaping and fencing.

c. The Home Extended Business shall be set back a minimum of 100 feet from any dwelling, other than that of the subject property.

d. The garage or 1 accessory building may be used for the business, provided there is still a garage space to park a vehicle. Accessory buildings shall meet the accessory building design requirements in Section 1001.35, Accessory Buildings and Structures.

e. The Home Extended Business shall be conducted entirely by the occupants of the home and up to 2 nonresident employees, or contract employees, working at, or reporting to, the home.

f. No more than 1 vehicle, which shall be under a gross vehicle weight of 12,000 lbs., associated with the business can be parked overnight outside or near the home. One vehicle which exceeds 12,000 lbs. may be stored on site provided the vehicle does not exceed a gross vehicle weight rating of 18,000 lbs. and the vehicle is stored entirely within a building or is significantly screened from view from the road or surrounding properties. The Home Extended Business shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.

g. Direct sale of goods that are not produced on the site is prohibited.

h. Dust control measures may be required.

i. Any other reasonable conditions required by the City Council.

j. The City Council may allow Home Occupations to operate in excess of the provisions in this section provided the City has reasonable assurance, due to the nature of the Home Occupation or through mitigation measures (e.g. increase landscaping, or screening than required), that the Home Occupation will not adversely impact neighboring properties or become a nuisance.

## **Subd. 5 Procedures and Permits**

### **(1) *Administrative home occupation permit.***

a. An application form and fee for a home occupation permit must be completed and filed with the City.

b. Administrative Home Occupations complying with all the provisions as provided in this section may be approved by the City Administrator or the Administrator's designee.

c. The City on an annual basis may review Administrative Home Occupation permits. If the Administrative Home Occupation is in compliance of City Code the City Administrator may renew the permit. If the Administrator finds that the use is not in compliance the permit holder will be notified and shall have 60 days to bring the use into compliance.

d. The permit shall remain in full force and effect until such time as there has been a change in ownership or until such time as the provisions of this Subsection have been breached. At such time as the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make a final decision on whether or not the permit holder is entitled to the permit.

### **(2) *Home Extended Business interim use permit.***

a. An application form, fee and supporting materials for an interim use permit must be filed with the City. See Subsection 1001.23 for the interim use permit application and review process.

b. Home Extended Businesses must comply with all the provisions of this section and all conditions associated with issuance of an interim use permit.

c. The City shall notify the County Tax Assessor when any Home Extended Business permit is granted and provide a copy of such permit to the Assessor.

d. The City Council shall approve the Home Extended Business IUP with a 5 year time limit. If the City Zoning Administrator, his/her designee, finds that the use is not in compliance, the permit holder will be notified and shall have 60 days to bring the use into compliance. Should the Home Extended Business' noncompliance continue past 60 days the Home Extended Business IUP shall be revoked.

e. Whenever an application for an interim use permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial.

(3) *Transferability.* Home Extended Business interim use permits and Administrative Home Occupation permits shall not run with the land and shall not be transferable. If the Home Extended Business or Administrative Home Occupation is discontinued for a period of one year, or non-compliance beyond 60 days, the Home Occupation permit, or Home Extended Business interim use permit shall be revoked.

(4) *Renewal of permits.* An applicant shall not have a vested right for a permit renewal by reason of having obtained a previous permit. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

(5) *Inspection.* The City hereby reserves the rights upon issuing any permit to inspect the premises in which the home business is being conducted to ensure compliance with the provisions of this Subsection or any conditions additionally imposed.

#### **Subd. 6 Non-conforming and Existing Home Business Uses**

(1) Home Occupations lawfully existing on the effective date hereof may continue as nonconforming uses. They shall, however, be required to obtain permits, as may be required by this section, for their continued operation. Any existing Home Occupation that is discontinued for a period of more than 1 year, or is in violation of the provisions under which it was initially established, shall be brought into conformity with the provisions of this section.

(2) When identified and notified by the City, existing Home Occupations that do not have a permit from the City, shall within 30 days make application for an Administrative Home Occupation permit or Home Extended Business interim use permit as may be required by this section.

(Prior Code, § 1001.12, Subd. 7) (Ord. 2006-14, passed 12-14-06; Am. Ord. 2018-11, passed 5-8-2018)

**RESOLUTION No. \_\_-2024**

**CITY OF DAYTON**

**COUNTIES OF HENNEPIN AND WRIGHT**

**RESOLUTION APPROVING / DENYING AN INTERIUM USE PERMIT FOR A HOME  
EXTENDED BUSINESS, 17480 117<sup>TH</sup> AVENUE**

**BE IT RESOLVED**, by the City Council of the City of Dayton, Minnesota, as follows:

**WHEREAS**, the Applicant, Michael Groves, is requesting an Interim Use Permit for a Home Extended Business, located at 17480 117<sup>th</sup> Avenue North, Dayton MN, 55327, legally described as:

PID: 29-120-22-33-0003

The East Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter, except road, Section 29, Township 120, Range 22, Hennepin County, Minnesota.

**WHEREAS**, the Application was received on January 29, 2024 and reviewed by Staff for consistency with the Comprehensive Plan and Zoning Ordinance. The City's review of the Application was extended from 60-days to 120-days, consistent with MN Statute 15.99, Subd 3(f); and,

**WHEREAS**, on April 7, 2024, the Planning Commission considered the request, recommending APPROVAL / DENIAL; and,

**WHEREAS**, on April 23, 2024, the City Council conducted a Public Hearing, received and considered the application, at which the Applicant was present and presented information; and,

**WHEREAS**, the City Council makes the following:

**FINDINGS**

The approval of a conditional use permit requires that the City Council shall find that conditions can be established to ensure all of the following criteria will always be met:

1. The proposed use **IS / IS NOT** consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

*The property is zoned A-1 Agricultural, intended for agricultural use in areas that are not served by public sewer and water. The IUP is consistent agricultural uses. The property is guided Medium Density Residential in the 2040 Comprehensive Plan. The IUP is consistent with Goal 6: "preserve the rural character by maintaining a balance between the expanding urban area and rural nature of the community."*

2. The proposed use **WILL / WILL NOT** substantially diminish or impair property values within the immediate vicinity of the subject property.

*The IUP will have no demonstrable effect on property values.*

3. The proposed use **WILL / WILL NOT** be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

*The IUP will not be detrimental to persons residing or working in the area.*

4. The proposed use **WILL / WILL NOT** impede the normal and orderly development of surrounding property.

*The IUP will not impede orderly development of surrounding property. The IUP includes minimal investment in the physical property, and will not hinder the expansion of development.*

5. The proposed use **WILL / WILL NOT** create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
6. The proposed use **IS / IS NOT** adequately screened.

*The IUP will include outdoor storage, which will be adequately screened within 60-days.*

7. The proposed use **WILL / WILL NOT** create a nuisance, including but not limited to odor, noise, vibration or visual pollution.

*The IUP will not create a nuisance.*

8. The proposed use **WILL / WILL NOT** provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

*The IUP will provide adequate parking, loading, and storage.*

9. The proposed use **WILL / WILL NOT** protect sensitive natural features.

*The IUP will have no affect on sensitive natural features (there are none known).*

10. The City Council may attach conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety and welfare.

#### DECISION:

**NOW, THEREORE, BE IT RESOLVED**, by the City Council of the City of Dayton, based upon the Findings, Staff Report, the Planning Commission's recommendation, and in consideration of public testimony, the City Council does hereby APPROVE. DENY an Interim Use Permit for a Home Extended Business, with the following conditions:

1. The Applicant shall remove the shipping container from the property within 60-days (June 23, 2024).

2. The Applicant shall sufficiently screen outdoor storage from view of the street, and neighboring properties within 60-days (June 23, 2024). Screening shall consist of a 6' privacy fence, and/or row of 6' coniferous trees.
3. Employee parking shall be located in the backyard.
4. The Interim Use Permit shall expire, and the Home Extended Business cease in five years (April 23, 2029).

Adopted by the City Council of the City of Dayton, this 23<sup>rd</sup> day of April, 2024.

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Mayor Dennis Fisher

ATTEST:

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City Clerk Amy Benting

Motion by \_\_\_\_\_, Second by \_\_\_\_\_

Resolution ***Approved***

***MOTION DELARED PASSED***



**PRESENTER:**

Bruce Dehn, Dehn's Pumpkins

**ITEM:**

Approving an Interim Use Permit for an Event Center (Dehn's Pumpkins), 17270 125<sup>th</sup> Ave.

**PREPARED BY:**

Jon Sevald, Community Development Director

**POLICY DECISION / ACTION TO BE CONSIDERED:**

Motion to Approve an Interim Use Permit for an Event Center.

**BACKGROUND:**

The City adopted an Event Center ordinance in 2023, and has reached out to known event centers to request they apply for an IUP.

Dehn's Pumpkins has operated at this location since 2005 as a non-conforming use. Staff asked Dehn's to provide a list of every possible type of event they may hold, although Dehn's may not do them all;

- Corn maze
- Hayrides / sleighrides
- Haunted attraction
- Concerts
- Ice Castles
- Christmas tree sales / Birthday parties / corn pit / inflatables
- Weddings & receptions
- Easter activities
- Motorcross

The Dehn family owns about 600 acres in this area (300 acres used for the Event Center). Event Center activities will be concentrated around the farmstead at the corner of East French Lake Road & 125<sup>th</sup> Avenue. The farm includes two wooded areas planned for haunted wagon rides. An existing dirt bike track is planned for small motorcross events.<sup>1</sup> Parking is planned across from the farmstead, south of the road.

The properties are zoned A-1 Agricultural, and guided Low, Medium, and High Density Residential in the 2040 Comprehensive Plan. The 2040 Staging Plan guides the properties for 2040 and Post 2050 sewer.

**CRITICAL ISSUES:**

- Traffic: The Event Center may attract hundreds of customers at a given time. The nearest home to activities is about 1,000' away. The farmstead is one of the

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<sup>1</sup> In 2000, Leo Dehn (Dehn's Riding Park) applied for an IUP for a Dirt Bike Track. The City Attorney opinioned that the use was not permitted in the SA zoning district, nor were commercial uses permitted on Agricultural Preserve land. The Planning Commission tabled action at the Applicant's request. The Applicant waived the 60-Day Rule.

most remote areas of Dayton, meaning that although events will substantially increase traffic, it should not cause congestion on local roads.

- **Safety:** Each event type is unique. Staff is requiring the Applicant to submit an Emergency Operations Plan for administrative review, specific to each type of event. All traffic control, on-site security, and EMT personnel are to be provided by the Applicant.
- **Parking:** Parking is required to be on an improved surface.<sup>2</sup> Currently, parking is in a field, and is proposed to stay unimproved, to allow the land to be farmed. There is enough land to accommodate 1,000+ vehicles.
- **Nuisance:** The Event Center will generate noise, odors, and scenery that is not characteristic to its rural setting.
- **Buildings:** Indoor activities will be held in an existing pole barn(s), which does not comply with building & fire codes for the type of occupancy. The building(s) will need to be compliant prior to their use for the Event Center.
- **Storage:** Agricultural buildings are used for seasonal storage, which requires an IUP for a Home Extended Business. The attached Resolution includes a condition allowing indoor seasonal storage as part of the Event Center.

Staff reached out to communities hosting similar Event Centers. Information is attached.

**60/120-DAY RULE (IF APPLICABLE):**

Application	60-Days	120-Days
March 4, 2024	May 3, 2024	July 3, 2024

**RELATIONSHIP TO COUNCIL GOALS:**

Preserving our Rural Character  
Create a Sought After Community

**BUDGET IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends Approval.

The Event Center is a large use. It is anticipated that the types of events and operations will be adjusted regularly to improve efficiency. As an Interim Use Permit, this is a temporary use (five years). If something is not working, the City Council has the ability to Amend or Revoke the IUP at any time. The Resolution includes conditions allowing Public Safety officials to close operations immediately, if warranted.

<sup>2</sup> City Code 1001.051, Subd 1(h) (Off street parking shall be provided....)

**ATTACHMENT(S):**

Aerial Photo

Applicant's Narrative

Site Plan

Ordinance 2023-05 Event Centers

Resolution \_\_-2024

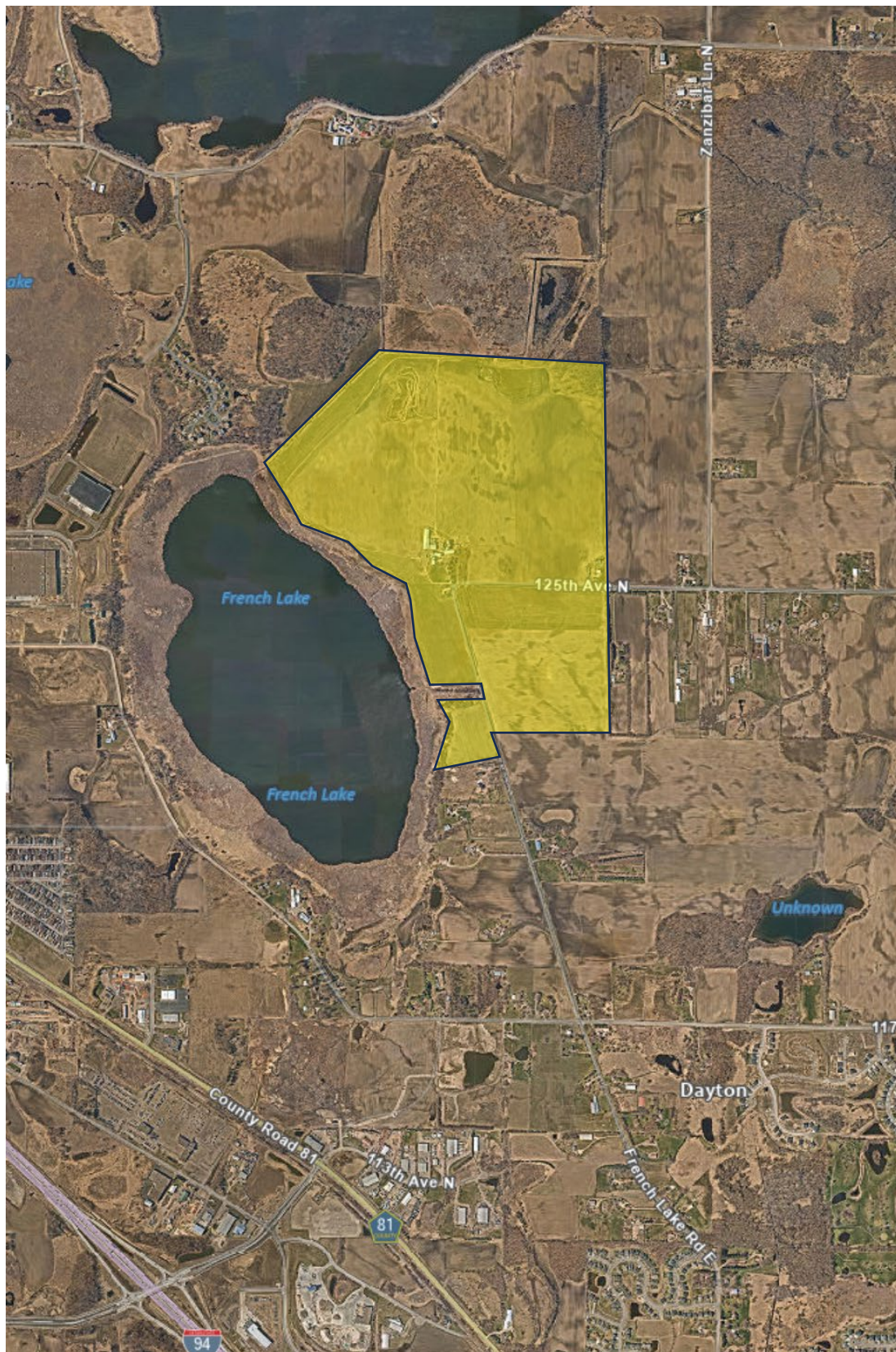
ERX CUP (Elk River)

Nightmare Halloween (Dead End Hayride) CUP (Wyoming)

Scream Town CUP (Carver County)

Severs IUP (Scott County)

AERIAL PHOTO





AERIAL PHOTO





AERIAL PHOTO



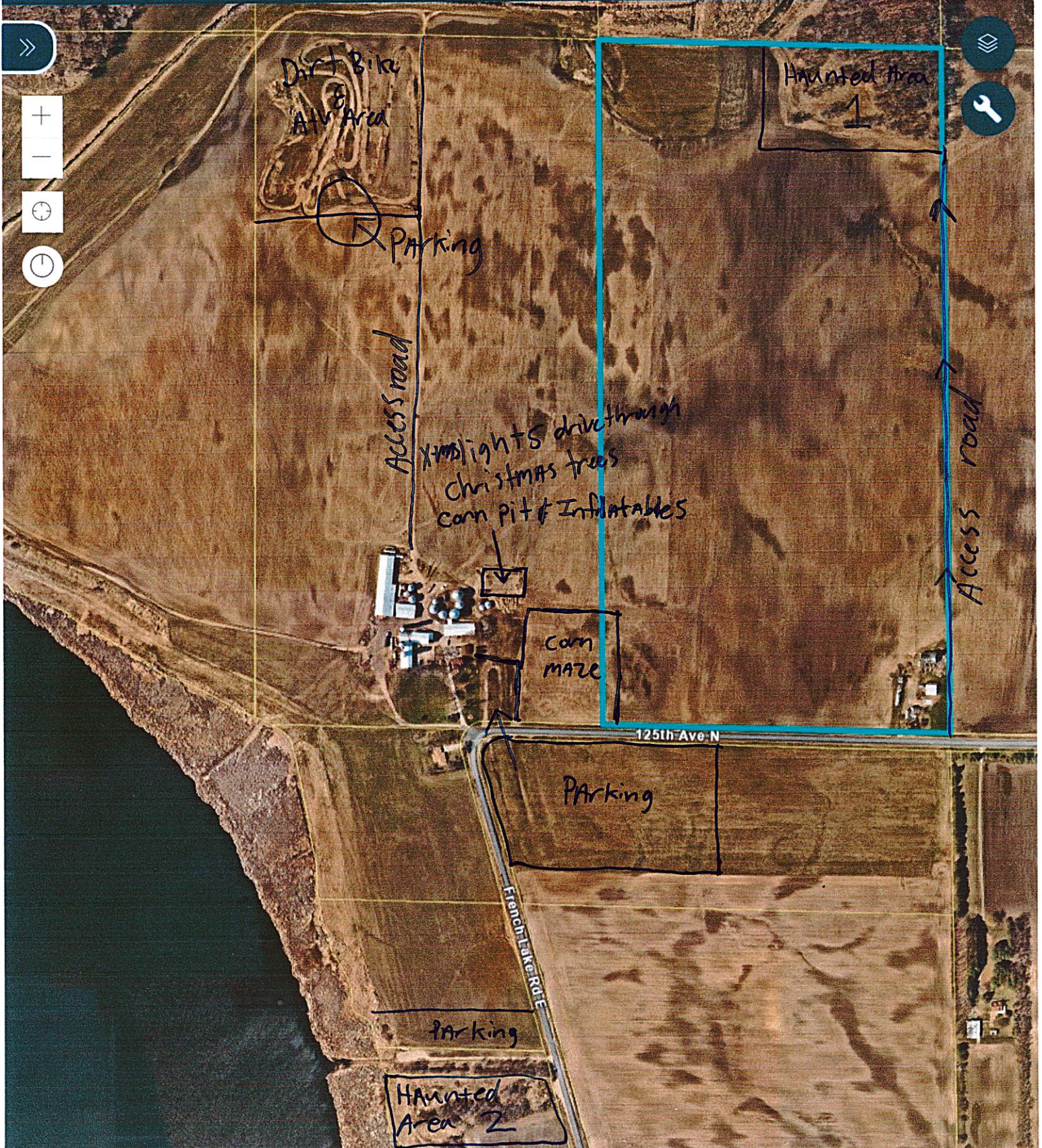
Corn MAZE  
spring/summer Birthday Parties - main Building 1  
open pit & Inflatables main Building 1  
christmas tree sales main Building 1  
main building 1 christmas lights - drive through / walk - sleigh rides  
Dirt Bike practice track  
| Music <sup>events</sup> ~~events~~  
| Haunted Attractions  
| Spring Babies / Easter Activities  
| Ice castles  
| Weddings / receptions  
~~Ice cream~~





# Property Map

HENNEPIN COUNTY  
MINNESOTA





**Dehns At Dark**

**2024 Sep-Oct**

**(17270 125<sup>th</sup> Ave N, Dayton, MN 55327)**

- **Weekend Only operation. Dates as follows Sep 27-28, Oct 4-5, 11-12, 18-19, 25-26,**
- **Evening Operation Hours 7pm-11:30pm**
- **On-Site Parking (lighted) with Parking Attendant (traffic control)**
- **2 Security Guards staffed for event**
- **Customers will park in Dehns normal parking lot to purchase tickets**
- **Customers will then board wagon for moonlight wagon ride to drop them off at back corner of farm for haunt. After customers go through haunt they will receive a ride back to parking lot.**
- **Actual haunt is constructed of fireproof O.S.B and inside of 4 Storage shipping containers.**  
**Actual size will be 40x40 with no permanent structure.**
- **Haunt will have emergency exits every 15 feet with fire extinguishers available at every 15 feet**
- **Haunt will have approximately 25 people staffed at all hours of the event times.**
- **Parking lot and haunt area to have porta Johns.**
- **Haunt is running on Gas Generator no actual electrical will be ran.**
- **We will inform emergency services of our dates and times and have them on call, Fire and safety**
- **This will be a Family entertainment venue for kids 12 and up and adults.**
- **1 event manager to be on duty at all times running event**
- **Noise level will be kept to appropriate level to not disrupt any neighboring residents.**
- **No land or trees or wetland will be obstructed or bothered as this is temporary structure only.**

**Thank you for your time and consideration.**

# Dehns AT DARK

Corn / Pumpkin  
FIELD

X  
WOODS



HAUNTED  
HOUSE

EXIT

ENTER

X Wagon  
Drop

WAGON  
ROUTE

X  
WAGON  
pickup

BOO  
BARK

X  
TICKETS

Parking  
Light

X

Petera John

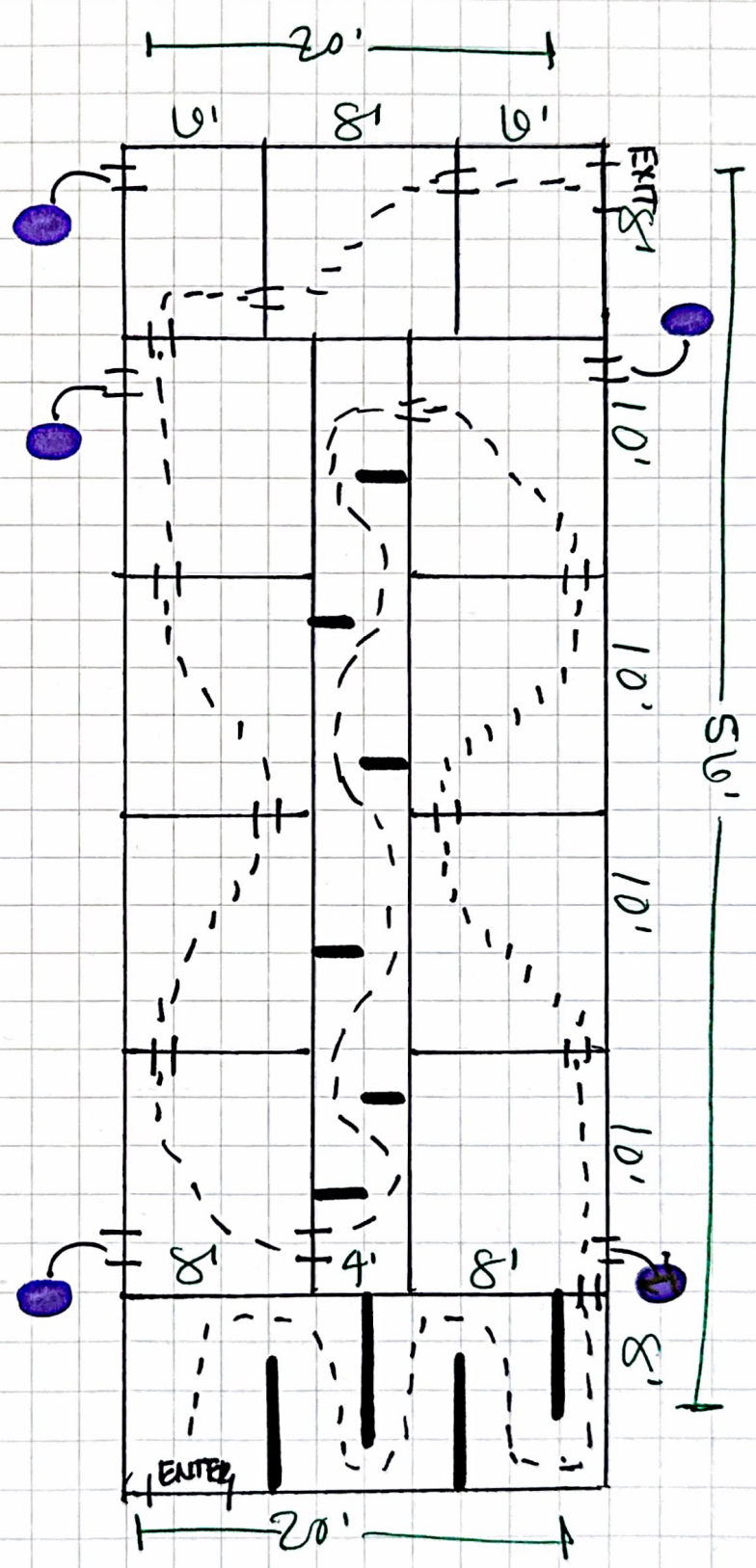
Dehns  
Pumpkins

125th Ave

HOUSE

French Lake

182 = 2'



Hunted

Huss

- - EMERGENCY EXIT
- = 15 FIRE EXT
- = 7 EXITS

**ORDINANCE NO. 2023-05**  
**CITY OF DAYTON**  
**HENNEPIN AND WRIGHT COUNTIES, MINNESOTA**  
**AN ORDINANCE AMENDING DAYTON CITY CODE**  
**REGARDING EVENT CENTERS**

THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:

**SECTION 1. AMENDMENT.** Dayton City Code Section 1001.03 Subd. 2 is hereby amended by adding the underlined material as follows:

EVENT CENTER: A facility located on private property that primarily functions to provide a facility for any type of social gathering that is available for use by various groups for such activities as public assemblies, meetings, private meetings, retreats, parties, weddings, receptions and dances.

**SECTION 2. AMENDMENT.** Dayton City Code 1001.05, Subd. 12 is hereby amended by adding the underlined material as follows:

**Subd. 12 Allowable Uses; Table 5.1**

Table 5.1			N-Not Permitted	
Residential - Agricultural Use Classifications			P-Permitted	
			C-Conditional Permit	
			I-Interim Use Permit	
			A-Accessory	
	Zoning District			
	SA	A-1	A-2	RO

Table 5.1			N-Not Permitted	
Residential - Agricultural Use Classifications			P-Permitted	
			C-Conditional Permit	
			I-Interim Use Permit	
			A-Accessory	
	Zoning District			
	SA	A-1	A-2	RO
Accessory buildings	A	A	A	A
Agriculture	P	P	P	N
Attached or interior accessory dwelling unit as regulated by Subsection 1001.36	A	A	A	N
Bed and breakfast	N	I	I	I
Boarding houses	N	I	I	I
Bus/transit station	N	C	C	C
Cemeteries	N	C	C	N
Commercial composting and land spreading	I	I	I	N
Commercial recreation	N	C	C	N
Day care 13 or fewer persons <sup>1</sup>	A	A	A	A
Day care 14 or more persons <sup>1</sup>	C	C	C	C
Detached accessory dwelling units as regulated by Subsection 1001.36	I	I	I	N
Essential services	P	P	P	P



<u>Event Center</u>	<u>I</u>	<u>I</u>	<u>N</u>	<u>N</u>
Fences*	A	A	A	A
Feedlots and poultry facilities <sup>1</sup>	C	C	C	N
Golf courses/driving ranges	N	N	N	N

**SECTION 3. AMENDMENT.** Dayton City Code 1001.051, Subd. 12 is hereby amended by adding the underlined material as follows:

**Section 1001.051 - Residential District Special Requirements**

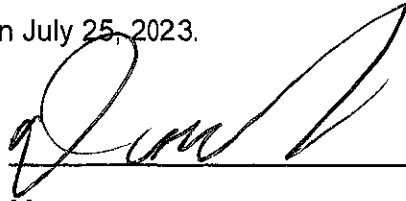
Subd. 1. Event Centers, subject to the following:

- a. The minimum size of the event center operations must be 30 acres. This may include multiple lots.
- b. Access to the site must be from a paved street.
- c. The hours of operation shall be no later than 9:00 a.m. to 10:00 p.m. on Sunday through Thursday and 9:00 a.m. to 11:00 p.m. on Friday and Saturday.
- d. The number of guests will be approved by the City based on the size of site, structures, parking availability, and other relevant factors.
- e. Noise from an event shall comply with Section 130.08 of the City Code.
- f. No sound amplifications systems may be used outdoors after 8:00 p.m.
- g. Sanitary facilities adequate for the number of attendees shall be provided as determined by the adopted Minnesota State Building Code, as may be amended from time to time. No Sanitary facilities shall be located closer than 200 feet from a neighboring property line. Portable toilets may be approved for temporary use and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring property line.
- h. Off street parking shall be provided to accommodate 1 stall per 2 guests based on the maximum occupancy of the buildings. If no buildings are present for the event center then parking will be determined by city staff. Off street parking shall be setback 20 feet from any property line. Off street parking must be on an improved surface such as class 5 gravel or pavement.

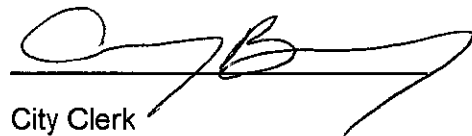
- i. Screening may be required for outdoor facilities related to the event center and may include permanent landscaping, berms, fences, or walls.
- j. All light fixtures shall be downcast style fixtures. Reflected glare or spill light from all exterior lighting shall not exceed 0.1 foot-candle measurement on the property line when adjoining residential and agricultural zoned property.
- k. No overnight camping shall be allowed as part of an event center.
- l. As part of the IUP, the City may approve signage for the event center. Consideration shall be given to the sign area, height, location and potential impacts on adjacent properties.
- m. Compliance with all applicable regulations including State Health Code, State building codes, and local liquor licensing requirements.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton on July 25, 2023.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published in the Champlin Dayton Press on August 03, 2023

Motion made by Trost, seconded by Henderson

Motion passed unanimously

**RESOLUTION \_\_-2024**

**CITY OF DAYTON**

**COUNTIES OF HENNEPIN AND WRIGHT**

**RESOLUTION APPROVING AN INTERIUM USE PERMIT FOR AN  
EVENT CENTER FOR DEHN’S PUMPKINS, 17270 125<sup>TH</sup> AVENUE**

**BE IT RESOLVED**, by the City Council fo the City of Dayton, Minnesota as follows:

**WHEREAS**, the Applicant Bruce Dehn (Dehn’s Pumpkins) is requesting an Interim Use Permit for an Event Center, located at 17270 125<sup>th</sup> Avenue North, legally described as (see Exhibit A):

PID: 2012022320001  
Address: 17270 125<sup>th</sup> Ave N  
Legal Description: W 1/2 Of Sw 1/4 Ex Road

PID: 1912022440001  
Address: (unaddressed)  
Legal Description Com 1 Rod S Of Ne Cor Of Se 1/4 Th W 13 R Th S 44 Deg 34 Min W  
135 R Th S 61 Deg 21 Min E 125 R To Se Cor Of Sec Th N To Beg

PID: 2012022310001  
Address: 16710 125<sup>th</sup> Ave N  
Legal Description: E 1/2 Of Sw 1/4 Ex Road

PID: 2912022210001  
Address: 12481 French Lake Rd E  
Legal Description N 1/2 Of Lot 1 And N 1/2 Of Ne 1/4 Of Nw 1/4 Ex Road

PID: 2912022210002  
Address: (unaddressed)  
Legal Description: S 1/2 Of Ne 1/4 Of Nw 1/4 And The N 28 65/100 Rods Of Se 1/4 Of Nw  
1/4 Also That Part Of S 1/2 Of Govt Lot 1 And Of N 28 65/100

PID: 2912022230003  
Address: (unaddressed)  
Legal Description:

**WHEREAS**, City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council; and,

**WHEREAS**, the Planning Commission considered the request at its April 4, 2024 meeting, recommending Approval; and,



**WHEREAS**, the City Council held a Public Hearing on April 23, 2024. A Public Hearing Notice was published by The Press on April 11, 2024, and mailed to property owners within 500' of the subject properties. The Applicant was present for the City Council's discussion; and,

**NOW, THEREFORE**, based upon the Staff Report, Planning Commission recommendation, and in consideration of public testimony, the City Council makes the following:

#### FINDINGS

1. The properties are guided Low Density Residential, Medium Density Residential, and High Density Residential in the 2040 Comprehensive Plan (2040 Comprehensive Plan; Chapter 5 Land Use; Figure 3: Future Land Use Map).
2. The properties are zoned A-1 Agricultural. *Event Centers* are an Interim Use (City Code 1001.05, Subd 12 (Table 5.1)).
3. Consistent with City Code 1001.051, Subd 1 (*Event Centers*), the DECISION, and Conditions of Approval listed, address requirements for the Event Center.
4. Consistent with City Code 1001.23, Subd 1(e) (*Conditional Use Permits; Process*), the City Council has considered the criteria for granting a Conditional Use Permit to be applicable to this Interim Use Permit:

- a. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

*The Event Center is consistent with the Comprehensive Plan and the A-1 Zoning District, as an Interim Use.*

- b. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.

*The Event Center will have no demonstrable impact to property values.*

- c. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

*The Event Center will have no detrimental affect to persons residing or working in the area. The Event Center is located in a remote agricultural area of the city.*

- d. The proposed use will not impede the normal and orderly development of surrounding property.

*The Event Center is located on land guided by the 2040 Staging Plan for sewer in 2040 and Post 2050. The Event Center will not impede development as an interim use.*

- e. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

*The Event Center will not create a burden on public facilities. The Event Center will operate according to an Emergency Operations Plan, which shall address traffic management.*

- f. The proposed use is adequately screened.

*The Event Center activities are separated from the nearest home (home not associated with the Dehn family) by about 1,000'. Existing screening (existing trees) is adequate.*

- g. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration or visual pollution.

*The Event Center will create nuisances that are manageable considering its remote location. Such nuisances may not be appropriate as the area develops, and population increases. This is the reasoning for an Interim Use.*

- h. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

*The Event Center has ample parking and loading space.*

- i. The proposed use will protect sensitive natural features.

*The Event Center is located on tilled land, and within three non-tilled areas:*

*North wooded area: The Minnesota Land Cover Classification System (MLCCS) classifies landcover quality as High, Good, Moderate, Poor, Altered with Native Species Present, and Altered with Non-Native Species Present. The MLCCS classifies the north woods as "Good Quality". The Applicant shall preserve healthy Heritage and Significant trees.*

*South wooded area: The MLCCS does not identify any landcover quality for the south woods.*

*Motorcross area: The Motorcross area encroaches into the 1% Annual Chance Flood Zone (aka 100-year Flood Zone). Land use alterations and structures shall comply with Floodplain regulations (City Code 1001.09 (Floodplain)). The intent is that no structures shall impeded the flow of floodwaters, and no land alteration shall displace floodwater storage.*

- j. The City Council may attach conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety and welfare.

#### DECISION

5. Hours of operation shall be limited to: Sunday – Thursday, 9:00 am – 10:00 pm, and Friday - Saturday 9:00 am – 11:00 pm. The Event Center may operate daily, 365 days per year.

6. Prior to indoor operations, buildings shall be made compliant with building, fire, and health codes. Each building used for the Event Center shall be posted with its maximum capacity and shall not exceed this capacity.
7. Prior to operations, the Applicant shall submit an Emergency Operations Plan to the City for administrative approval. The Plan shall address responses to fire, weather events, medical emergencies, power failure, bomb threats, active shooter, and other emergencies. Event capacity shall be based on the Applicant's ability to effectively manage events based on weather and site conditions, and staffing. Public Safety agencies may limit or close events based on weather and site conditions, and the Applicant's ability to manage event participants. All Event Center activities shall be accessible by emergency services. Accessibility shall be at the discretion of the Police Chief, Fire Chief, and Building Official.
8. All structures and site improvements shall be compliant with the City Code, and public health requirements.
9. The Applicant shall control nuisances, such as picking up litter daily during events, removing refuse when full, providing an adequate number of portable toilets based on event attendance, directing traffic such that there is minimal congestion on 125<sup>th</sup> Ave / East French Lake Road. Noise shall not exceed MPCA requirements, measured at residences.
10. Temporary Signs are prohibited from the right-of-way (excluding traffic control). Off-premise signs are prohibited (excludes properties owned by Dehn Heritage Farms, Leo/Diane Dehn, James/Bernadette Dehn).
11. It is anticipated that the Applicant will adjust Event Center operations from time to time. The property owner(s) shall permit City Staff to inspect the properties during operating hours, and at reasonable times, for compliance with this IUP, and the Emergency Operations Plan.
12. Agricultural buildings located on the farmstead, 17270 125<sup>th</sup> Avenue, may be used for indoor seasonal storage.
13. Overnight camping is prohibited.
14. The Applicant shall preserve Heritage Trees and Significant Trees in the North Wooded area. Heritage Trees are defined as healthy deciduous trees 27" or greater in diameter, and healthy coniferous evergreen trees greater than 50' in height. Significant Trees are defined as healthy deciduous trees 6" in diameter (DBH), an existing healthy common tree measuring a minimum of 12" in diameter (DBH), or an existing healthy coniferous/evergreen tree measuring 12' in height.
15. All land alterations and structures within the Floodplain shall comply with City Code 1001.09 (Floodplain).
16. The IUP shall expire in five years (April 23, 2029). The Applicant may apply for a new IUP.

Adopted by the City Council of the City of Dayton, this 23<sup>rd</sup> Day of April, 2024.

\_\_\_\_\_  
Mayor Dennis Fisher

ATTEST:

\_\_\_\_\_  
City Clerk Amy Benting

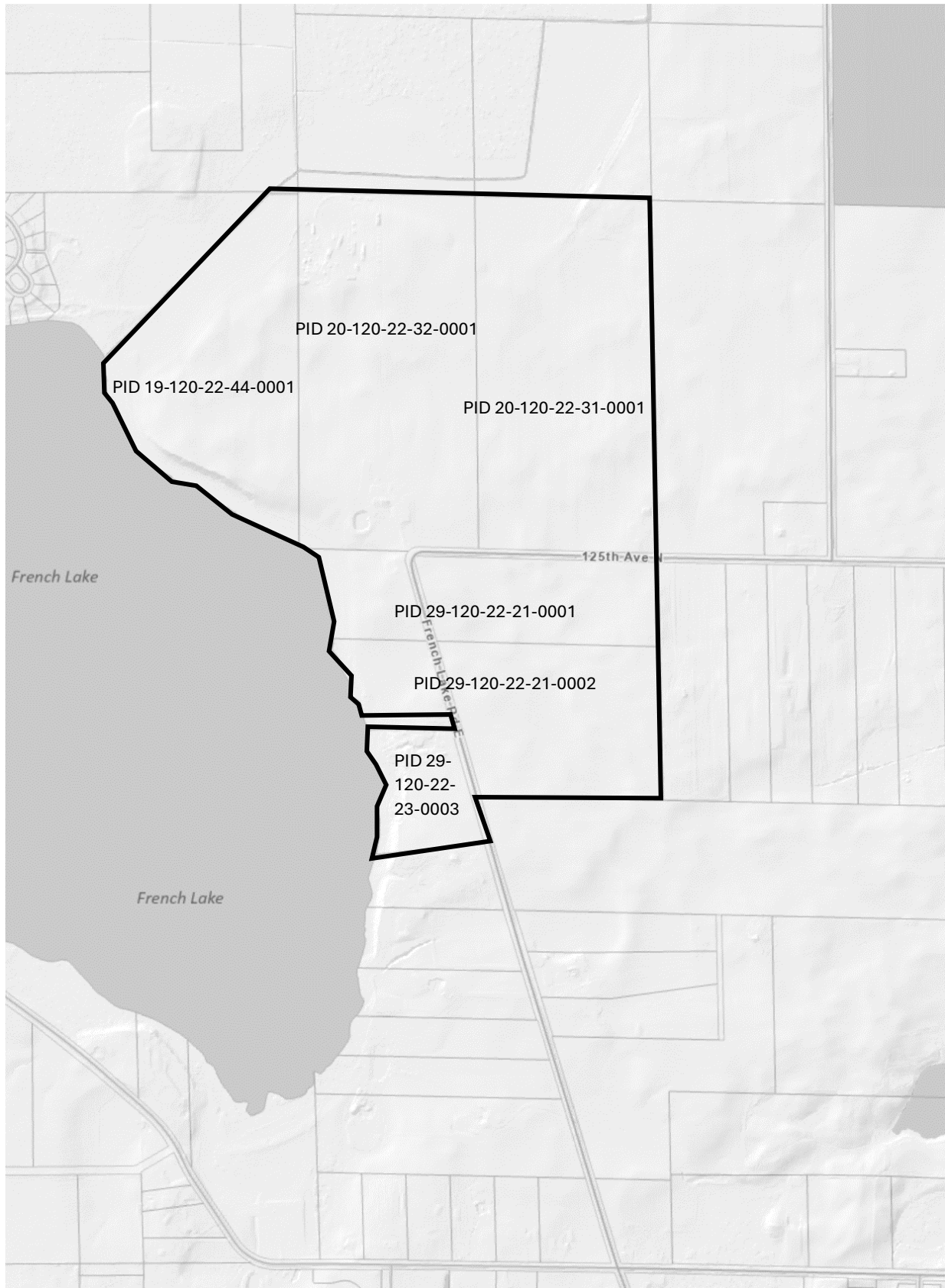
Motion by \_\_\_\_\_, Second by \_\_\_\_\_

Resolution ***Approved***

*MOTION DECLARED PASSED*

DRAFT

## EXHIBIT A



---

CITY OF ELK RIVER  
SHERBURNE COUNTY

**CONDITIONAL USE PERMIT**  
**Case No. CU 22-09**

**Permit.** Subject to the terms and conditions set forth herein, the City of Elk River hereby grants a conditional use permit ("Permit") requested by ERX Properties, LLC for the following use:

Conditional Use Permit to allow expansion of the off-road racing track, construction of a roofed viewing area, and installation of a changeable copy sign at 21591 US Highway 169 NW

**Property.** The Permit is for the following described property ("Subject Property") in the City of Elk River, Sherburne County, Minnesota:

**See Attached Exhibit A**

**Owner.** Owner of the Subject Property at time of the approval of the Permit:

**Plaisted Property Management LLC**

**ERX Properties, LLC, owner**

**Conditions.** The Permit is issued with the following conditions to satisfy the standards set forth in Section 30-654:

1. No more than five Special Event Recreational Camping events per year may occur on the properties that are regulated by this Conditional Use Permit.
2. The hours of operation shall be:
  - a. Sunday through Wednesday 7:00 a.m. – 9:00 p.m.
  - b. Thursday 7:00 a.m. – 10:00 p.m.
  - c. Friday and Saturday 7:00 a.m. – 11:00 p.m.
  - d. Five (5) three (3) day events per year, by special event permit, will be granted for extended hours to midnight.
3. Motorized events are prohibited within 1,000 feet of any residence, livestock shelter, and/or arena, regardless of when they were erected.
4. All motorized and non-motorized trails must be set back 50 feet from the north, east, and south property lines, and 45 feet from all delineated wetlands.

5. Staff will continually work with the applicant on the location of future trials to ensure they are not impacting wetlands and/or required buffers.
6. Existing structures used for any type of gathering, assembly, spectators, viewing, and/or customers shall be reviewed by the building official for compliance with all state and local building codes.
7. Camping areas shall be as identified on the site plan dated May 16, 2022, and shall not be closer than 50 feet to any property line.
8. An amendment to this Conditional Use Permit will be required for future expansions/additions not shown on the site plan dated May 16, 2022.
9. A wetland delineation shall be completed and approved by the state. The updated boundary must be included on the final plat of Aggregate Commercial 6th Addition.
10. Staff approval of the Safety and Crisis Communication Plan.
  - a. This plan shall be reviewed annually by all parties prior to May 1.
11. Staff approval of an on-site traffic/distribution plan that demonstrates:
  - a. Logical on-site distribution of participants, spectators, and public safety.
  - b. Adequate on-site stacking for admission and egress.
  - c. Adequate off-site stacking for access and egress without impacting U.S. Highway 169.
12. The Aggregate Commercial 6th Addition plat (Case File PE 22-01) shall be recorded.
13. Noise generated on the property via the Conditional Use Permit shall comply with those outlined in the MPCA Guide to Noise Control.
14. The changeable copy sign shall not exceed 70 square feet and must comply with the standards set forth in Sec. 30-864 (e). A sign permit is required.
15. A Minnesota Department of Natural Resources (DNR) Appropriation Permit shall be required for any water use that is above 10,000 gallons a day or totaling 1 million gallons or more within a year. This includes snow-making applications and spraying for dust control and other construction needs.
16. Conditional Use Permit (CU 18-10) will become void upon the recording of this permit.

**Termination of Permit.** The Permit shall remain in effect only for so long as the conditions set for the herein are complied with. The City may revoke the Permit following a public hearing for violation of the terms and/or conditions set forth in the Permit.

**Lapse.** If within two (2) years of the issuance of the Permit the proposed work described in a conditional use permit has not been substantially completed, the permit shall expire and become void, except that the council may, following recommendation of the planning commission, extend the permit for an additional period determined by the council on the receipt of a request for a permit extension prior to its expiration. A conditional use permit authorizes only the use specified in the permit and shall expire if, for any reason, the authorized use ceases for more than six (6) months.

**Criminal Penalty.** Both the owner and any occupant of the Subject Property are responsible for compliance with the permit. Violation of the terms of the Permit is a criminal misdemeanor.

**Recording.** The Permit shall be recorded against the title to Subject Property.

Dated: July 5, 2022.

## CITY OF ELK RIVER

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

STATE OF MINNESOTA )

COUNTY OF SHERBURNE ) ss.  
 )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by John J. Dietz and Tina Allard, respectively, the Mayor and City Clerk of the City of Elk River, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the City Council.

Notary Public

DRAFTED BY:  
City of Elk River  
13065 Orono Parkway  
Elk River, MN 55330  
763-635-1000



Exhibit A

Legal Descriptions

75-110-1105 Plaisted

NW 1/4 OF NE 1/4 & THEN N 1/2 OF NE 1/4 OF NE 1/4

75-111-2201 Plaisted

NW 1-4 OF NW 1-4

75-110-1100 Plaisted

S 1-2 OF NE 1-4 OF NE 1/4

75-825-0040 – ERX Properties LLC

OUTLOT D Except plat of Aggregate Commercial Fourth Addition and Aggregate Commercial Fifth Addition Aggregate Commercial Second Addition,

75-825-0010 – ERX Properties LLC

OUTLOT A Except plat of Aggregate Commercial Fourth Addition and Aggregate Commercial Fifth Addition, Aggregate Commercial Second Addition

75-878-0105 ERX Properties LLC

Lot 1, Block 1, AGGREGATE COMMERCIAL FIFTH ADDITION, Sherburne County, Minnesota

871081

75-877-0105 ERX Properties, LLC

Lot 1, Block 1, Aggregate Commercial Fourth Addition, Sherburne County, Minnesota

871079

75-110-4400 ERX Properties LLC

S 1-2 of SE 1-4

830256



OFFICE OF COUNTY RECORDER  
Chisago County, Minnesota

I hereby certify that this document was filed in this office  
on 10/04/2004 at 10:30:00 AM and was duly  
recorded as document number **A-437124**

ELAINE OFTELIE – County Recorder, by \_\_\_\_\_ Deputy.

Well Certificate: \_\_\_\_\_ Received \_\_\_\_\_ Not Required

Fees:

EQUIPMENT FUND	\$1.00
STATE SURCHARGE	4.50
GENERAL ABSTRACT	14.00
Total	\$19.50

Received from/return to:  
TOWN OF WYOMING  
7665 WYOMING TRAIL  
WYOMING, MN 55092

**RESOLUTION NO. 04-21  
RESOLUTION APPROVING  
CONDITIONAL USE PERMIT  
FOR  
NIGHTMARE HALLOWEEN HAYRIDES  
AT  
28186 KETTLE RIVER BOULEVARD  
PINEHAVEN TREE FARM**

WHEREAS, the Town of Wyoming is a political subdivision, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the Board of Supervisors of the Town of Wyoming has adopted zoning and subdivision regulations, per Ordinances 00-02 and 00-03, including subsequent amendments, to promote the orderly, economic and safe development and utilization of land within the Town; and,

WHEREAS, Jean Sockness of Nightmare Halloween Hayrides has applied for a Conditional Use Permit to operate a haunted house and hayride as a commercial outdoor recreation activity, at the Pinehaven Tree Farm site on property legally described as:

Section Seven (7), Township Thirty-Three (33), Range Twenty-One (21). The North one-half of the Southeast Quarter (N1/2 of SE 1/4), and the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) except that part deeded to the State of Minnesota for road purposes. Also except that part of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) described in Document No. 214678 on file and recorded at the Office of the County Recorder, Chisago County, on the 29<sup>th</sup> day of December, 1988 A.D. at 1:00 o'clock p.m., consisting of 10.00 acres more or less, described as follows:

Beginning at the Southeast corner of said Section 7; thence west along the south line of Section 7 a distance of 865.9 feet to the point of beginning; thence north at right angles 630 feet; thence east parallel with the south line of Section 7 a distance of 738.75 feet, more or less, to the point of intersection with a line drawn parallel with and distant 250 feet westerly of the center line of the north-bound lane of Interstate 35; thence southwesterly along said parallel line 637 feet, more or less, the south line of Section 7; thence west along said south line 645.75 feet, more or less, to the point of beginning. Except that part included in Interstate 35 right-of-way. Subject to 280<sup>th</sup> Street North along the south line. Together with a 66-foot easement lying easterly of and abutting the most easterly line of said tract. Subject to and together with other valid easements, restrictions and reservations.

WHEREAS, on September 7, 2004 the Planning Commission held a public hearing in accordance with the Ordinance and the laws of the State of Minnesota; and,

WHEREAS, the Town Board of Supervisors and Planning Commission have reviewed the application, as submitted, and have made the following findings of fact:

1. The use is in conformity with the Comprehensive Plan and development policies of the Town.
2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
4. The structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
5. The use in the opinion of the Town is reasonably related to the overall needs of the Town and to the existing land use.  
The use will be consistent with the purpose of this and other Town Ordinances.
6. The use will be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located.  
The use will generate only minimal vehicular traffic on local streets and shall not create traffic hazards or unsafe access or parking needs.
7. Existing businesses nearby will not be adversely affected because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.
8. The establishment or maintenance of the use shall not be detrimental to the public, health, safety or general welfare.
9. The use will not be hazardous, detrimental, or disturbing to present and potential surrounding land use due to water pollution, odor, fumes, general unsightliness or other nuisances.
10. The use will preserve and incorporate the site's important natural and scenic features into the development design.
11. The use will cause minimal adverse environmental effects.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the Town of Wyoming hereby **GRANTS** the Conditional Use Permit, as requested by the applicant, with the following conditions:

1. That a maintenance schedule agreeable to the Wyoming Township Street Superintendent is established for Kettle River Boulevard, and that the maintenance schedule is reevaluated each

A-437124

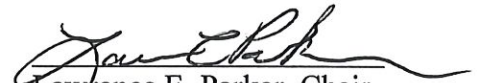


year prior to that seasons event and is to be reevaluated periodically during the course of the event."

2. That following the 2004 season a permanent structure will be constructed to replace what currently exists on the site.
3. That each year, prior to the opening of the haunted house, an operational permit per the state fire code is granted by the township Building Official or Fire Marshal.
4. That the haunted house only operates through the dates of September 15 – November 15 of each year.
5. That the haunted house closes by midnight each day that it is open.
6. That an amended Conditional Use Permit is required if the dates of operation or closing time are changed.

This resolution was adopted by the Board of Supervisors of the Town of Wyoming on the 14th day of September 2004, by a vote of 5 Ayes and 0 Nays.

A-437124

  
Lawrence E. Parker, Chair  
Town Board of Supervisors

ATTEST:



Norma I. Olson  
Clerk, Town Board of Wyoming



This document was drafted by:  
Town of Wyoming  
7665 Wyoming Trail  
Wyoming, MN 55092

The undersigned, as applicant(s) for the Conditional Use Permit have read and understood the findings and conditions of Resolution No. 04-21 and agree to be bound by the conditions therein.

The undersigned further understands that the Conditional Use Permit will be revoked if:

1. The use has not commenced within one year of its approval.
2. The use ceases operation for a period of one year.
3. The use is operated in violation of the conditions of Resolution No. 04-21.

*[Signature]* (Signature)

Sean Sockness (Printed)

\_\_\_\_ (Signature)

\_\_\_\_ (Printed)

STATE OF MINNESOTA )  
COUNTY OF Ramsey ) Ss.

On this 30th day of September, 2004, before me, a Notary Public within and for said County, personally appeared Sean Sockness, known to me to be the person described in and who executed the foregoing instrument and acknowledged that s/he executed the same as his/her free act and deed.



*[Signature]*  
Notary Public

My Commission Expires Jan 31, 2005

This document was drafted by:

Town of Wyoming  
7665 Wyoming Trail  
Wyoming, MN 55092

A-437124





**COUNTY OF CARVER  
State of Minnesota**

**FILE #:** PZ20230020

**APPLICANT:** Matt Dunn

**OWNER:** SSP Holdings LP

**SITE ADDRESS:** 7410 Highway 212 Chaska, MN 55318

**PERMIT TYPE:** Large Scale Activity (Recreational)

**PURSUANT TO:** County Code, Chapter 152, Section 152.080 (C)(6)

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCELS #:** 04-009-0600

**Drafted by:** Land Management

**Return to:** Land Management

**CONDITIONAL USE PERMIT #PZ20230020**

**PLANNING COMMISSION RESOLUTION #:** 23-10

**ORDER #:** PZ20230020

**DATE ISSUED:** August 8, 2023

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

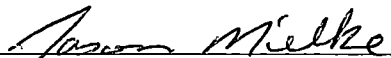
**THE RECREATIONAL LARGE-SCALE ACTIVITY USE IS AUTHORIZED BY COUNTY BOARD ORDER #PZ20230020, AS FOLLOWS:**

**IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20230020. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY ZONING CODE, SECTION 152.080 (C)(6) FOR THE OPERATION OF A RECREATIONAL LARGE-SCALE ACTIVITY (SCREAM TOWN) ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THE PREVIOUS CUP (#PZ20080001) WOULD BE TERMINATED UPON FINAL APPROVAL (AND RECORDING) OF THE NEW CUP (#PZ20230020). THEREFORE, CUP #PZ20230020 WOULD SUPERSEDE ANY PRIOR APPROVALS. THE FOLLOWING CONDITIONS SHOULD BE ATTACHED TO THE PERMIT:**

1. The permit is subject to Compliance Review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. Operations shall be substantially in accordance with the operational plan "applicant narrative" (dated: April 17, 2023), Site Plan and Map of Operation (received April 5, 2023). The hours of operation for patrons within the areas of attractions shall be 5:30PM until 11PM (Thursday-Sunday) the last full weekend in September to the first full weekend of November, as well as Wednesday and Thursday of MEA. Days of operation may also include Monday or Tuesday of Halloween week as well as Halloween (if on Monday-Wednesday), with hours of operation for patrons to cease at 10PM. The total number of days allowed during the operating event season is limited to 23 days.

3. The permittee must maintain records of the number of tickets sold to enter the site each day of operation and provide a copy of this record to the Land Management Department at the end of each season or upon request. A maximum 2,000 persons shall be allowed to utilize the facility at any one time.
4. All operational areas, theatrical stages, access roads, and parking areas shall maintain a 10-foot setback from property lines. The permittee shall survey and submit a certificate of survey to the County the western property line along the length of the newly expanded hayride road to ensure the 10-foot setback is maintained.
5. To reduce the potential for dust, vegetation shall be preserved as much as possible. Dust control measures (calcium chloride or other similar substance) shall be applied to all internal access roads with two applications the first season (2023) and a minimum of one application prior to the operating season (annually) thereafter. The Permittee shall be responsible to apply additional applications prior to or during the operating season (annually), at the discretion of the Zoning Administrator.
6. The permittee shall contract with a private security firm to provide on-site security in the operational area (i.e., night trails, night maze, courtyard, and parking areas). A copy of the contract agreement shall be provided to the Land Management Department prior to any public activities taking place on the property (annually).
7. From dusk until the last patron vehicle leaves the site, temporary three-bulb portable lighting or other approved lighting measures shall illuminate the Highway 212 and site driveway intersection. The lighting must be turned off promptly after the last patron vehicle leaves. Lighting shall be approved by the road authority, if applicable.
8. The Permittee shall obtain an appropriate access, signage and construction permits and/or approval(s) from MnDOT prior to any public activities taking place on the property. Any measures required by the appropriate road or zoning authority must be completed in accordance with MnDOT standards prior to public activities taking place on the property. The permittee shall also provide warning signage and lights as required by the road authority.
9. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits. Measures shall be implemented to minimize tracking onto the Highway 212 and a sweeper shall be utilized within 12 hours of discovery of mud accumulation on Highway 212, if applicable. Permittee shall obtain CCWMO permit approval, install the permitted improvements, and complete all CCWMO permit requirements prior to the start of the 2023 operating season.
10. The Permittee shall furnish a certificate of Insurance to the County providing coverage by an insurance company duly licensed by the State of Minnesota indicating that the Permittee has in force coverage for public liability, vehicle liability, loading and unloading, completed operations liability, explosion and collapse of underground operations liability, and bodily injury liability in the amount of at least \$2,000,000 for injury of any one person in any one occurrence. Property damage insurance coverage shall be in force with a minimum amount of at least \$1,000,000. Further, the Permittee shall furnish proof of workman's compensation coverage. Insurance certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.
11. All structures used in conjunction with the business including tents, facades, and the like, shall meet the applicable requirements of the Carver County Zoning Code and State Building Code. Any required building and septic permit(s) shall be applied for and issued prior to construction. Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP is necessary. Any fences over seven feet in height require a building permit.
12. Any structure(s), not utilized for the business, shall be used only by the occupant(s) of the property owner for agriculture, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by the County Zoning Code and shall meet State Building Code, if applicable.

13. The permittee shall maintain a conforming Subsurface Sewage Treatment System (SSTS) pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within any structure(s) utilized as part of the business operation, if applicable. Portable restrooms shall be maintained by a licensed company and a copy of the contract agreement shall be submitted annually to the Carver County Land Management Department.
14. The permittee is responsible for obtaining and abiding by all appropriate permits from the Department of Health, Dept of Agriculture and all required food service and alcohol licenses and permits. The Permittee shall submit copies of all required permits and licenses to the Carver County Land Management Department (annually).
15. The permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. Signage for the activity shall not exceed the provisions set forth in the Carver County Sign Ordinance of the Carver County Code.
16. The permittee shall comply with all conditions of Chapter 50: Solid Waste Management of the Carver County Code of Ordinances pertaining to the storage and disposal of solid waste materials.
17. The permittee is responsible for compliance with all Federal, State and Local rules, regulations, and permitting requirements.

  
\_\_\_\_\_  
Jason Mielke  
Land Use Manager


8-28-23  
Date

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

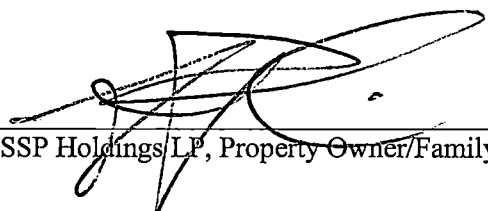
**Applicant signature block**

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

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

  
\_\_\_\_\_  
Matt Dunn, Scream Town

8/17/2023  
Date

  
\_\_\_\_\_  
SSP Holdings LP, Property Owner/Family Representative

8/25/2023  
Date

**Conditions of Approval:**

1. This Interim Use Permit (IUP) is issued to Sever Peterson & Family (Severs) as a private day park for the operations described in their June 24, 2019 application narrative to include corn mazes, jumping pillows, corn pits, live music, obstacle course, petting zoo, entertainment shows (such as magic shows, wildlife shows and jugglers), pig races, pumpkin/snow ball blasters, zip lines, gourd walk, spider web, straw bale maze, parakeet landing, tire mountain, ropes course, picture boards and photo opportunities, kiddie train, play structures, hayrides, giant slide, arcade, pony rides, camel rides, antique tractor and fire truck displays. All activities included in the festival admissions and shall occur in the locations designated on the site plan dated February 1, 2019 during festival hours.
2. The applicant is to notify Scott County Zoning Administration in January of each year, stating they are in compliance with the conditions of the IUP. Any operational changes or site improvements shall be presented to the Louisville Township Board and Scott County before/during June of each year to determine compliance with the IUP, with the ability to add or modify the conditions of the IUP.
3. Any permanent structure shall require platting of the property as required by the Scott County Zoning Ordinance.
4. The seasonal duration of the day park uses are: Fall Festival (mid-August through the first weekend in November), Winter Festival (January to March), and holiday light display (mid-November through December). The Holiday Light Display shall be limited to the main parking area (Parking Area 1 on the parking plan) north of the drainage way.
5. Hours of day park operations shall be from 8:30am to 10:00 pm, which are hours defined by the State of Minnesota as daytime hours.
6. The applicant/owner shall, upon reasonable advanced notice, provide the Township and County staff and/or its agents with access to the property for inspection for determining compliance with this interim use permit.
7. The IUP holder shall pay an annual IUP inspection fee, if and when Scott County adopts an inspection fee ordinance.
8. The property shall be developed in substantial compliance with the approved project narrative dated June 24, 2019 and site plans dated February 1, 2019, and according to the performance standards listed in the Scott County Zoning Ordinance. Any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and the Louisville Town Board. To the extent there are any conflicts between either the plans or the narrative and this permit, the conditions of the permit shall control.
9. The applicant shall obtain a permit for installation of the drainage way crossing culvert and shall maintain drainage through this culvert as approved by Scott County Water Resources Engineer.
10. A Hazardous Waste Inspection shall be scheduled with Scott County Environmental Services to determine if a Hazardous Waste License is required.
11. The property shall be maintained in a neat and orderly manner. The Applicant shall promptly remove all garbage, trash, and all other nonessential or nonfunctional materials from the property.
12. All landscaping trees planted to provide a buffer and screening shall be maintained, including removal of any diseased or dead trees and replacement as required by the County Zoning Ordinance.
13. All parking shall be provided on site and in accordance with the parking locations on the site plans. No parking for activities on the site shall be allowed on any public or private roads. Signage and parking personnel shall be stationed to direct customers to the festival access entrance and to the extent possible facilitate traffic flow off of County Road 14 and allow vehicle stacking within the festival grounds. At no time shall any parking be allowed on MN Valley Bluff Drive, and if necessary parking personnel shall be stationed at this entrance to direct traffic to the main site entrance.
14. The applicant shall comply with the area traffic management plan developed in conjunction with the MN Renaissance Festival, MnDOT, County Transportation, Louisville Township, and the Scott County Sheriff's Office. In the event of traffic issues the Scott County Sheriff's Office shall be the final authority for safe routing of event traffic and/or stationing of law enforcement personnel to aid in traffic management. Any costs borne by the Scott County Sheriff's Office specific to the Severs IUP day park events shall be the responsibility of the applicant.
15. Building permits are required for any temporary tents or structures used for the day park festival events, and shall meet all requirements of the State Building Code, Fire Code, and all applicable codes as determined by the Scott County Building Official and/or the City of Shakopee Fire Marshal.

16. All signage shall comply with the Scott County Sign Ordinance. Directional signage is allowed at the discretion of Scott County Transportation and the Scott County Sheriff's Office to allow for traffic management.
17. All lighting shall comply with the Scott County Zoning Ordinance and shall be hooded so as not to be directed at any adjacent residential use.
18. Amplified noise or other noise generation shall be in compliance with the State of Minnesota Noise Rules established by the MPCA. Scott County may require the permit holder to prepare a noise control plan as described and required in Section 4-6 of the Zoning Ordinance if there are valid complaints.
19. Issuance of the IUP is not a substitute for any other permit required in conjunction with the Project, including but not limited to building permits, electrical permits, and road permits.
20. Applicant shall construct and operate the Project in full compliance with the approved application narrative, approved project plans and in full compliance with all federal, state, and local laws, rules, ordinances, and regulations.
21. A right turn lane and center left turn lane shall be installed on County Road 14 (150<sup>th</sup> Street West) at the intersection with the main entrance of the day park. The applicant shall enter into an agreement with Scott County Transportation to participate in the funding of these safety improvements.
22. This IUP shall terminate if/when the property is further subdivided by the applicant/land owner or upon the sale of the property or business.
23. Severs shall at all times be in compliance with the conditions of this IUP. Upon written notice of any violation the IUP holder shall promptly remedy the violation within the time period specified. Any violation not remedied or addressed shall be subject to IUP review and may be basis for IUP termination.