
HAVEN TOWNSHIP

PLANNING COMMISSION

MEETING PACKET FOR
August 12, 2026



HAVEN TOWNSHIP
AGENDA
PLANNING COMMISSION
AUGUST 12, 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. None
5. Approve Previous Meeting Minutes
 - a. July 14, 2026
6. Other Business
 - a. Request for Township Recommendation – Sherburne County Interim Use Request (May), PID 25-00020-4203 (4298 31st Ave SE), Section 20, Township 35, Range 30.
 - b. Update - Discussion - Extension of Orderly Annexation Agreement with City of Saint Cloud
 - i. Timeline
 - ii. Process for Planning Commission Feedback
 - c. Update – MPCA actions relating to groundwater pollution at PID 25-00030-1400 - 4958 County Road 8 SE
7. Zoning Administrator Report
 - a. Permitting Activity
 - b. Enforcement Activity
 - c. Correspondence
 - d. Other
8. Open Forum – Time for Residents to Address the Planning Commission
9. Adjournment

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

STAFF REPORT

Application:	Requests related to the operation of a business. Sherburne County approvals required include an Interim Use Permit to convert an existing detached garage on site to be used as an indoor cannabis cultivation business (cannabis microbusiness).
Applicant:	Frosted Farms LLC
Property Owner:	Mike May
Agenda Item:	6a

Background Information:

- **Proposal:** The proposal involves a request to operate an indoor cannabis cultivation business as a cannabis microbusiness out of an existing detached garage on an approximate 11-acre property zoned Agricultural by Sherburne County. The property is not located in Tracts 1 or 2 of the Haven Township/City of St. Cloud annexation area and as such the Township is only providing a recommendation to the County in its review of this application.

According to the Minnesota Office of Cannabis Management (OCM) – see <https://mn.gov/ocm/businesses/licensing/license-types/>:

“Depending on the endorsements obtained, cannabis microbusinesses can grow, make, sell, and buy cannabis flower (including plants and seedlings), cannabis products, lower-potency hemp edibles, and hemp-derived consumer products. With an endorsement, they can also have on-site consumption areas where customers can use edible cannabis and hemp products.

NOTE: *The applicant is only requesting the endorsements related to cultivating cannabis plants (including drying/curing and packaging for delivery).*

Activities and products allowed:

- Can operate: A single retail location. Can allow on-site consumption on a portion of its premises where customers can consume edible cannabis products and lower-potency hemp edibles. The retail location must also receive a local retail registration from the applicable local government per Minnesota Statutes, section 342.22.
- Can grow: Up to 5,000 square feet of plant canopy indoors or up to one-half acre of mature flowering plants outdoors.
- Can transport: Between facilities under same license holder with additional application requirements.
- Can sell: Immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses, cannabis businesses licensed by a compacted Tribal regulatory agency and customers.

Endorsements available:

- Cannabis cultivation

- Medical cannabis cultivation
- Cannabis extraction and concentration
- Hemp extraction and concentration
- Creation of artificially derived cannabinoids
- Edible cannabinoid product handler
- Production of consumer products
- Medical cannabis manufacturer
- Retail operations**
- Cannabis flower packaging
- Medical cannabis retail
- On-site consumption
- Internal transporter

**Must also have local registration per Minnesota Statutes, section 342.22.

Additional licenses available (may be held simultaneously):

- Cannabis event organizer
- Lower-potency hemp edible manufacturer
- Lower-potency hemp edible wholesaler
- Lower-potency hemp edible retailer;”

See <https://www.revisor.mn.gov/statutes/cite/342.28> for more detail.

Mr. May and his wife, who also live on the same property, would operate the business by themselves with the potential for additional employees 2-3 years into the future. The applicant states that the activities that would occur at the site are indoor cultivation of cannabis plants, drying and curing of the plants and packaging of the dried product for pick-up by licensed cannabis transporters approximately once every three weeks once the growing cycle is in operation as well as infrequent deliveries of soil or other growing products. No customer would occur. No employee traffic would occur – at least for the initial 1-3 years. They state that there will not be any outdoor cultivation, retail sales, extraction, manufacturing, or public access to the site. They indicate the growing operation will not make use of pesticides or chemicals.

The first grow cycle is not expected to be completed until sometime next year as the applicant will need to make significant electrical, HVAC and other improvements to the garage and property before beginning. The applicant expects to pump approximately 250 gallons of water per week from the existing residential well on the property for the operation and generate approximately 35 gallons per week. He is working on a sewer design to ensure that the wastewater is handled in accordance with applicable regulations.

The applicant’s security plan includes an alarm system, third-party monitoring, interior and exterior surveillance cameras, local video storage with cloud backup, security lighting and removing all

overhead doors (replacing with full walls) and allowing only one service door for entrance to the building. That entry door would have a chain-link fence-enclosed area around the entrance.

Odor mitigation would include carbon filtration at each indoor grow tent, negative pressure cultivation environment and carbon filtration out of the roof of the building.

The nearest neighboring residence (not including apparent garage structures) is approximately 380 feet to the southeast with another 425 feet to the south. The next closest is approximately 6700 feet to the northeast.

Cannabis vegetative waste will be mixed with soil or other approved organic material before disposal.

Other details are listed in the applicant's submittal, which is attached.

- **Location:**
 - Property address: 4298 31st Ave SE, St. Cloud
 - Parcel number(s): 25-00020-4203
- **Sherburne County Zoning:** Agricultural District
- **Lot size:** Approx. 11.15 acres according to County GIS estimate. The nearest surrounding properties also accessed from 31st Ave are of very similar size. The general surrounding area is large-lot residential in nature with a number of large agricultural fields in close proximity as well.
- **Septic System Status:** The property is served by an existing septic system that will need to be inspected per County requirements. However, Staff's understanding is that state/MPCA regulations do not allow cannabis cultivation wastewater to be mixed with residential sewage treatment systems and instead must be captured in a holding tank, pumped as needed into an approved truck and disposed of via a municipal wastewater treatment plant or land application as an industrial by-product or handled via other approved methods. See <https://www.pca.state.mn.us/business-with-us/cannabis-businesses> under the "Wastewater" heading for more information.
- **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. Interim Use: The interim use shall be valid for a period of ____ (*recommended min. 2-3 years to allow for completion of the first grow cycle*) years from the date of approval by the County Board. The Landowner may apply for a renewal of the interim use permit, subject to the requirements of applicable ordinances at the time, at any time within the last six (6) months of the initial permit period.
2. Size Restrictions: The applicant shall be limited to the use of the proposed detached accessory building indicated in their application only (approximate 1,567 sq ft building identified on site plan as "Proposed Cultivation Building". Any expansion of the business activities into other buildings shall require a new Interim Use Permit or other approval required by applicable zoning regulations.
3. Compliance with Applicable Laws: Current and future property owners shall be responsible to identify and comply with all other local, state and federal regulations applicable to their proposed use and alteration of their property. In particular, the Permitted Use shall be conducted in full compliance with all provisions of Minnesota Statutes, Chapter 342, or successor statutes, and all rules and regulations of the Minnesota Office of Cannabis Management (OCM).
4. MN OCM Licensing Required and Limited: The conditional use permit shall be null and void unless the applicant first obtains and maintains a valid and final Cannabis Cultivator License from the OCM. The applicant shall only be allowed to conduct cultivating activities on the site, including drying/curing and packaging for transport off site. No retail, manufacturing or other state endorsements shall be considered approved by this Interim Use Permit.
5. County Registration: The applicant shall register the business with Sherburne County in accordance with all applicable state and local requirements prior to the commencement of operations and maintain said registration throughout the life of the permit.
6. Odor Control: The applicant shall install and continuously maintain a certified ventilation and air filtration system sufficient to ensure that no cannabis-related odors are detectable off-site. The system shall utilize carbon-based filtration and be regularly serviced in accordance with the manufacturer's specifications. The applicant shall provide a written maintenance schedule for the system to the applicable Zoning Official for approval prior to the commencement of operations at the site and follow such maintenance schedule with evidence submitted to the Zoning Official by December 31 of each calendar year.
7. Groundwater Use: The applicant shall provide a detailed estimate of how much water will be used on a daily and annual basis, including how much rainwater use is anticipated to reduce the need for groundwater as well as how water will be re-used to help reduce groundwater use. The applicant may be required to install a flow meter, pump timing device or other method of measuring water use if the amount of groundwater use begins to exceed that of normal residential use.
8. Lighting: Any exterior lighting, including security lighting, shall be hooded and directed downward to prevent glare onto adjacent properties or public roads. Any interior lighting visible to the outdoors shall be minimized so as not to create unusual amount of visibility during nighttime hours.
9. Noise: All noise generated by the cultivation and manufacturing processes, including from HVAC systems and generators, shall be in compliance with Minnesota Rules Chapter 7030 (Noise Pollution Control).
10. Site Security: The applicant shall implement and maintain a comprehensive security plan that includes:
 - a. 24/7 Video Surveillance: A continuous video surveillance system covering all cultivation, manufacturing, and storage areas, as well as all building entrances and exits as well as any

vehicles entering or exiting the property via the driveway. Recordings shall be maintained for a minimum of 30 days.

- b. Access Control: A secured and monitored access control system for all entry points that shall be maintained in working order at all times.
 - c. Restricted Access: A clear demarcation of restricted areas accessible only to authorized personnel.
11. Waste Disposal: All cannabis waste, including plant material, shall be stored in a secured location and rendered unusable and unrecognizable before leaving the premises, in strict accordance with OCM regulations and any applicable county hazardous waste ordinances.
 12. Pesticide/Chemical Storage: The applicant notes that no pesticides or chemicals will be used in the operation, but if this changes any pesticides, herbicides, and other chemicals shall be stored in a secured, non-publicly accessible location in compliance with all state and federal regulations.
 13. Emergency Contact: The applicant shall provide the applicable Zoning Official, Haven Township Board and County Public Safety Officials with the name and 24/7 contact information of an on-site manager who will respond to any concerns or emergencies.
 14. Wastewater Management: No process wastewater from cultivation or manufacturing shall be discharged to a private septic system or directly to the ground unless specifically approved as being compliant with MPCA and County wastewater treatment regulations. The applicant shall provide a detailed plan for non-sewage wastewater management that includes expected concentrations of nutrients, chemicals or hazardous materials and a plan for disposal or land application of such wastewater in accordance with all applicable local, state and federal regulations. The applicable zoning authority may request, or work with an independent third party, to sample and test wastewater streams at any reasonable time and applicant shall be required to allow such personnel access to wastewater at reasonable times and in a reasonable manner.
 15. County Inspection: The applicant shall allow Haven Township, the applicable Zoning Official, and other personnel as designated by the applicable zoning authority, County Attorney or County Board or Law Enforcement access to the site at reasonable times and in a reasonable manner to verify compliance with all applicable local regulations. At a minimum, Township and County staff shall be allowed on site at least once in the first 3 months of operation, once at approximately 12 months of operation and annually thereafter.
 16. Business Commencement Deadline: The applicant shall substantially commence operations of the permitted business at the site within eighteen (18) months of the approval or the approval shall become null and void. Substantial commencement shall include having all components in the building necessary for the basic operations (grow lighting, water supply, security systems, wastewater treatment facilities) and that such equipment and facilities shall be operational.
 17. Continuous Operation Required: If operations at the site are discontinued for more than twelve (12) months, the use shall be considered abandoned and the County may commence with procedures to revoke the approved permit.
 18. Revocation: A violation of any of the conditions set forth in this Conditional Use Permit shall be deemed a violation of the Sherburne County Zoning Ordinance and shall be grounds for revocation of this permit. In the event of a violation, the Board may, after a public hearing with due notice to the permit holder, revoke this permit and require that the use be discontinued. Any such revocation shall be based upon a finding of fact supported by substantial evidence.

19. Other?

Applicable Statutes/Ordinances: See Appendix A.

Appendix A

Applicable Statutes and Ordinances

State of Minnesota Regulations

Cannabis Businesses are subject to Minnesota Statutes 342 (see 342.28 in particular for those relating to Cannabis Microbusiness Licensing and Operations although other sections apply as well).

Such businesses are also subject to:

- The State Building and Fire Codes;
- Minnesota Pollution Control Agency Regulations relating to Air Emissions and Odor Control as well as Wastewater and Solid Waste management;
- Minnesota Department of Agriculture standards in some cases;
- Office of Cannabis Management rules;
- Cannabis Business tax laws; and
- Any other applicable statutes, rules or regulations.

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 4: List of Interim Uses:

6. Cannabis Businesses

Subdivision 5: Conditions:

8. Cannabis Businesses:

F. Cannabis Microbusiness, provided:

- 1. The parcel is a minimum of:
 - a. 5 acres in the Agricultural District and homesteaded by the applicant.
 - b. 5 acres in the General Rural Zoning District and homesteaded by the applicant.
- 2. The parcel is not located in the Shoreland District.
- 3. Submittal Information. In addition to submittal requirements set forth in Section 18 (Administration and Enforcement), Subdivision 6.2 (Interim Use Permit, Application), the following information must be provided with an interim use permit application:
 - a. General Operational Plan for Microbusiness in accordance with MN Rules 9810.2000-9810.2700 and Minn. Stat. 342.23, 342.24, and 342.28.
 - b. 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.
 - c. Security Standards in accordance with MN Rule 9810.1500, and Minn. Stat. 342.23 – 342.515.



Planning and Zoning Administration
Sherburne County Government Center
13880 Business Center Drive
Suite 100
Elk River, MN 55330-4668

June 24, 2026

Micheal and Sara May
4298 31st Ave SE
St. Cloud MN 56304

Sent by email to: [REDACTED]

RE: Interim Use Permit (IUP) application for a Cannabis Microbusiness for Cultivation Indoor on PIDs: 25-00020-4203

Dear Mr. and Ms. May,

This letter is a review of your request for an IUP on PID 25-00020-4203 for a Cannabis Microbusiness for Cultivation (Indoor). This property is zoned Agricultural and operating a Cannabis Microbusiness is only permitted with the approval of an Interim Use Permit and a license from the Minnesota Office of Cannabis Management. You have provided the County with an application and written description and floor plans that outlines the nature of your business.

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

1. Township comments from the Haven Town Board are needed for the IUP. Please contact Tammy Schefers, the Haven Township Clerk, at [REDACTED] to be placed on their next agenda for comments. I will forward this letter and all information submitted to the Town Board.
2. It is unclear from your application how much wastewater will be generated by the proposed cannabis business or how it will be handled. There are no plans showing floor drains or sinks or how you will dispose of wastewater from the well identified in the building. It is clear wastewater will be generated by this business and that need to be managed. You will need to work with a licensed septic designer to determine how wastewater generated by this business will be managed.
3. A site inspection with myself and the County Building Official will be required to evaluate the accessory building where the business is being proposed to determine what permits may be required to allow the new use of this building. Please email a few dates and times that will work for this inspection.
4. Additional changes or information may be required once the Zoning Office has received comments from other offices/organizations.

Once the required information has been submitted for your project you can 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.

Please Note:

1. No Cannabis or Hemp Business may operate within Sherburne County without first having obtained a license to do so from the Minnesota Office of Cannabis Management.
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.

I look forward to assisting you through the Interim Use Permit process. If you have any questions please contact me at [REDACTED] or by email at [REDACTED]

Sincerely,



Marc Schneider
Assistant Zoning Administrator

Cc: County Attorney's Office
Haven Town Board



TOWNSHIP COMMENT FORM

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

Date Paid: 06/10/2026

Receipt No: 79476

Permit No: 26-845



APPLICATION IS HEREBY MADE FOR: Interim Use Permit

APPLICANT:

Mike May

4298 31ST AVE SE

Saint Cloud, MN 56304

OWNER: MAY, MICHAEL E & SARA E

4298 31ST AVE SE

SAINT CLOUD MN 56304

PHONE:



E-MAIL:



OTHER CONTACTS:

SHERBURNE COUNTY, MINNESOTA

PID: 25-00020-4203

OTHER PARCELS:

PLAT NAME:

DEEDED ACRES: 11.15

LEGAL:

N 736 FT OF W 660 FT OF W 1-2 OF SE 1-4.

TOWNSHIP NAME: HAVEN

SECTION: 20

TOWNSHIP: 35

RANGE: 30

OVERLAY ZONING DISTRICT:

PROPERTY ADDRESS: 4298 31ST AVE SE

ZONING DISTRICT: Agricultural

SAINT CLOUD MN 56304

SHORELAND:

MISCELLANEOUS NOTES:

NON-RIPARIAN:

EXPLANATION OF REQUEST:

Request Interim Use permit for Microbusiness for Cultivation-indoor agricultural cannabis cultivation

TOWNSHIP COMMENTS:

APPLICATION IS: APPROVED: ☐ DENIED: ☐ OTHER: _____

SIGNATURE OF TOWN BOARD: _____ DATE: _____



DISCLAIMER: Sherburne County does not warrant the accuracy nor the correctness of the information contained in this map. It is your responsibility to verify the accuracy of this information. In no event will Sherburne County be liable for any damages, including loss of business, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains. Map information is believed to be accurate but accuracy is not guaranteed. Any errors or omissions should be reported to Sherburne County Public Works. Path: C:\Users\gutorzj\AppData\Local\Temp\arcAC49\~DF3DC80A4290D3794A.TMP Map Created: 12/5/2017

 SHERBURNE Planning & Zoning	Mike May		SEC: 20
	IUP for Cannabis Microbusiness		TWP: 35
	25-00020-4203		RGE: 30
	Haven Township		ACRES: 11.15
			Agricultural

FROSTED FARMS LLC INTERIM USE PERMIT APPLICATION SUPPORT PACKAGE

Applicant Information

Applicant: Frosted Farms LLC
Authorized Representative: Michael E. May, Member
Property Address: 4298 31st Ave NE, Haven Township, MN 56304
Parcel ID: 25-00020-4203
Zoning: Agricultural
Property Size: Approximately 11 Acres

Executive Summary

Frosted Farms LLC is applying for an Interim Use Permit to operate a Minnesota cannabis microbusiness consisting of indoor cannabis cultivation within an existing detached agricultural building located on an approximately 11-acre agricultural parcel in Haven Township, Sherburne County, Minnesota. No outdoor cultivation, retail sales, extraction, manufacturing, or public access is proposed.

Property & Site Description

The property contains a primary residence, detached cultivation building, existing agricultural outbuilding, existing well, existing septic system, employee parking area, occasional supply delivery area, and driveway access connecting directly to 31st Ave NE. The cultivation building contains approximately 1,567 square feet.

Business Operations

Employees: Michael E. May and spouse. Typical operating hours are 9:00 AM–7:00 PM, Monday through Sunday as necessary. No customer traffic is anticipated. Vehicle traffic is expected to remain fewer than four routine trips per day.

Facility Description

The facility includes flower cultivation areas, vegetative cultivation area, drying and curing area, storage area, trimming/work area, mechanical equipment area, water treatment equipment, and environmental control systems.

Security Plan

Security measures include a professionally monitored intrusion alarm system, third-party monitoring provider, interior and exterior surveillance cameras, local video storage, cloud backup, security lighting, controlled access procedures, and a chain-link security vestibule. Heartland Security has provided preliminary monitoring proposals and is being considered as a monitoring provider.

Odor Mitigation Plan

Odor control measures include carbon filtration at cultivation source locations, continuous inline filtration systems, negative-pressure cultivation environment, dual-stage carbon filtration, and controlled exhaust systems. Air exhausted from cultivation areas will be scrubbed twice before discharge.

Noise and Dust Control

All cultivation activities occur indoors. No outdoor cultivation activities are proposed. Noise-generating equipment is located within the building. Dust generation is expected to be negligible due to the indoor nature of the operation.

Water & Wastewater Management

Water will be supplied by the existing on-site well located within the cultivation building. Wastewater will be managed in accordance with applicable local requirements. A compliant septic system serves the property.

Waste Management

Routine refuse removal will be provided through Waste Management. Cannabis waste will be rendered unusable and unrecognizable and mixed with soil or approved organic material before disposal.

Bathroom Facilities

Restroom and handwashing facilities are available within the primary residence located on the property and are accessible to authorized personnel during operating hours.

Signage

A sign containing emergency contact information, authorized personnel notice, and no trespassing language will be maintained on-site prior to commencement of operations.

Neighbor Compatibility Statement

Approximate distances from the cultivation building to neighboring residences are: South: 473 feet East/Southeast: 426 feet Northeast: 763 feet Northwest: 864 feet Indoor cultivation, no retail sales, limited staffing, minimal traffic, natural screening, and comprehensive odor mitigation reduce potential impacts on neighboring properties.

Fire & Life Safety

Frosted Farms LLC intends to obtain all required electrical, HVAC, mechanical, building, and fire safety approvals prior to commencing operations.

Proposed Improvements & Conditions of Approval

Frosted Farms LLC acknowledges that building, electrical, mechanical, security, fire safety, and operational improvements may be required as conditions of Interim Use Permit approval. No cultivation activities will occur until all required approvals and conditions have been satisfied.

State Licensing

Frosted Farms LLC intends to obtain and maintain all licenses required by the Minnesota Office of Cannabis Management prior to commencing cannabis cultivation operations.

Insurance

Frosted Farms LLC will obtain and maintain commercial liability insurance and any other insurance coverages required by Sherburne County, the Minnesota Office of Cannabis Management, and applicable law prior to commencing operations.

Compliance Statement

Frosted Farms LLC intends to comply with all applicable county, township, state licensing, environmental, building code, fire code, security, and inventory tracking requirements.

Exhibits

Exhibit A – Site Plan Exhibit B – Facility Floor Plan Exhibit C – Septic Compliance Certificate Exhibit
D – Aerial Proximity Map

Length: 898.6 feet
Area: 2.246 acres
Clear

00020-3103

25-00020-4203

864

25-00020-4200

763.1

425.6

473

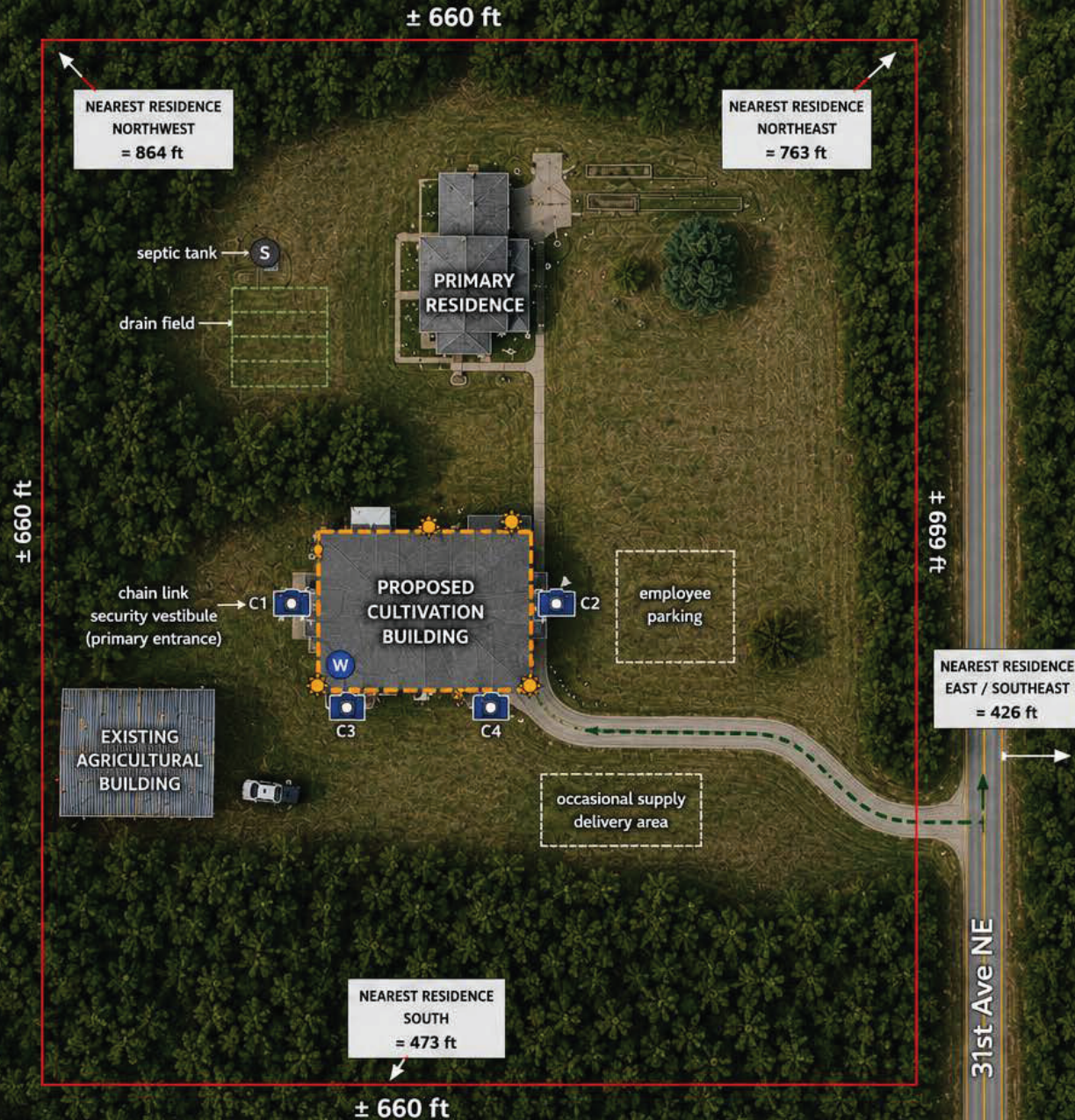
25-00020-4204

25-00020-4201

FROSTED FARMS SITE PLAN

Cannabis Microbusiness
Indoor Cultivation

Parcel ID: 25-00020-4203
Address: 4298 31st Ave NE
Haven Township, MN 56304
Property Size: ± 10 Acres
Zoning: Agriculture
Existing Use: Residential / Agricultural



LEGEND

- SUBJECT PROPERTY BOUNDARY (± 10 ACRES)
- PROPOSED LICENSED PREMISES (CULTIVATION BUILDING)
- EXISTING STRUCTURE
- PARKING AREA
- DELIVERY AREA
- EXISTING WELL
- SEPTIC TANK
- DRAIN FIELD
- EXTERIOR SECURITY CAMERA (See Camera Key)
- SECURITY LIGHTING (APPROX. LOCATION)
- EMERGENCY VEHICLE ACCESS ROUTE

EXTERIOR CAMERA KEY

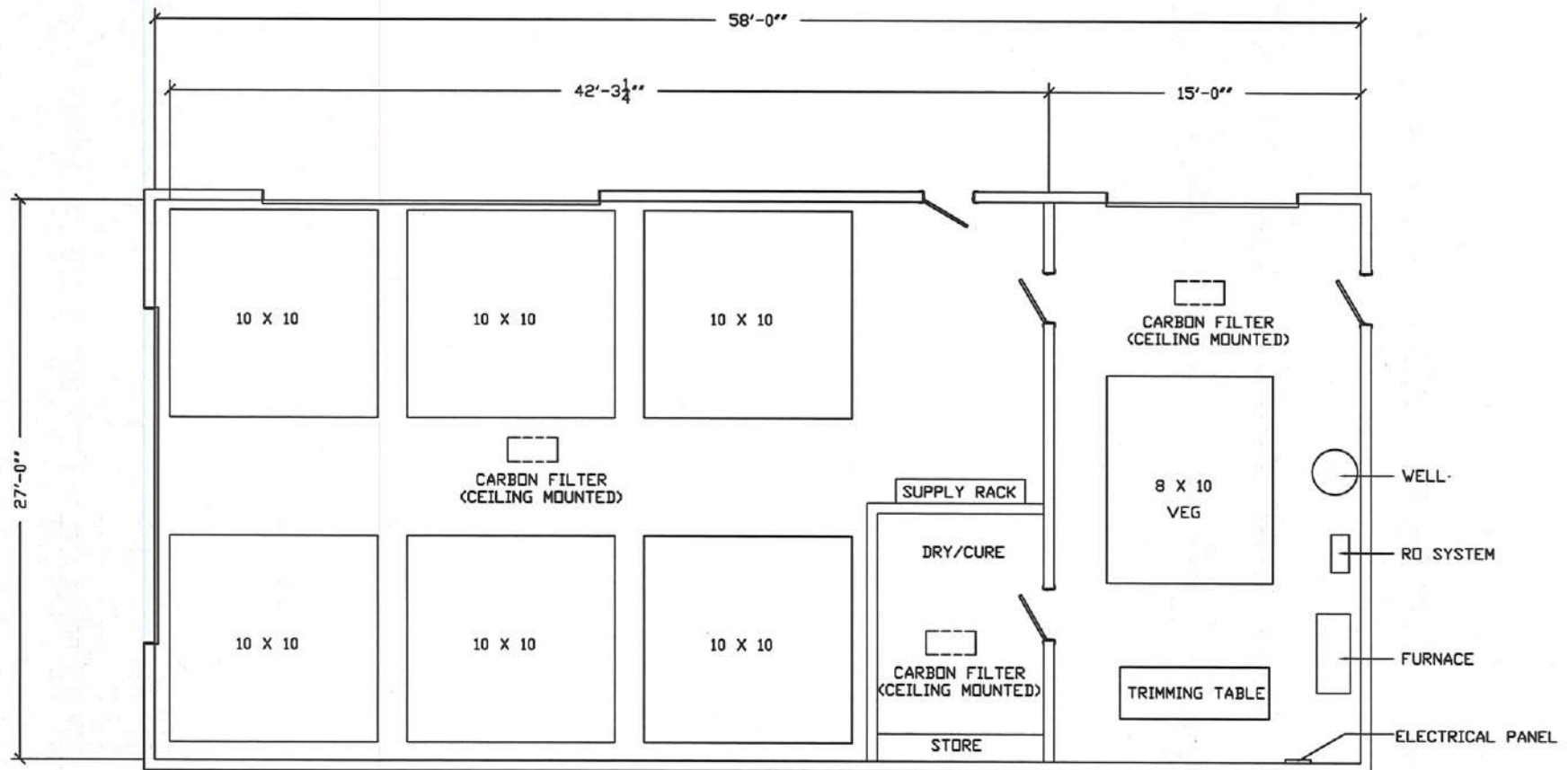
- C1 Main Entrance / Vestibule
- C2 East Side of Cultivation Building
- C3 West Side of Cultivation Building
- C4 South Side / Parking & Driveway

NEAREST RESIDENTIAL STRUCTURES

DIRECTION	APPROXIMATE DISTANCE
South	≈ 473 ft
East / Southeast	≈ 426 ft
Northeast	≈ 763 ft
Northwest	≈ 864 ft

NOTES

- All cultivation activities occur indoors within the proposed cultivation building.
- Property is owner-occupied.
- Security systems include 24/7 alarm monitoring, video surveillance (local & cloud backup), controlled access, and exterior lighting.
- No public access to site.
- Plan not to scale. Distances are approximate.



1 FLOOR PLAN
SCALE: 1/8" = 1'-0"











HAVEN TOWNSHIP

Orderly Annexation Agreement

Haven Township

To Connect with any Haven
Township Representative
Supervisor / Clerk /
Treasurer:
Contact by Telephone

Call: (320) 743-3717



Why are we talking about annexation?

It is important to have an annexation agreement, because it sets restrictions and conditions on how the City can annex property. The lack of an agreement removes the ability of the township to participate in decisions regarding annexation, preventing the township board from having a voice in preserving and protecting the rural and agricultural character of much of the township.

Haven Township previously had an orderly annexation agreement that was executed in October of 2010 and that provided the framework for any property to be annexed into the City of St. Cloud for 15 years. It was due to expire on November 1st of 2025, but it was extended for a year by mutual consent of the township and the city, with a new expiration date of October 31st, 2026. The Haven Board of Supervisors has been working with city officials to execute a new agreement that will continue to govern the process by which any Haven properties could be annexed into the city. This new agreement would not expire until 2075, providing a framework for the next fifty years.

What kinds of conditions and considerations are included in the plan?

Annexation order would be determined by the annexation tract map included in the graphic displayed on the next page.

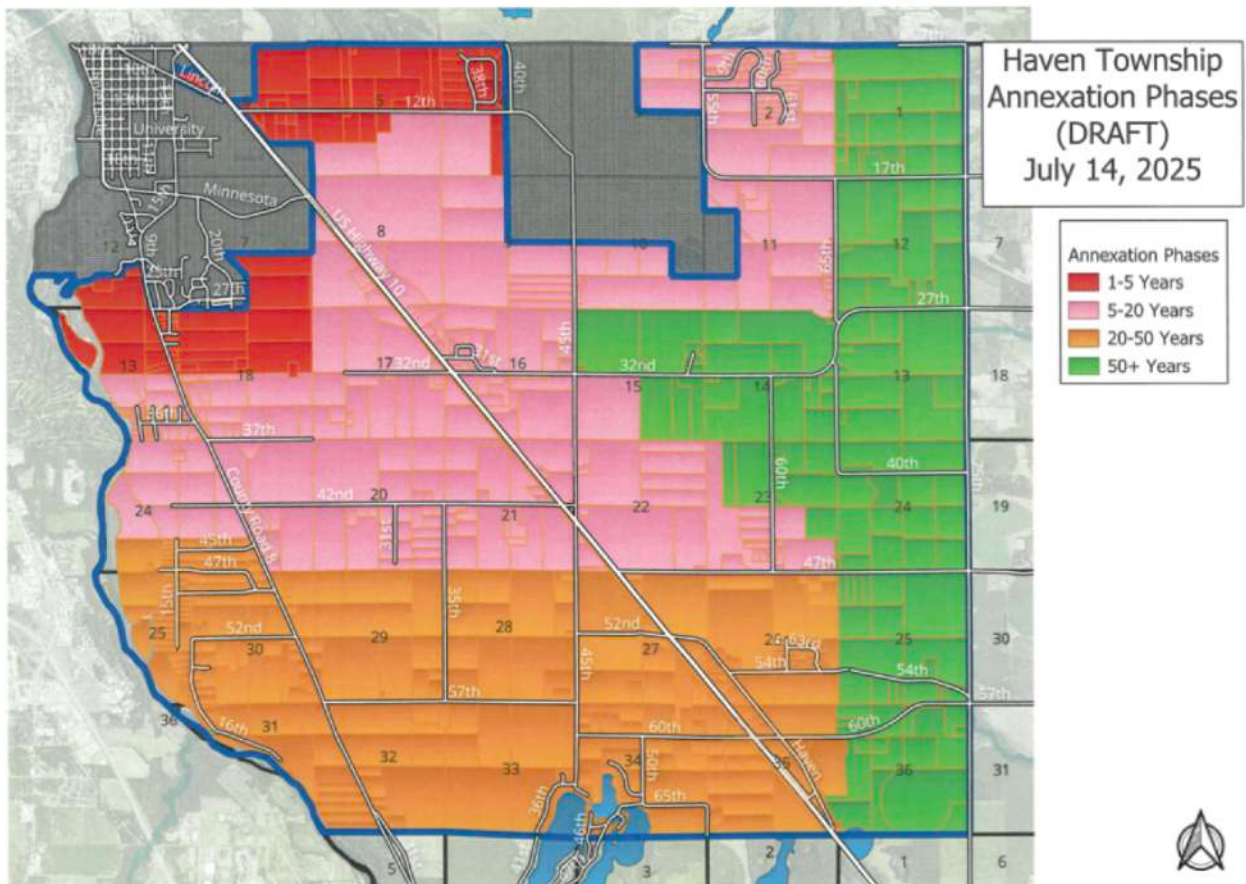
The property owner must request annexation.

The City must have the resources for sewer and water development in order to proceed.

Property owners who choose to annex do NOT have to connect to city water and sewer immediately.

The zoning authority will shift from the current structure of zoning decisions made by Sherburne County Zoning Board to a Joint Powers Board comprised of two representatives from the Township and one from the City. This increases the local control of zoning decisions, giving Haven representatives the ability to make the best decisions for the Township, rather than relying on a county board who may prioritize the needs of the other regions of the county.

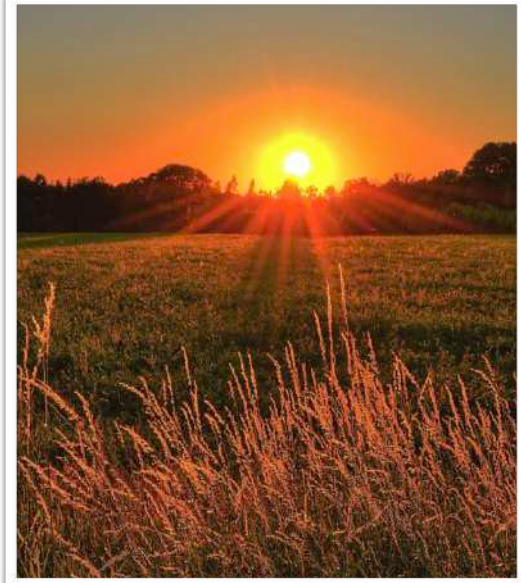
When would my property be annexed?



This would depend on its proximity to the City. Areas currently bordering the City (shown in red on the map) could be annexed in 0-5 years, if the City met the terms of the Orderly Annexation Agreement in order to proceed. Other areas would vary, with timelines stretched out to possibly 50 years, and some areas may never be annexed.

Could my property be annexed if I don't want it to be?

The City's current policy is not to force annexation, meaning that a property owner has to request annexation for their property to go through the process. Currently, the proposed agreement states that in addition to being located in Tract 1 or 2, properties must be contiguous to the City's boundary in order to even be eligible to request annexation.



Do I have to connect to city sewer if I am annexed?

Not immediately. While the extension of sanitary sewer services is a high priority for the city, the timeline for connection would be determined by one of the following triggers:

The property owner petitions for service.

The property is sold or otherwise transferred.

Construction of new non-agricultural buildings or the expansion of existing non-agricultural buildings occurs on the property.

The property's septic system is failing.

State or Federal law requires connection; or

Three years have passed since annexation and the properties abutting or adjacent to the property have connected.

If I am annexed, will my property taxes go up?

Yes. The City taxes are higher than in unincorporated areas. This is due to the need to fund the increased level of services. Township taxes stop on the effective date of annexation, so no resident would be double-taxed at any point.

Where can I learn more?

There is more information about the Orderly Annexation Agreement, including a link to a copy of the current draft at the Haven Township website found at <https://www.haventwp.org>

Additionally, the Township Board is planning to host two informational meetings to give Haven residents a chance to learn more about the process and the agreement. Watch the website for the publication of these dates once they are set.

You can also learn more about the annexation process by reviewing Minnesota Statute 414.0325, which governs the annexation of unincorporated areas. It can be found at the following link:

<https://www.revisor.mn.gov/statutes/2013/cite/414.0325>

Lastly, we encourage everyone to stay informed by going to the Haven website and subscribing to notifications for updates, notices and other news. To sign-up, go to <http://www.haventwp.org> and scroll down the main page to find this subscription box.

Subscribe for Notifications

*Sign up here to receive ALL notifications for News, Agendas, Minutes, & Packets. If you don't want to receive ALL notifications please visit the [Subscribe to Updates](#) page to be able to select notifications for specific categories.

			Subscribe
Name *	Email *	Phone	

Haven Township
PO Box 339
St. Cloud, MN 56304



What is annexation?

Annexation is the legal process by which properties become part of a city. After annexation, a property will be inside the city limits and thereafter subject to City jurisdiction. Annexation to the City is required before land can be developed at urban density with Florence zoning, receive City police services, hook up to St. Cloud utilities, and receive other services provided by the City. If a property is eligible for annexation, the City is legally obligated to consider the request and make a decision based on specific legal criteria within 120 days.

Who is eligible to annex?

Land proposed to be annexed must be within the City's Urban Growth Boundary (Tract 1 or Tract 2) and contiguous to the city limits or separated from the city only by public right of way or a stream, bay, lake, or other body of water.

Within the Urban Growth Boundary? (Tract 1 or Tract 2)

Areas eligible for annexation are those properties within (Tract 1 or Tract 2) is the area that the City, through its Comprehensive Plan and approval by the State of Minnesota, has determined is subject to urban uses and eventual inclusion within the City.

Annexed Area Contiguous to Current City Boundary?

In addition to being located within (Tract 1 or Tract 2), properties must be contiguous to the City's boundary in order to be eligible to annex. In some cases, the connection to the City boundary can be made by annexing a right of way, such as a street.

Can the City Provide Services?

In order to take a property into its jurisdiction, the City must be able to provide services such as wastewater treatment and police service. The City also coordinates with other agencies to ensure non-City provided services would be available, including water supply, fire protection, electricity, and more. The adequacy of these services for a particular kind of development isn't a major factor until development is actually proposed in a later application. For the purposes of an annexation request, it only matters that services can be provided at a basic level.

Could my property be annexed if I do not want it to be?

The City's current policy is not to force annexation, meaning a property owner has to request annexation for their property and go through the process.

If a property or right of way is annexed next to me, but I remain in the County, would I be required to pay City taxes, too?

No. The City only taxes and provides City services to property within City limits, even if you are along a street that has been annexed.

What is an Urban Growth Boundary?

Each Minnesota city is surrounded by an urban growth boundary (UGB); a line drawn on planning maps to designate where a city expects to grow. This growth can occur with new houses, industrial facilities, businesses, or public facilities such as parks and utilities. Restrictions in areas outside of a UGB protect farm and forest resource land and prohibit urban development. Generally speaking, it's where the city ends and the farms and forests begin. A UGB is expanded through a joint effort involving the city and township, in coordination with special districts that provide important services in the urban area. Once land is included in a UGB, it is eligible for annexation to a city. The City of St. Cloud last adjusted the UGB in 2003. In 2025 , the City of St. Cloud and Haven Township agreement will end 10-30-2025. A new agreement will need to be presented prior to that date or the City can annex in blocks of land that connect to the city without township agreements.

What does annexation mean for development of a property?

Properties in the City's jurisdiction are eligible to propose development under the City's codes. A property owner can only propose development to the City after the land has been brought into the City's jurisdiction. Determining whether a proposed development complies with City regulations is done through a different process from annexation, however, and annexation does not represent approval for development. Just like properties that are already in the City, a property proposed for annexation will have to file new applications and go through development review before anything can be built. Proposals such as subdivisions or non-residential development can expect new public hearings, design review, and other consideration.

Annexation is ultimately a legal change involving redrawing maps and handing off responsibility for services and regulation between public agencies. On its own, annexation does not represent an approval for development. When a property owner proposes development that could impact the transportation system, the City's transportation codes will be applied; when a proposal could impact stormwater runoff, the City's stormwater codes will be applied, etc.

Do I have to connect to City sewer if I am annexed?

No. The City does not require connection to sanitary sewer upon annexation. Reasons for this include the lack of gravity sewers in the area; direct connection to a pressure sewer main which requires the home service line to be pressurized, and individual sewer connections are not practical because of the need for a sewer pump within the home. If a request to annex into the City is approved by the City Council and the desire is to connect to City sewer, coordination with the City's Public Works Department will occur to develop a plan to for connection.

Do I have to connect to City water if I am annexed?

No. The City does not require connection to water service upon annexation. Properties that are currently served by Private Wells will continue that service after annexation. The City will work to ensure that properties are provided with appropriate domestic water and fire service within the service area boundaries.

If annexation of my property is approved, will my taxes increase after annexation?

Yes. City taxes are higher than the taxes in unincorporated areas, but the level of services is higher, too.

Taxes are always a cause of question for property owners. Today at our workshop we would like to gather your current tax statements and have the City work with us to gain a estimate of what changes to expect with all the levels on your statement. Please complete the form available for our clerk to get a copy of your statement.

How are property taxes calculated in Minnesota?

In Minnesota, property is taxed on its assessed value. A property's assessed value is the lower of its real market value or its maximum assessed value. Each year, the county assessor determines the property's real market value and calculates its maximum assessed value. You are taxed on the lesser of the two, which is called the assessed value. Real market value and maximum assessed value are defined below.

Estimated Market Value (EMV)

Minnesota law says the assessor must value all property at 100 percent of its real market value. Real market value (RMV) is typically the price your property would sell for in a transaction between a willing buyer and a willing seller on January 1, the assessment date for the tax year.

What happens after annexation?

- Your address will not change.
The United States Postal Service does not change your zip (or the city or county name associated with your zip code) as a result of annexation.
- Your property will be incorporated into the City and assigned a City zoning designation.
- Some of the tax rates on your annual property tax statement will change.
- Some services, such as police and code enforcement, will be provided by the City. Other services will continue to be provided by the same service districts (e.g. Library, Fire, & Ambulance.) and private and customer owned companies (e.g. Charter, Century Link, or others) that are currently serving your property.
- The City will notify all existing service providers of your property's annexation into the City.
- Some of the uses or structures on the property may not conform to the City's code. This is okay and not unusual. Having a nonconforming use or structure will not prevent you from annexing or continuing to use your property.
For example, structures on your property may be larger or closer to your property line than what the City's code allows. Uses and structures that were legal when established, but that do not conform to the City's current zoning code are considered nonconforming. Nonconforming uses are allowed to continue and nonconforming structures are allowed to be maintained in reasonable repair. However, neither is allowed to expand or be significantly altered without City review and approval.
- Future development on a property, such as a home remodel or new driveway, will be subject to the City's permitting requirements and zoning code.
For example, a home remodel or new deck may require a building permit and new driveway may require an erosion control and/or right-of-way permit. Please check with the City before making these kinds of changes on your property.

Now what?

We have this form for each property owner who is here at this meeting. The form has the email address of Supervisor Meyer. Please send the information on the form from your email.

Name of Property owner_____

PID of Property _____

Address of Property _____

Septic last certified date and any records if possible _____

Drinking water test results_____

On what date _____

Your contact information_____

Cell number- email address

I need more Information about annexation before going further _____ (yes)

What are you wanting to learn ? _____

I am willing to consider annexation but not before (year) _____

I do not want to be annexed into the City_____ (NO)

I want to receive alerts and News about Haven Township. You will need to go to Website and sign up with your information.

Please send a email to: supervisormeyer@haventwp.org You will receive a return email with this form to complete. All Haven records are not stored as pdf files so we have access to sort or gather follow-up information. We do not share your Information outside of this official business.

**THIS IS A DRAFT OF REDLINES WHICH
STILL REQUIRE FURTHER ATTORNEY
REVIEW PRIOR TO EXECUTION BY THE
TOWNSHIP.**

**JOINT RESOLUTION AS TO ORDERLY ANNEXATION BY AND BETWEEN
THE CITY OF ST. CLOUD AND THE TOWN OF HAVEN**

WHEREAS, the City of St. Cloud (the “City”) and the Town of Haven (the “Town”) previously entered into an orderly annexation agreement in 2010 (Haven Township Resolution No. 2010-3, City of St. Cloud Resolution No. 2010-10-191); and

WHEREAS, the City and the Town desire to provide for the orderly development of areas of the Town that are or are about to become urban or suburban in character, replacing and updating the 2010 agreement; and

WHEREAS, the City and the Town wish to encourage development and extension of services to those properties which are contiguous to the City limits prior to properties which are not adjacent to the City boundaries; and

WHEREAS, the City and Town wish to limit non-farm rural development within those areas surrounding the City until such time as municipal services are available and to ensure that growth occurs in an orderly manner; and

WHEREAS, the City and the Town have reached an agreement which is in the best interest of citizens of the City and Town, ensuring enhanced representation of the Town’s interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF ST. CLOUD AND THE BOARD OF SUPERVISORS OF THE TOWN OF HAVEN:

1. **Repealer.** The parties agree the previous Joint Resolution as to Orderly Annexation between the City of St. Cloud and the Town of Haven, adopted in 2010, is hereby repealed and superseded by this Agreement.

2. Description of Area to be Annexed. That the following described areas are properly subject to orderly annexation under and pursuant to Minnesota Statutes §414.0325, and the parties do hereby designate these areas for orderly annexation as provided by statute:

A. That area set forth on the attached map (Exhibit A) and legally described by Exhibit B. The designated area shall be identified as Tract 1, Tract 2, Tract 3, and Tract 4, as further detailed in the Exhibits.

No lands outside of Exhibits A and B may be annexed under this agreement.

3. Office of Administrative Hearings Jurisdiction. That upon approval by the parties, this agreement shall confer jurisdiction upon the Office of Administrative Hearings (the “Office”) and the Municipal Boundary Adjustment Unit Chief Administrative Law Judge (“Chief Judge”) so as to accomplish said orderly annexation in accordance with the terms of this agreement.

4. No Alterations of Boundaries. The City and the Town mutually state that no alteration by the Office or the Chief Judge of the boundaries of those areas designated herein for orderly annexation is appropriate, unless otherwise required by law.

The City and the Town mutually state that this resolution sets forth all of the conditions for annexation of the areas designated herein for orderly annexation and that no consideration by the Office or the Chief Judge is necessary. The Office and Chief Judge may review and comment, but shall, within thirty (30) days, order annexation, subject to the provisions of paragraph 6.

6. Approval Process.

The City and the Town mutually state that properties in the areas designated herein, or a portion thereof, shall be annexed to the City upon receipt of the City’s resolution submitted to the Office/Chief Judge, not sooner than 45 days after submitting a copy of an annexation petition to the Town when either of the following are met:

a. Agricultural and/or Undeveloped Land.

(i) Petition requesting annexation signed by owners of 100% of individual parcels of record for agricultural and/or undeveloped properties in an area proposed for annexation; or

(ii) agreement of both the City Council and the Town Board

b. Developed Property.

(i) Fifty-one percent (51%) of the owners of individual parcels of record for developed property in an area proposed for annexation sign a petition requesting annexation; or

(ii) agreement of both the City Council and the Town Board.

When a petition for annexation of developed lands involves more than one property, all such properties must be contiguous to each other. All of the properties considered to be developed are described in **Exhibit 3**. Residential subdivisions of land resulting in a lot(s) of 10 acres or less that are approved subsequent to the effective date of this agreement will be considered developed. Any property utilized for commercial or industrial purposes and which has been developed with buildings or other significant structures is considered developed.

c. Surrounded Properties. Any property, whether in Tract 1, 2, 3, or 4, which is less than 40 acres in size and that is entirely surrounded by the City may be annexed by the City at any time ten (10) years after the date on which it becomes surrounded by the City. Surrounded properties include those properties which abut the City of St. Cloud, or a street which abuts the City of St. Cloud, on three or more sides, except that areas within City boundaries but that are isolated from the main areas of the City (such as the St. Cloud airport or relatively narrow strips of land connecting these isolated areas to the main portion of the City) shall not be considered when determining if a Township property is surrounded.

d. Phased Annexation: Unless otherwise agreed to by the Town Board, annexation of land in Tract 2 shall only be considered after 70% of the acreage of Tract 1 is annexed to the City; annexation of land in Tract 3 shall only be considered after 85% of the total acreage of Tract 2 is annexed to the City; and annexation of land in Tract 4 shall only be considered after 85% of the acreage of Tract 3 is annexed to the City.

e. **City Not to Initiate Annexation.** The City will not initiate annexation within the Designated Area, unless petitioned for by property owners or as otherwise provided in this Agreement.

7. Provision of Municipal Utility Service.

a. Sewer Extension a High Priority. Extension of sanitary sewer service to annexed properties requesting sewer service will be a high priority by the City.

b. Assessment or connection charges. Assessment or connection charges to annexed properties will be at the City's officially established rate applicable citywide for improvements of a similar type at the time of benefit and/or connection to said service.

c. Timeline for Connection. Annexed properties must connect to municipal services on the earlier of one of the following:

- (1) The property owner petitions for service;
- (2) The property is sold or otherwise transferred for purposes other than agricultural;
- (3) Construction of new non-agricultural buildings or expansion of existing non-agricultural buildings occurs on the property;
- (4) The property's septic system is failing;
- (5) State or Federal law requires connection; or
- (6) Three years from readily available (installed abutting or directly adjacent to the property) sanitary sewer and/or water services.

d. Siting of Municipal Services in Township. In order to facilitate orderly development of the Orderly Annexation Area and to avoid the annexation of land in the Orderly Annexation Area merely for the purpose of installation of roadway, utilities and drainage improvements (collectively, the "Municipal Services"), the Township may consent to the construction of Municipal Services prior to

annexation provided the City has obtained fee title or easements necessary. The City shall reimburse the Township for the cost to repair any road damage that may occur as a result of City construction of said Municipal Services within the Township road right of way.

e. The City shall make no assessments or charges to properties for any improvements prior to its annexation.

f. The City and Township state that the following municipal services shall be provided to 51% of all property annexed under this Agreement within eighteen (18) months of the date it is annexed: Sewer Service, Water Service, Police Service, Fire Service, First Response Service. If substantially all of the annexed property is not so served with municipal services on the timelines noted no future annexations of any property from the Township to the City under the terms of this Agreement may occur until said services are extended to 51% all of the previously annexed properties.

8. Provision of Other Municipal Services. The City shall be responsible for the provision of all normal and customary municipal services to annexed properties.

9. Tax Reimbursement. The parties agree the City will reimburse the Town a portion of the taxes levied on annexed properties for a 10-year period following annexation as provided in this section.

a. **All Properties.** For all annexed properties, (whether commercial, industrial, residential, agricultural, developed, or undeveloped),

the amount of taxes to be reimbursed and paid to the Town will be calculated by multiplying the assessor's market value for the annexed property in the year of annexation by the tax capacity rate of the Town in the year of annexation. It is the intent of the parties that the payment will be calculated based upon values and the tax rate for taxes payable in the year of annexation (based upon the date the City Council passes its resolution calling for the annexation). The City will then pay the Town that fixed amount each year during the above referenced ten (10) year term.

b. **Developed Commercial/Industrial Properties.** In addition to the tax reimbursement payment provided for above, the City's reimbursement of taxes collected on commercial and industrial properties which were developed prior to annexation will continue for an additional 10 years (after the 10 years provided for above) at a rate of 20% of the fixed amount paid during the initial 10-year reimbursement term as provided for above.

c. **Payment.** The City shall make its payment to the Town once each year, prior to December 1st of each year, based on the monies the City has collected.

10. **Outstanding Assessments and Debt.** To the extent applicable, upon annexation of a given area, the City shall collect and pay to the Town any outstanding assessments for public improvements or services imposed in the Town under Minnesota Statutes, chapters 429, 365A, or other law or property annexed by the City. The City shall pay such amounts over to the Town within 30 days of each tax distribution containing the assessed amounts until the assessment, including applicable interest, imposed on the property is paid in full.

11. **Tax Step-Up for Platted Developed Residential Property.**

For platted, residentially developed properties existing in the Town on the effective date of this Agreement, the tax rate of the City imposed on the annexed properties shall be increased in substantially equal proportions over a six- year period to equality with the tax rate on the property already within the City.

12. **Joint Planning Board.** The parties agree that the zoning for the Designated Area shall be administered by a Joint Planning Board as provided in this section and as the parties may agree to as part of a joint powers agreement.

a. **Joint Planning Board Continued.** A Joint Planning Board shall be established pursuant to Minn. Stat. § 471.59 to exercise planning and land use control over the Designated Area. **The Joint Planning Board cannot be dissolved without the consent of both governing bodies.**

b. **Make-up of Board.** The Joint Planning Board shall continue to be made up of two representatives from the Town appointed by the Town Board on an annual basis and one representative of the City appointed by the City Council on an

annual basis. Appointees will serve until their replacement is appointed. The Chair of the Joint Planning Board will be rotated between City and Town appointees.

c. **Zoning & Subdivision Ordinances.** The Joint Planning Board will adopt its own zoning regulations for the Designated Area **by unanimous vote of all Joint Planning Board Members**. For those areas within Tracts 1 and 2 which are to be annexed the soonest, the zoning regulations shall closely mirror those zoning regulations, and make use of substantially similar zoning districts, which apply within the City of Saint Cloud so as to facilitate consistency in lot dimensions and land uses. In Tracts 3 and above where annexation may not occur for several decades or more, the zoning regulations and zoning districts shall be written to prevent gross inconsistencies with the land uses allowed within the City of Saint Cloud or excessive barriers to the efficient future expansion of city infrastructure and services, but allow for significant flexibility to customize lot dimensions and land uses to the rural nature and specific goals of the Township in maintaining a rural lifestyle. The Joint Planning Board may adopt alternative ordinances and amendments by the unanimous vote of all Joint Planning Board Members. The Joint Planning Board shall serve as the Board of Appeals and Adjustments and it shall adopt such revisions to its ordinance as may be needed to make clear that it serves in that capacity.

d. **Permit Fees and Distributions.** The permit fees shall be established by the unanimous agreement of the Joint Powers Board. Upon dissolution of the Joint Planning Board, any property acquired as the result of the exercise of its powers shall be returned to the City and the Town in equal shares, except to the extent a contribution of property was unequal then that property shall be distributed in proportion to the contributions made.

e. **Staff.** The Joint Planning Board duties will be administered by the staff hired by the Joint Planning Board. The funding of such staffing shall be as determined by the City and Township. The City will be entitled to retain permit fees to cover the cost of administration.

f. **Special Provisions with Joint Planning Area.** The following provisions will apply within the Designated Area:

1. Continuation of Farming Operations. Any farm land that is in existence at the time of the execution of this Agreement may continue to be farmed and developed as a farming enterprise including the construction of agricultural buildings, the maintenance of livestock, the employment of manure storage facilities and any and all agricultural practices that are employed by the land owner or their successors or assigns subsequent to the execution of this Agreement, provided, that such activities are in accord with federal and state laws and the rules and regulations adopted by the Joint Planning Board.

2. Setbacks from Farm Operations. The Joint Planning Board will adopt measures to ensure that no new residential homes are constructed within 500 feet of structures (used to house animals or which are considered feedlots according to Minnesota Rules) located on land employed and engaged in agricultural business endeavors. This provision is not intended to apply to new residential structures constructed on the same parcel as the agricultural structures. The exact details of any additional restrictions in this area will be established by the Joint Planning Board as part of a Zoning Ordinance to be adopted.

3. Development. It is the directive to the Joint Planning Board to ensure that regulations adopted by the Joint Planning Board permit existing businesses and farms located within the orderly annexation area to expand as necessary in accord with federal, state and local laws. It is also the directive to the Joint Planning Board that with the exception of expansions of existing facilities and expansion of agricultural operations the Board will limit new residential, commercial and industrial development within the orderly annexation area prior to annexation of the property into the City and the provision of municipal sewer and water services, unless such commercial or industrial development is of a nature which does not generate significant volumes or types of wastewater and does not make use of unusually high amounts of water and such commercial or industrial development is allowable under the adopted zoning regulations.

4. Development of Annexed Properties. The Joint Planning Board, the City, and the Town shall all adopt and maintain a policy which requires that Developers seeking to develop land within the Designated Area provide notice to potential builders and homeowners that their land is located in an agricultural area and as

such is subject to sounds and smells associated with agricultural production, or within an active mining area or area subject to likely mining activity, or within an airport zoning district, as appropriate.

5. **Existing Rural Uses.** The parties acknowledge that certain uses exist within the orderly annexation area that may lead to conflict as residential properties are developed adjacent to these uses. The City and the Town acknowledge that Minnesota Statutes § 462.357, subd. 1c provides that a municipality must not enact, amend, or enforce an ordinance providing for the elimination or termination of a use by annexation which use was lawful at the time of its inception. In addition, the City and Town agree to work in good faith to address issues that may arise as anticipated property use conflicts arise

6. **Drainage Plans.** For all plats of property annexed to the City from the Town, drainage and grading plans will be presented to the Joint Planning Board and Town for review and comment regarding the potential impacts on other property located within the Town. The City will use good faith efforts to eliminate problems caused in the Town by the drainage and grading completed as a result of such drainage and/or grading plans. The City will also use good faith efforts to address concerns raised by the Joint Planning Board and/or the Town by either making changes to the drainage and grading plans for the plat or by providing written responses to the Joint Planning Board's and/or Town's concerns and agreeing to meet with either the Joint Planning Board or the Town upon the request of either of them to discuss their concerns.

13. **Town Roads.**

a. **Existing Town Roads.** The Town shall maintain Town roads in existence at the time of the execution of the Agreement until lands on both sides of said Town roads are annexed to the City. Upon annexation of the road, any payments remaining due on bonds taken out by the Township for improvement of such roads shall be transferred to the City or the City shall reimburse the Township for continuing such payments.

b. **Annexation of Abutting Property.** If the City annexes property abutting a Town Road, but annexes on one side only of that Road, the Town shall have the option to require the City to maintain both sides of the road abutting the annexed

property. Such option shall be exercised within 90 days of the annexation by Town Board resolution.

c. Undue Burden on Town Roads.

The Town and City recognize that there may be instances where it is appropriate for the City to assume responsibility to maintain additional portions of Town roads because City development imposes an undue burden on Town roads that serve the annexed property. The Joint Planning Board and Town will cooperate to ensure the City accepts its reasonable responsibilities. If the City and Town do not agree on maintenance, the Town may submit the issue to the Joint Planning Board for a decision. In the event that the Joint Planning Board determines that the City should accept responsibility for a Town road under these circumstances, the City agrees to abide by the decision of the Joint Planning Board.

14. Annexation Outside of Designated Area.

a. **Other Annexations Limited.** The City will not initiate any annexation action for property outside of the Designated Area except by agreement with the Town Board. However, in the event an incorporation proceeding is initiated by any party for any part of Haven Township, the City then has the right to initiate an annexation action for any part of Haven Township, provided that right is available to it under law at the time of the action.

b. **Property Owners Rights.** Property owners continue to maintain those options available by law at the time of their action to pursue municipal boundary adjustment outside of the Designated Area. Until such time as 70% of the total acreage of Tract 1 and 85% of the total acreage of areas in Tract 2, 3, and 4 are annexed, the City will not support any property owner-initiated annexation petition for areas proposed for residential development that are located outside of the Designated Area. The City will not support any property owner-initiated petition for annexation of land proposed for non-residential development for a period of 60 days starting from the date of the City's submission of a copy of such a petition to the Town Board for its consideration. The Town and the City mutually agree to meet to consider the appropriateness for the requested annexation and approval of an amendment to the Orderly Annexation Agreement.

15. Costs Associated with OA Agreement. Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement. The City shall be responsible for paying the costs of filing this Agreement with the Boundary Adjustment Unit and for making any corrections to the maps or legal descriptions as may be required.

16. Binding Agreement. Pursuant to Minnesota Statutes § 414.0325, subd. 6, and by agreement of the parties, this Agreement is a binding agreement on the parties and its terms are not preempted by the provisions of Minnesota Statutes, chapter 414 or other law as it may now exist or may later be adopted or amended. The parties intend this Agreement to set all exclusive procedures for annexing property within the Designated Area. The City agrees to oppose any effort to annex property within the Designated Area that does not comply with the terms of this Agreement.

17. Dispute Resolution. The parties agree to mediate any disputes concerning the interpretation of this Agreement that cannot be resolved by the City and Township's staff, legal counsel and elected officials by filing a request for non-binding mediation with the Bureau of Mediation Services within 30 days after one party notifies the other party of existence of a dispute under this Agreement. **No annexation actions may proceed during the pendency of a dispute or mediation.**

When the parties to this Agreement are unable to resolve their respective grievances either through direct negotiation or through mediation either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Agreement and any other available remedies at law or equity, in the case of a violation, default, or breach of any provision of this Agreement, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Agreement in accordance with its terms.

18. Venue. The venue for all actions concerning this Agreement shall be Sherburne County, Minnesota.

19. Authorization. The appropriate officers of the City and the Town are hereby authorized to carry the terms of this Joint Resolution and Agreement into effect.

20. Severability and Repealer. All prior resolutions and ordinances of the Town and City, or portions of resolutions and ordinances in conflict herewith, are hereby repealed. Should any section of this Joint Resolution and Agreement be held by a court of

competent jurisdiction to be unconstitutional or void, the remaining provisions will remain in full force and effect. In the event of litigation neither the City nor the Town will seek to have any provision of this Agreement declared null and void. If a court issues an order declaring a portion of this Agreement unconstitutional or void, the parties mutually agree to request of that court reformation of the contract and/or, of the legislature, special legislation, both actions being for the purpose of reinstating the original intent of this Agreement.

21. Effective Date. This Joint Resolution and Agreement is effective upon its adoption by the respective governing bodies of the Town and the City, as provided by law.

22. Periodic Review and Amendments. The City and Town mutually agree and state that upon request of either party a joint periodic review of this agreement may be conducted 5 years after the effective date of this Agreement and every 5 years thereafter upon the request of either party. The parties may mutually agree to meet to review this Agreement more often than is set forth in this paragraph.

Any amendments to this Joint Resolution and Agreement will require adoption and approval by both the City Council and Town Board. A public hearing must be held if the amendment proposes to expand the Designated Area as provided in Minn. Stat. § 414.0325, subd. 1b.

23. Termination of OA Agreement. The parties agree that this Agreement shall terminate on **December 31, 2075**, unless extended before such time by resolution of the parties. Unless the parties have agreed to an extension, this Agreement shall terminate on December 31, 2075. Notwithstanding the termination of this Agreement, the provisions of paragraphs 7 (Utilities Services), 8 (Other Municipal Services), 9 (Tax Reimbursement), 10 (Outstanding Assessments and Debt), 11 (Tax Step-Up), and 13 (Town Roads) of this Agreement shall remain binding after the termination of the Agreement for all properties annexed under the terms of this Agreement prior to its termination.

Upon the effective termination of this Agreement with respect to the unannexed territory:

1. This Agreement shall be null and void and of no further effect as to all lands not previously annexed. The City shall have no further right to annex such lands under the terms of this Agreement.

2. The Township shall promptly file a formal Notice of Termination with the State of Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments Unit, referencing the original Orderly Annexation Agreement and noting the withdrawal of consent for all remaining, unannexed territory.
3. Termination shall not affect the validity or status of any land previously annexed under a completed, legally effective Resolution of Annexation adopted prior to the date of termination.

EXHIBIT 1 (Map of Designated Area)

EXHIBIT 2 (Legal Descriptions of Designated Area)

EXHIBIT 3 (Developed Properties within the Designated Area)

GENERAL NOTE: The legal descriptions and maps (Exhibits A, B, and potentially new Exhibits for phased areas or developed properties) from the 2010 St. Cloud/Haven Township agreement would need to be updated or created and attached to this new draft. The specific delineation of Tract 1, Tract 2, etc., would also need to be defined in the new exhibits. As all are aware, the Joint Planning Board having zoning jurisdiction over the annexed area is a fundamental shift from Haven Township having sole land use control as per the 2010 agreement in Tracts 1 and 2 and Sherburne County having sole land use control over the rest of the Township.

Note also that in addition to deciding who will administer the Zoning Ordinance (city staff or an outside/independent hire), it will also need to be decided who will administer the building code and who will review plans and inspect installation of private septic systems.

**Minden Township/City of St. Cloud
Orderly Annexation Area Planning Board**

Wednesday, March 12, 2025
5:30 p.m.
Minden Town Hall
2989 Golden Spike RD NE
Sauk Rapids, MN 56379

AGENDA

- ## 1. Call to Order

CONSENT AGENDA

2. Approval of the September 5, 2024 meeting minutes.

NEW BUSINESS

- ### 3. Election of Officers

PUBLIC HEARINGS

OTHER BUSINESS

4. Minden OAA Agreement
5. Minden OAA Board Roles and Responsibilities
6. Support Services Agreement
7. Master Plan/Future Land Use Map
8. Minden OAA Zoning Ordinance/Zoning Map
9. Minden Subdivision Ordinance
10. 2025 Schedule of Meetings

ADJOURNMENT

Written testimony on any public hearing item can be sent to:
St. Cloud Planning & Zoning Department, 1201 7th Street S, St. Cloud, MN 56301
Or Email at:
planner@ci.stcloud.mn.us

Written testimony must be received by 3:00 pm on March 12, 2025

2. Approval of the September 5, 2024 meeting minutes

**Minden Township/City of St. Cloud
Orderly Annexation Area Planning Board**

Tuesday, September 3, 2024

5:30 p.m.

Minden Town Hall

2989 Golden Spike RD NE

Sauk Rapids, MN 56379

Members Present: Steve Simones (Minden Township Supervisor), Carol Lewis (St. Cloud Council Member at Large) Beth Schlangen (District 5 County Commissioner)

Staff Present: Matt Glaesman (Community Development Director- City of St. Cloud) & Isabella Margl (Planner I- City of St. Cloud)

Members of the public: Chris Thell, Deb Thell, Rick Walter, Dustin Snyder, Keith Leske, Mary Leske, Bob Beam, Bob Winkleman, Andrew Sander

Call to Order

1. Steve Simones called the meeting to order at 5:30 pm.

CONSENT AGENDA

2. Approval of the August 2024 meeting minutes. Schlangen moved to approve the August 2024 meeting minutes. Seconded by Lewis. Motion carried. (3-0)

NEW BUSINESS

PUBLIC HEARINGS

3. Interim Ordinance (Ordinance No. 2024-01): Consideration of an Interim Ordinance imposing a moratorium prohibiting development and construction on undeveloped lots within Highland Park and Highland Park Plat 2

Director Glaesman explained the roles of the city and the orderly annexation board in Minden Township. Director Glaesman explained that the ordinance's introduction is due to the call volume of new construction on the lots before infrastructure, roads, water, and sewer. Due to the proximity of the sewer and water to the lots in the area, an interim ordinance would allow for a discussion of the expansion of the services to the area and provide a thoughtful discussion of the future of development in the area.

Director Gleasman states the interim ordinance would prohibit the construction of building permits for a home or detached accessory structure on the lots identified in the ordinance document for a term of one year.

Simones opened the public hearing.

Members of the public ask general questions regarding annexation and questions regarding the plan for annexation and development of the area over the next year.

Director Glaesman and Board member Simones respond to the questions.

Discussion ensued regarding the future of annexation of the area and the history of Highland Park and Highland Park Plat 2.

Public hearing closed.

Motion made to approve by Lewis to approve the building moratorium as proposed in Ordinance No. 2024-01. Seconded by Simones. Motion carried (3-0).

OLD BUSINESS

5. MDPA-2024-01: Request from All State Acquisition Corp. to amend the Jeff Hanson PUD allowing construction of a parking lot at 5102 Marson Dr.

The applicant asked a question regarding the reasoning for one access. Discussion ensued regarding clarification of the recommendations of staff on the PUD amendment.

Motion made to approve the PUD amendment with a change to the recommendation to allow for 80% opacity on the screening and 1 access from Marson Dr with no more than 40 ft of width.

Motion for approval made by Lewis. Seconded by Simones. Motion carried (3-0).

OTHER BUSINESS

ADJOURNMENT

Lewis moved to adjourn the meeting at 630. Schlangen seconded. Motion carried. (3-0)

Respectfully Submitted
Isabella Margl
Planner I
City of St. Cloud

MEMORANDUM

TO: Minden Township Orderly Annexation Area Planning Board

FROM: Matt Glaesman, Community Development Director
Isabella Margl, Planner I

DATE: March 7, 2025

SUBJECT: Orientation and Role of the Minden Township OAA Planning Board

GENERAL INFORMATION

The St. Cloud/Minden Orderly Annexation Area joint planning board was established in February 2001. As a result, the Minden Township Orderly Annexation Area Planning Board was created to administer planning and zoning for properties located in the orderly annexation area.

Attachments:

- Minden OAA Agreement
- Minden OAA Board Roles and Responsibilities
- Support Services Agreement
- Master Plan/Future Land Use Map
- Minden OAA Zoning Ordinance/Zoning Map
- Minden Subdivision Ordinance
- 2025 Schedule of Meetings

4. Minden OAA Agreement

Minnesota Planning Docket No. _____
City of St. Cloud Resolution No. **2001-02-49**
Town of Minden Resolution No. _____

**JOINT RESOLUTION AS TO ORDERLY ANNEXATION
BY AND BETWEEN THE CITY OF ST. CLOUD AND
THE TOWN OF MINDEN**

WHEREAS, the City of St. Cloud (the "City") and the Town of Minden (the "Town") desire to provide for the orderly development and extension of services to areas of the town that are or are about to become urban or suburban in character; and

WHEREAS, owners of approximately 1,000 acres of undeveloped land in Minden Township have been requesting annexation to facilitate the extension of municipal services to accommodate development, and

WHEREAS, the recently adopted St. Cloud Area Joint Planning District Plan has delineated the subject area "A" as a Primary Planned Urban Area and the subject area "B" as part of the Ultimate Service Area for municipal sewer service, and

WHEREAS, the City and the Town wish to encourage development and extension of services to properties in an orderly manner; and

WHEREAS, the City and the Town have reached an agreement which is in the best interests of both citizens of the City and the citizens of the Town.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF ST. CLOUD AND THE BOARD OF SUPERVISORS OF THE TOWN OF MINDEN:

1. Description of Area to be Annexed. That the following described areas are properly subject to orderly annexation under and pursuant to Minnesota Statutes §414.0325, and the parties do hereby designate these areas for orderly annexation as provided by statute:
 - A. That area shown as areas "A" and "B" on the map attached as Exhibit 1. The legal descriptions for the entire area as well as the legal description for the sub-parts A and B are attached as Exhibit 2.
2. Office of Strategic and Long-Range Planning Jurisdiction. That upon approval by the parties, this agreement shall confer jurisdiction upon the Office of Strategic and Long-Range Planning (the successor to the Minnesota Municipal Board pursuant to Minn. Stat. § 414.11, hereinafter the "Board") so as to accomplish said orderly annexation in accordance with the terms of this agreement.

3. No Alterations of Boundaries. The City and the Town mutually state that no alteration by the Board of the boundaries of those areas designated herein for orderly annexation is appropriate.
4. Conditions for Annexation. The City and the Town mutually state that this resolution sets forth all of the conditions for annexation of the areas designated herein for orderly annexation and that no consideration by the Board is necessary, the Board may review and comment, but shall, within thirty (30) days, order annexation, subject to the provisions of paragraphs 5 through 10 herein.
5. Approval Process. The City and the Town mutually state that properties in the areas designated A and B, as shown on Exhibit 1 and legally described on Exhibit 2, or a portion thereof shall be annexed to the City by the Board upon receipt of the City's resolution. The City shall adopt its resolution not sooner than 45 days after submitting a copy of an annexation petition to the Town when either of the following are met:
 - a. Petition requesting annexation signed by owners of 100% of individual parcels of record for agricultural and/or undeveloped properties in an area proposed for annexation.
 - b. Fifty-one percent (51%) of the owners of individual parcels of record for developed property in an area proposed for annexation sign a petition requesting annexation. When a petition for annexation of developed lands involves more than one property, all such properties must be contiguous to each other. Those properties considered to be developed are the residential lots located on County Road 8/3rd Street Southeast that are completely surrounded by the corporate boundary of St. Cloud, and the Point Pleasant, Highland Park, and Shady Corner residential subdivisions. All of the properties considered to be developed are shown on the map attached as exhibit 3. Residential subdivisions of land resulting in a lot(s) of 10 acres or less that are approved subsequent to the effective date of this agreement will be considered developed. Any property utilized for commercial or industrial purposes is considered developed.
 - c. Parcels of land in area B shall only be considered for annexation if they abut the City.
 - d. Annexation of land in area A or B must occur in accordance with the terms of this Agreement.
6. Provision of Municipal Utility Service.
 - a. Extension of sanitary sewer service to annexed properties requesting sewer service will be a high priority by the City.
 - b. Assessment or connection charges to annexed properties will be at the City's officially established rate applicable citywide for improvements of a similar type at the time of benefit and/or connection to said service.
 - c. Annexed properties must connect within one year to readily available sanitary sewer and water services.

- d. The City shall make no assessments or charges to properties for any improvements prior to its annexation.
7. Provision of Other Municipal Services. The City shall be responsible for the provision of all normal and customary municipal services to annexed properties.
8. Revenue Sharing. In respect to annexed properties the City shall annually rebate, for a 9-year period following annexation, a portion of the taxes it collects.

For properties where Tax Increment Financing, tax abatement or similar development tools are used, the Town's present tax capacity rate of 6.248% shall be applied to the City's share of the base tax to calculate the dollars to be returned to the Town.

For all other properties, the dollars to be returned to the Town shall be calculated by multiplying the assessor's market value for the annexed property by the current capacity rates. The assessor's determination of market value shall be determined annually in accord with the normal process. The result of this calculation is a determination of the individual tax capacity value for each property. The tax capacity value for each property will then be multiplied by the Town's present tax capacity rate of 6.248%. The result equals the dollars to be returned to the Town.

The City shall make its payment to the Town once each year, prior to December 1st of each year, based on the monies the City has collected.

9. Tax Step-Up. For platted, residentially developed properties existing in the Town on the effective date of this Agreement the tax rate of the City on the area annexed shall be increased in substantially equal proportions over a six year period to equality with the tax rate on the property already within the municipality.
10. Completion of the Annexation Process. In respect to Area A within the Orderly Annexation area, properties not annexed to the City prior to December 31, 2025 shall be annexed to the City upon adoption of a resolution by the City on or after December 31, 2025.

At such time as 70% of Area A is annexed to the City, the City and the Town agree to meet to discuss the question as to whether Area B should be expanded.

11. Annexation Outside of OA Area. The City will not initiate any annexation action for property outside of the Orderly Annexation area. However, in the event an incorporation proceeding is initiated by any party for any part of Minden Township, the City then has the right to initiate an annexation action for any part of Minden Township provided that right is available to it under law at the time of the action.

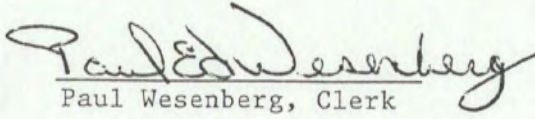
Property owners continue to maintain those options available by law at the time of their action to pursue municipal boundary adjustment outside of the Orderly Annexation area. Until such time as 70% of Area A and B are annexed, the City will

not support any property owner initiated annexation petition for areas proposed for residential development that are located outside of the Orderly Annexation area. The City will not support any property owner initiated petition for annexation of land proposed for non-residential development for a period of 60 days starting from the date of the City's submission of a copy of such a petition to the Town Board of Supervisors for its consideration. The Town and the City mutually agree to meet to consider the appropriateness for the requested annexation and approval of an amendment to the Orderly Annexation Agreement.

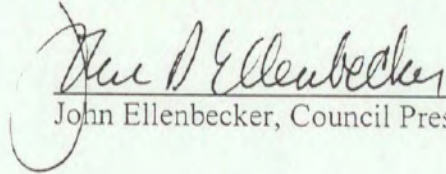
12. Costs Associated with OA Agreement. Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement.
13. Dispute Resolution. The parties agree to mediate any disputes concerning the interpretation of this Agreement by filing a request for mediation with the Bureau of Mediation Services within 30 days after one party notifies the other party of existence of a dispute under this Agreement.
14. Venue. The venue for all actions concerning this Agreement shall be Benton County, Minnesota.
15. Authorization. The appropriate officers of the City and the Town are hereby authorized to carry the terms of this Joint Resolution and Agreement into effect.
16. Severability and Repealer. All prior resolutions and ordinances of the Town and City, or portions of resolutions and ordinances in conflict herewith, are hereby repealed. Should any section of this Joint Resolution and Agreement be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions will remain in full force and effect. In the event of litigation neither the City nor the Town will seek to have any provision of this Agreement declared null and void. If a court issues an order declaring a portion of this Agreement unconstitutional or void, the parties mutually agree to request of that court reformation of the contract and/or, of the legislature, special legislation, both actions being for the purpose of reinstating the original intent of this Agreement.
17. Effective Date. This Joint Resolution and Agreement is effective upon its adoption by the respective governing bodies of the Town and the City, as provided by law.
18. Termination of OA Agreement. This Agreement shall terminate on the later of December 31, 2025 or the date upon which the annexation of all of Area A has been completed. Notwithstanding the termination of this Agreement, the provisions of paragraphs 6,7,8 and 9 of this Agreement shall remain binding after the termination of the Agreement for all properties annexed under the terms of this Agreement.

Adopted by the Town Board of Supervisors for the Town of St. Cloud the
13 day of ~~February~~ 2001.

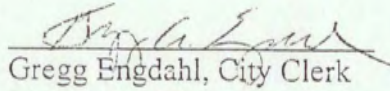

Steve Simones, Board Chair


Paul Wesenberg, Clerk

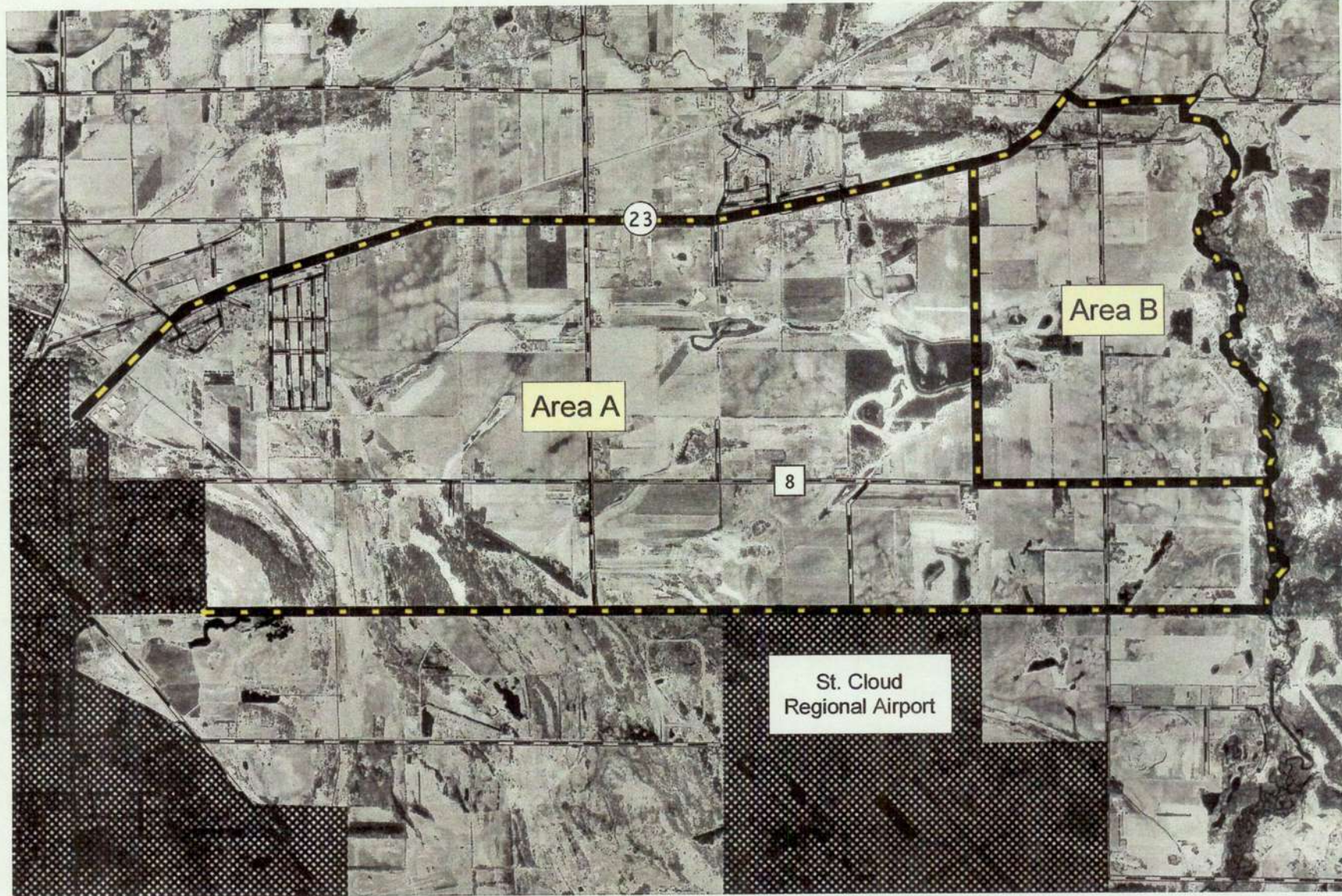
Adopted by the City Council for the City of St. Cloud the ~~12th~~ day of ~~February~~,
2001.


John Ellenbecker, Council President

Attest:


Gregg Engdahl, City Clerk

Minden Township Annexation - Areas A and B



Orderly Annexation Boundary
St. Cloud Corporate Limits



Roads



This map is neither a legally recorded map nor survey and is to be used only for reference purposes. The City of St. Cloud assumes no responsibility for actual or consequential damage incurred as a result of using this data.

Map prepared by the St. Cloud Planning Office 2/1/01

**Description of Orderly Annexation Area
Minden Township, Benton County**

Orderly Annexation Area:

All that part of Sections 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 in Township 36 North, Range 30 West, Benton County, Minnesota, not previously annexed to the City of St. Cloud, described as follows, to-wit:

All that part thereof that lies southerly of the southerly rights-of-way lines of Minnesota Trunk Highway No. 23 and No. 95, and westerly of the thread of the Elk River

Sub-Area B:

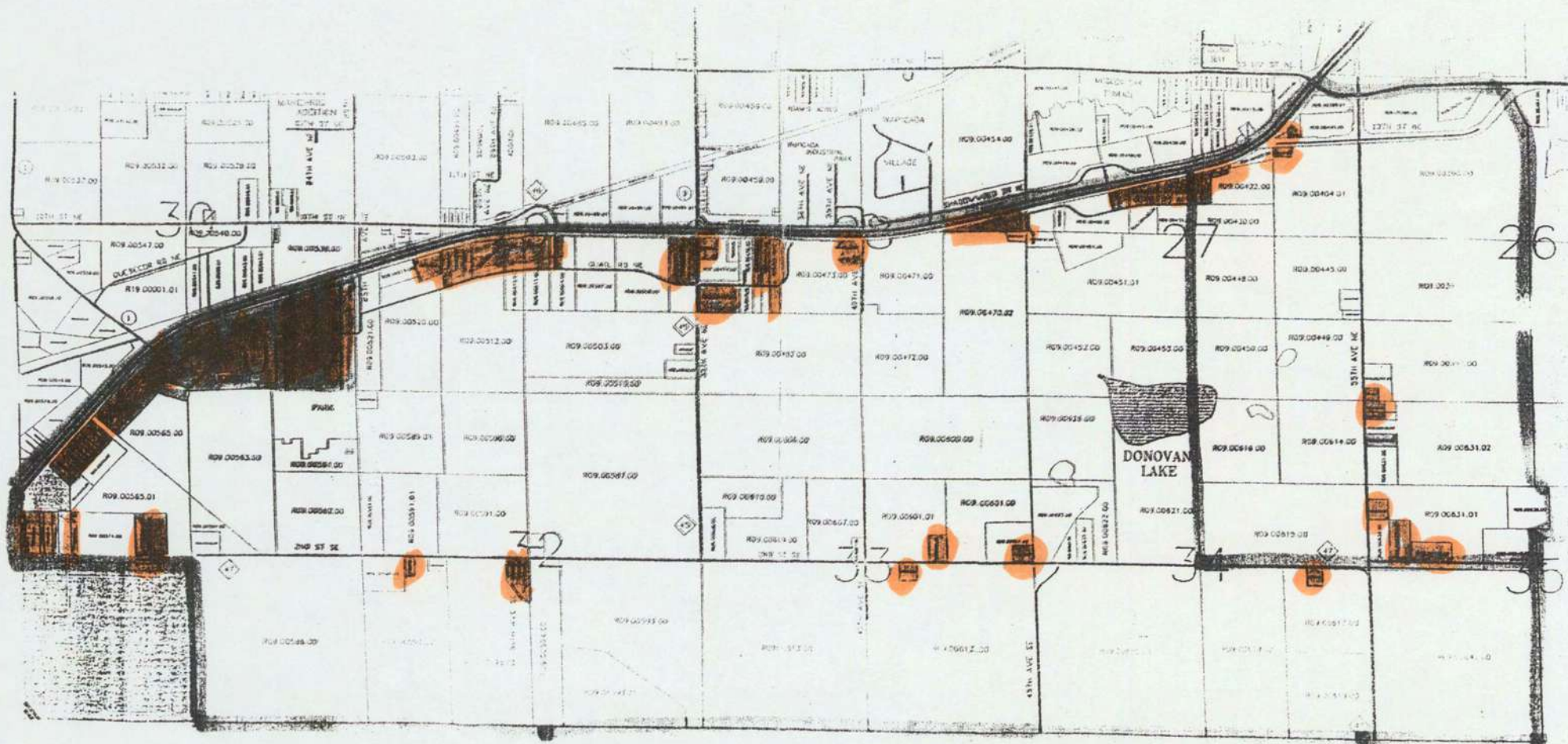
That part of the Orderly Annexation Area situated within Section 26, the East Half of Section 27, the Northeast Quarter of Section 34 and the North Half of Section 35.
Acreage = 893 Acres

Sub-Area A:

The Orderly Annexation Area less and except Sub-Area B.
Acreage = 3,370 Acres

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5. Minden OAA Board Roles and Responsibilities



MINDEN TOWNSHIP/CITY OF ST. CLOUD ORDERLY ANNEXATION AREA PLANNING BOARD

MEMORANDUM

TO: Minden Township Orderly Annexation Area Planning Board

FROM: Matt Glaesman, Community Development Director
Carla Chapman, Senior Planner

DATE: June 3, 2011

SUBJECT: Minden Planning Board's Role and Responsibilities
Minden Planning Board Membership
Minden Township/City of St. Cloud Orderly Annexation Area Support Services Agreement

BACKGROUND

Board Roles and Responsibilities

In February 2001, the City of St. Cloud/Minden Township Orderly Annexation Area was established. The area is located south of Highway 23 between Highway 23 and the Benton County line, and between Highway 10 and the Elk River. As a result, the Minden Township Orderly Annexation Area Planning Board ("Planning Board") was created and given zoning and planning authority in the orderly annexation area. The Planning Board is comprised of one elected official appointed from each of the following jurisdictions: Minden Town Board, Benton County Board of Commissioners, and St. Cloud City Council.

Board Membership

The Planning Board has discussed increasing the number of board members over the past few years. A challenge in the current three member board is that the Chair cannot make a motion or second it; therefore, there could be a stalemate if the other two members were not in attendance. In addition, the potential for meeting conflicts with any given member can compromise the intent of the board to have equal representation of city, county, and township on decisions within the orderly annexation area. If the membership were increase to six members with two from each jurisdiction these shortcomings would be avoided.

If the Planning Board decides to forward amendments of the support services agreement outlined below to each of the governing bodies for amendment, the opportunity would exist for the increased membership to be incorporated into those same discussions and formal consideration of the amendment.

Support Services Agreement

Attached is the Minden Township Orderly Annexation Area Support Services Agreement. It designates the following responsibilities:

St. Cloud – provide Staff assistance to the Planning Board in administering and enforcing land use regulations including planning, zoning administration, and subdivision administration.

Benton County – administer provisions of MN Wetlands Conservation Act and inspection and approval of individual sewage treatment systems.

In general, the Benton County Department of Development and St. Cloud Planning and Zoning Department work cooperatively in applying land use regulations through the OAA with efficiency and limited customer inconvenience. However, there has been continued discussion of transferring building code administration to the City of St. Cloud since the properties in the OAA would ultimately be subject to City regulations upon annexation in the future.

As stated in the terms of the Support Services Agreement, most properties in the Minden OAA will be annexed on December 31, 2025. The properties located in the vicinity of Highway 95 and 55th Ave NE will only be considered for annexation if they abut the City.

Given that properties in the OAA will ultimately be subject to City regulations upon annexation, Staff is suggesting further discussion on not only transferring building code administration, but also other services such as engineering, nuisance, wetlands, assessing, solid waste, and parks/trails.

The administrative citation is an alternative method of enforcement for Code violations rather than relying on the criminal court system. Violations such as building code, zoning, licensing, and nuisance violations can be handled through the Administrative Citation process rather than criminal court allowing greater flexibility to create efficient and effective enforcement method. Also, it is beneficial to citizens as it can be issued for violations to gain compliance before the City files any criminal charges. Adoption of administrative citation authority would be essential if the City were to take responsibility for nuisance and environmental health violations in the orderly annexation area.

MINDEN TOWNSHIP ORDERLY ANNEXATION AREA PLANNING BOARD

RULES OF ORDER

1. **RULES OF ORDER** - Rules of Order shall be established by a majority vote of the Minden Township Orderly Annexation Area Planning Board.
2. **REGULAR (OFFICIAL) MEETINGS** - Regular official meetings occur when the Minden Township Orderly Annexation Area Planning Board ("Planning Board") takes official action regarding pending matters. The Planning Board shall meet monthly upon a regular schedule adopted by it. When circumstances make it necessary, the day, and/or time, and/or place of an official meeting may be temporarily changed by a majority vote of the members.
3. **SPECIAL (OFFICIAL) MEETINGS** - Special official meetings are additional official meetings. The Planning Board may meet additionally at the call of the chairperson or by consent of a majority of the members. Such meetings and notice thereof shall comply with applicable laws.
4. **COMMITTEE (UNOFFICIAL) MEETINGS** - Committee meetings are unofficial in nature. The chairperson may call committee meetings at his/her prerogative.
5. **OFFICERS** – Chair and Vice-Chair shall be elected. The chairperson, or in his/her absence, the vice-chairperson shall preside over meetings. In the event that both the chair and vice-chair are unable to chair the meeting, the meeting will be cancelled. The chairperson or acting chairperson shall preserve order and shall decide questions of order (according to adopted rules of procedure) subject to appeal.
6. **COMMITTEES** - Ad hoc committees may be appointed by the chairperson or acting chairperson as necessary.
7. **AGENDAS** - Agendas for the Planning Board shall be prepared by the Planning Office or his/her authorized designee. In addition to items placed on the agenda by the Planning Office, the chair of the Planning Board or by consent of a majority of the members, may also place items on the agenda.

Agenda order of business shall be as follows:

1. Roll call of members
 2. Minutes of preceding meeting(s)
 3. Public hearings
 4. New business
 5. Old business
 6. Adjournment
8. **DEADLINE FOR AGENDA** – The Planning Board may establish a submission deadline for all matters to be placed on its agenda. This deadline shall be established so as to consider legal notification requirements and time for staff analysis.
 9. **PUBLIC HEARINGS** - Public hearing procedures will follow officially adopted rules and state and local legislation.
 10. **DISPOSITION OF OFFICIAL BUSINESS** - All decisions shall be made and voted upon at a duly called public meeting.
 11. **MINUTES** - Minutes of official action shall be prepared by an individual selected by the Planning Board and shall be submitted for approval at subsequent regularly scheduled meeting.
 12. **AMENDING RULES OF ORDER** - Rules or Order shall only be amended and approved by a 2/3 vote of the entire Planning Board.

6. Support Services Agreement

MINDEN TOWNSHIP ORDERLY ANNEXATION AREA SUPPORT SERVICES AGREEMENT

PARTIES

This Agreement is entered into by and between the Minden Township Orderly Annexation Area Planning Board (hereinafter referred to as "Planning Board"), the Board of Commissioners of Benton County ("Benton"), the City Council of the City of St. Cloud ("St. Cloud"), and the Town Board of Minden Township ("Minden"); hereinafter collectively referred to as the "Parties". This Agreement is made pursuant to Minnesota Statutes 471.59.

PURPOSE

The Planning Board was established pursuant to Minnesota Statutes 414.0325(c). St. Cloud, Benton, and Minden have each appointed a member of the Planning Board. The Planning Board established pursuant to Minnesota Statutes 414.0325(c) is the "governing body" and "board of appeals and adjustments" for the purpose of Minnesota Statutes 462.357 and 462.358, within the Orderly Annexation Area. The Planning Board has all of the powers contained in Minnesota Statutes 462.351 to 462.364, including zoning and subdivision regulation. The Orderly Annexation Area is that area designated in the Orderly Annexation Agreement between St. Cloud and Minden referred to as OA-746 and dated March 15, 2001. The Planning Board has no resources to support staff with which to carry out their statutory functions.

RESPONSIBILITIES

1. St. Cloud agrees to provide staff assistance to the Planning Board in administering and enforcing land use regulations within the Orderly Annexation Area, including planning services, zoning administration, and subdivision administration. The specific activities to be provided by St. Cloud include, but are not limited to: application review, meeting and public hearing preparation; issuance of zoning and land use permits; ~~inspection and approval of individual sewage treatment systems~~; code enforcement; and legal support.
2. St. Cloud shall assess, collect, and retain all fees connected with services provided under the terms of this Joint Powers Agreement in accordance with a fee schedule approved by the Minden Planning Board.
3. Benton County agrees to continue to administer the provisions of the Minnesota Wetlands Conservation Act, in accordance with the terms of the separate agreement by and between Benton County and the Planning Board.
4. Benton County shall administer inspection and approval of individual sewage treatment systems and collect and retain all fees connected with the services provided.

WORKERS COMPENSATION

Each party shall be responsible for injuries or death of its own personnel. Each party will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are providing assistance pursuant to this agreement. Each party waives the right to sue any other party for workers' compensation benefits paid to its own employee or volunteer or their dependents, even if the injuries were caused wholly or partially by the negligence of any other party or its officers or volunteers.

DAMAGE TO EQUIPMENT

Each party shall be responsible for damages to or losses of its own equipment. Each party waives the right to sue any other party for any damages or to loss of its equipment, even if the damages or losses were caused wholly or partially by the negligence of any other party or its officers, employees, or volunteers.

LIABILITY

For the purposes of the Minnesota Municipal Tort Liability Act (Minn. Stat. 466), the employees and officers assigned by each party to perform the party's role and responsibilities shall not be deemed to be employees of the Planning Board, but shall remain employees of the assigning party.

Each party shall fully indemnify and hold harmless the other members against all claims, losses, damages, liability, suits, judgments, costs and expenses by reasons of the action or inaction of its employees assigned to support the work of the Planning Board. This Agreement to indemnify and hold harmless does not constitute a waiver by any members of limitations on liability provided by Minnesota Statutes, Chapter 466.

TERMINATION OF SUPPORT SERVICES AGREEMENT

The terms of this Support Services Agreement shall be in force until such time as all property within the Minden Township Orderly Annexation Area has been annexed to St. Cloud in accordance with the terms of the Orderly Annexation Agreement referred to as OA-746 and dated March 15, 2001.

MINDEN TOWNSHIP ORDERLY ANNEXATION AREA
SUPPORT SERVICES AGREEMENT

Date: 1/19/06

MINDEN TOWNSHIP ORDERLY ANNEXATION
AREA PLANNING BOARD

Its Chair

Carolyn R. Garven

Date: 1-03-06
ATTEST:
Montgomery Hesley
Montgomery Hesley
Benton County Administrator

BENTON COUNTY BOARD

Its Chair

Deeana Grandy

Date: 12/22/05

CITY OF ST. CLOUD

Its Mayor

Dan Klein

Its City Clerk

Angie Lynn

Date:

MINDEN TOWN BOARD

Its Chair

MINDEN TOWNSHIP ORDERLY ANNEXATION AREA
SUPPORT SERVICES AGREEMENT

Date:

MINDEN TOWNSHIP ORDERLY ANNEXATION
AREA PLANNING BOARD

Carolyn R. Garven
Its Chair

Date:

BENTON COUNTY BOARD

Its Chair

Date:

CITY OF ST. CLOUD

Its Mayor

Its City Clerk

Date:

1-10-06

MINDEN TOWN BOARD

Jerome McHewitt
Its Chair

7. Master Plan/Future Land Use Map

Proceedings of the **Minden Township Orderly Annexation Area Planning Board**

CALL TO ORDER:

A meeting of the Minden Township Orderly Annexation Area Planning Board (“Planning Board”) was held on November 7, 2002, at 7:07 p.m. at the Minden Town Hall. Board members present were Carolyn Garven (City of St. Cloud), Butch Bukowski (Benton County), and Jerome Mehrwerth (Minden Township). Tammy Campion (City of St. Cloud Planning Technician) and Matt Glaesman (City of St. Cloud Planning Director) were also present. Esther Ebnet (Secretary) was absent.

CONSENT AGENDA:

Approval of Minutes: Bukowski moved to approve the meeting minutes of October 1, 2002. Motion was seconded by Mehrwerth, which carried unanimously.

Approval of Agenda and Staff Reports: Chairperson Garven asked if there were any changes to the agenda. Mehrwerth moved and Bukowski seconded a motion to accept the agenda and staff reports, which passed unanimously.

PUBLIC HEARINGS:

Ordinance Adopting the Minden Township Orderly Annexation Area Master Plan as the Comprehensive Plan for the Orderly Annexation Area. Tammy Campion provided a brief presentation in regard to the ordinance adopting the Minden Township Orderly Annexation Area Master Plan as the comprehensive plan for the orderly annexation area. Chad Carlson, Dahlgren, Shardlow, and Uban, presented the Master Plan revisions regarding low density mixed residential and high density mixed residential land use categories.

Chairperson Garven reopened the public hearing from the October 1, 2002, meeting and invited testimony on the ordinance. The following persons testified:

Don Beumer – 1741 3rd St. SE, St. Cloud – Opposes low density residential land use for his property. He would prefer high density residential land use to provide a buffer between the existing commercial/industrial to the north and existing single family residential to the south of his property.

Denise Garceau – 1501 3rd St. SE, St. Cloud – Supports low density residential land use for her property because of the concentration of high density residential in the surrounding neighborhood.

Richard Komatz – 550 24 ½ Ave. NE – Opposes high density mixed residential land use located east of the Highland Park subdivision. He asked if and when the subject property would be developed and what type of development would occur.

Tammy Campion – The subject property is not currently in the City of St. Cloud. Development would occur once the property owner requests annexation and extension of municipal services. It is impossible to say when development may occur.

Don Beumer – Concerned he has paid commercial taxes for 30 years on his 21 acres, and now his property is proposed for low density residential in the future.

Doug McConnell – 1993 2nd St. SE – Opposed to park/open space land use on his entire property. He feels the northern portion could be utilized for residential land use since the City has installed municipal services along 1,400 ft. of his property.

Matt Glaesman – Explained the Minden Township Orderly Annexation Area Master Plan is a vision for the community. The Master Plan is a long range document and the Zoning Ordinance is a short term document.

There being no one else wishing to speak, the public hearing was closed. Mehrwerth moved to approve the ordinance adopting the Minden Township Orderly Annexation Area Master Plan as the comprehensive plan for the orderly annexation area. Motion was seconded by Bukowski, which carried unanimously.

Conditional Use Permit – Todd Huntington – Allow Auto Sales in a B-2, Business Enterprise District (CUP-2002-01). Tammy Campion provided a brief presentation and staff recommendations for the request.

Chairperson Garven opened the public hearing and invited testimony on the conditional use permit.

There being no one wishing to speak, the public hearing was closed. Bukowski questioned the percentage of auto sales and auto rental on the property and if the property will be used for automotive repair. Bruce Stainbrook, Epic Properties, PO Box 7571, St. Cloud, indicated 50 percent of the building will be used for the rental business with an increase to 100 percent in the future. The property owner has a separate location for parts storage. Bukowski suggested adding a condition to the conditional use permit that would require all vehicles displayed/stored outside of the building must be legally operable and no automotive parts can be displayed/stored outside the building.

Bukowski moved to approve the conditional use permit subject to the conditions recommended by staff and the condition that would require all vehicles displayed/stored outside of the building must be legally operable and no automotive parts can be displayed/stored outside the building.

Mehrwerth seconded the motion. Stainbrook mentioned there would not be overnight parking of vehicles. Mehrwerth questioned signage on the property. Todd Huntington, 4348 107th Ave., Clear Lake, mentioned signage has not been discussed. Motion passed unanimously.

Development of Planning Board Zoning Ordinance and Zoning Map. Tammy Campion indicated since the Master Plan has been approved, it is time to start developing the zoning ordinance. Matt Glaesman explained his past experiences with orderly annexation areas in the City of Moorhead and suggested the Planning Board consider approving a joint powers agreement that would denote the responsibilities of City staff, reference the St. Cloud Zoning Ordinance for zoning and development standards for properties within the orderly annexation area, and include a zoning map illustrating zoning for each property within the orderly annexation area. The Planning Board scheduled a working session on Wednesday, November 20, 2002, 10 a.m., St. Cloud City Hall. Campion offered to reserve a conference room for the meeting.

ADJOURNMENT: There being no further business, Mehrwerth moved, and Bukowski seconded a motion to adjourn the meeting. The meeting was adjourned at 8:07 p.m.

Tammy Campion
City of St. Cloud Planning Technician
Minden Township Orderly Annexation Area Planning Board Staff Representative

MINDEN TOWNSHIP Orderly Annexation Area Master Plan

Development Principles and Generalized
Future Land Use Plan



DEVELOPMENT PRINCIPLES

The following principles shall guide development within the Minden Township Orderly Annexation Area and become an integral part of the St. Cloud Comprehensive Plan. The development principles also guided the creation of the Generalized Future Land Use Map as depicted in Figure 1 (Generalized Future Land Use Map) and shall serve as a land use template for the community.

LAND USE PRINCIPLES

Principal #1:

Recognize the operations of the St. Cloud Regional Airport and impacts to future development within the Orderly Annexation Area of Minden Township. Future land use must take into account airport expansion plans, noise impacts, and flight patterns.

Principal #2:

Continue to support the operation of the St. Cloud Regional Airport by protecting adjacent property to the airport from incompatible land use and buffer existing and future land uses from encroachment.

Principal #3:

Recognize the Federal Aviation Administration's Flight Zones A and B, and deter development and incompatible land uses in accordance to the restrictions of the A and B Zones.

Principal #4:

Protect the ground and surface water, and sensitive soils within the orderly annexation area by ensuring development occurs in an orderly fashion and municipal services are available.

Principal #5:

Protect existing farming operations until such time they cease from incompatible land uses with the use of transitional zoning and buffering to guard against noise, odor and field work.

Principal #6:

Promote and protect the abundance of wetlands and environmental features, including the Elk River, which borders the eastern edge of the master plan area from incompatible land uses and encroachment.

Principal #7:

Create buffering zones between land uses such as 1) residential and industrial; 2) airport and residential; 3) commercial and residential, and 4) residential and Highways 10 and 23 in order to protect and enhance the quality of life in the area.

Principal #8

Identify areas for agricultural preservation adjacent to St. Cloud Regional Airport for continuing operation and to facilitate future expansion of the airport where appropriate.

PARK AND OPEN SPACE PRINCIPLES

Principal #1

Protect the Mayhew Creek/Elk River flood plain by limiting development and improving the usefulness of the area with the creation of additional parkland, trails, walking paths and other recreational uses.

Principal #2

Create a community or regional park located around the area of Donovan Lake with connections and pedestrian trails to other neighborhood parks and areas of interest within the Master Plan Area.

Principal #3

Create additional open space and park areas within planned residential neighborhoods, specifically creating connections between the park areas and neighborhoods.

TRANSPORTATION PRINCIPLES

Principal #1

Create additional north and south transportation corridors to promote transportation continuity between Highway 23 and County Road 8/47.

Principal #2

Utilize the St. Cloud APO study regarding frontage roads to Highway 23 and transportation access to the Master Plan Area.

Principal #3

Create additional north and south Collector Streets at 25th Avenue and 45th Avenue to create transportation continuity and efficient transportation movement in the area. Develop design standards to promote an attractive and safe corridor at 45th Avenue to support the large residential use in this area.

Principal #4

Develop 35th Avenue as a parkway corridor to support the efficient movement of traffic, and to support the planned circumferential road system identified for the St. Cloud Region.

ECONOMIC DEVELOPMENT PRINCIPLES

Principal #1:

Promote commercial development along Highway 23 boarding the northern side of the Master Plan area by encouraging large commercial and retail development to serve the residents of the Master Plan area and the east side of St. Cloud

Principal #2:

Encourage infill commercial and retail development along the Highway 23 corridor where appropriate and develop building and landscaping requirements to create an aesthetically pleasing commercial corridor.

Principal #3:

Promote the development of the Airport Business Park by coordinating economic development activities with the City of St. Cloud, St. Cloud Opportunities, and East Central Electric.

Principal #4:

Recognize existing and future land uses when locating industries to the Airport Business Park to protect against adverse impacts from incompatible industrial uses and utilize buffering options.

Principal #5:

Create additional opportunities for office space development in a corporate setting and compatible with surrounding land uses and environment.

Principal #6

Encourage heavy industrial uses (i.e. mining, mineral extraction, gravel pits, etc) to be located in industrial or agricultural/Industrial land use designations.

CODE ENFORCEMENT PRINCIPLES

Principal #1:

Sustain the implementation of the Residential Airport Zoning District to inform developers and potential homebuyers that development will be within an area that is impacted by the St. Cloud Regional Airport.

Principal #2:

Continue to implement sound planning principles, develop zoning districts and implement zoning regulations for the Master Plan area to ensure high quality residential, commercial and industrial development.

INTERGOVERNMENTAL COOPERATION PRINCIPLES

Principal #1:

Maintain a strong working relationship between the Minden Township Orderly Annexation Area Planning Board and the City of St. Cloud to ensure growth is orderly and efficient.

Principal #2:

Continue to maintain communication between the Minden Township Orderly Annexation Area Planning Board, City and area residents regarding land use and policy decision-making.

Principal #3:

Encourage multi-jurisdictional cooperation in planning growth areas, including the acquisition of right-of-way and easements for the placement of roads, water and sewer lines and storm sewer.

Principal #4:

Identify multi-jurisdictional partnerships, and federal, state and private funding sources to assist with development costs regarding the construction of municipal services, roads, and utilities to reduce the cost of development for existing and future residents.

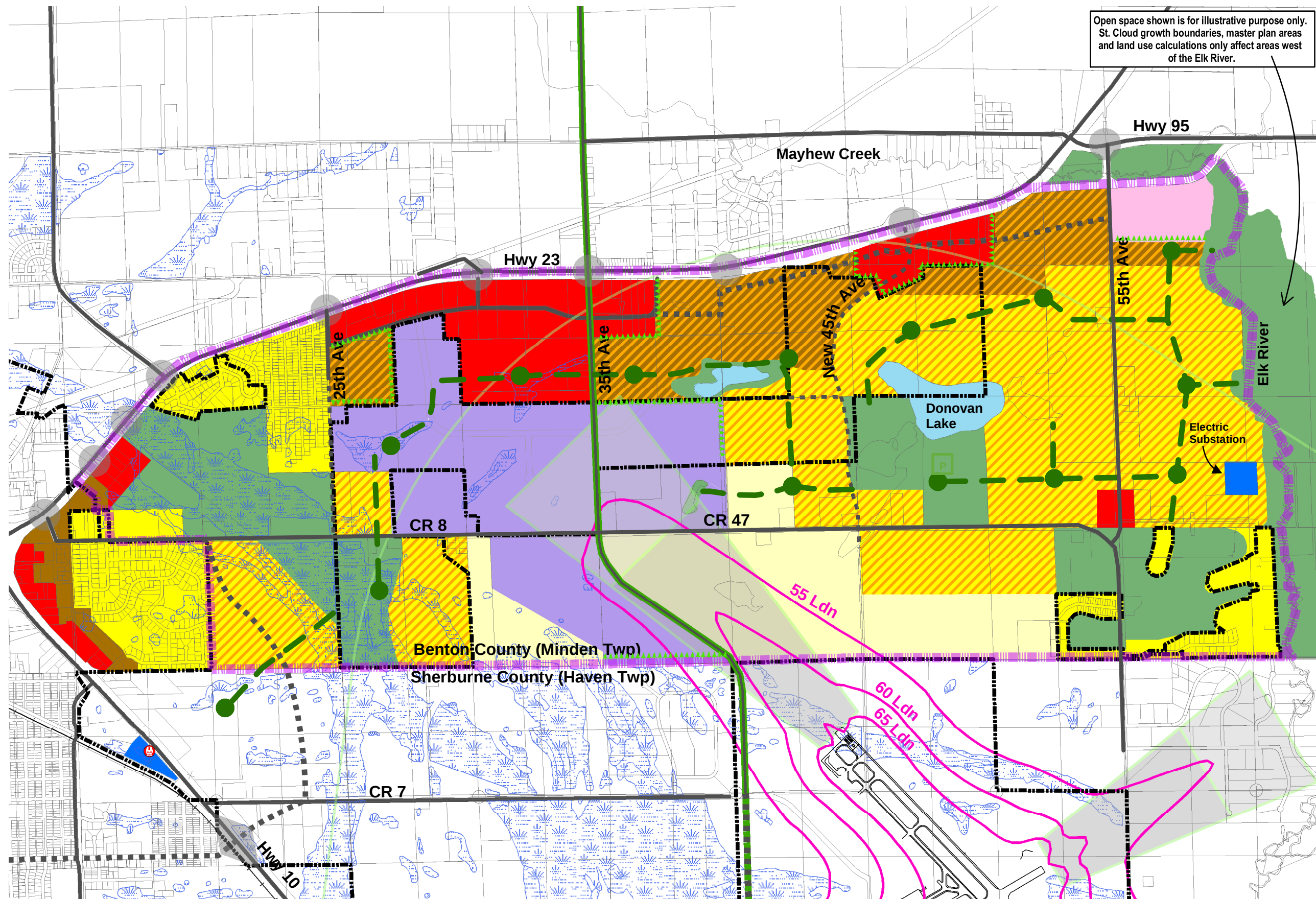
Principal #5:

Enhance multi-jurisdictional cooperation between Minden and Haven Townships regarding future planning, specifically connecting regional park systems and extension of municipal services as future land uses are identified.

Principal #6:

Work with the City of Sauk Rapids to identify planning efforts north of Highway 23 (recently included in an orderly annexation agreement) to ensure coordination of utilities, road and municipal services as they relate to the Master Plan area.

Figure #1 – Minden Township Orderly Annexation Area Generalized Land Use Map

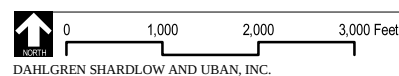


LEGEND

- Northstar Train Station
- Intersections/Access Points
- Interchange
- Neighborhood Park
- Major Roadways
- Future Roads
- Railroad
- Parkway
- Proposed Parkway
- Open Space Connection
- Buffer
- City Boundary
- Minden Twp. Annexation Area
- Airport Safety Zone A
- Airport Safety Zone B
- Airport Safety Zone C
- Airport Noise Contour
- Agricultural
- Low Density Residential
- Low Density Mixed Residential
- High Density Residential
- High Density Mixed Residential
- Office/Business Park
- Commercial
- Industrial
- Proposed Park/Open Space
- Public/Semi-Public
- Open Water
- Wetlands

Minden Township Orderly Annexation Area Master Plan

Figure 7-5



DAHLGREN SHARDLOW AND UBAN, INC.
September 4 2003
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SAINT CLOUD
2003 COMPREHENSIVE PLAN UPDATE

8. Minden OAA Zoning Ordinance/Zoning Map

Proceedings of the **Minden Township Orderly Annexation Area Planning Board**

A meeting of the Minden Township Orderly Annexation Area Planning Board was held on February 4, 2003, at 7 p.m. in the Minden Township Hall. Board members present were Carolyn Garven (City of St. Cloud), Jerome Mehrwerth (Minden Township), and Butch Bukowski (Benton County). Others present were Matt Glaesman (City of St. Cloud Planning Director), Tammy Campion (City of St. Cloud Planning Technician) and Secretary Esther Ebnet (Minden Township Treasurer).

Approval of Minutes: Mehrwerth moved to approve the meeting minutes of January 7, 2003. Bukowski seconded the motion, which carried unanimously.

Approval of Agenda and Staff Reports: Chairperson Garven asked if there were any changes to the agenda. Mehrwerth moved and Bukowski seconded a motion to accept the agenda and staff reports, which passed unanimously.

PUBLIC HEARINGS

Request of Minden Planning Board to Adopt Permanent Land Use Standards and Official Zoning Map (Tabled from January 7, 2003, meeting.)

Matt Glaesman responded to several concerns raised during the January 7 public hearing. He clarified the differences between Benton County's A-1 zoning district and the City of St. Cloud's agricultural zoning district, reviewed the impact of the proposed zoning changes to the McConnell Concrete Recycling property located in Section 32, Minden Township, adjacent to County Rd 8, reviewed the current and proposed zoning of Bob Salisbury's property located south of the Highway 23 and 47th Ave. NE intersection, explained the options available to the Planning Board in reviewing a request from Jerry Henkemeyer for a land use permit to allow the construction of a solid waste transfer facility at the corner of County Rd. 8 and County Rd. 90, and explained the options available to Dave Neeser in regard to splitting his property in the proposed agricultural zoning district.

Bukowski moved to reopen the public hearing. Mehrwerth seconded the motion, which passed unanimously.

Chairperson Garven invited public testimony. The following persons testified:

Ken Neeser – 3108 2nd St. SE, St. Cloud – Concerned about the limited number of permitted and conditional uses allowed in the City's agricultural zoning district. He would like the Planning Board to consider adding mini storage, warehousing, service businesses with limited employees, home occupations within an accessory structure, and light manufacturing as additional conditional uses in the proposed agricultural zoning district. He also had concerns regarding industrial farming, and lot width and depth requirements in the proposed agricultural zoning district.

Matt Glaesman – Indicated the Planning Board could consider adding mini storage, warehousing, service businesses with limited employees, home occupations within an accessory structure, and

light manufacturing as additional conditional uses in the agricultural zoning district. In regard to animal density allowances, the proposed agricultural zoning is more restrictive than current A-1 zoning and felt the proposed allowances were appropriate for the area. The one justification for the required minimum lot width in the proposed agricultural zoning district is access management.

Mary Brennan – 5710 13th St. NE – Questioned the definition of developed and undeveloped in the orderly annexation agreement.

Tammy Campion – Explained the rationale behind the definitions.

Butch Bukowski, Planning Board member – What are the animal density allowances for industrial farming under the proposed agricultural zoning district?

Matt Glaesman – The proposed agricultural zoning allows industrial farming with over fifty poultry or animals per acre and at least 1,000 feet from residentially zoned property as a conditional use.

Butch Bukowski - Felt mini storage or small service businesses may be appropriate in the proposed agricultural zoning district.

Matt Glaesman – The proposed zoning will create several non-conforming uses in the orderly annexation area. The Planning Board could consider allowing non-conforming commercial and industrial uses the opportunity to apply for a special exceptions permit to expand non-conforming uses in the future.

Carolyn Garven – What is the application fee for a rezoning and conditional use permit?

Tammy Campion – The application fee for a rezoning is \$300 and the application fee for variances and conditional use permits is \$300 for non-homestead property and \$75 for homestead property.

Butch Bukowski – Questioned how industrial farming could hinder residential development in the future.

Jerome Mehrwerth, Planning Board member – Questioned how animal density allowances could be increased.

Matt Glaesman – The Planning Board could consider an ordinance amendment in the future to increase the current animal density allowances.

Jerome Mehrwerth – Questioned how McConnell's mining operation would be affected by the proposed agricultural zoning district.

Matt Glaesman – The proposed agricultural zoning allows mineral extraction from the site as a conditional use, but processing of material from off site would be prohibited. The legality of the McConnell concrete crushing operation has not been determined, which will decide whether the existing uses may remain as legal non-conforming.

Carolyn Garven – Supported allowing solid waste management facilities as a conditional use in the proposed agricultural zoning district.

Matt Glaesman – Indicated the definition of solid waste management facilities would be the same as Benton County’s definition.

Bob Salisbury – 990 Park Road NE, Sauk Rapids – He indicated the future use of this property was undecided, but supported the proposed C-5 zoning.

There being no one else wishing to speak, the public hearing was closed. Mehrwerth moved to approve the request to adopt Ordinance No. 2002-1 – An Ordinance Adopting Zoning Regulations and Official Zoning Map for Properties Located Within the City of St. Cloud/Minden Township Orderly Annexation Area (OA-746), with the addition of allowing solid waste management facilities as a conditional use and legal non-conforming commercial or industrial uses are eligible to apply for a special exceptions permit. Bukowski seconded the motion, which passed unanimously.

Request of Minden Planning Board to Adopt Permanent Subdivision Standards (Tabled from January 7, 2003, meeting)

Bukowski moved to approve the request to adopt Ordinance No. 2003-2 – An Ordinance Adopting Subdivision Regulations for Properties Located Within the City of St. Cloud/Minden Township Orderly Annexation Area (OA-746). Mehrwerth seconded the motion, which carried unanimously.

Adjournment: There being no further business, the meeting was adjourned at 8:20 p.m.

Esther Ebnet, Secretary



Zoning Ordinance Ordinance No. 1906

Updated thru Ordinance No. 2310
Adopted August 28, 2006

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The purpose of this comprehensive amendment to the Zoning Ordinance is to make it easier to read, to eliminate unnecessary text, to update the Ordinance to recognize new uses, and to change certain sections, which are considered inappropriate.

ORDINANCE NO. 1906

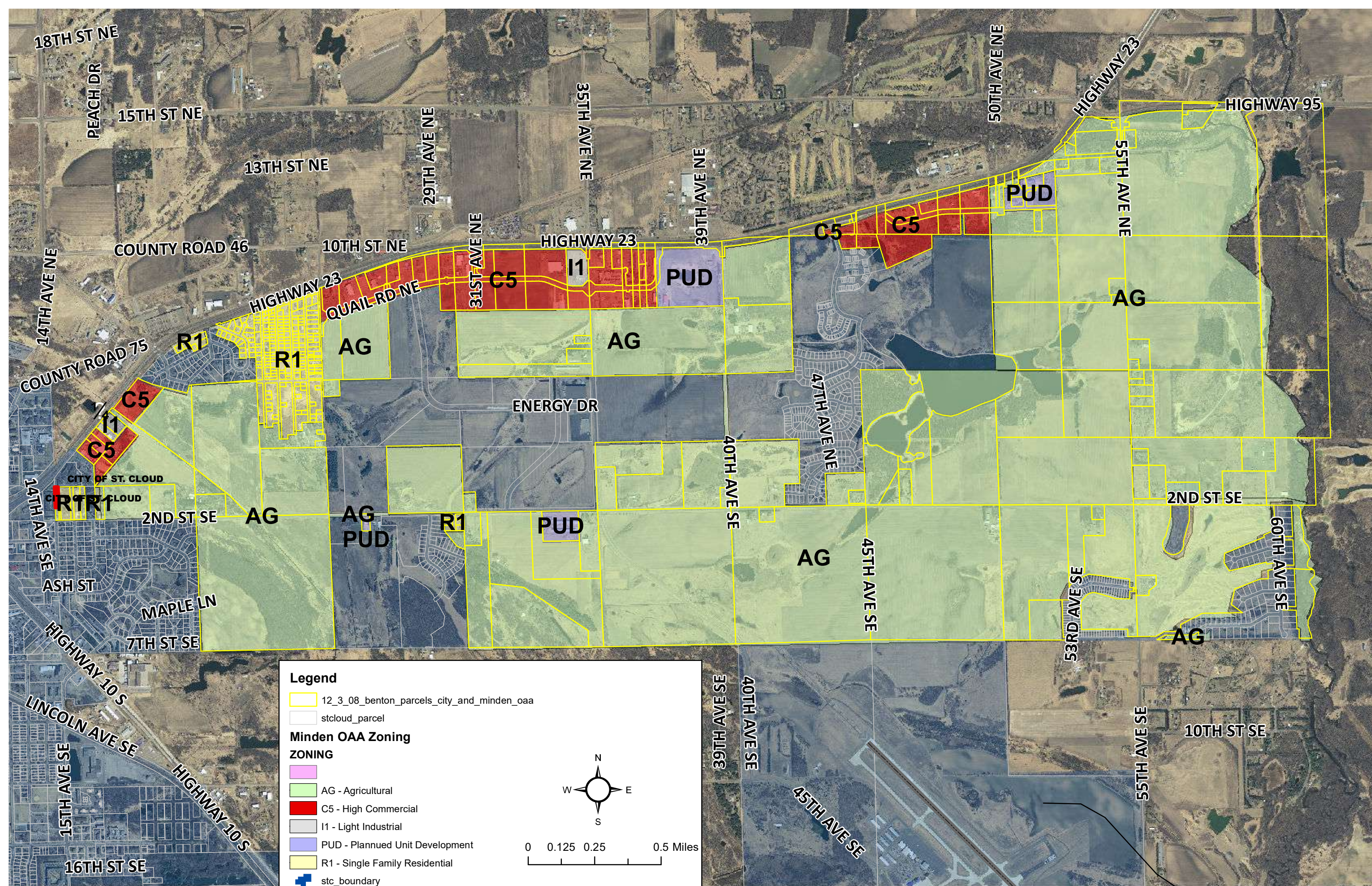
AN ORDINANCE REPEALING ORDINANCE NO. 634 AS AMENDED BY ORDINANCE NO. 1305, AND ADOPTING A NEW ZONING ORDINANCE THAT ESTABLISHES ZONING DISTRICTS IN THE CITY OF ST. CLOUD, AND FOR THE REGULATION WITHIN THOSE DISTRICTS OF THE USE OF LAND AND STRUCTURES, AND THE HEIGHT, AREA, SIZE, AND LOCATION OF STRUCTURES HEREFTER ERECTED OR ALTERED, AREA OF YARDS AND OTHER OPEN SPACES, AND DENSITY OF POPULATION.

THE COUNCIL OF THE CITY OF ST. CLOUD ORDAINS:

SECTION 1. That City of St. Cloud Ordinance Number 1305 is hereby repealed in its entirety.

ARTICLE 1 - TITLE

This Ordinance shall be known as the "Zoning Ordinance" of the City of St. Cloud, Minnesota, and shall be known, cited and referred to herein as "this Ordinance."



9. Minden Subdivision Ordinance



**City of St. Cloud
Subdivision Ordinance**

Adopted January 12, 1998

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10. 2025 Schedule of Meetings

Minden Township/City of St. Cloud
Orderly Annexation Area Planning Board

2025 Schedule of Meetings

Meeting Date	Application Deadline
Tuesday, January 7	Friday, December 20, 2024
Tuesday, February 4	Friday, January 17
Tuesday, March 4	Friday, February 14
Tuesday, April 1	Friday, March 14
Tuesday, May 6	Friday, April 18
Tuesday, June 3	Friday, May 16
Tuesday, July 1	Friday, June 13
Tuesday, August 5	Friday, July 18
Tuesday, September 2	Friday, August 15
Tuesday, October 7	Friday, September 19
Tuesday, November 4	Friday, October 17
Tuesday, December 2	Friday, November 14

* Zoning applications available in the City of St. Cloud Planning and Zoning Dept., 1201 7th St. So., St. Cloud, (320) 255-7218.

*****All meetings are held at 5:30 p.m. in the Minden Town Hall, Golden Spike Road/Town Hall Road, 2989 Golden Spike RD NE, Sauk Rapids, MN 56379, subject to change.***