

## PLANNING COMMISSION AGENDA

Thursday, August 7, 2025

CITY OF DAYTON, MINNESOTA

12260 So. Diamond Lake Road, Dayton, MN 55327

REGULAR MEETING OF THE PLANNING COMMISSION – 6:30 P.M.

To Participate in the Meeting, please see [cityofdaytonmn.com](http://cityofdaytonmn.com) Calendar for Zoom Invitation.

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|------|------------|---|
| 6:30 | <b>1.</b>  | <b>CALL TO ORDER</b>  |
| 6:30 | <b>2.</b>  | <b>PLEDGE OF ALLEGIANCE</b><br><br>(Roll Call)  |
| 6:30 | <b>3.</b>  | <b>ROLE OF THE PLANNING COMMISSION</b><br><i>The Planning Commission consists of five residents appointed by the City Council. The Commission administers the Comprehensive Plan, Zoning and Subdivision regulations. The Commission conducts Public Hearings and provides recommendations to the City Council. It is the City Council who may approve or deny land use applications.</i> |
| 6:30 | <b>4.</b>  | <b>APPROVAL OF AGENDA</b>   |
| 6:30 | <b>5.</b>  | <b>CONSENT AGENDA</b><br><i>These routine or previously discussed items are enacted with one motion. Note: Commissioners absent from previous meetings may still vote to approve minutes.</i><br><br>A. Planning Commission Minutes, July 10, 2025  |
| 6:30 | <b>6.</b>  | <b>OPEN FORUM</b><br><i>Public comments are limited to 3 minutes <u>for non-agenda items</u>; state your name and address; No Commission action will be taken, and items will be referred to staff. Group commenters are asked to have one main speaker.</i>  |
| 6:35 | <b>7.</b>  | <b>COUNCIL UPDATE</b><br>A. July 22, 2025   |
| 6:40 | <b>8.</b>  | <b>COMMISSION BUSINESS</b>  |
| 6:40 | A.         | <b>PUBLIC HEARING:</b> Amendment to City Code 1001.13, Home Occupations (Van Asten)   |
| 6:50 | B.         | <b>PUBLIC HEARING:</b> Interim Use Permit for an Event Center, 17921 Dayton River Road (Bernens)  |
| 7:20 | C.         | <b>PUBLIC HEARING (cont.):</b> Comprehensive Plan Amendment, and City Code Amendment related to the A-3 Agricultural district.  |
| 8:20 | D.         | <b>PUBLIC HEARING:</b> East French Lake Road Moratorium   |
| 9:20 | <b>9.</b>  | <b>NOTICES AND ANNOUNCEMENTS</b><br>A. Staff & Commission Updates   |
| 9:30 | <b>10.</b> | <b>ADJOURNMENT</b> (Motion to Adjourn)  |
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The City of Dayton's mission is to promote a thriving community and to provide residents with a safe and pleasant place to live while preserving our rural character, creating connections to our natural resources, and providing customer service that is efficient, fiscally responsible, and responsive.

## **1. CALL TO ORDER**

DeMuth called the July 10, 2025, Planning Commission meeting to order at 6:32 PM.

Present: Browen, DeMuth, and Grover

Absent: Sargent and Crosland

Also in Attendance: Mayor, Dennis Fisher; Jason Quisberg, City Engineer; Jon Sevald, Community Development Director; Hayden Stensgard, Associate Planner II

## **2. PLEDGE OF ALLEGIANCE**

## **3. ROLE OF THE PLANNING COMMISSION**

## **4. OATH OF OFFICE**

Community Development Director Jon Sevald administered the oath of office to Keith Grover, who was sworn in as a new member of the Planning Commission.

## **5. APPROVAL OF AGENDA**

DeMuth noted that item 10c was struck out on the agenda but clarified with Sevald that it would be tabled rather than stricken.

***MOTION** by Browen, second by Grover, to approve the agenda. The motion passed 3-0.*

## **6. ELECTION OF CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY**

Sevald explained that the terms for officers run from July 1st through June 30th, and that new officers should be elected annually. Sevald noted that the current officers are DeMuth as Chair and Brown as Vice Chair, with no Secretary.

After some discussion, it was decided to maintain the current positions and designate city staff as Secretary.

***MOTION** by Grover, second by Browen, to reaffirm the current positions of Peter Demuth as Chair and Darren Browen as Vice Chair, and to designate City staff as Secretary. The motion passed 3-0.*

## **7. CONSENT AGENDA**

### **A. Planning Commission Minutes, May 1, 2025**

***MOTION** by Browen, second by Grover, to approve the Planning Commission minutes from June 5, 2025. The motion passed 3-0.*

## **8. OPEN FORUM**

(Later identified) Alaina Steelman inquired about when she could speak regarding the public hearing for curbside waste. Steelman was informed that she could speak during the specific public hearing for that item.

## **9. COUNCIL UPDATE**

### **A. June 10, 2025**

Fisher provided an update on the June 10th City Council meeting.

### **B. June 24, 2025**

Fisher provided an update on the June 24th City Council meeting.



## **10. PUBLIC HEARINGS**

### **A. Site Plan Review, 17400 113th Avenue (Spanier)**

Stensgard presented the site plan review for 17400 113th Avenue. Stensgard explained that the site is a 2.5-acre parcel zoned I-1 light industrial and guided business park in the comprehensive plan. The principal use is a contractor's operation for a landscaping company with accessory outdoor storage. The applicant proposed paved parking, a 780 square foot building expansion, and future removal of three accessory buildings on the north side of the property.

Stensgard noted that this site plan review did not require a public hearing, unlike most that are accompanied by conditional use permits. Stensgard outlined the proposed changes, including the office space addition, parking stalls, and improvements to the existing warehouse.

**DeMuth opened the public hearing at 6:52 pm.**

No one came forward.

**DeMuth closed the public hearing at 6:53 pm.**

Commissioners discussed various aspects of the plan, including concerns about outdoor storage and its visibility, proposed screening and fencing, and the timeline for the City's acquisition of the property and future road construction.

Thomas Spanier, the applicant, addressed some of the concerns, mentioning that the site would be changing as he plans to sell off some equipment and semi-trailers.

***MOTION** by Browen, second by Grover, to approve the site plan as presented for the building addition with outdoor storage not allowed south of the building wall to 113<sup>th</sup> noted as the front yard. The motion passed 3-0.*

Stensgard informed that this would go for final approval at the next city council meeting on July 22nd.

### **B. Public Hearing - Site Plan Review 18100 118th Avenue (Curbside Waste)**

Sevald corrected from site plan to the concept plan for Curbside Waste at 18100 118th Avenue. Sevald clarified that this was a concept plan rather than a site plan review. Curbside Waste received a conditional use permit for a yard waste transfer station in 2022, completed the building in April, and has started operations. The applicant is now requesting to add additional waste types, including construction and demolition debris, municipal solid waste, and single-stream recycling. Sevald explained the transfer station process and noted that no physical changes to the site were proposed. Sevald outlined the next steps in the process, including an Environmental Assessment Worksheet (EAW), potential city code amendments, and a conditional use permit application.

Commissioners discussed various concerns, including the potential odor issues, traffic impacts, the types and volumes of waste to be handled, and the facility's design and operation.

**DeMuth opened the public hearing at 7:15 pm.**

Shane Jacques of 19950 West French Lake Road emphasized the need for Curbside Waste to clean the yard if trash escapes onto his property, keep the fence

line clean, and close the building doors at night. Jacques also mentioned potential issues with rodents and pests, emphasizing the timely removal of garbage and addressing odor through regular maintenance.

Alaina Steelman of 11781 West French Lake Road raised concerns on behalf of multiple households about increased truck traffic, dangerous conditions due to speeding trucks, and non-compliance with original commitments about truck routes and operating hours. Steelman also expressed concerns about potential odors, waste blowing into yards, and impact on local wildlife due to expanded operations.

Marcia Grover of 11320 Fernbrook Lane emphasized the decision's potential impact on residents' wells and septic systems by placing a transfer station near residential areas.

Tom McKusick of 11870 West French Lake Road supported Ms. Steelman's concerns and requested to have his support recorded.

**DeMuth closed the public hearing at 7:23 pm.**

Matt Herman, Chief Operating Officer of Curbside Waste, addressed the commission's concerns and explained the company's plans and operational procedures. Herman also explained various aspects of trash, recycling, organics that align with the needs for the company.

The commissioners generally supported handling construction and demolition debris but expressed reservations about municipal solid waste and organics.

No formal action was taken on this item, as it was a concept plan review. The feedback will be presented to the City Council on July 22nd.

**C. Comprehensive Plan Amendment, Ordinance Amendment related to the A-3 Agricultural district**

*MOTION by Grover, second by Browen, to table this item. The motion passed 3-0.*

**D. Discussion - 113th Avenue & East French Lake Road Moratorium**

Sevald introduced the discussion on the moratorium area around 113th Avenue and East French Lake Road. Sevald explained that a 6-month moratorium was adopted in April following a concept plan application for a 200,000 square foot industrial building.

Stantec was contracted to develop concept plans for different land uses and transportation corridors in the area. Quisberg presented three concept plans, explaining the different road alignments and potential land uses.

The commissioners discussed various aspects of the plans, including:

- Road alignments and their impact on traffic flow
- Potential land uses (residential, industrial, commercial)
- Concerns about truck traffic through residential areas
- The impact on existing properties and future development

**DeMuth opened the public hearing at 8:48 pm.**

Madhu Collin, DDL owner, expressed concerns about the financial viability of the project due to the proposed road alignment requiring additional land, resulting in a smaller building and questioning who would bear the cost of the road within the project's context.

Bill Ramsey, a residential developer, noted a preference for the plan on the left, citing increased flexibility for land use and the need for cohesive road alignments. Ramsey emphasized the strength of school district 279 in attracting potential residential developments.

Alex Barron, working with Madhu Collin on the development project, favored the right-side plan, emphasizing the large investments already made in infrastructure that align with the proposed highway extension and expressing concerns about project viability with alternate alignments.

**DeMuth closed the public hearing at 8:59 pm.**

The commissioners generally favored the middle concept plan for its road alignment but had mixed opinions on the proposed land uses.

No formal action was taken, as this was a discussion item. The feedback will be used to refine the plans for future consideration.

**E. Ordinance Amendment – Exterior Lighting**

Stensgard presented the proposed ordinance amendment for exterior lighting. The amendment aims to promote the City's designation as a dark sky community and establish regulations to address potential nuisances related to exterior lighting.

Key points of the proposed ordinance include:

- All lighting must be downcasted with a cutoff not to exceed 90 degrees
- Exceptions for American flag lighting and holiday lighting
- Specific foot candle limits for different property types
- Height restrictions for lighting fixtures

The commissioners discussed various aspects of the ordinance, including:

- Enforcement challenges for existing properties
- Concerns about landscape lighting
- Clarifications on measurement methods

***MOTION** by Browen, second by Grover, to approve the exterior lighting ordinance amendment. The motion passed 3-0.*

**F. Ordinance Amendment – Outdoor Storage**

Stensgard presented the proposed ordinance amendment for outdoor storage. The amendment would allow the Planning Commission and City Council to review and potentially approve alternative surface materials for portions of outdoor storage areas, instead of requiring all areas to be paved.

The commissioners discussed the pros and cons of allowing alternative surfaces and the potential impacts on aesthetics and maintenance.

***MOTION** by Browen, second by Grover, to approve the ordinance amending the outdoor storage requirements to allow crushed aggregate and recycled asphalt for a portion of storage areas, subject to approval. The motion passed 3-0.*

#### **G. Ordinance Amendment – Accessory Buildings**

Stensgard presented the proposed ordinance amendment for accessory buildings in agricultural districts. The amendment aims to address a discrepancy in the current ordinance that places stricter regulations on accessory buildings in agricultural districts compared to residential districts.

The commissioners discussed various aspects of the amendment, including:

- Height restrictions and measurement methods
- Concerns about visual impacts on neighboring properties
- The process for obtaining conditional use permits for taller structures

***MOTION** by Grover, second by Browen, to approve the ordinance amendment for accessory buildings as presented. The motion passed 3-0.*

### **11. NOTICES AND ANNOUNCEMENTS**

#### **A. Staff & Commission Updates**

Sevald provided several announcements and updates:

- The EDA has been working on redevelopment plans for the old village, including a concept for a restaurant and mixed-use building on Robinson Street.
- A public survey is available for the Elsie Stephens master park plan.
- Updates on various city events and programs were provided.
- The next Planning Commission meeting is scheduled for August 7th, with several items already on the agenda.

### **12. ADJOURNMENT (Motion to Adjourn)**

***MOTION** by Browen, second by Grover, to adjourn the meeting. The motion passed unanimously.*

The meeting was adjourned at 9:56 pm.

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**ITEM:**

Consideration of an Amendment to the Dayton Zoning Code Section 1001.13 Regarding Home Occupations

**APPLICANT:**

Sara Van Asten

**PREPARED BY:**

Hayden Stensgard, Planner II

**BACKGROUND:**

An application was submitted to consider amending ordinance section [1001.13](#) that regulates home occupations and home extended businesses within the City. The request is specifically related to the current provision that does not allow any retail sales of goods on the premise of the administrative home occupation, unless the property owner obtains an Interim Use Permit for a Home Extended Business. The Interim Use Permit for Home Extended business requires the submittal of a land use application and requires a public hearing held by the Planning Commission and final decision by the City Council. The amendment requested would allow for retail sales of items produced on site under an Administrative Home Occupation Permit.

**ANALYSIS:**

Home Occupations within the City of Dayton are accessory uses to residential principal uses allowed through either an administrative permit or an Interim Use Permit, depending on the scale of the use. If a home occupation can meet the standards identified in the code, an administrative permit is issued for a one-year term. If the proposed accessory use cannot meet the guidelines of the administrative home occupation permit, the resident is required to apply for an Interim Use Permit for a Home Extended Business.<sup>1</sup> Historically, the City of Dayton has allowed for retail sales of items produced on the property only through an Interim Use Permit for a Home Extended Business<sup>2</sup>. To this point, there has not been a home occupation permit issued within the City that has requested retail sales as a component. The majority of the home occupations or home extended businesses approved have been for outdoor storage, or contractor staging areas, where equipment and material is stored on site, but the work conducted is not.

The proposed amendment would allow residents to, in conformance with all other applicable provisions of the Home Occupation ordinance, sell items produced on their own property through the administrative permit. Examples allowed for retail sale include items such as eggs, lumber, crafts and items covered under the [State of Minnesota's Cottage Food License program](#).

~~e. No direct sale of goods to the consumer are allowed to occur at the home occupation site. Retail sales of goods and merchandise are limited to those items produced on the property.~~

With this, there is existing language within the code that restricts the number of customer visits to the property in a given day related to the home occupation.

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<sup>1</sup> [1001.13 Subd. 4\(1\)\(g\)](#)

<sup>2</sup> [1001.13 Subd. 4\(2\)\(g\)](#)

## PLANNING COMMISSION REGULAR MEETING

*(9) No Home Occupation shall generate traffic (by customers, employee, deliveries, etc.) to and from ("trip") the dwelling that is not characteristic of the neighborhood and shall not exceed 8 trips per day by any combination of employee, contract employee, customer or client visits, and/or deliveries per standard 8 hour day and no more than one customer or client visit on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle<sup>3</sup>...The Home Occupation shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.<sup>4</sup>*

Below is a table that briefly describes how surrounding communities regulate retail sales in connection with home occupations. All of Dayton's surrounding communities have established ordinances addressing home occupations in their respective towns, but each of them addresses them in a slightly different way.

City	Retail Sale Allowance through Home Occupation in Surrounding Communities
Anoka	Retail sales is limited to those items produced on site. No permit required.
Champlin	Retail sales permitted without a permit for items not found in the commercial market. (does allow for sales of products from entities like Avon, etc.) Can't serve more than 2 customers at a time.
Corcoran	Retail sales permitted by an administrative permit. Includes notice to surrounding properties.
Elk River	On-site sales is limited to those clearly incidental to the service the home occupation provides, unless it is by mail.
Maple Grove	Retail sales is limited to those items produced on-site or items not marketed and sold in retail or wholesale stores. No permit required.
Otsego	Retail sales on site is limited to items produced on the property. Requires an administrative permit.
Ramsey	Retail sales are only allowed by appointment or online. No permit required.
Rogers	Retail sales are permitted as long as the traffic generated by the business is characteristic of the neighborhood. Requires Interim Use Permit.

Allowing for the sale of homemade products through an administrative home occupation permit would not be inconsistent with the regulation of the surrounding communities. Each community listed above allows for retail sales to occur in some capacity. Some surrounding communities do not have a requirement for an administrative permit. If the property owner can meet the guidelines in the given ordinance, the use is permitted outright without the need for an administrative review. Some do not allow for random on-site sales, but limit them to online or by appointment. If the home occupation does not meet those guidelines, the typical next step is an Interim/Conditional Use Permit. The proposed amendment before you would still require an administrative permit that requires annual renewal.

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<sup>3</sup> [1001.13 Subd. 3\(9\)](#)

<sup>4</sup> [1001.13 Subd. 4\(1\)\(f\)](#)

## PLANNING COMMISSION REGULAR MEETING

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### **RELATIONSHIP TO COUNCIL GOALS**

Not specific to any City Council goals.

### **ROLE OF THE PLANNING COMMISSION**

The Planning Commission should hold a public hearing on this matter, have a discussion on the amendment at hand, and consider providing a recommendation to the City Council.

A Public Hearing notice was published in The Press on Thursday, July 24, 2025.

### **RECOMMENDATION:**

If the Planning Commission and City Council feel that that the sale of homemade products on a residential property is beneficial to the City, and promotes residents' ability to best utilize the Cottage Food License program that the State of Minnesota facilitates, staff has drafted an amendment to the Home Occupation section of the City Code to allow the sale of items produced on the property through the administrative Home Occupation permit.

### **ACTION:**

The Planning Commission has the following options:

- A. Motion to recommend **approval** of the Ordinance Amendment as written.
- B. Motion to recommend **approval** of the Ordinance Amendment with revision identified by the Planning Commission
- C. Motion to recommend **denial** of the Ordinance with findings of fact to be provided by the Planning Commission.
- D. Motion to **table** action on the item with direction to be provided to the applicant and staff by the Planning Commission.

### **60-DAY RULE**

Application	60-Days	120-Days
July 8, 2024	September 6, 2025	November 5, 2025

### **ATTACHMENT(S):**

Draft Ordinance Amendment

Applicant Narrative

Existing Ordinance 1001.13 Home Occupations

**ORDINANCE NO. 2025-XX**  
**CITY OF DAYTON**  
**HENNEPIN AND WRIGHT COUNTIES, MINNESOTA**  
**STATE OF MINNESOTA**

**AN ORDINANCE AMENDING THE DAYTON ZONING ORDINANCE SECTION  
1001.13 REGARDING HOME OCCUPATIONS**

**SECTION 1. AMENDMENT.** Dayton Zoning and Subdivision Code Section 1001.13 Home Occupations is hereby amended by adding the underlined language and deleting the ~~strike through~~ language as follows:

**1001.13 HOME OCCUPATIONS**

**Subd. 4 Performance Standards**

*(1) Administrative Home Occupation Performance Standards.*

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

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

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

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

e. ~~No direct sale of goods to the consumer are allowed to occur at the home occupation site.~~  
Retail sales of goods and merchandise are limited to those items produced on the property.

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

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



**SECTION 2. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton, this 26<sup>th</sup> day of August 2025.

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

ATTEST:

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

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

*Motion passed* \_\_\_\_\_

Published in THE PRESS on \_\_\_\_\_.

## 1001.13 Home Occupations

Sub part 3 -9 states the following. Emphasis added

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

This implies that a small number of customers (8 or less) can visit a home each day provided there is at most one at a time. What is a customer doing other than buying something? The code explicitly calls out “client” which would cover things like the services provided by an in-home hair stylist, tax preparer, etc. When “client” is explicitly listed then the meaning of customer is someone who is coming to the location to buy something.

But yet in Sub part 4(1) - e it states

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

This seems to contradict part 3 (9) about customers being able to come to the home provided there is a limited number of them (no more than 8 a day) and that there can be only 1 there at a time.

I am completely in agreement with the spirit of this ordinance, “The purpose of this Subsection is to maintain the character and integrity of residential areas, to prevent competition with commercial districts, to encourage telecommuting, and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.” I believe that one of the best ways this ordinance does that is by limiting the amount of traffic the home occupation creates via sub part 3 (9). Keeping control of the traffic generated offers some of the best protection for the character and integrity of the surrounding neighborhood and limits competition with commercial districts. The idea being that once your number of clients/customers surpasses the stated limit it is time to graduate to the next stage of your business and move into a commercial or industrial area. However, the state of MN has a Cottage Food Producer Registration; from the MN Department of Agriculture’s website: “The Cottage Food Law allows for individuals to make and sell certain non-potentially hazardous food and canned goods in Minnesota without a license. This law, the [Cottage Food Exemption](#), went into effect in 2015 and includes details on the prior training and registration, types of food allowed, food labeling, types of sales locations, and amount of sales allowed by a cottage food producer.” The Cottage Food Law is very limiting in the types of sales locations allowed for Cottage Food Producers and one of the few places they are allowed to sell from is their home. When the city then explicitly prohibits selling products from the home it makes the number of places a Cottage Food Producer can sell from even more limited.

For this reason I believe that sub part 4(1) - e should be removed from the ordinance. Removing 4(1) – e would also more accurately reflect the actual reality of what happens in this city. We all

know there are currently Dayton residents who make and sell things from their home. They do so in such limited quantities that it does not impact their neighbors or neighborhood and therefore does not come to the attention of the city. Updating the code to reflect reality is always good practice.

If we are revisiting this ordinance then I would also ask that the city look at sub part 4(2) - g "Direct sale of goods that are not produced on the site is prohibited."

If a resident is looking at an interim use permit then there is already some additional oversight by the city staff and city council happening and there are lots of cases where someone may want to sell products not produced on site as part of a small home business. Examples that come to mind: someone has a massage business and wants to sell products to their clients that they do not make, someone does custom furniture and wants to sell wood care products, etc. If someone is already going through the process of receiving an interim use permit they should also be allowed to request to sell certain additional products to their customers or clients that they do not themselves produce as part of this process. I am in support of them explicitly stating what kinds of products they may sell as part of the application process, but feel that it should be an option.

## **1001.13 HOME OCCUPATIONS.**

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

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

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

Home businesses shall fall into 2 categories.

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

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

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

All Home Occupations shall meet the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) *Administrative Home Occupation Performance Standards.*

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

- b. No part of any detached garage or accessory building can be used for the occupation.
- c. No outdoor storage of supplies, materials, debris, equipment or maintenance items; all home occupation related items shall be kept in an enclosed structure.
- d. The home occupation is conducted entirely by the occupants of the home and up to 2 nonresident employee, or contract employee, working on, or reporting to, the home.
- e. No direct sale of goods to the consumer are allowed to occur at the home occupation site.

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

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

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

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

b. No outdoor storage of supplies, materials, debris, equipment, machinery or maintenance items; all home occupation related items shall be kept in an enclosed structure on properties less than 2.5 acres. On properties which are at least 2.5 acres, outdoor storage may be allowed provided the outdoor storage area is significantly screened from view from the street and adjacent properties and does not exceed 20% of the lot. Screening shall consist of a combination of existing or proposed landscaping and fencing.

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

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

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

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

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

h. Dust control measures may be required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**ITEM:**

Consideration of an Interim Use Permit for an Event Center with Accessory Wine Production Building at 17921 Dayton River Road

**APPLICANT:**

Jack Bernens, Thicket Hill Vineyard

**PREPARED BY:**

Hayden Stensgard, Planner II

**BACKGROUND:**

Jack Bernens, owner of Thicket Hills Vineyard has submitted an application to the City for consideration of allowing an Interim Use Permit for an Event Center with Accessory Wine Production at 17921 Dayton River Road. This is the 4<sup>th</sup> Event Center applied for since the City adopted language allowing them in town in a specific capacity. The proposed event center would be associated with an existing vineyard on the property, with the plan to build a wine production facility on the same property in the future.

**ANALYSIS:**

**Site Plan.** *The property is located near the southwest corner of Lawndale Lane North and Dayton River Road. The overall property is currently 68.5 acres, with two single-family homes located on the property (1 was built in 2023, and the other is not occupied and will continue not to be occupied). This property could be subject to a replat in connection with a potential development to the west of this property, with a plan that the newly platted property would meet the code standard for event centers of 30 acres.* The proposed building location is situated on an existing ridge on the property with a proposed setback from the slope of 100 feet. The closest property line is over 300 feet from the building, and the nearest home to the north is roughly 800 feet away. The site plan includes a parking area with paved handicap stalls near the entrance, and gravel parking to the west of the building. Gravel is a permitted surface for parking stalls for event centers. The site plan proposes to utilize the existing access to the site off of Lawndale Lane North, and includes a winding driveway to access the building up on that hill. The driveway proposed is also gravel at a width of 24 feet. The driveway design will be subject to the review of the Fire Chief, ensuring no issues regarding emergency access to the building.

**Building.** The building footprint proposed is 10,726 square feet, with a total floor area of 14,002 square feet (first and second floor combined). The peak height of this building is 40.5 feet to the cupolas, and the main roof peak height of 34 feet 9 inches. The materials proposed for this building include a combination of LP siding, metal fascia, wood, stone, and an asphalt-shingled roof, providing for an aesthetically pleasing design. While the elevation drawings provided are not colored, the legend does provide what each material would look like, and the color of buildings is not something the City regulates. The materials are consistent with the zoning ordinance.

**Parking.** For Event Centers, the City Code requires one (1) stall per two (2) guests based on the maximum occupancy of the building.<sup>1</sup> On page one of the architectural plans, the maximum occupancy listed is 498 people, which would require at least 249 total spaces. The applicants are proposing an initial parking stall count of 110, showing there is additional space on site to accommodate 67 more

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<sup>1</sup> [1001.051\(8\)](#)

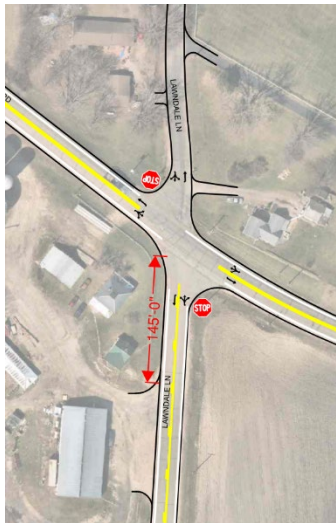
parking stalls on site if needed. The proof of parking area shown on the site plan is a significant distance from the building, and the applicant has indicated that, when utilized, they would offer a shuttle service to patrons.

**Landscaping.** The applicant has not submitted a landscape plan for review; however the minor requirements in this situation, staff will work with the applicant to have them provide a landscaping plan at the time of the building permit. Being that the surrounding area on the property is farmed, the landscaping requirements for open space on the property will not be applicable. With that being said, the following requirements will need to be verified prior to building permit issuance:

- A 5-foot strip from the building edge must be treated with decorative ground cover and/or foundation plantings, except for garage/loading areas and pedestrian access areas.
- Plants shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect. Plantings shall also be proportionate to the height of the building.
- At least one (1) over-story tree shall be planted for every 10 parking stalls on site. The trees must be located within 10 feet of all parking areas.<sup>2</sup>

### **CONSIDERATIONS:**

Traffic:



The City's Engineering staff had pointed out the close proximity of the existing access that will be utilized on this property, with this interim use, the intersection of Lawndale Lane North and Dayton River Road. Roughly 135-145 feet. This could pose issues in the future related to stacking at that intersection when events on the property end, and patrons leave around the same time. While it is unknown at this time whether this problem will occur, the applicant should work with City staff to shift the access south of its existing location. In the event that this is something not accomplished before the use is operational, staff is including a condition of approval that reserves the City the right to require a change in access location if congestion occurs in this area.

Parking:

The applicant is proposing an initial parking count of 110 spaces, with an area shown as proof of parking, totaling 163 spaces. The applicant plans to provide a shuttle service from the proof of parking area for events when needed to be utilized. Parking is an important factor for uses like these, and it is anticipated that if parking with the proposed stall count becomes an issue, there is enough space on the property to accommodate more spaces. The City shall reserve the right to require additional parking be installed if problems arise.

Future Winery:

The applicant has noted to City staff, as well as shown on the site plan, that there is a location for a future wine production

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<sup>2</sup> [1001.24 Subd. 4\(3\)\(b\), \(c\), \(d\)](#)



facility. The building, at most, would be open to the public for tours, but the wine tasting area and all other areas serving patrons are located within the event center building itself. Being that it is anticipated in the future, staff is recommending that the winery be included within this original approval, rather than requiring an amendment to the Interim Use Permit. Such a building is still subject to the building permit review process, and additional parking may be required at the time of construction. Setback requirements in the A-1 district will also apply.

Interim Use Permit Term:

To maintain consistency with the 2040 Comprehensive Plan's Sewer Staging Plan, staff is recommending that the term of the Interim Use Permit expire after 25 years (August 26, 2050). The property is currently located within the "Post 2050" staging area of the staging plan. The applicant is requesting a term of 50 years (August 26, 2075). It is the Planning Commission and City Council's discretion to determine what length is appropriate for such interim use.

### **INTERIM USE PERMIT**

Interim Uses are uses that are currently acceptable, but in the future may not be acceptable, whether that is due to land use designation on existing property that does not have services available, or another factor.<sup>3</sup> Interim Use Permits are required to follow the same process as a Conditional Use Permit; the main difference is that Conditional Use permits run with the land they are granted on, and Interim Use Permits are subject to an identified timeline for the use to occur on a property. Upon review of Interim Use Permits, the Planning Commission and City Council are tasked with adopting findings, addressing the following:

1. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district.
2. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.
3. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.
4. The proposed use will not impede the normal and orderly development of surrounding property.
5. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
6. The proposed use is adequately screened.
7. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration, or visual pollution.
8. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

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<sup>3</sup> [1001.23 Subd. 2\(1\)](#)

## PLANNING COMMISSION REGULAR MEETING

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

A resolution has been drafted by staff addressing these findings and is attached to this report.

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

Application	60-Days	120-Days
June 30, 2025	August 29, 2025	October 28, 2025

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

Preserving our Rural Character

Create a Sought After Community

### **ROLE OF THE PLANNING COMMISSION:**

The Planning Commission should hold a public hearing on this matter, have a discussion on the request at hand, and consider providing a recommendation to the City Council.

A Public Hearing notice was published in The Press on Thursday, July 24, 2025.

### **RECOMMENDATION:**

Staff recommends approval of the Interim Use Permit for an Event Center in the A-1, Agricultural District, subject to the conditions recommended by staff, and any other conditions the Planning Commission or City Council may wish to add.

### **ATTACHMENT(S):**

Draft resolution, recommending approval of the Interim Use Permit for an Event Center

Aerial Photo

Overall site plan with lot layouts

Architectural renderings and floor plans

Excerpts from Dayton Intersection Inventory and Safety Assessment Report

City Engineer's Comment Letter, dated July 30<sup>th</sup>, 2025

Zoning Ordinance Sections on Event Centers and Interim Use Permits

### **RECOMMENDED CONDITIONS OF APPROVAL:**

1. The applicant shall provide an Emergency Management Plan to the City for review and acceptance prior to the City recording the Interim Use Permit.
2. Upon the time the property is platted, the event center property shall still meet the 30-acre minimum. All parking on site shall still meet the 20-foot property line setback. The septic system shall meet the 200-foot property line setback.
3. The applicants have proposed 110 parking stalls to be created initially with the construction of the building and 63 additional parking stalls in the event that more parking is needed. The City reserves the right to require additional parking to be created on the property in the event that recurring issues arise related to parking demand.
4. There shall be no on-street parking associated with this property. All parking associated with this permit is required to be off-street.

## PLANNING COMMISSION REGULAR MEETING

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5. The applicant shall work with City staff to revise the access location of the property from Lawndale Lane North to create a further separation from the Lawndale Lane North and Dayton River Road Interchange. If the access is not moved, the City shall reserve the right to require relocation of the access if congestion issues are caused by the event center.
6. The applicant shall submit a lighting plan (photometric) subject to the City standards. All lighting shall be downcast with cutoffs installed, and shall be limited to .1 footcandles at the property line.
7. Overnight camping shall be prohibited.
8. The proposed driveway shall be constructed to the satisfaction of the Fire Chief, ensuring the ability to serve all areas of the property if needed.
9. The Interim Use Permit shall expire on August 26, 2050. At that time, the applicant has the ability to apply for a renewal of the permit.
10. The applicant shall comply with the City Engineer's comment letter, dated July 30, 2025.



# Hennepin County Locate & Notify Map

Date: 7/24/2025



**Buffer Size:**

**Map Comments:**

0 205 410 820 Feet  
|-----|-----|-----|-----|

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office  
300 6th Street South, Minneapolis, MN 55487 / [gis.info@hennepin.us](mailto:gis.info@hennepin.us)



**RESOLUTION XX-2025**

**CITY OF DAYTON  
COUNTIES OF HENNEPIN AND WRIGHT  
STATE OF MINNESOTA**

**RESOLUTION APPROVING AN INTERIUM USE PERMIT FOR AN  
EVENT CENTER FOR THICKET HILL VINEYARD AT 17921 DAYTON RIVER ROAD**

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

**WHEREAS**, the Applicant Jack Bernens (Thicket Hill Vineyard) is requesting an Interim Use Permit for an Event Center, located at 17921 Dayton River Road, legally described as:

Legal Description: That Part Of The Southwest Quarter Of The Northeast Quarter Of Section 6, Township 120, Range 22, That Lies North Of The South 47.36 Feet, And That Part Of Government Lot 3, Section 6, Township 120, Range 22, Described As Follows: Beginning At The Southeast Corner Of Said Government Lot 3; Thence West Along The South Line To The Southwest Corner Thereof; Thence North Along The West Line Thereof To An Intersection With A Line Running Parallel With And Distant 150.00 Feet Southwesterly Of, As Measured At Right Angles To The Southwesterly Line Of County Road No 12; Thence Southeasterly Along Said Parallel Line, A Distance Of 365.93 Feet; Thence Northeasterly At Right Angles, A Distance Of 150.00 Feet To The Southwesterly Line Of County Road No. 12; Thence Southeasterly Along Said Southwesterly Line, A Distance Of 20.00 Feet; Thence Southwesterly, At Right Angles A Distance Of 150.00 Feet; Thence Southeasterly Parallel With Said Southwesterly Line Of Said County Road No. 12, A Distance Of 170.00 Feet; Thence Northeasterly At Right Angles A Distance Of 150.00 Feet To The Southwesterly Line Of County Road No. 12; Thence Southeasterly Along Said Southwesterly Line To The East Line Of Government Lot 3; Thence South Along Said East Line To The Point Of Beginning, Except The South 47.36 Feet Of Said Government Lot 3.

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

**WHEREAS**, the Planning Commission considered the request and held a public hearing at its August 7, 2025 meeting, and recommended approval. A Public Hearing Notice was published by The Press on July 24, 2025, and mailed to property owners within 500' of the subject properties; and,

**WHEREAS**, the City Council reviewed the application at their August 26, 2025. The Applicant was present for the City Council's discussion; and,

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

**FINDINGS**

1. The properties are guided Low Density Residential in the 2040 Comprehensive Plan (2040 Comprehensive Plan; Chapter 5 Land Use; Figure 3: Future Land Use Map).

2. The properties are zoned A-1 Agricultural. *Event Centers* are an Interim Use (City Code 1001.05, Subd 12 (Tabel 5.1)).
3. Consistent with City Code 1001.051, Subd 1 (*Event Centers*), the DECISION, and Conditions of Approval listed, address requirements for the Event Center.
4. Consistent with City Code 1001.23, Subd 1(e) (*Conditional Use Permits; Process*), the City Council has considered the criteria for granting a Conditional Use Permit to be applicable to this Interim Use Permit:

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

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

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

***Finding:*** *The Event Center will have no demonstratable impact to property values.*

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

***Finding:*** *The Event Center will have no detrimental affect to persons residing or working in the area. The Event Center is located in an agricultural area of the city that includes large separation in land to surrounding single-family homes.*

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

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

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

***Finding:*** *The Event Center will not create a burden on public facilities. Traffic concerns will continue to be monitored and addressed through the conditions of approval if problems arise.*

- f. The proposed use is adequately screened.

***Finding:*** *The Event Center activities are separated from the nearest home (home not associated with the Dehn family) by about 800 feet. Existing screening and additional screening of parking facilities will be adequate. Due to the elevation differences of the location of the building to the surrounding area. It is anticipated the building will be visible from adjacent public streets (Lawndale Lane North and Dayton River Road).*

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

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

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

***Finding:** The Event Center, as deemed by the Planning Commission and City Council provide adequate parking for the use. The property has substantial area for additional parking if deemed necessary. Through the conditions of approval, the City reserves the right to require additional parking if problems arise.*

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

***Finding:** The Event Center is located on tilled land, and is preserving the substantial grade changes on the property.*

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

#### DECISION

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Dayton, based upon the information received and the above Findings, that the City Council does hereby **Approve** the Applicant's request for an Interim Use Permit for an Event Center and Accessory Wine Production Facility in the A-1, Agricultural District. The Applicant shall meet the following conditions to the satisfaction of the City:

1. The applicant shall provide an Emergency Management Plan to the City for review and acceptance prior to the City recording the Interim Use Permit.
2. Upon the time the property is platted, the event center property shall still meet the 30-acre minimum. All parking on site shall still meet the 20-foot property line setback. The septic system shall meet the 200-foot property line setback.
3. The applicants have proposed 110 parking stalls to be created initially with the construction of the building and 63 additional parking stalls in the event that more parking is needed. The City reserves the right to require additional parking to be created on the property in the event that recurring issues arise related to parking demand.
4. There shall be no on-street parking associated with this property. All parking associated with this permit is required to be off-street.
5. The applicant shall work with City staff to revise the access location of the property from Lawndale Lane North to create a further separation from the Lawndale Lane North and Dayton River Road Interchange. If the access is not moved, the City shall reserve the right to require relocation of the access if congestion issues are caused by the event center.
6. The applicant shall submit a lighting plan (photometric) subject to the City standards. All lighting shall be downcast with cutoffs installed, and shall be limited to .1 footcandles at the property line.
7. Overnight camping shall be prohibited.

8. The proposed driveway shall be constructed to the satisfaction of the Fire Chief, ensuring the ability to serve all areas of the property if needed.
9. The Interim Use Permit shall expire on August 26, 2050. At that time, the applicant has the ability to apply for a renewal of the permit.
10. The applicant shall comply with the City Engineer's comment letter, dated July 30, 2025.

Adopted by the City Council of the City of Dayton, this 26<sup>th</sup> Day of August, 2025.

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Mayor Dennis Fisher

ATTEST:

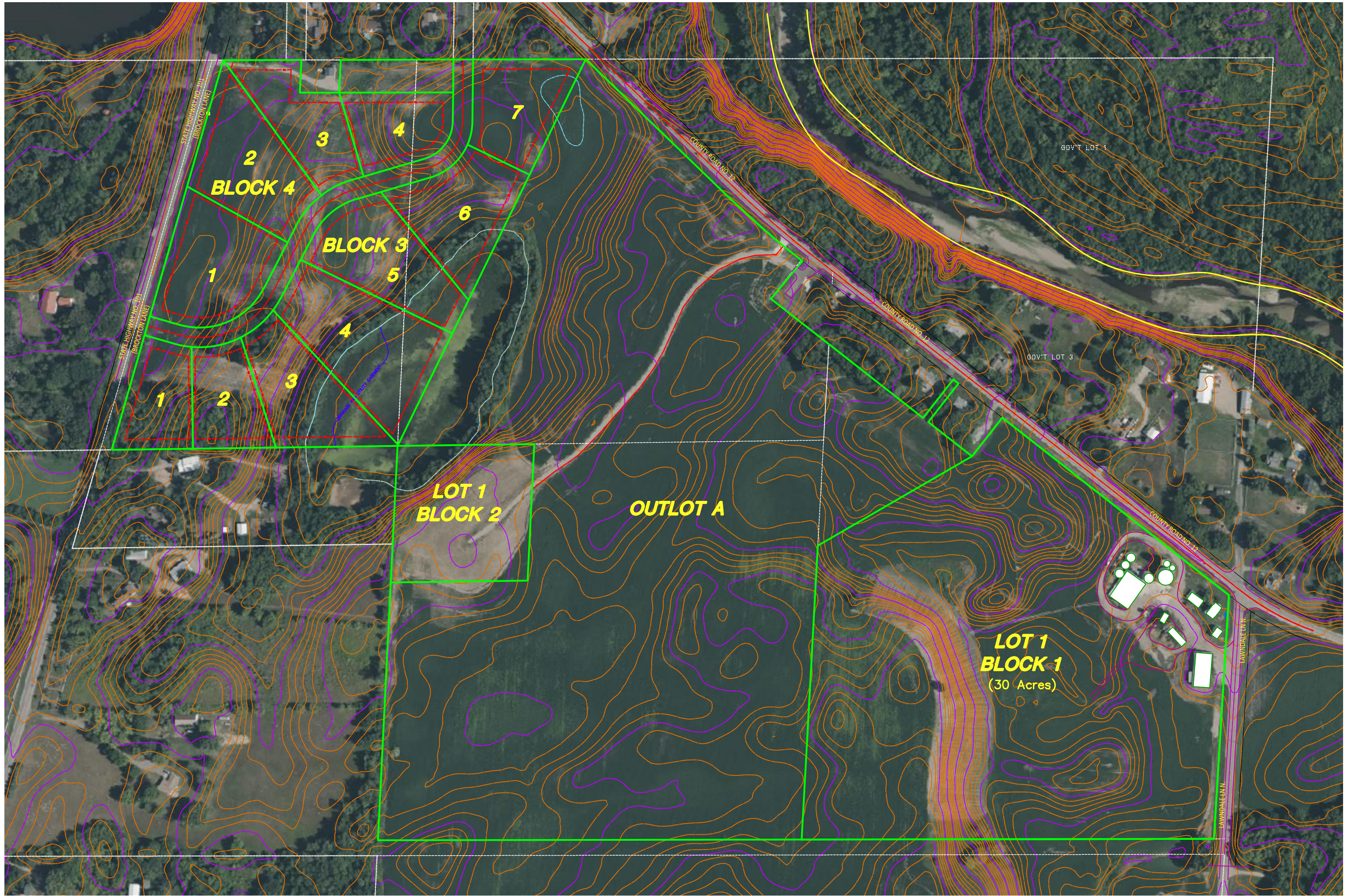
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City Clerk Amy Benting

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

Resolution ***Approved***  
***MOTION DECLARED PASSED***








KAEDING  
ARCHITECTURE  
35 W. MAIN STREET, SUITE 201  
WACONIA, MN 55387  
952.451.9763



PROJECT INFORMATION:

THICKET HILL EVENT  
CENTER  
INTERIM USE PERMIT  
SUBMITTAL

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION,  
OR REPORT WAS PREPARED BY ME OR UNDER MY  
DIRECT SUPERVISION AND THAT I AM A DULY  
LICENSED ARCHITECT UNDER THE LAWS OF THE  
STATE OF MINNESOTA.

  
\_\_\_\_\_  
JENNIFER KAEDING, AIA

51456 \_\_\_\_\_ 7/17/25 \_\_\_\_\_

REGISTRATION # DATE

[illegible]

PROJECT: THICKET HILL  
DATE: 07/17/25  
DRAWN BY: BBAKER  
CHECKED BY: JKAEDING

SHEET NAME:

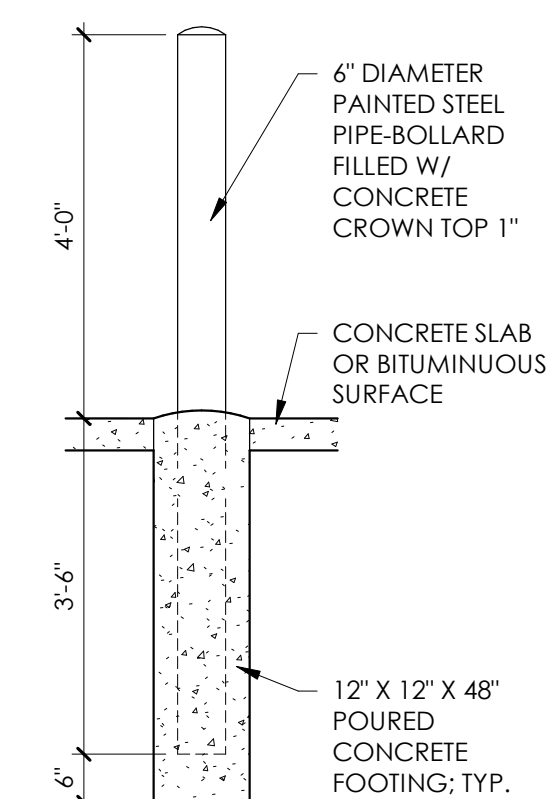
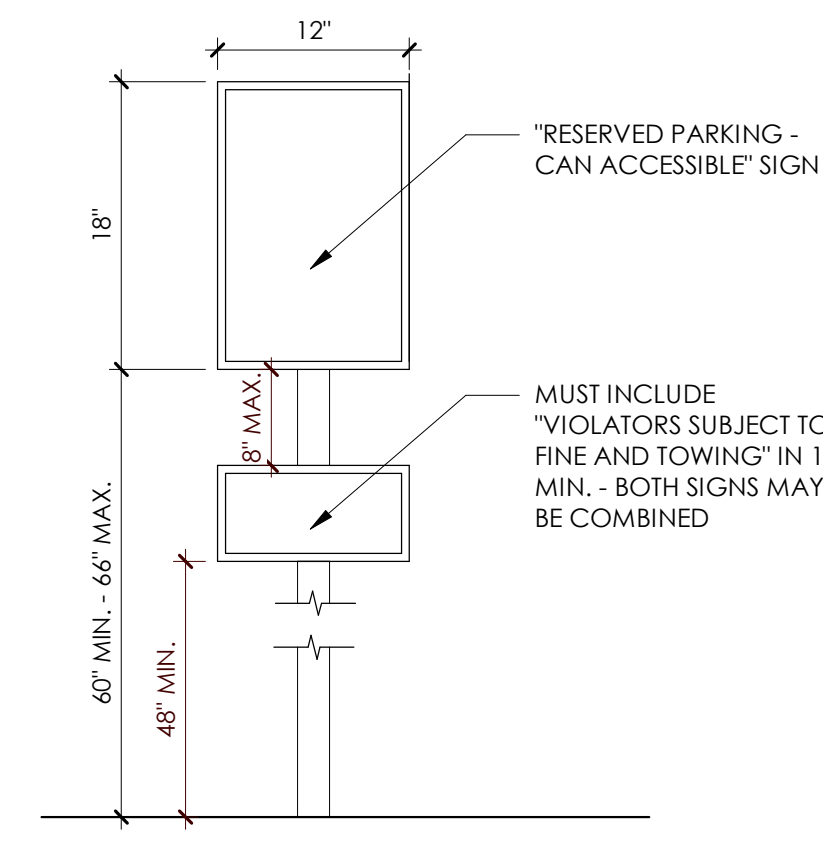
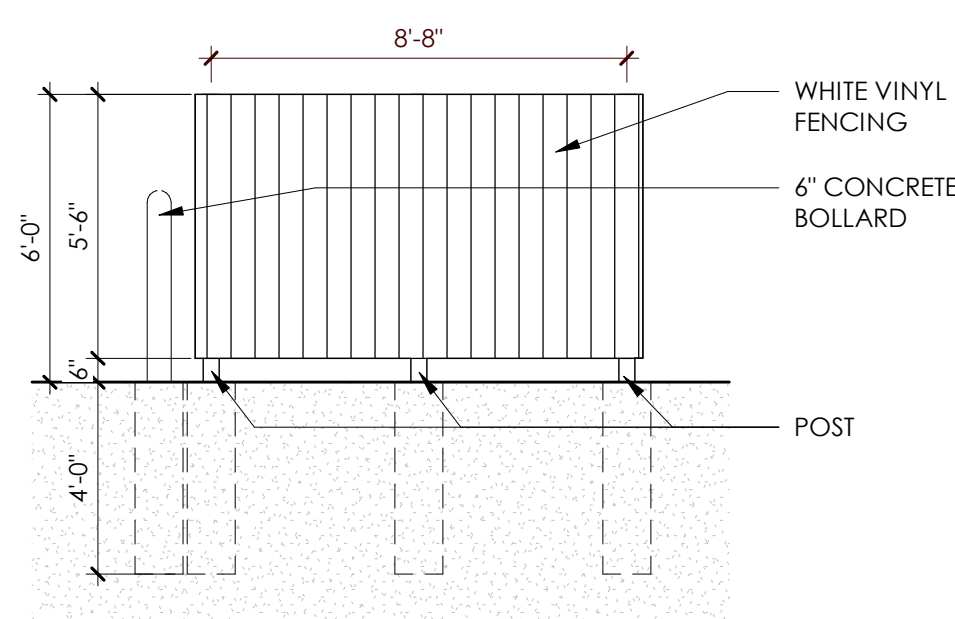
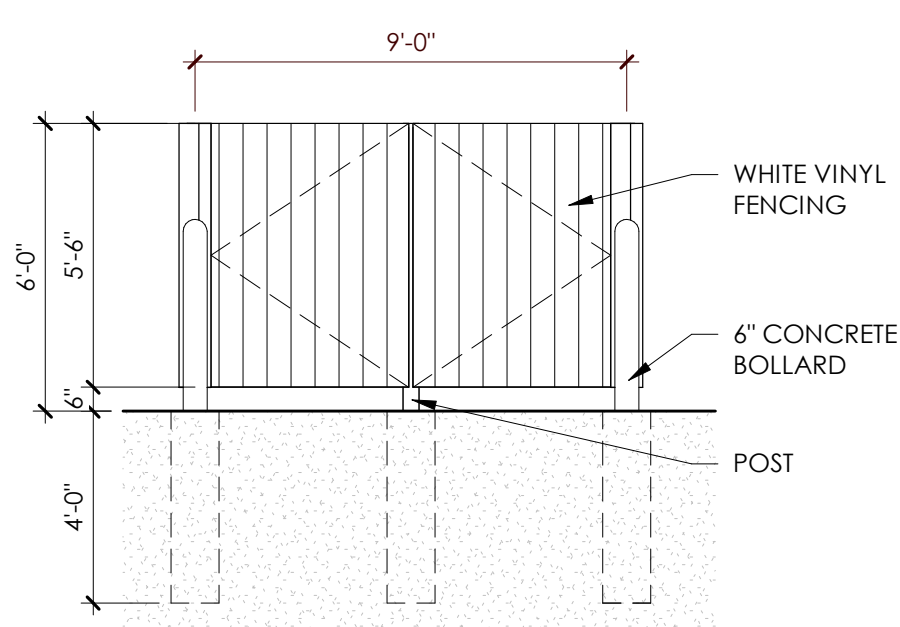
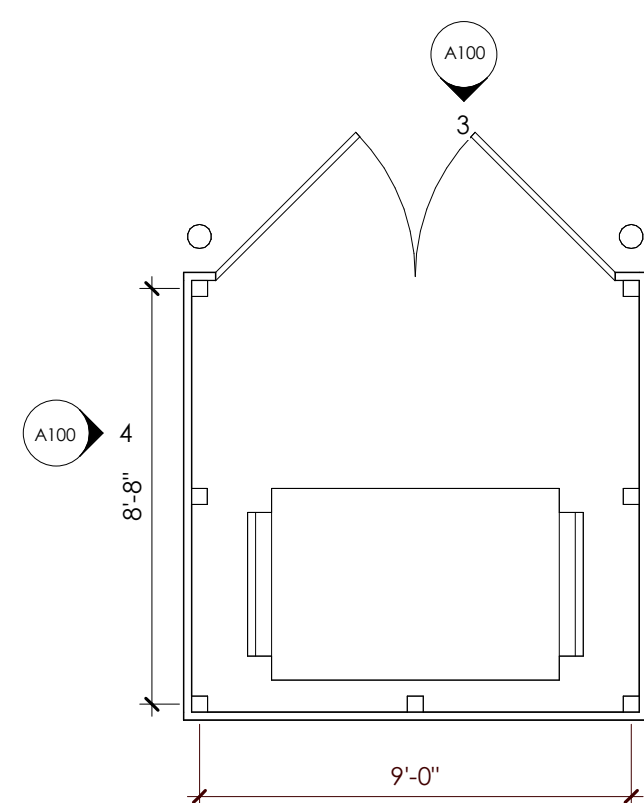
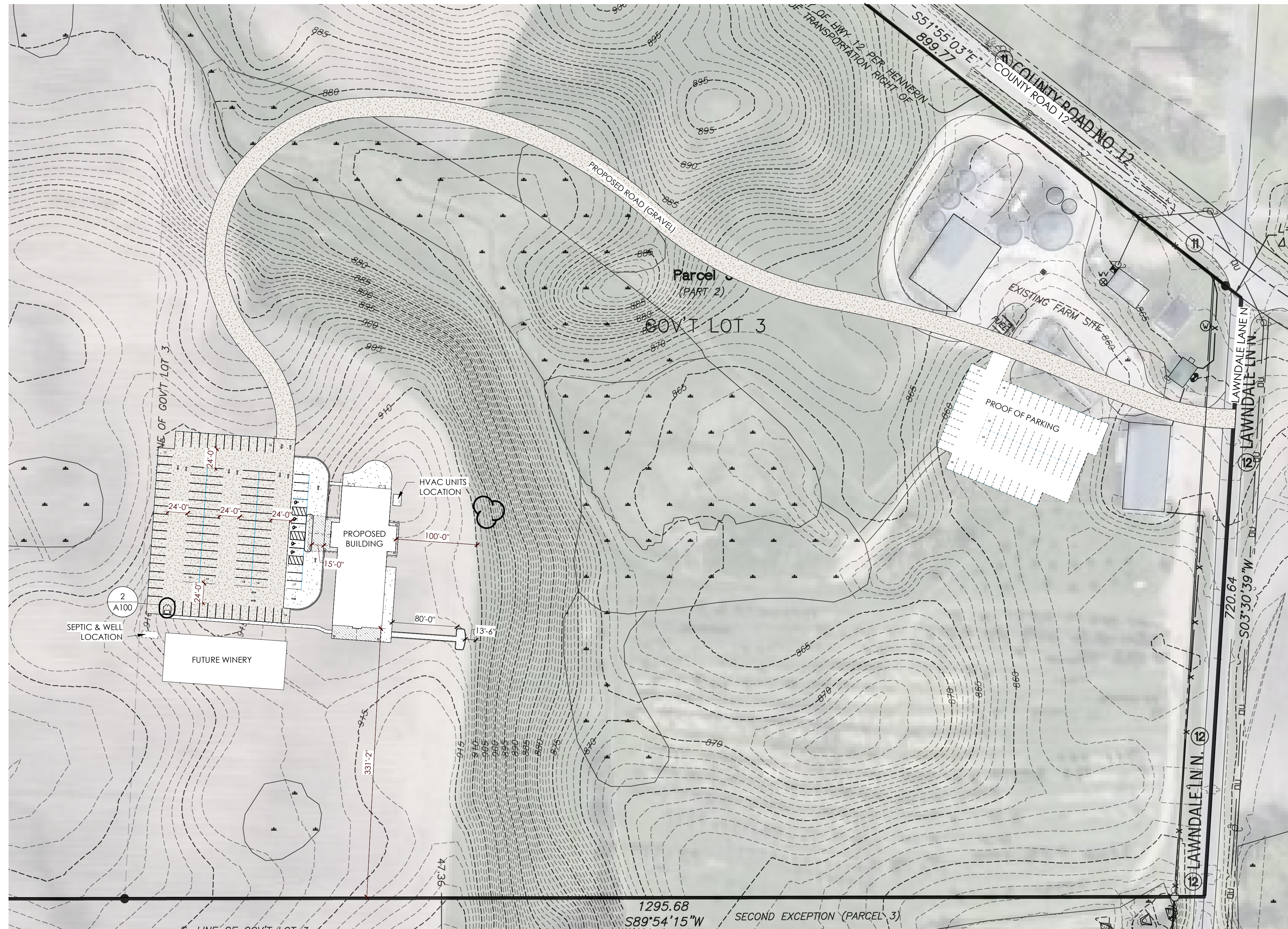
LOCATION MAP & CODE  
REVIEW

SHEET NUMBER:

A000







ZONING DISTRICT		A-1, AGRICULTURAL DISTRICT
USE	ASSEMBLY, EVENT CENTER (A-2)	
SITE	68.49 ACRES	
BUILDING SETBACKS MIN. REQUIRED		
FRONT (WEST)	50'	
REAR (EAST)	20'	
SIDE (NORTH)	25'	
SIDE (SOUTH)	40'	
PARKING SETBACKS MIN. REQUIRED		
FRONT	20'	
REAR	20'	
SIDE	20'	

PARKING INFORMATION	
PARKING STALL REQUIREMENTS	
DRIVE AISLE:	24'-0" MIN. WIDTH
STALL SIZE:	10'-0" x 20'-0"
PARKING REQUIREMENTS	
(1) STALL / (3) GUESTS + (1) STALL / (1) EMPLOYEES	
# OF GUESTS (BALLROOM):	312
# OF GUESTS (WINE TASTING):	107
TOTAL # OF GUESTS :	419
# OF EMPLOYEES:	5
TOTAL PARKING STALLS REQUIRED: 145 STALLS (INCLUDING 5 ADA)	
TOTAL PARKING STALLS PROVIDED: 111 STALLS (INCLUDING 5 ADA)	
PROOF OF PARKING: 63 STALLS (174 TOTAL)	

PROJECT INFORMATION:

THICKET HILL EVENT  
CENTER  
INTERIM USE PERMIT  
SUBMITTAL

17501 DAYTON RIVER RD  
DAYTON, MN 55327

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

JENNIFER KAEDING, AIA  
51456 7/17/25  
REGISTRATION # DATE

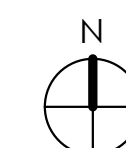
## ISSUE RECORD

[illegible]

PROJECT: THICKET HILL  
DATE: 07/17/25  
DRAWN BY: BBAKER  
CHECKED BY: JKAEDING

SHEET NAME:  
ARCHITECTURAL SITE  
PLAN

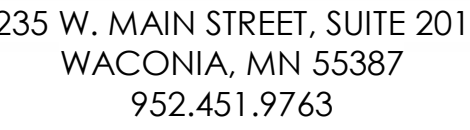
SHEET NUMBER



# A100







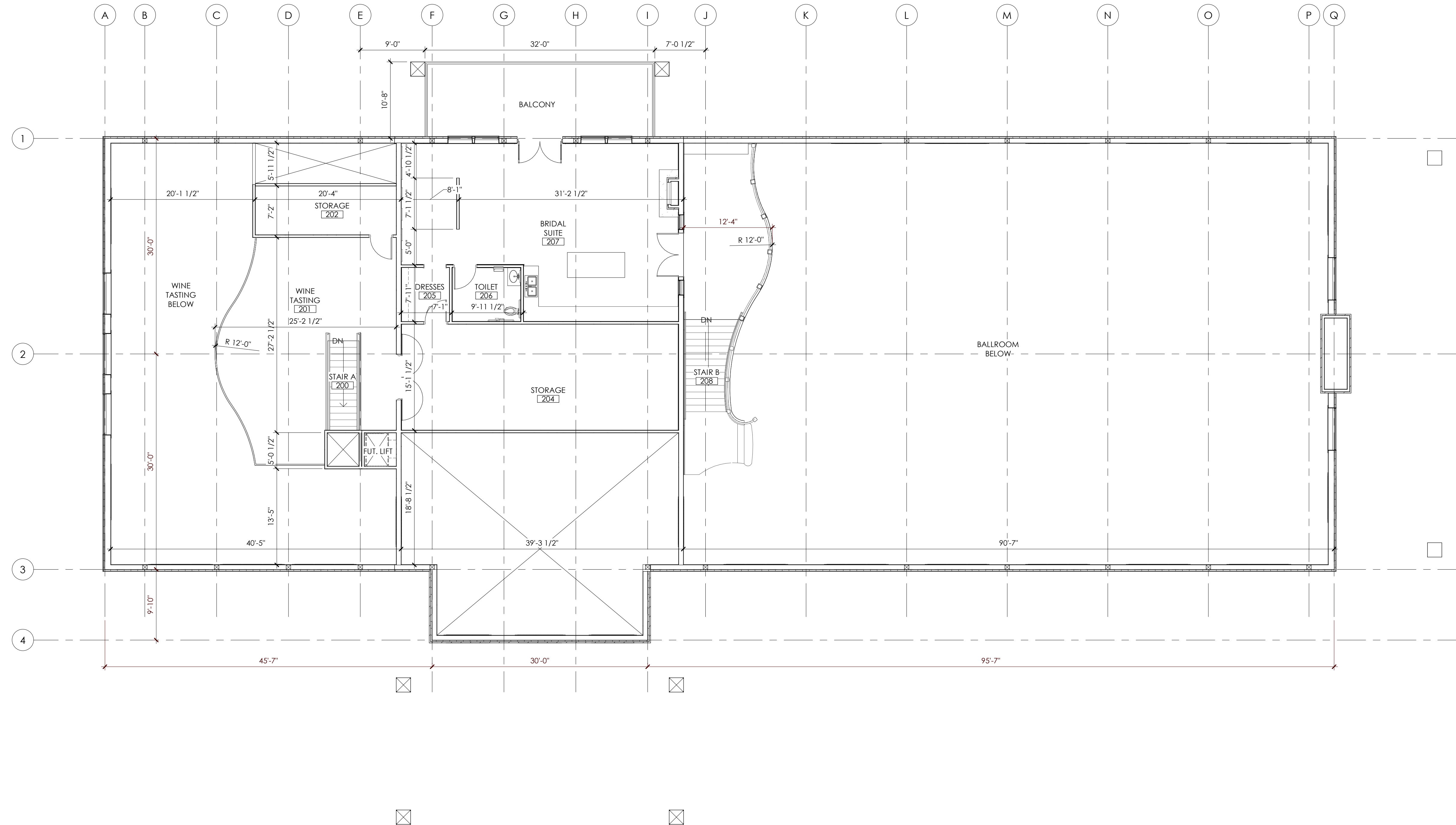
THICKET HILL EVENT  
CENTER  
INTERIM USE PERMIT  
SUBMITTAL

JENNIFER KAEDING, AIA  
51456 7/17/25  
REGISTRATION # DATE

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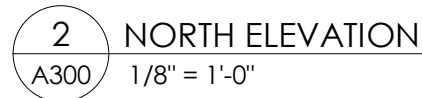
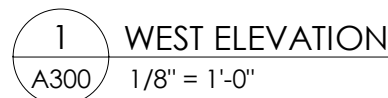
SHEET NAME:  
DIMENSION PLAN  
SECOND LEVEL

A201



1 DIMENSION PLAN - SECOND LEVEL  
A201 1/8" = 1'-0"





KAEDING  
ARCHITECTURE

235 W. MAIN STREET, SUITE 201  
WACONIA, MN 55387  
952.451.9763

PROJECT INFORMATION:  
THICKET HILL EVENT  
CENTER  
INTERIM USE PERMIT  
SUBMITTAL

17501 DAYTON RIVER RD  
DAYTON, MN 55327

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION,  
OR REPORT WAS PREPARED BY ME OR UNDER MY  
DIRECT SUPERVISION AND THAT I AM A DULY  
LICENSED ARCHITECT UNDER THE LAWS OF THE  
STATE OF MINNESOTA.

JENNIFER KAEDING, AIA  
51456 7/17/25  
REGISTRATION # DATE

ISSUE RECORD:

07/17/25 IUP SUBMITTAL

PROJECT: THICKET HILL

DATE: 07/17/25

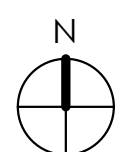
DRAWN BY: BBAKER

CHECKED BY: JKAEDING

SHEET NAME:

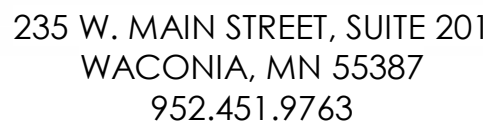
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SHEET NUMBER:



# A300





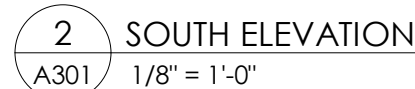
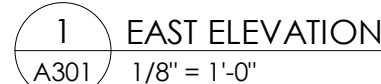
THICKET HILL EVENT  
CENTER  
INTERIM USE PERMIT  
SUBMITTAL




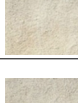






JENNIFER KAEDING, AIA  
51456 7/17/25  
REGISTRATION # DATE

07/17/25 IUP SUBMITTAL

[illegible]

# A301



COMPOSITE	
	<b>(LP1)</b> LP SIDING DIAMOND KOTE OR SIMILAR 12" VERTICAL SIDING W/ 3" BATTEN TRIM COLOR: SITE FINISHED WHITE
	<b>(LP2)</b> LP TRIM DIAMOND KOTE OR SIMILAR 4" STANDARD TRIM COLOR: SITE FINISHED WHITE
STONE	
	<b>(ST1)</b> STONE CULTURED STONE COUNTRY LEDGESTONE; ASHFALL
	<b>(ST2)</b> STONE SILL CULTURED STONE SILL COLOR: CHAMPAGNE
	<b>(ST3)</b> STONE TRIM CULTURED STONE TRIM COLOR: CHAMPAGNE FORMED AROUND DOOR FRAME & ROUND TOP WINDOW
METAL	
	<b>(MTL1)</b> METAL FASCIA PAC-CLAD OR EQUAL COLOR: MATTIE BLACK
	<b>(MTL2)</b> METAL SOFFIT PAC-CLAD OR EQUAL PAC-850 SOFFIT, 6" O.C. VEE GROOVE COLOR: MATTIE BLACK
ASPHALT	
	<b>(SH1)</b> ASPHALT SHINGLE TIMBERLINE SHINGLES OR SIMILAR COLOR: CHARCOAL
WOOD	
	<b>(WD1)</b> WOOD - TREATED STAINED SHERWIN WILLIAMS: WOODSCAPES SEMI-TRANSPARENT
	<b>(WD2)</b> WOOD SOFFIT PINE 1"x4" TONGUE & GROOVE SOFFIT TO MATCH <b>(WD1)</b>

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To:	Jon Sevald	From:	Jason Quisberg, Engineering Nick Findley, Engineering
Project:	Thicket Hill Event Center IUP Plan	Date:	7/30/2025

---

**Exhibits:**

This Memorandum is based on a review of the following documents:

1. Thicket Hill Event Center Interim Use Permit Submittal, Kaeding Architecture, dated 7/17/2025, 6 sheets

**Comments:**General

1. The concept reviewed comprises a total area of approximately 30 acres by platting a portion of a larger property. Located on the SW corner of County Road 12 (Dayton River Road) and Lawndale Lane, the property currently contains existing farm buildings and other agricultural related items.
2. These review comments are essentially very high level; the IUP plan provides little detail beyond the driveway location and building layouts. Ultimately, a complete plan submittal will be required, providing site plans that include driveway details, grading and drainage plans, water and sewer utilities, and other detailed plans as required by the City. Existing easements and any planned or proposed easements, including conservation easements should be identified, and, if present, the layout adjusted accordingly. New easements for utilities, stormwater detention, and other improvements will all be needed as well.
3. Consistent with the review process, a comment response letter shall be provided in response to the following comments provided in this Memorandum in which the applicant provides a written response to each item.
4. In addition to engineering related comments per these plans, the proposed plans are subject to additional planning, zoning, land-use, and other applicable codes of the City of Dayton.
5. Final approval by the Elm Creek Watershed Management Commission must be attained before any site grading or activity may commence.
6. For any site activity (demo, grading, utilities, etc.) no closures or restrictions of any kind shall be imposed upon the public use of Lawndale Lane without the City's permission and Dayton River Road without Hennepin County and the City's permission. Should any lane restrictions be necessary, the Contractor shall notify the necessary entities at least 48 hours in advance and provide a Traffic Control Plan.

Erosion Control/SWPPP

7. A MPCA/NPDES construction stormwater permit is required for the site. Sediment and erosion control plans shall be consistent with the general criteria set forth by the most recent versions of the Minnesota Stormwater Manual and the NPDES Construction site permit. As the plans progress a SWPPP shall be provided for review.



### Wetlands

8. Preliminary indications show a wetland complex and/or other environmentally sensitive features on the site. However, this should be verified and addressed as needed, including a wetland delineation report. Should impacts be identified, submittal/approval of a mitigation plan will be required. Wetland buffer signs are required per City of Dayton Detail Gen-10.
  - o Depending on the delineations, the TEP may require realignment of the driveway to limit impacts.

### Site Plans

9. Lighting standards will be discussed as the plans progress. Lighting may be required at the entrance, along the driveway, and within the parking areas.
10. If the future proof of parking is utilized at a future date the number of ADA stalls would need to be increased.
11. The currently proposed driveway is shown as gravel. As more design details are provided public safety may require an increased section, bituminous, and/or maintenance plan to ensure the event center is accessible during an emergency.

### Transportation

12. The proposed driveway connection is located within close proximity of the intersection of Lawndale Lane and Dayton River Road. The driveway connection should be shifted as far from the intersection as possible.

### Grading /Stormwater

13. A Stormwater Maintenance Agreement is to be in place covering the storm sewer system once designed and approved.
14. Currently no storm water improvements are shown for the proposed site. A complete stormwater management plan shall be included in the preliminary plat application. The Stormwater Management Plan should follow Dayton and MPCA stormwater rules and regulations. The reports should include rate control for the 2-,5-,100-year 24-hour MSE 3 rainfall events. Dayton requires load reduction achieved by abstracting 1.1 inch from net new impervious or no net increase in TP or TSS, whichever is lower. In addition, a complete grading and drainage plan must be provided, showing how the street, lots, and ponding areas are proposed to be graded. Information must also be provided showing all high-water levels, proposed building floor elevations, and other critical features. In addition, a stormwater application with the Elm Creek Watershed will be required. The applicant shall assure that stormwater management devices are provided to meet City of Dayton and Elm Creek Watershed standards.
15. Grading shall allow adequate areas for buffering along Lawndale Lane. It is anticipated that grading and drainage along Lawndale Lane will be consistent with the existing corridor and not include abrupt changes in grading.
16. For the building permit application, a complete grading plan shall be provided which includes proposed grades, elevations at lot corners, identification, and labeling of all emergency overflow elevations (EOF's), identification of proposed grades and all

drainage swales, and any other topographic information relevant to site design. Maximum driveway slopes shall be no greater than 10% with minimum 2% drainage maintained throughout the development.

17. A City of Dayton Land Disturbance Permit will be required.
18. Overall runoff and drainage related to this development will overlap with adjacent properties. The stormwater management plan must show how runoff and detention areas between properties are being routed and accounted for in an overall plan. In other words, the stormwater management plan must address runoff and discharge from both a local (this development) and a regional approach that includes the neighboring properties and Brockton Lane.
19. Any ponds or detention areas shall have a 10' maintenance access around pond with appropriate grading for access by maintenance vehicles.
20. The existing conditions are defined as the land cover prior to the introduction of agricultural land in Dayton. The existing model should incorporate pre-agricultural land values as referenced in the stormwater manual. A CN value of 58 shall be used in HSG B soils and a CN of 32 shall be used in HSG A soils for existing condition analyses 72 for HSG C and 79 for HSG D, off-site existing may be modeled as currently developed.
21. Upon further design, low floors adjacent to ponds/wetlands/other depressions must have 2 foot of freeboard above the modeled 100-yr high water level (HWL). This includes offsite low and depression areas adjacent to this site.
22. The City of Dayton's Local Surface Water Management plans requires that the storm sewer system must be designed to handle a 10-year event.
23. Maximum grading within maintained areas is 4:1 with a minimum grade of 2% along drainage swales.
24. The proposed driveway is shown traveling through steep slopes. This alignment should be evaluated further to ensure it is feasible.

#### Watermain/Sanitary Sewer

25. Currently the water system in this area is at capacity. Additional storage (water tower or other system) is required prior to the addition of new services to the system.
26. City sewer is not available in the area, the ability to provide septic service needs to be evaluated. It appears that the septic system area shown may be undersized based on the size and use of the building.
  - o During the building permit process, a secondary septic location will be required to be shown.
27. Any/all existing septic systems and private wells on the property shall be evaluated to ensure they are still in working order and needed. If they are not in working order or no longer needed, they shall be removed and abandoned in accordance with applicable rules and regulations. Plans shall depict the removal/abandonment of these systems.

#### **End of Comments**

## DAYTON INTERSECTION INVENTORY AND SAFETY ASSESSMENT

### Detailed Analysis

The intersection of CSAH 81 with Brockton Lane nearly one mile to the west recently received a signal upgrade and intersection improvements that may be adopted at CSAH 81 and Dayton Parkway. The signal hardware may be upgraded to include four-section signal heads with flashing yellow arrows on all approaches. This configuration provides flexibility in allowing only protected left turns on the desired approaches, as currently in place for eastbound and westbound lefts, but also allows permissive lefts during off-peak times. Maintaining protected eastbound and westbound lefts during peak times are expected to result in 1% to 11% fewer total crashes compared to also allowing permissive lefts. For the northbound and southbound lefts, these flashing yellow arrows are expected to reduce left turn crashes by 16% according to CMF ID: 7696. Additionally, since the railroad crossing is adjacent to the intersection, adding a dynamic “no right turn” sign facing the eastbound right turn would increase driver awareness that a train is about to cross. If railroad pre-emption is not currently implemented into the signal, then it is recommended so crossing trains can communicate with the controller and stop conflicting phases/activate the dynamic sign. Although the warrant analysis indicates that either a signal or a roundabout is warranted, there is no significant concern that would suggest the intersection control be changed to a roundabout and thus signal control should be maintained.

A significant improvement to increase pedestrian crossing safety would be to widen the CSAH 81 approaches to accommodate a ten-foot median and provide refuge for pedestrians in the west leg crosswalk. This reduces the number of lanes pedestrians must cross at once and protects pedestrians who do not complete the crossing within the pedestrian phase. Medians with refuges at intersections are shown to reduce pedestrian crashes by 46% according to the PSC. A pedestrian activated pushbutton should be placed in the refuge to allow reactivation of the pedestrian phase in this scenario. An additional improvement may be to extend the median on the south leg to provide refuge for that crosswalk. This may require shifting the crosswalk to the south and modifying ramps in each quadrant, which also shortens the northbound storage length between the railroad crossing and the stop bar.

Since additional roadside active transportation facilities are planned at the intersection, appropriate crossing treatments including ADA compliant ramps, crosswalks, pedestrian signals, and pushbuttons should be included when the paths are constructed.

## 4.5 DAYTON RIVER ROAD & LAWNDAL E LANE

### 4.5.1 Existing Conditions

Dayton River Road (CSAH 12) & Lawndale Lane is a four-leg, TWSC intersection with approximately 35 degrees of skew. All approaches have a single lane. Dayton River Road has a 50-mph posted speed limit in both directions and Lawndale Lane has a 40-mph posted speed limit on the south leg and an unposted statutory 30-mph speed limit on the north leg. The north leg of Lawndale Lane is privately owned and serves only a few residential properties. The environment surrounding the intersection is more rural.

Lighting is not present at the intersection. A future regional shared-use path will run along the north side of the intersection and cross the north leg and roadside shared-use path is proposed on the south and east sides, connecting to future community trail in the southwest quadrant. A relatively significant embankment and house in the northeast quadrant as well as horizontal curvature on Dayton River Road



## DAYTON INTERSECTION INVENTORY AND SAFETY ASSESSMENT

### Detailed Analysis

creates sight challenges for the southbound approach. Two crashes occurred between 2018 and 2022, both were run-off-road crashes.

#### 4.5.2 Analysis Results

##### Safety Analysis

The crash rate and FAR rate at the intersection based on the five-year crash data yielded a CI of 0.53 and 0.00, respectively. The IHSDM expected crash rate and FAR rate yielded a CI of 0.49 and 0.08, respectively, which more closely represents a statistical average of crash occurrence at the intersection.

The crash data only includes two run-off-road crashes, which are not necessarily attributed to the intersection. The resulting crash rates were not particularly abnormal. The blocked sight lines due to the embankment in the northeast quadrant, the horizontal curve, and the skew increase the risk of crashes.

##### Warrant Analysis

The intersection does not meet any signal warrants or multiway stop warrants examined under seasonally adjusted 2024 traffic volumes.

##### Capacity Analysis

Under seasonally adjusted 2024 traffic volumes, the lowest operating movements at the intersection are northbound on Lawndale Lane at LOS B in the AM and PM with minimal 95<sup>th</sup> percentile queues. Under forecasted 2044 traffic volumes, the northbound movements remain at LOS B in the AM and PM with minimal queues. Left turns on Dayton River Road perform at LOS A in all scenarios with minimal queues.

#### 4.5.3 Potential Improvements

Although the expected total crash CI for the intersection is less than 1.00, improvements to intersection geometry can reduce the risk of crashes. It should be noted that the County plans to perform a M&O of Dayton River Road in 2024.

The sight line for the southbound approach looking left is inadequate for either the 425-foot stopping sight distance (SSD) or right turning intersection sight distance (ISD) for 50 mph due to the curvature of Dayton River Road and the embankment in the northeast quadrant. The sight line may be improved by cutting into the embankment or installing a retaining wall to remove the obstruction, reducing the risk of intersection related crashes on that approach.

The intersection is skewed approximately 35 degrees. Removing intersection skew can increase vehicle safety for TWSC intersections by improving sight lines, which is expected to which is expected to reduce total crashes by 40% and fatal/injury crashes by 17%. The most feasible way to remove skew at the intersection is to realign the north and south legs to join Dayton River Road perpendicularly, creating offset intersections. While offset intersections are generally not preferable, the north leg of Lawndale Lane is very low volume and has similar characteristics to a driveway. Additionally, while an intersection



## DAYTON INTERSECTION INVENTORY AND SAFETY ASSESSMENT

### Detailed Analysis

spacing of 425 feet would be desirable to match the SSD for 50 mph, a spacing of 1/8 mile or 330 feet is proposed to minimize property impacts and could be reasonably adequate for the low volume north leg.

Since a regional shared-use path and other roadside active transportation facilities are planned at the intersection, appropriate crossing treatments including ADA compliant ramps, crosswalks, and warning signage should be included when these paths are constructed. Additionally, should they be warranted based on MnDOT TEM Chapter 13 and engineering judgement, RRFBs should also be installed at uncontrolled crossings. Lighting is also currently absent from the intersection and should be considered for installation in at least one quadrant to cover the intersection.

## 4.6 FERNBROOK LANE & RUSH CREEK PARKWAY/ELM CREEK ROAD

### 4.6.1 Existing Conditions

Fernbrook Lane (CSAH 121) & Rush Creek Parkway/Elm Creek Road (CR 202) is a four-leg, TWSC intersection. Fernbrook Lane has one left turn, one through, and one right turn lane and has a 55-mph posted speed limit in both directions. The southbound left turn lane is offset. Rush Creek Parkway on the west leg has a through-left turn lane and a right turn lane and a 30-mph posted speed limit. Elm Creek Road on the east leg has a single lane approach and a 35-mph posted speed limit. The south and west legs are divided by a median.

Lighting is not present at the intersection. A shared use path is present in the southwest and southeast quadrants running along the south side of Rush Creek Parkway and Elm Creek Road. The path has pedestrian ramps and median refuge, but no marked crosswalk spanning the south leg. Future upgrades to the shared-use path are desired and expansion of path on all quadrants, including regional trail in the southeast quadrant. The Elm Creek Park Reserve occupies the southeast quadrant, and thus are subject to Land and Water Conservation Act (LAWCON) restrictions. Existing development is under construction in west on Rush Creek Parkway and is anticipated to result in increased volume at the intersection. Five crashes occurred between 2018 and 2022, four angle/left turn crashes and one rear end crash, although Rush Creek Parkway was recently constructed, and volumes were low during that period.

### 4.6.2 Analysis Results

#### Safety Analysis

The crash rate and FAR rate at the intersection based on the five-year crash data yielded a CI of 0.72 and 0.00, respectively. The IHSDM expected crash rate and FAR rate yielded a CI of 0.92 and 0.25, respectively, which more closely represents a statistical average of crash occurrence at the intersection. In the past five years, residential development to the west on Rush Creek Parkway been constructed, leading to significant volume increases and travel pattern changes at the intersection, thus the IHSDM predicted crash rate (not considering crash data) was examined and yielded a total crash CI of 1.36 and a FAR CI of 0.31. The number of crashes and potentially the crash rate are expected to increase with the continued development to the west.



## DAYTON INTERSECTION INVENTORY AND SAFETY ASSESSMENT

### Conclusions

Add median refuge to CSAH 81 approaches	\$2,449,400	Safety: Unquantified ped benefits potential B/C: N/A	Not recommended due to cost. Not a significant existing ped crash risk. May be considered with CSAH 81 capacity improvements.
<b>Dayton River Road &amp; Lawndale Lane</b>			
Regrade embankment	\$91,100	Safety: Unquantified veh benefits potential B/C: N/A	Not a significant existing crash risk. Recommended if feasible and realignment does not occur.
Realign Lawndale Lane approaches	\$727,600	Safety: \$257,364 B/C: 0.35	Not a significant existing crash risk. Consider if crash risk worsens or volumes increase.
<b>Fernbrook Lane &amp; Rush Creek Parkway/Elm Creek Road</b>			
Roundabout with eastbound bypass	\$2,161,100	Safety: \$4,912,300 Ops: \$3,981,254 Total: \$8,893,554 B/C: 4.12	Significantly improves safety and future operations. Recommended. Provides safest ped crossing with RRFB.
Traffic signal	\$668,900	Safety: \$1,762,875 Ops: \$2,284,554 Total: \$4,047,430 B/C: 6.05	Significantly improves safety and future operations. Recommended if roundabout is not feasible and only when signal warrants are met.
<b>Dayton Parkway &amp; Territorial Road/Holly Lane</b>			
RRFB on existing Dayton Parkway crossing	\$30,100	Safety: Unquantified ped benefits potential B/C: N/A	Recommended to improve crossing safety across Dayton Parkway until signal is considered
Traffic signal	\$668,900	Safety: \$1,119,385 Ops: <del>-\$942,284</del> Total: \$177,101 B/C: 0.26	Operations disbenefit from slowing mainline traffic. Not a significant existing crash risk. Consider when development warrants installation.
<b>CSAH 81 &amp; Troy Lane</b>			
Eastbound left turn lane	\$652,600	Safety: \$0 Ops: <del>-\$55,747</del> Total: <del>-\$55,747</del> B/C: N/A	Not recommended. Not a significant existing crash risk and safety benefit due to adequate sight. Consider changes with CSAH 81 capacity improvements.
<b>CSAH 81 &amp; Territorial Road</b>			
Eastbound left turn lane	\$918,500 (includes work to relocate)	Safety: \$0 Ops: \$3,100,229 Total: \$3,100,229 B/C: 3.38	Already considered with adjacent roundabout project, construct concurrently. Not a significant existing crash risk and safety benefit due to adequate sight. Consider other changes with CSAH 81 capacity improvements.
<b>South Diamond Lake Road &amp; Pineview Lane</b>			
Single lane roundabout	\$2,329,000	Safety: \$1,520,526 Ops: \$1,356,991 Total: \$2,877,517 B/C: 1.24	Not a significant existing crash risk or capacity issues. Improves safety and may be considered. Accommodates ped crossings.



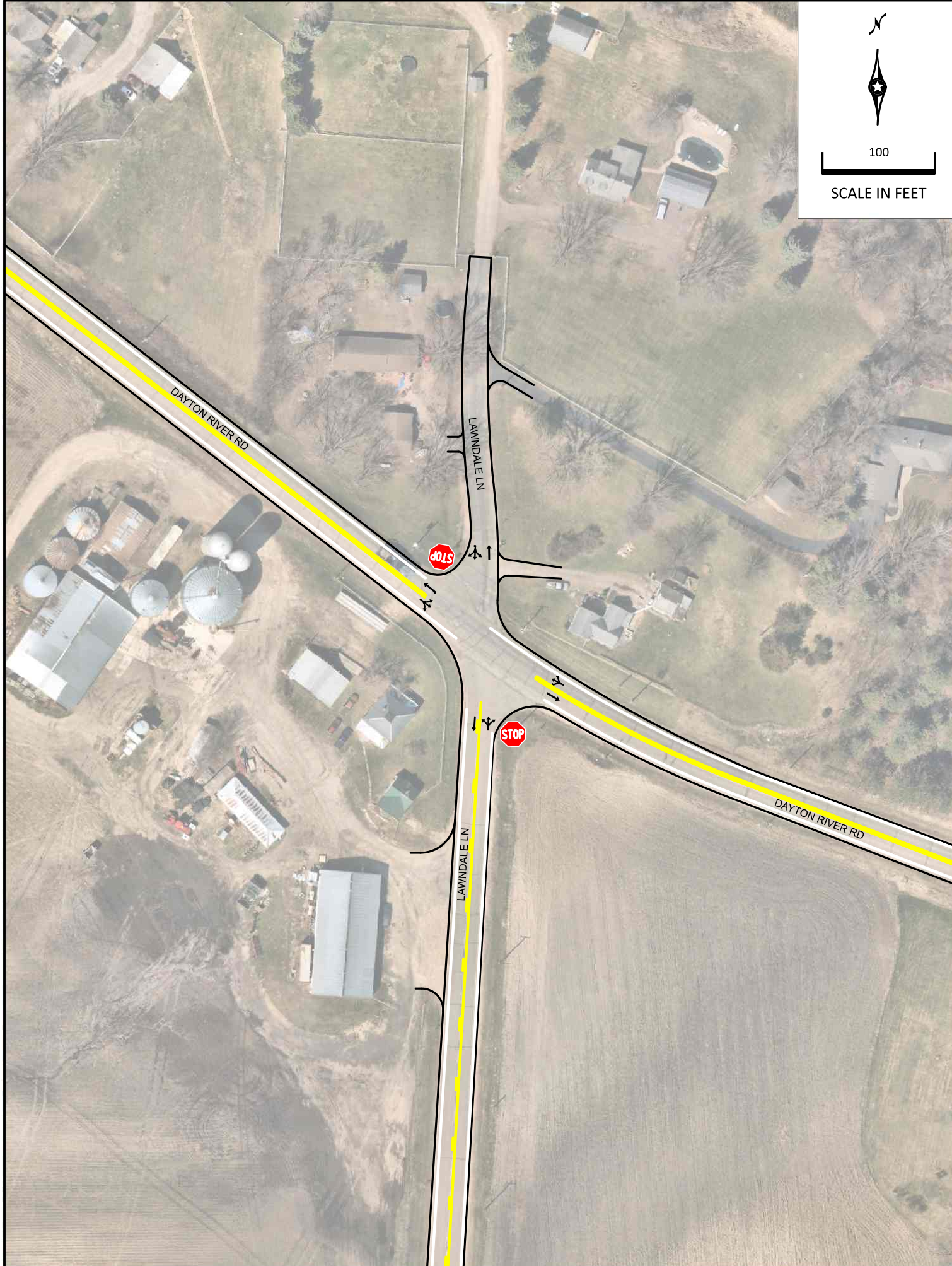
## DAYTON INTERSECTION INVENTORY AND SAFETY ASSESSMENT

### Conclusions

- **Dayton River Road & Lawndale Lane** – There is not a significant existing crash risk associated with the skew or sightlines at this intersection. Ultimately, the Lawndale Lane approaches would benefit from realignment, creating perpendicular offset intersections, but this should be considered as crash risk worsens or volumes increase due to cost and property impacts. To improve sight on the southbound approach, the embankment should be regraded and retaining wall installed if it is considered feasible and realignment is not set to occur soon. Lighting should also be considered in at least one quadrant of the intersection(s).
- **Fernbrook Lane & Rush Creek Parkway/Elm Creek Road** – Due to the increasing residential development currently planned along Rush Creek Parkway, safety risk and capacity issues are expected to increase. A roundabout should be considered at this intersection to improve safety and operations of vehicles and the Fernbrook Lane pedestrian crossing with RRFB. A dedicated northbound left turn lane is necessary for acceptable future operations. An eastbound right turn bypass may be considered but is not necessary to operate acceptably. A traffic signal also provides these benefits and should be considered due to requiring less disruption and pavement construction to install, however the signal should only be considered if it meets warrants. Lighting should also be considered in at least one quadrant of the intersection.
- **Dayton Parkway & Territorial Road/Holly Lane** – Pedestrian crossing safety would benefit from the installation of an RRFB on the Dayton Parkway crossing. While the existing crash risk and capacity issues are not significant, additional improvements may be considered in the future and the intersection should be monitored. A consider a traffic signal if significant development occurs near the intersection and signal warrants are met. This also provides pedestrian crossing opportunity and the RRFB should be removed with the installation.
- **CSAH 81 & Troy Lane** – While removing the bypass lane and replacing it with a dedicated left turn lane is preferable for an urbanizing area and creates consistency for left turns across the corridor, it is not shown to provide significant safety benefit if installed independently. There is no significant existing crash risk due to adequate sight on CSAH 81 and limited conflict with bypassing vehicles and Troy Lane vehicles. Consider other changes to this intersection when CSAH 81 capacity improvements take place. Monitor for increased safety or capacity issues.
- **CSAH 81 & Territorial Road** – Removing the bypass lane and replacing it with a dedicated left turn lane will be considered with the adjacent Territorial Road roundabout project when that occurs, which is preferable for an urbanizing area and creates consistency for left turns across the corridor. While it shows operational benefit, it is not shown to provide significant safety benefit if installed independently. There is no significant existing crash risk due to adequate sight on CSAH 81 and limited conflict with bypassing vehicles and Territorial Road vehicles. Consider other changes to this intersection when CSAH 81 capacity improvements take place. Monitor for increased safety or capacity issues.







North arrow pointing up with an 'N' above it.

100

SCALE IN FEET



## **1001.051 RESIDENTIAL DISTRICT SPECIAL REQUIREMENTS.**

Event Centers, subject to the following:

- (1) The minimum size of the event center operations must be 30 acres. This may include multiple lots.
- (2) Access to the site must be from a paved street.
- (3) The hours of operation shall be no later than 9:00 a.m. to 10:00 p.m. on Sunday through Thursday and 9:00 a.m. to 11:00 p.m. on Friday and Saturday.
- (4) The number of guests will be approved by the City based on the size of site, structures, parking availability, and other relevant factors.
- (5) Noise from an event shall comply with Section 130.08 of the City Code.
- (6) No sound amplifications systems may be used outdoors after 8:00 p.m.
- (7) Sanitary facilities adequate for the number of attendees shall be provided as determined by the adopted Minnesota State Building Code, as may be amended from time to time. No sanitary facilities shall be located closer than 200 feet from a neighboring property line. Portable toilets may be approved for temporary use and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring property line.
- (8) Off street parking shall be provided to accommodate 1 stall per 2 guests based on the maximum occupancy of the buildings. If no buildings are present for the event center then parking will be determined by city staff. Off street parking shall be setback 20 feet from any property line. Off street parking must be on an improved surface such as class 5 gravel or pavement.
- (9) Screening may be required for outdoor facilities to the event center and may include permanent landscaping, berms, fences, or walls.
- (10) All light fixtures shall be downcast style fixtures. Reflected glare or spill light from all exterior lighting shall not exceed 0.1 foot-candle measurement on the property line when adjoining residential and agricultural zoned property.
- (11) No overnight camping shall be allowed as part of an event center.
- (12) As part of the IUP, the City may approve signage for the event center. Consideration shall be given to the sign area, height, location and potential impacts on adjacent properties.
- (13) Compliance with all applicable regulations including State Health Code, state building codes, and local liquor licensing requirements.

(Ord. 2023-05, passed 7-25-2023)

## 1001.23 CONDITIONAL USE AND INTERIM USE PERMITS.

### Subd. 1 Conditional Use Permits

(1) *Purpose and scope.* The conditional use permit process is intended to provide the City with an opportunity to review a proposed use that has the potential to be incompatible with surrounding uses, but can be made compatible through the establishment of reasonable conditions. Approval of a conditional use is a site specific approval and does not indicate that the conditional use is able to be conducted on every parcel within the zoning classification. Every application for a conditional use permit will be individually reviewed on its own merits, and the facts surrounding the subject property will determine the appropriateness of the proposed use. The approval of the conditional use permit runs with the land and is not impacted by changes in ownership.

(2) *Application.* A request for a conditional use permit shall be initiated by an owner of property or an authorized representative of an owner through the submission of a conditional use permit application to the Zoning Administrator that includes the following:

- a. A complete application form signed by the property owner and the applicant (if different from the property owner);
- b. A thorough written description of the proposed conditional use;
- c. A legal description of the property;
- d. Application fee and escrow deposit;
- e. Certified list and set of mailing labels of the names and addresses of all property owners within 500 feet of the boundaries of the property in question. (This item is not required for administrative conditional use permit applications.)
- f. A map showing the property in question and the surrounding land use of all property within 500 feet of the property in question;
- g. A complete site plan showing all aspects of the proposed use and its relationship to the surrounding neighborhood;
- h. Schematic architectural, landscape, grading and utility plans for projects involving new construction, exterior remodeling or additions;
- i. A survey may be required if it is determined to be necessary by the Zoning Administrator; and
- j. Any other information required by the Zoning Administrator, Planning Commission or City Council.

(3) *Process.*

a. Notice of the time and place of the public hearing shall be given not more than 30 days nor less than 10 days in advance of the public hearing by publishing a notice in the official newspaper of the City and by mailed notice to the property owners within 500 feet of any boundary of the property for which the use is proposed. This notice shall describe the particular conditional use and shall contain a brief description thereof. The County Auditor's records shall be used for determination of ownership and mailing addresses.

b. No hearing will be scheduled and the application will not be deemed to be complete until all of the application requirements are submitted by the applicant in a form acceptable to the Zoning Administrator.

c. The Planning Commission shall hold at least 1 public hearing on the proposal to issue a conditional use permit.

d. Before any conditional use permit may be granted, the request shall be referred to the Planning Commission for study concerning the effect of the proposed conditional use on the Comprehensive Plan and on the character and the development of the neighborhood. The Planning Commission will make a recommendation to the City Council regarding reasonable conditions and findings of fact.

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

1. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district.
2. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.
3. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.
4. The proposed use will not impede the normal and orderly development of surrounding property.
5. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
6. The proposed use is adequately screened.
7. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration or visual pollution.
8. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance

with this Subsection.

9. The proposed use will protect sensitive natural features.

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

f. *Denial.* Conditional use permits may be denied by resolution of the City Council when there is a determination and findings of fact by the City Council that the proposed use does not meet the criteria for granting a conditional use permit.

(4) *Time limit.*

a. Unless otherwise specified in the conditional use permit, the operation of the use and/or issuance of building permits for permitted structures shall begin within 6 months of the date of the conditional use permit approval. Failure to do so will invalidate the conditional use permit. Permitted timeframes do not change with successive owners. Upon written request, 1 extension of 6 months may be granted by the Zoning Administrator if the applicant can show good cause.

b. If a use operating pursuant to an approved conditional use permit is discontinued for a period of at least 6 months, any further use of the property shall conform to the requirements of this Subsection. A discontinued conditional use shall not begin operations again without first obtaining approval of a new conditional use permit.

(5) *Revocation.*

a. In the event that any of the conditions set forth in the permit are violated, the City Council shall have the authority to revoke the conditional use permit. Before the revocation is considered, the City Council shall hold at least 1 public hearing after proper written notice has been issued in accordance with this section.

b. Following the hearing and subsequent discussion, the City Council may revoke the conditional use permit by adopting findings of fact showing there has not been substantial compliance with the required conditions.

(6) *Amendments.* A conditional use permit may be amended or modified only in accordance with the procedures and standards established when originally securing the conditional use permit. A request for a change in the conditions of approval of a conditional use permit shall be considered an amendment and subject to the full review procedure set forth in this Subsection. An additional application fee may be required before the consideration of the amendment request.

## **Subd. 2 Interim Use Permits**

(1) *Purpose and scope.* The interim use is a use that is currently acceptable but in the future may no longer be acceptable. The interim use permit process is intended to provide the City with an opportunity to allow a use that meets 1 of the following criteria:

a. The use is for a brief period of time until a permanent location is obtained or while the permanent location is under construction;

b. The use is judged by the City Council to be presently acceptable but with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use within the respective district;

c. The use is judged by the City Council to reflect the long range vision for the area and is in compliance with the Comprehensive Plan provided that the use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(2) *Application, process, time limit, revocation and amendments.*

a. An interim use permit shall be processed according to the standards, procedures and criteria for conditional use permits. In addition, the proposed interim use must be allowed in the respective zoning district.

b. The interim use permit approval shall contain a date or specific event that will terminate the use with certainty.

(Ord. 2010-18, passed 9-28-2010)



DAYTON RIVER RD & LAWNDAL LN - OPTION 2

CITY OF DAYTON, MN  
INTERSECTION INVENTORY & SAFETY ASSESSMENT

FIGURE 5.2



**ITEM:**

Comprehensive Plan Amendment, Ordinance Amendment related to the A-3 Agricultural district

**APPLICANT/PRESENTERS:**

Jon Sevald, Community Development Director

**PREPARED BY:**

Jon Sevald, Community Development Director

**BACKGROUND/OVERVIEW:**

The A-3 Agricultural District was adopted on March 25, 2025 permitting unsewered residential development with a gross density of two homes per 20-acres and minimum lot size of 1.5 net acres.<sup>1</sup> At that time, the City Council considered a Comprehensive Plan Amendment, determining an amendment is not required because the development of unsewered lots does not prohibit the future redevelopment at sewer densities. Since adoption, the city approved the Preliminary Plat of *Legacy Woods*.<sup>2</sup> Final Plat approval is pending.

On June 6, 2025, the Metcouncil issued a determination that the A-3 district is inconsistent with the 2040 Comprehensive Plan because the Plan ...*"does not have a future land use category that supports new rural residential development at 4 units per 40 acres"*...<sup>3</sup> A Comprehensive Plan Amendment is required prior to utilizing the A-3 district. Additionally, an Amendment to the A-3 district is required to incorporate all six Flexible Design Standards, whereas the current A-3 district requires one of six standards.

**2040 Comprehensive Plan Amendment**

The proposed Amendment establishes a new Future Land Use category; *Unsewered Residential-Interim* in northwest Dayton with a minimum density of 0.1 (e.g. 2 units per 20 gross acres). There are 29 parcels 20 acres or greater in size eligible for A-3 zoning, equating to 108 potential lots.

**A-3 Zoning District Amendment**

The proposed Amendment requires development in the A-3 district to incorporate all six Flexible Design Standards, whereas the current A-3 district requires one of six standards.

**CRITICAL ISSUES:**

Legacy Woods	The approved Preliminary Plat of Legacy Woods is not compliant with the proposed A-3 district amendments because it did not address all six Flexible Design Guidelines.
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<sup>1</sup> Ordinance 17-2025.

<sup>2</sup> Resolution 22-2025; *Resolution Approving the Preliminary Plat and Conservation Planned Unit development of Schany Parcel*. Ordinance 2025-10; *Ordinance Approving a Zoning Map Amendment from A-1 Agricultural to A-3 Agricultural for PUD: 07-120-32-0005*.

<sup>3</sup> Letter from Metropolitan Council RE: City of Dayton – Comprehensive Plan Amendment, June 6, 2025.

## PLANNING COMMISSION MEETING

	YES	NO	
1.		X	Reserve land resources for efficient future urban development.
2.	X		Identify land characteristics required to support future urbanization.
3.		X	Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.
4.		X	Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.
5.	X		Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Metropolitan Council policy at such time that urban services are available.
6.		X	Ghost Platting for future sewered development.

To be considered:

- Submittal of a revised Ghost Plat defining areas that are sewer serviceable and defining areas that are not serviceable (reasons why).
- Requiring method to limit development to 25% of the serviceable area, such as (example) restriction that homes be built on one or two ghost lots

Bernens Concept

The Planning Commission/City Council considered a Concept Plan for a 12 lot subdivision in May 2025. Relating to the six Flexible Design Guidelines:

	YES	NO	
1.		X	Reserve land resources for efficient future urban development.
2.		X	Identify the land characteristics required to support future urbanization.
3.	X		Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.
4.	X		Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.
5.	X		Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Metropolitan Council policy at such time that urban services are available.
6.		X	Ghost Platting for future sewered development.

To be considered (same as Legacy Woods).

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

	60-Days	120-Days
(N/A)	(date)	(date)

**RELATIONSHIP TO COUNCIL GOALS:**

*Build and Maintain Quality Infrastructure*

*Encourage Diversity and Manage Thoughtful Development*

*Maintain and Enhance the Natural and Rural Community Connection*

**ROLE OF PLANNING COMMISSION:**

Continue Public Hearing.

- Motion to Table, if more information is needed to make a recommendation.
- Motion to Approve.
- Motion to Deny, with Findings.

**RECOMMENDATION:**

Staff recommends Approval.

City Staff and Metcouncil Staff have discussed the proposed amendments, if the changes are consistent with the intent of the 2040 regional plans. The Metcouncil will provide a response prior to the City Council meeting. In other words, there's likely to be changes to the DRAFT amendments made after the posting of the August 7<sup>th</sup> packet.

A Public Hearing notice was prematurely published in the StarTribune on June 26, 2025 intended for a Public Hearing to be held at the July 10, 2025 Planning Commission meeting before the project was ready. At the July 10<sup>th</sup> Planning Commission meeting, the Commission Tabled the Public Hearing. A Public Hearing notice was mailed to area property owners on July 28, 2025.

**ATTACHMENT(S):**

Public Hearing Notice and notification map

Metcouncil Letter, June 6, 2025

Flexible Design Guidelines

Draft Comprehensive Plan Amendment submittal

Resolution \_\_-2025

Ordinance 2025-\_\_

Legacy Woods Ghost Plat

Bernens Concept Plan



## **PUBLIC HEARING NOTICE**

### **CITY OF DAYTON**

**NOTICE IS HEREBY GIVEN** that the Dayton Planning Commission will CONTINUE a PUBLIC HEARING on Thursday, August 7, 2025 at 6:30 PM, at Dayton City Hall, 12260 S. Diamond Lake Rd, Dayton, MN 55327, to consider an application by the City of Dayton; (1) to amend the Comprehensive Plan Future Land Use Map and related sections of the Comprehensive Plan from “*Low Density Residential*” to “*Low Density Residential – Interim Unsewered*”; and (2) to Amend City Code Section 1001 (Zoning) and Section 1002 (Subdivision), related to the A-3 Agricultural zoning district.

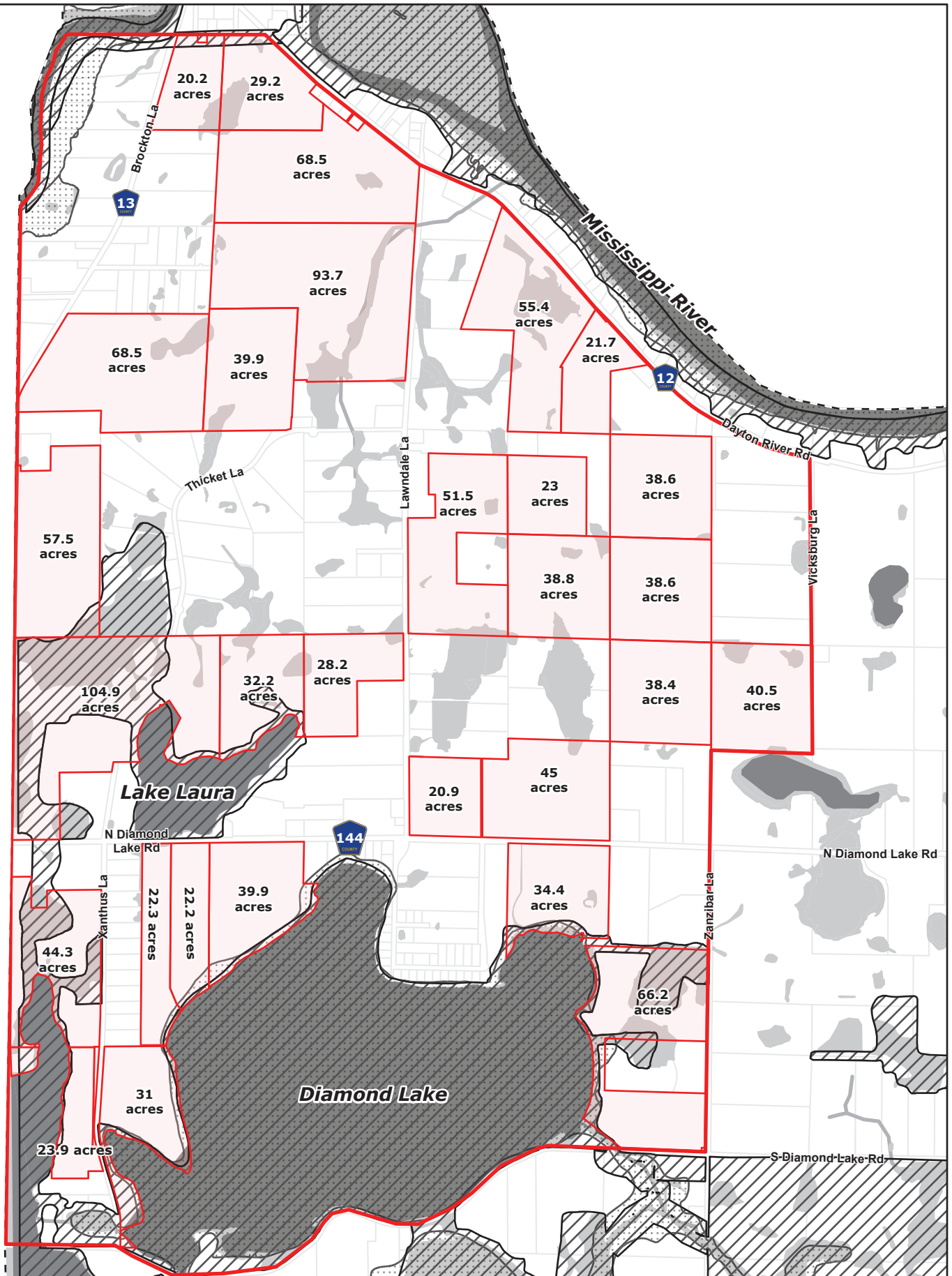
The A-3 Zoning District was adopted in March 2025 to allow unsewered residential subdivisions with a density of 2 homes per 20-acres. The intent of the proposed amendments is to address comments from the Metropolitan Council regarding inconsistencies with the city’s 2040 Comprehensive Plan, and zoning requirements to preserve the potential of redevelopment for sewer residential development when sanitary sewer becomes available. The applicable location is generally northwest Dayton, more or less.

All written and verbal testimony will be taken at this meeting. Copies of the Staff Report may be obtained on or about August 1, 2025 at <https://cityofdaytonmn.com/government/planning-commission/> or by contacting Jon Sevald, Community Development Director, (763) 712-3221 or [jsevald@daytonmn.gov](mailto:jsevald@daytonmn.gov)

###

A variation of this notice was published by the StarTribune on Thursday, June 26, 2025, and mailed to property owners within 1,320’ of northwest Dayton.

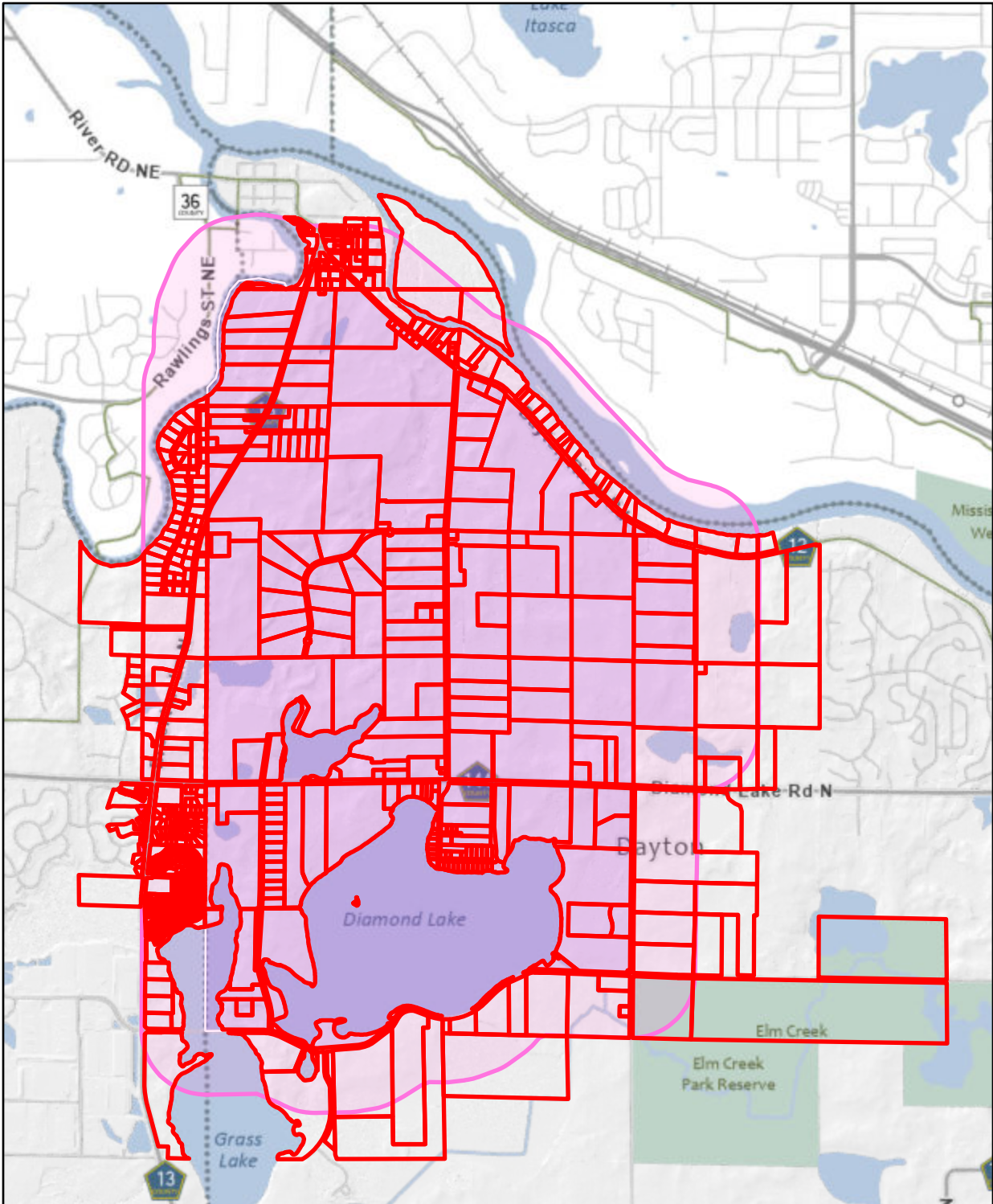






# Hennepin County Locate & Notify Map

Date: 6/23/2025



**Buffer Size: 1320**

**Map Comments:**

0500000,000 Feet



This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office  
300 6th Street South, Minneapolis, MN 55487 / [gis.info@hennepin.us](mailto:gis.info@hennepin.us)



June 6, 2025

Jon Sevald, Community Development Director  
City of Dayton  
12260 South Diamond Lake Road  
Dayton, MN 55327

**RE: City of Dayton – Comprehensive Plan Amendment**

Dear Jon Sevald:

Thank you for your coordination and meeting on May 29, 2025. For reference, those in attendance from the City included Zach Doud, City Administrator; Jon Sevald, Community Development Director; and Jason Quisberg, City Engineer. Metropolitan Council staff included LisaBeth Barajas, Executive Director Community Development; Angela R. Torres, Senior Manager Local Planning Assistance; Freya Thamman, District 1 Sector Representative; and Kyle Colvin, Manager Wastewater Planning and Community Programs.

As you noted at our meeting, the Dayton City Council recently adopted a zoning ordinance to allow for 2 units per 20 acres city-wide as an interim use. However, the ordinance is inconsistent with the City's 2040 Comprehensive Plan (2040 Plan) and does not follow the Met Council's [Flexible Development Guidelines](#). At the Dayton City Council's March 25, 2025 meeting, Dayton City staff presented a proposal to submit a comprehensive plan amendment as part of the action considering the zoning ordinance. The Dayton City Council voted to deny submittal of the associated comprehensive plan amendment while proceeding with adoption of the zoning ordinance.

At our May 29, 2025 meeting, you requested information regarding the authority of the Metropolitan Council (Met Council): 1) to require a comprehensive plan amendment, 2) references to the Met Council's authority regarding regional policy, and 3) the ramifications of not following the amendment process as advised. We have a shared goal of preserving land in Dayton to accommodate future urban services and hope that this additional information will help us in that effort.

**Comprehensive Plan Amendment Required**

Per the Metropolitan Land Planning Act (Act), local governments cannot adopt any official controls or fiscal devices that conflict with their comprehensive plans, or which permit activities in conflict with the Met Council's metropolitan system plans. Minn. Stat. §§ 473.864, subd. 2; 473.865, subd. 2. Further, the Met Council is directed by statute to prepare and adopt guidelines and procedures for the implementation of the Metropolitan Land Planning Act that will assist local governments in accomplishing the provisions and requirements of the Act. Minn. Stat. § 473.854.

The City's 2040 Plan does not have a future land use category that supports new rural residential development at 4 units per 40 acres which is an interim development pattern that regional policy allows in the Long Term Service Area for our regional wastewater system. To enact a change which allows some kind of interim use throughout the community, the City would need to submit a comprehensive plan amendment. The 2040 Plan would need to include this as a new land use category/interim use and indicate allowed density and uses. In addition, the 2040 Plan would need to discuss and provide the City's flexible development ordinance. If the City does not wish to follow the amendment process as described and advised, the City could alternatively rescind the ordinance to remain consistent with regional policy and in conformance with regional system plans.

### **Metropolitan Council Review Authority**

The Met Council's role in comprehensive planning is outlined in state statute in the Metropolitan Land Planning Act ([Chapter 473, Metropolitan Government](#)). Per statute, the Met Council reviews and comments on the comprehensive plans and comprehensive plan amendments, prepared and submitted pursuant to sections [473.851](#) to [473.871](#), to determine their compatibility with each other and conformity with its metropolitan system plans.

The City's 2040 Plan shows the entire City, including post-2040 staging areas, as planned for future regional wastewater service. Based on the City's adopted 2040 Plan and prior requests from the City, the Met Council has planned for future regional wastewater services for the entire City, including subsequent investments in regional wastewater infrastructure. The provision of regional wastewater service can be traced back to when the Champlin-Anoka-Brooklyn Park (CAB) interceptor was designed and constructed in the 1970's. At that time, additional capacity was included to serve additional areas of northern Hennepin County, including Dayton. More recently in the 1990's, the Elm Creek Interceptor was built to provide direct service for Dayton. Regional capacity was included in these facilities at the request of the City during the planning phase for these facilities, and again reconfirmed by the City through its subsequent comprehensive plan updates. Currently, the Met Council continues to use the City's 2040 Plan for design and capacity decisions regarding the Crow River Wastewater Treatment Plant and future conveyance investments. These are examples of the Met Council's response to local plans and specific City requests for the Met Council to base long-term investment decisions to provide regional wastewater services.

The Met Council reviewed and determined the City's 2040 Plan to be in conformance with regional system plans and consistent with Thrive MSP 2040 and its land use policies. As required by statute, the Met Council plans for and stages development for forecasted growth through the planning period at overall average net residential densities of at least 3-5 units per acre. When a community submits a comprehensive plan amendment, Met Council staff review it to see if there are potential impacts on - or departures from - the Met Council's regional system plans, including the metropolitan wastewater system plan. Local comprehensive plans and amendments that have substantial impacts on — or contain substantial departures from — the metropolitan wastewater system plan affect how the Met Council constructs, operates, and maintains the region's wastewater system and can result in system inefficiencies if nonconforming plans are allowed to be implemented.

As indicated in the October 2024 Memo to the City and in the [Flexible Development Guidelines](#), if the City creates a new ordinance following the Flexible Development Guidelines, an amendment to the City's 2040 Plan and the City's new ordinance need to be submitted to the Met Council for review and approval. The Flexible Development Guidelines provide planning tools that work together rather than independently of one another to ensure the future development of the land at residential densities of at least 3 units per net developable acre (which will be 3.5 units per acre under Imagine 2050). The Flexible Development Guidelines need to be appropriately followed. Allowing residential development with "one or more" of the outlined Flexible Development Guidelines, as the City has included in its recently adopted ordinance, could result in a departure from regional system plans. Minn. Stat. § 473.854 specifically authorizes the Met Council to prepare and adopt guidelines and procedures like the Flexible Development Guidelines to ensure compliance with the Act.

Consistent with Met Council planning expectations, the City needs mechanisms in place to ensure that local ordinances are followed in both the short and long term. For example, if an appropriately crafted flexible development ordinance were *not* followed in future years (i.e. a change from developable land for future urbanization to permanent open space), and if Met Council investments were made based on the understanding that area was being reserved for future regional sewer, the City could create a regional system departure causing undue regional investments.

On the rare occasion that a comprehensive plan or amendment does not conform to regional plans, Minn. Stat. § 473.175, subd. 1, outlines the Met Council's authority to require a Plan Modification. In this case, the Met Council is authorized to require a local unit of government to modify its comprehensive plan if the Met Council concludes that the local comprehensive plan or comprehensive plan amendment is more likely than not to have either a substantial impact on or represent a substantial departure from the Met Council's adopted policy plans and capital budgets. A substantial departure occurs, for example, when a



local governmental unit proposes forecasts for sewer development densities that are lower than Met Council density standards that are the basis for regional infrastructure planning purposes; or when a local government unit proposes densities that exceed Met Council policy for unsewered areas that are within the long-term regional wastewater service area and would prevent future economical sewer development.

The Met Council is open to an interim rural development at 4 units per 40 acres, consistent with regional policy, that preserves large areas that would not preclude future regional sewer service. Met Council staff have already provided this guidance to the City.

**If an Amendment is Not Submitted**

The City's adoption of a zoning ordinance inconsistent with its 2040 Plan and failure to prepare and submit a comprehensive plan amendment causes a serious regional system concern, and the Met Council has a duty to implement regional policy consistently. Local governments are required by law to ensure that their local controls and fiscal devices, like zoning and subdivision ordinances, do not conflict with their Council-authorized 2040 Plan. Specifically, Minn. Stat. § [473.858](#) states "a local government unit shall not adopt any fiscal device or official control which is in conflict with its comprehensive plan, including any amendments to the plan, or which permits activity in conflict with metropolitan system plans, as defined by section [473.852, subdivision 8](#)."

The Met Council is legislatively authorized and prepared to take any necessary legal action to enforce the Act to ensure system conformance. Minnesota Statutes section 473.175, subdivision 3, states that if a local governmental unit fails to adopt a comprehensive plan or amendment in accordance with sections [473.851](#) to [473.871](#) or if the Met Council finds that a plan substantially departs from metropolitan system plans, the Met Council is authorized to commence civil proceedings to enforce statutory requirements by appropriate legal action in the district court where the local governmental unit is located. The Met Council has a regional responsibility to carry out its statutory obligations consistently to ensure the orderly and economical development of the region. The Met Council is committed to fulfilling its statutory legal obligations to enforce the Act.

As previously discussed, the Met Council would like to work with the City through the comprehensive plan amendment process. Housing and residential land use patterns last for generations, so it is critical that residential development advances the policy of orderly and efficient land use. In our meeting, the Met Council and the City appeared to have same goal – to provide future regional wastewater service to the areas identified in the City's 2040 Plan. We believe we can achieve this mutual goal through coordination on a future comprehensive plan amendment, which appropriately implements the Flexible Development Guidelines.

If you have any questions or need further information, please contact Freya Thamman, Principal Reviewer at 651-602-1750 or via email at [freya.thamman@metc.state.mn.us](mailto:freya.thamman@metc.state.mn.us).

Sincerely,



Angela R. Torres, AICP, Senior Manager  
Local Planning Assistance

CC: Zach Doud, City Administrator  
Jason Quisberg, City Engineer  
Judy Johnson, Metropolitan Council District 1  
LisaBeth Barajas, Executive Director Community Development  
Kyle Colvin, Manager Wastewater Planning and Community Programs  
Freya Thamman, Sector Representative  
Reviews Coordinator

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### FLEXIBLE RESIDENTIAL DEVELOPMENT EXAMPLES FOR THE DIVERSIFIED RURAL AREA

#### Background

*Thrive MSP 2040* indicates that land use patterns in [Diversified Rural](#) communities are home to a variety of farm and non-farm land uses including very large-lot residential, clustered housing, hobby farms, and agricultural uses. Some Diversified Rural communities are also located in the Long-term Wastewater Service Area (LTSA). These areas are designated to ensure land availability to accommodate growth post-2040 at the edge of the urbanizing area.

#### Purpose

The purpose of flexible residential development ordinances and tools in these areas should be to preserve land for post-2040 growth and to accommodate the future extension of regional urban services. In August 2008, the Council adopted [Flexible Residential Development Ordinance Guidelines for the Diversified Rural Area](#) that describes the factors communities should take into account if they are considering allowing residential development at densities greater than 4 units per 40 acres in their communities. The Council has since incorporated these guidelines into *Thrive MSP 2040*.

#### Function

For those communities on the edge of the urbanizing area, designated as part of the LTSA, residential development ordinances should provide for interim land uses without precluding the opportunity for future development at densities of at least 3 units per net developable acre to ensure future, cost-effective and efficient regional wastewater treatment services. For areas outside of the LTSA, the Council also encourages the clustering of homes, particularly when communities are considering densities greater than 4 units per 40 acres.

Communities should study and assess their landscapes to refine their development priorities. There may be areas within the community that contain an abundance of sensitive natural resources or that the community has identified as a greenway or conservation corridor. These areas may not be most suitable for future urbanization as the capability of the land to support development is low and constrained. In these cases, open space development or cluster development may be adapted to protect those resources to meet the community's goals.



The Fields of St. Croix, Lake Elmo

#### Flexible Residential Development Guidelines

In considering ordinances and development that exceeds the 4 units per 40 acres density, communities should apply the following guidelines:

1. Include the need to reserve land resources for efficient future urban development as part of the ordinance purpose.
2. Identify the land characteristics required to support future urbanization.
3. Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.
4. Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.
5. Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Council policy at such time that urban services are available.
6. Encourage the use of community wastewater treatment systems to serve the temporary cluster.

Please refer to the full document, [Flexible Residential Development Ordinance Guidelines for the Diversified Rural Area](#), for more information on these six guidelines.

### Flexible Residential Ordinance Tools

If a community wishes to allow for increased densities within the Diversified Rural area beyond 4 units per 40 acres, the community should use mechanisms to allow for the future development of the land at urban development densities of at least 3 units per net developable acre. There are a number of tools that communities have utilized to meet these goals, including but not limited to the following:

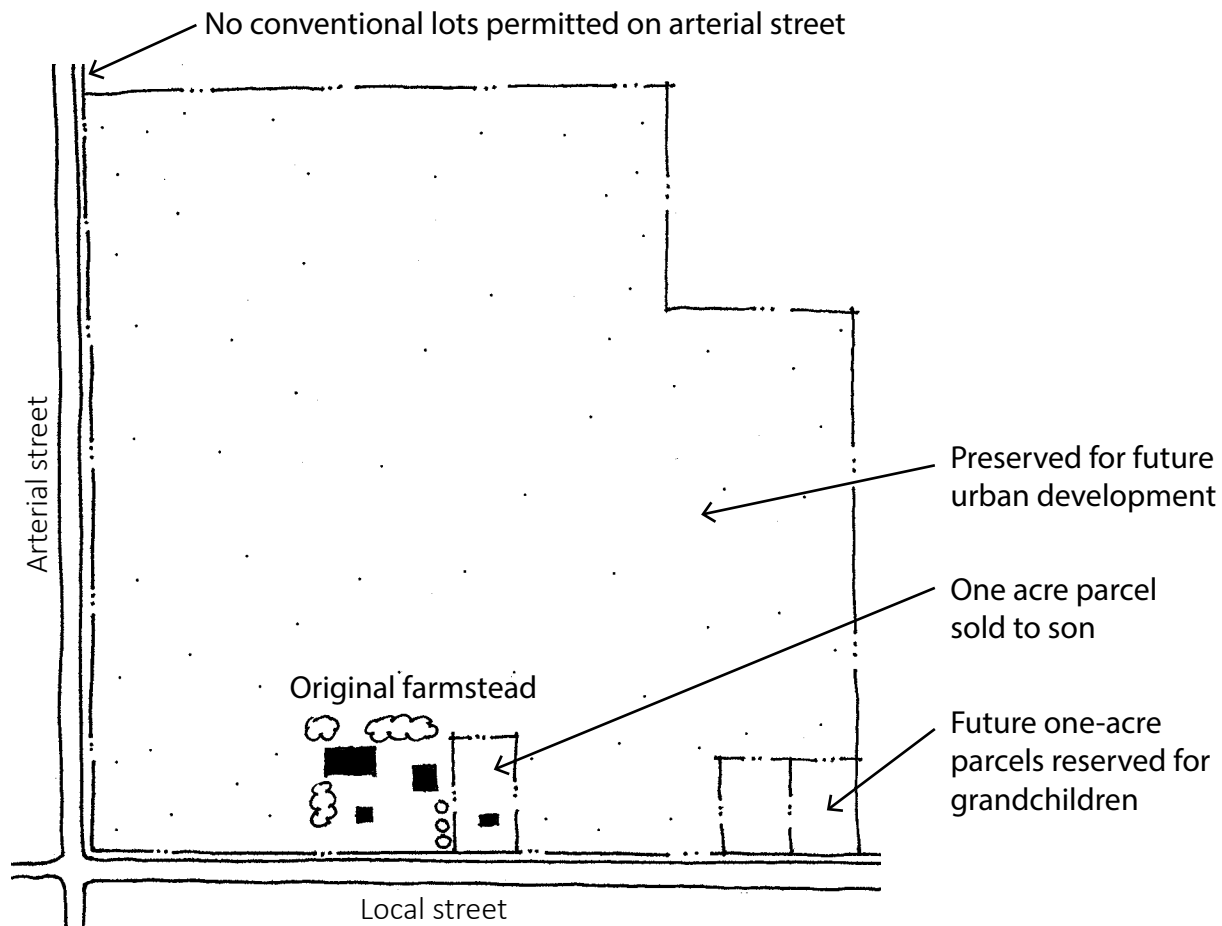
1. Adopt Cluster Ordinances to preserve open space and allow future urbanization.
2. Permit density bonuses for meeting certain specified ordinance requirements.
3. Use of Planned Unit Development (PUD) regulations to manage development and preserve open space.
4. Require Build-Out Plans (Ghost Platting) to demonstrate future subdivision for the delivery of urban services.
5. Employ platting techniques along with deed restrictions, easements, and covenants to protect open space for future development.
6. Use of overlay districts in specified areas to ensure mandatory clustering; for example, on land adjacent to urban service areas.

If a community adopts regulations to allow densities in the Diversified Rural area which exceed 4 units per 40 acres, the Metropolitan Council will need to review any revised ordinance details to ensure compliance with the community's Comprehensive Plan and future expansion of urban services.

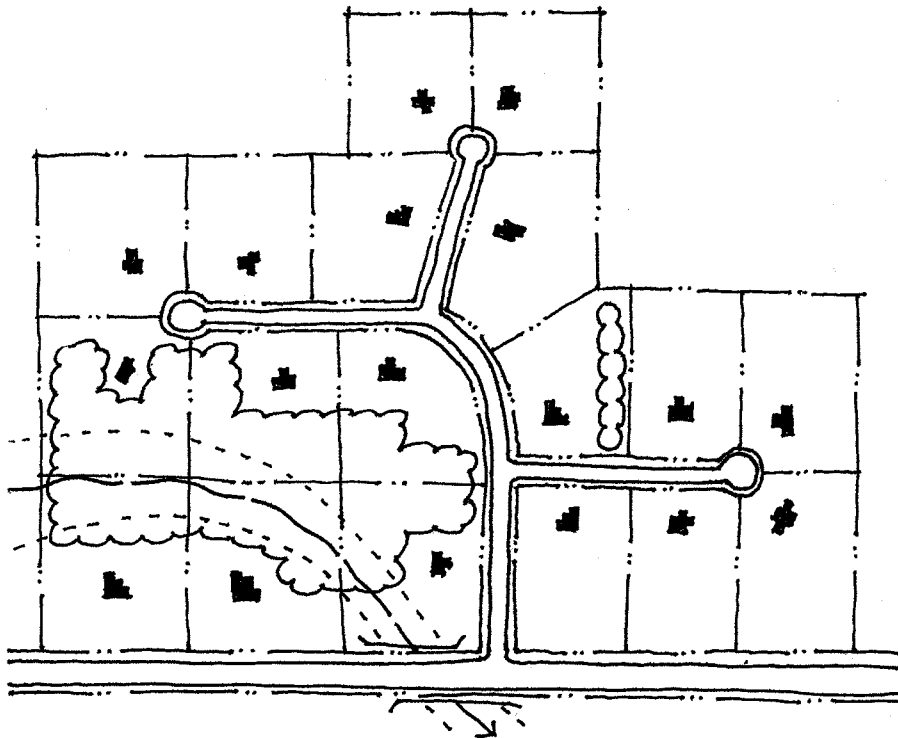
## FLEXIBLE RESIDENTIAL DEVELOPMENT EXAMPLES

There are many different development styles a community might use to allow for current development while reserving land for future urban development. This section describes some of the development patterns available to communities.

### Traditional Rural Cluster



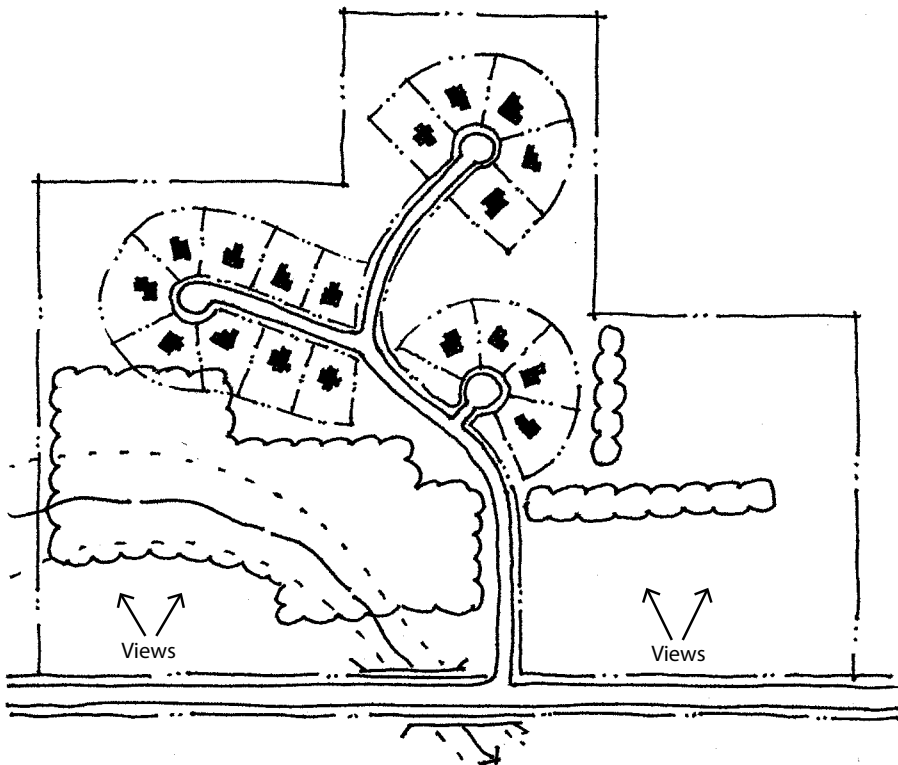
The traditional rural cluster above shows that a mandatory cluster district may allow for a defined, limited number of lot splits within a contiguous rural acreage if certain parameters are met, such as specified lot sizes and frontage on a local street. The above example allows for future subdivision of the residual parcel to allow for urban services. This method of subdivision would need to be tracked by the municipality over time to ensure that sufficient land is preserved to allow for a subdivision layout at acceptable densities and access to allow for future urban services.



## Conventional Development

Acres: 80  
 Lots: 18  
 Density: 1 unit per 3.3 acres  
 Minimum lot size: 3 acres  
 Common open space: 0%

Note: No conventional lots are typically permitted on an arterial street.



## Rural Cluster

Acres: 80  
 Lots: 18  
 Density: 1 unit per 3.3 acres  
 Minimum lot size: 1/2 acre  
 Common open space: 75%

*Credit: Adapted from Rural Cluster Development Guide, Southeastern Wisconsin Regional Planning Commission*

The Rural Cluster Development shows a more proactive approach to the preservation of land for future urban service balanced with the preservation of natural resources.

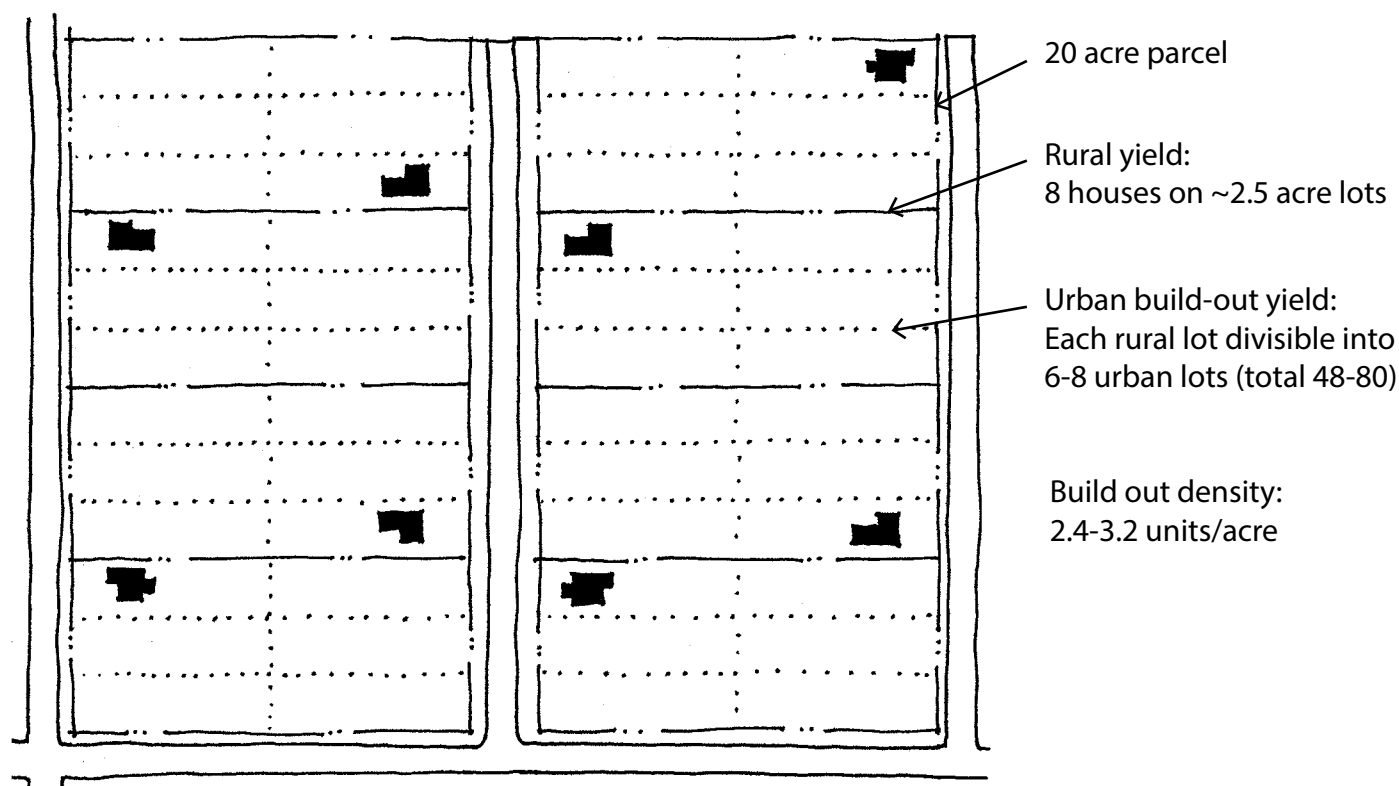
The first image shows a conventional large-lot rural development which precludes the provision of urban services due to the ineffective lot layout and inefficiency of multiple or long-distance connection points to urban services. The Council has found that this style of large-lot rural development does not advance the mission of ensuring orderly and economical development in the region.



The second example, of a rural cluster development, preserves high amenity open space for resource protection and recreation, while ensuring a compact lot layout which allows for effective delivery of urban services. Additional urbanized development may be accommodated in the eastern portion of that site as well. The Rural Cluster Development may utilize a communal septic system until such time that urban services become available.

### Build-Out Plan (Ghost Platting)

The Build-Out Plan, or ghost platting, is a method of master planning for future urban densities in rural large-lot subdivisions. The subdivision is organized in a way that will facilitate a transition to higher density at some future date, perhaps through the use of development or service infrastructure triggers. This is often achieved by restricting the location of buildings to avoid obstructions to future utility and roadway easements. Platting for future urban densities is achieved by establishing lines for future splits of large lots into smaller lots and dedication of rights-of-way and easements for future streets, utilities, storm water facilities, etc. This method of subdivision is another front-loading process which preserves land for future urbanization. Oftentimes, the Build-Out Plan may limit the location and size of the residential footprint to more effectively allow for future subdivision of lots.

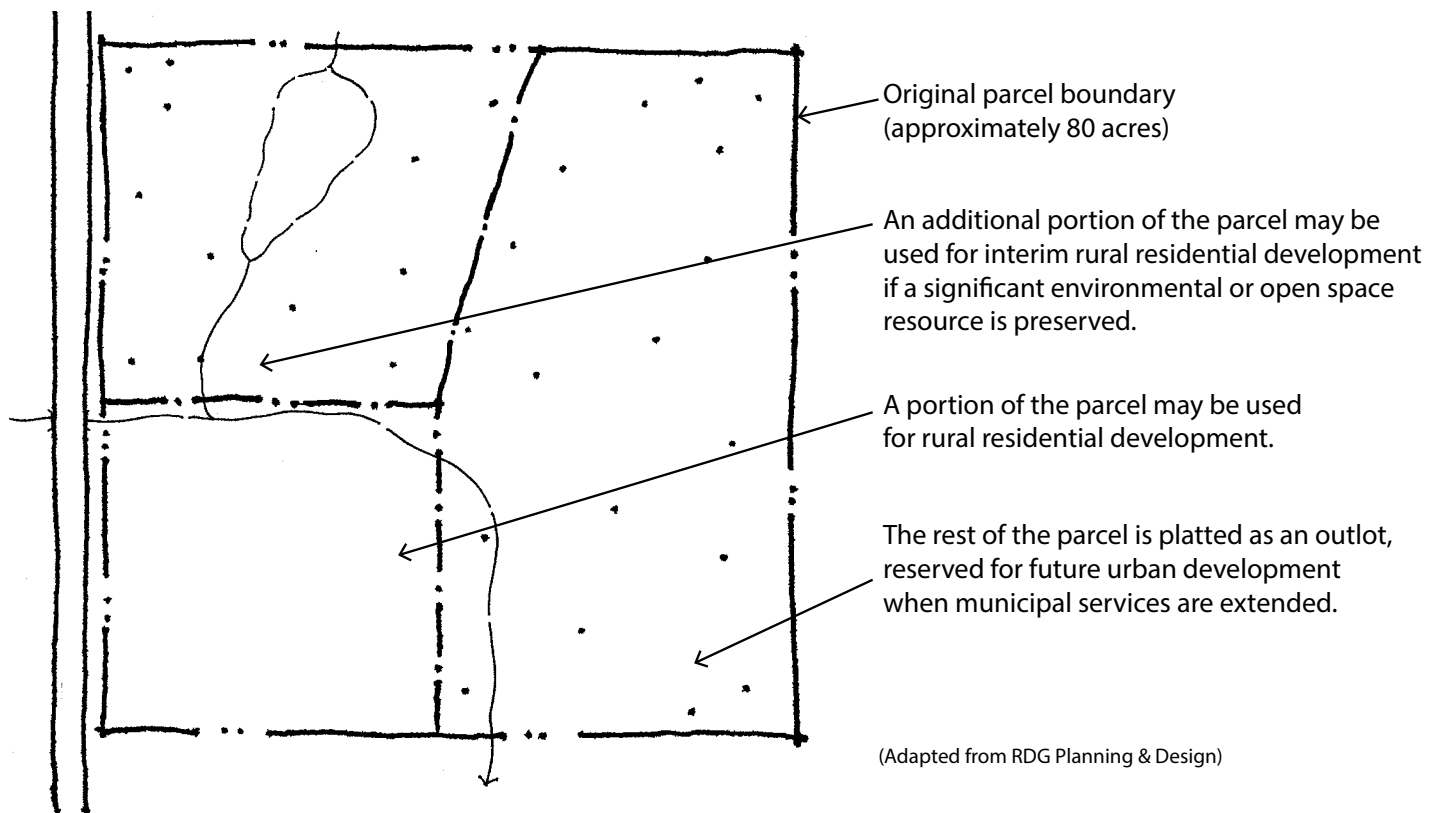


Note: In this scenario no conventional lots are permitted on arterial street, but rather all front on local streets.

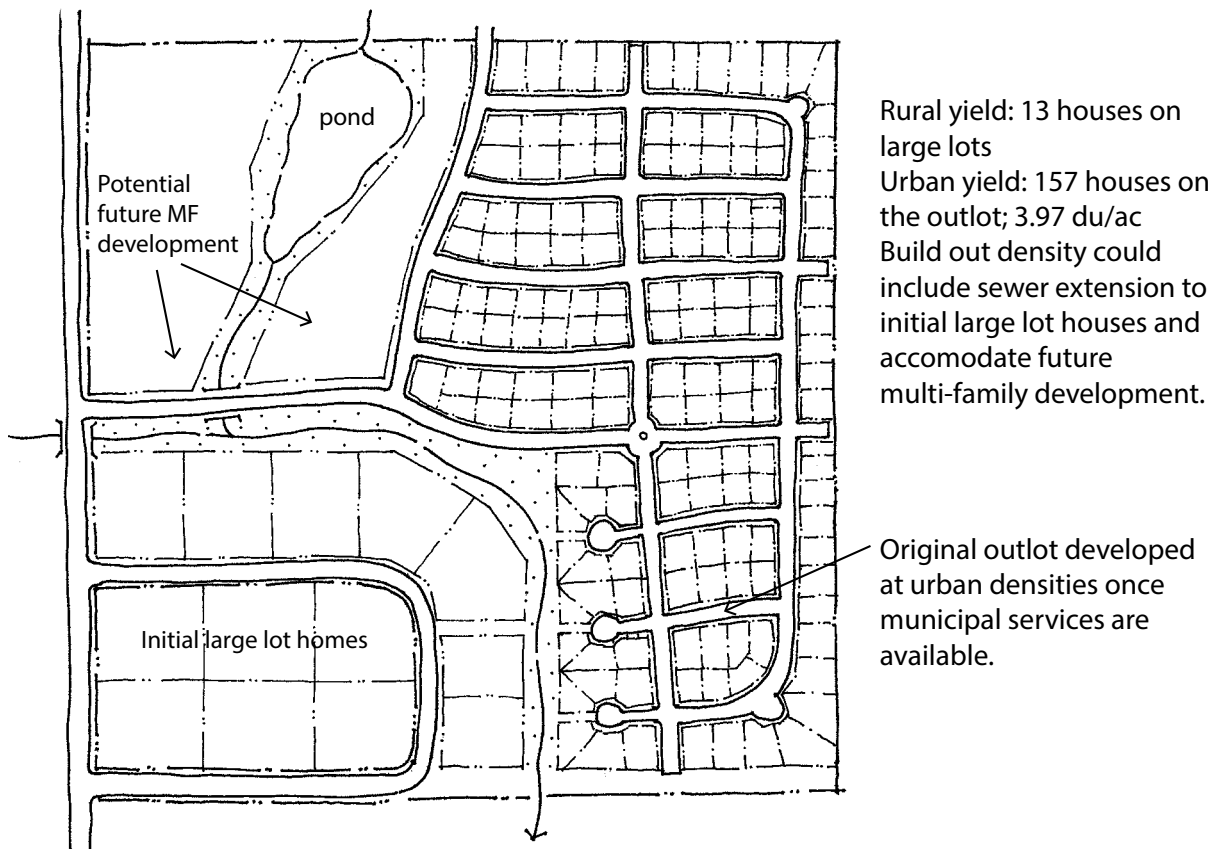
### Build Through Acreages

Build Through Acreages can allow for development at lower densities while preserving open space for future development through the platting process. A large outlot can be established to allow for future development at densities that can allow for urban service expansion. The outlot may also be encumbered with deed restrictions, covenants, or easements to provide the interim protection of open space and maintain subsequent triggers for development and service delivery.

This method can also be useful in areas in a Rural Residential community designation that may benefit from clustering, but are still undeveloped in the conventional large-lot pattern. In these cases, it may be advisable to preserve land for future residential development if the outlot abuts land within the Council's Long Term Service Area.



The example below, adapted from Bismarck, North Dakota, shows an historic outlet which was subdivided into smaller lots once urban services became available to the east.



March 2017

# COMPREHENSIVE PLAN AMENDMENT FORM

## LOCAL PLANNING HANDBOOK

**1. Name of the Comprehensive Plan Amendment (CPA):**

**2. Please provide the following information:**

Contact Name and Title	
Address	
City, State, Zip	
Telephone Number	
Email Address	

**3. Identify the type of amendment (land use change, MUSA expansion, staging change, text change, forecast adjustment, etc.) and describe the amendment including location, description, affected area in acres, number of market-rate residential units in CPA area (if any), number of affordable units in CPA area (if any), etc. Provide any additional information relevant to the amendment.**

**Type of  
Amendment**

**Detailed  
Description**

**4. The local governing body must take action on the proposed amendment before submittal to the Metropolitan Council. Provide the dates of official action.**

- Date acted upon by the planning commission: \_\_\_\_\_
- Date approved by governing body: \_\_\_\_\_

**5. Affected Jurisdiction Review: list the adjacent local governments, school districts and other jurisdictions that were contacted and the date the copies were sent.**

**Jurisdictions**

**Date Sent**

**Comments**

6. **Forecasts:** Does the plan amendment change the adopted population, household, or employment forecasts?

- ☐ No, no change in community-level forecasts.
- ☐ Yes. Identify the net changes to community-level forecasts:

7. **Land Use:** Describe land use changes specific to this amendment site (in acres). Provide only the acreage of the amendment site. Do not provide the total acreage of the land use designations across the jurisdiction.

- ☐ Not applicable. No land use changes proposed.

Current Guiding Land Use*	Proposed Guiding Land Use	Acreage

*\*The current guiding land use field may not apply to amendments for annexations. If so, you may leave this field blank and only provide information for the proposed guiding land use.*

If you have more land use changes than space permits in this table, please attach a separate page to your amendment document. If the land use changes are more complex and cannot be captured in this table, please attach a separate page with additional description and the acreage of existing and proposed guiding land uses for the amendment site.

8. **Housing:** If proposing a land use change that includes residential uses, does the change impact land expected to develop or redevelop in the 2021-2030 decade?

- ☐ Yes
- ☐ No

9. **Wastewater:** What type of wastewater treatment will be used to serve the proposed amendment?

- ☐ Individual Sewage Treatment System (ISTS)
- ☐ Privately Owned / Community Treatment System
- ☐ Local / Municipal Owned Wastewater Treatment Plant
- ☐ Regional Wastewater Treatment

10. **Water Supply:** Will the amendment increase or decrease projected water use from the community's current water supply plan?

- ☐ No increase or decrease in projected water use from the water supply plan.
- ☐ Yes. Provide the water supply plan amendment as an attachment to describe necessary facilities improvements or changes.

11. Parks and Trails: Does the amendment include, or is adjacent to or within 1/2 mile of an existing or planned regional park, reserve, or trails as identified in the Metropolitan Council's 2040 Regional Parks Policy Plan?

☐ No.

☐ Yes. If yes, indicate the name of the regional park, reserve, or trail and describe potential impacts and mitigation plans below:

12. Implementation: Will the amendment require changes in zoning or subdivision ordinances, the capital improvement program (CIP), or other official controls?

☐ No.

☐ Yes. If Yes, describe proposed changes and timeline for making those changes below:

Changes

Timeline

## CONTENT REQUIREMENTS FOR AN AMENDMENT

Your comprehensive plan amendment must include the following information to be considered complete:

1. Color maps showing the following:

- General location of proposed changes (scaled appropriately for the site)
- Current planned land use and proposed planned land use
- Current and proposed sewer staging changes

2. Staff report to planning commission or local governing body.

3. Other relevant information related to the amendment including:

- Whether or not the proposed amendment has impacts on regional systems including transportation, wastewater, and regional parks.
- How stormwater generated from the site will be managed.
- Whether there are changes to the projected water use due to the amendment.
- Whether the amendment is associated with an Orderly Annexation Agreement, an annexation by ordinance, or a boundary adjustment.
- Whether any parcels within the amendment site are currently enrolled in the Agricultural Preserves program.

4. Comments from affected and adjacent jurisdictions review.

5. Copy of adopted and signed local resolution, authorizing the amendment to be submitted for review.

Please reference the [CPA Submittal Guide](#) for additional information on content requirements.

December 2023

**RESOLUTION No. \_\_-2025**

**CITY OF DAYTON  
COUNTY OF HENNEPIN AND WRIGHT  
STATE OF MINNESOTA**

**A RESOLUTION AUTHORIZING SUBMITAL OF A  
COMPREHENSIVE PLAN AMENDMENT TO THE METROPOLITAN COUNCIL  
FOR REVIEW RELATED TO CREATING THE LAND USE CATEGORY:  
UNSEWERED LOW DENSITY RESIDENTIAL INTERIM USE**

**WHEREAS**, Minnesota Statutes section 473.864 requires each local governmental unit to review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls at least once every ten years to ensure its comprehensive plan conforms to metropolitan system plans and ensure its fiscal devices and official controls do not conflict with the comprehensive plan or permit activities that conflict with metropolitan system plans; and,

**WHEREAS**, the City of Dayton adopted the 2040 Comprehensive Plan on September 27, 2022 (Resolution 70-2022); and,

**WHEREAS**, the City of Dayton Planning Commission conducted a Public Hearing on March 6, 2025, and July 10, 2025 (continued on August 7, 2025), to amend the Comprehensive Plan, creating the land use category of “*Unsewered Rural Residential – Interim*”. This category is intended to allow unsewered residential density of 2 units per 20 gross acres as an Interim Use. All subdivisions shall follow the Metcouncil’s *Flexible Residential Development Guidelines*. The Planning Commission recommended Approval of the amendment; and,

**WHEREAS**, pursuant to Minnesota Statutes section 473.858, the proposed Amendment was submitted to adjacent governmental units and affected special districts and school districts for review and comment on March 24, 2025; and,

**THEREFORE, BE IT RESOLVED**, that the City Council approves an Amendment to the 2040 Comprehensive Plan related to creating a land use category; “*Unsewered Rural Residential – Interim*”; and,

**THEREFORE, BE IT FURTHER RESOLVED**, the City Council authorizes Staff to submit this Amendment to the Metropolitan Council for review and authorizes Staff to make any necessary edits without further review by the City Council.

Adopted by the City Council of the City of Dayton on this 26<sup>th</sup> day of August, 2025.

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Dennis Fisher, Mayor

ATTEST:

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Amy Benting, City Clerk

*Motion by* \_\_\_\_\_. *Second by* \_\_\_\_\_.  
Resolution ***Approved.***



**ORDINANCE No. 2025-\_\_**

**CITY OF DAYTON  
COUNTIES OF HENNEPIN AND WRIGHT  
STATE OF MINNESOTA**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 1001 (ZONING) AND CHAPTER 1002  
(SUBDIVISION), RELATING TO THE A-3 ZONING DISTRICT,  
AND MISCELLANEOUS CORRECTIONS**

**SECTION 1. AMENDMENT.** Dayton City Code 1001 is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language, which reads as follows:

**§1001.04 CLASSIFICATION OF DISTRICTS**

**Subd. 1 Districts.**

(4) A-3, Agricultural District. The intent of this district is to allow residential development with a gross density of 2 units per 20 acres with ~~one or more~~ all of the following guidelines:

- a. Reserve land resources for efficient future urban development.
- b. Identify land characteristics required to support future urbanization.
- c. Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.
- d. Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.
- e. Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Metropolitan Council policy at such time that urban services are available.
- f. Ghost Platting for future sewered development.

**§1001.05 RESIDENTIAL DISTRICTS**

**Subd. 11 Agricultural (A-3)**

(1) *Intent.* The intent of this district is to allow residential development with a gross density of 2 units per 20 acres with all of the following guidelines:

- a. Reserve land resources for efficient future urban development.
- b. Identify land characteristics required to support future urbanization.
- c. Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.
- d. Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.

- e. Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Metropolitan Council policy at such time that urban services are available.
- f. Ghost Platting for future sewered development.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton this 26<sup>th</sup> day of August, 2025.

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

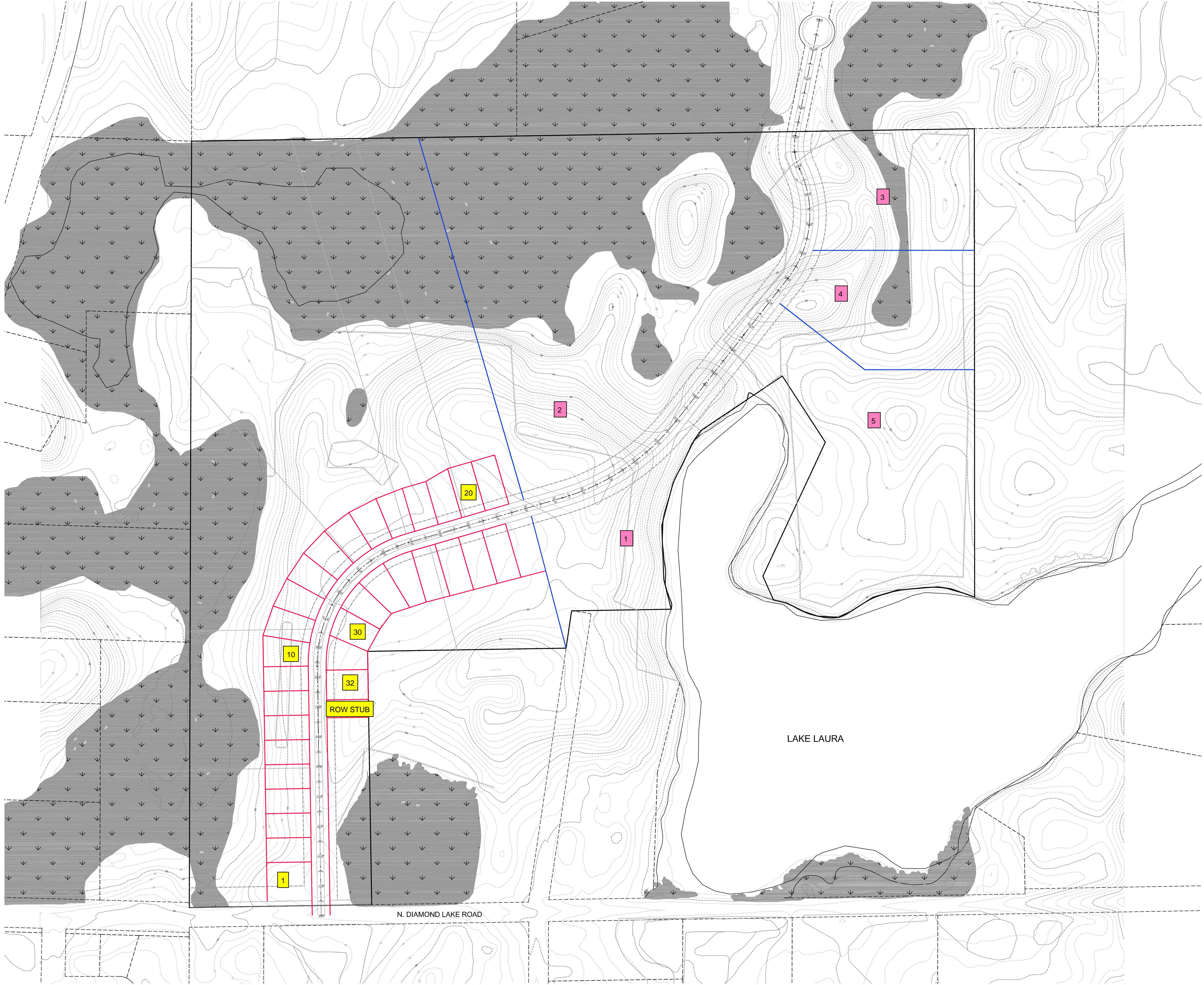
ATTEST:

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

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_.  
*Motion passed.*

Published in THE PRESS on \_\_\_\_\_.







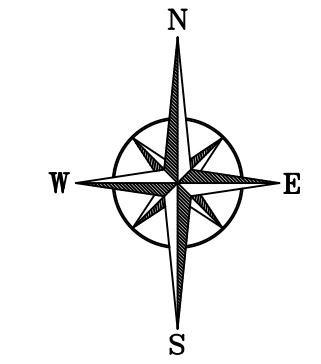
# CONCEPT PLAN

*PIDs:*

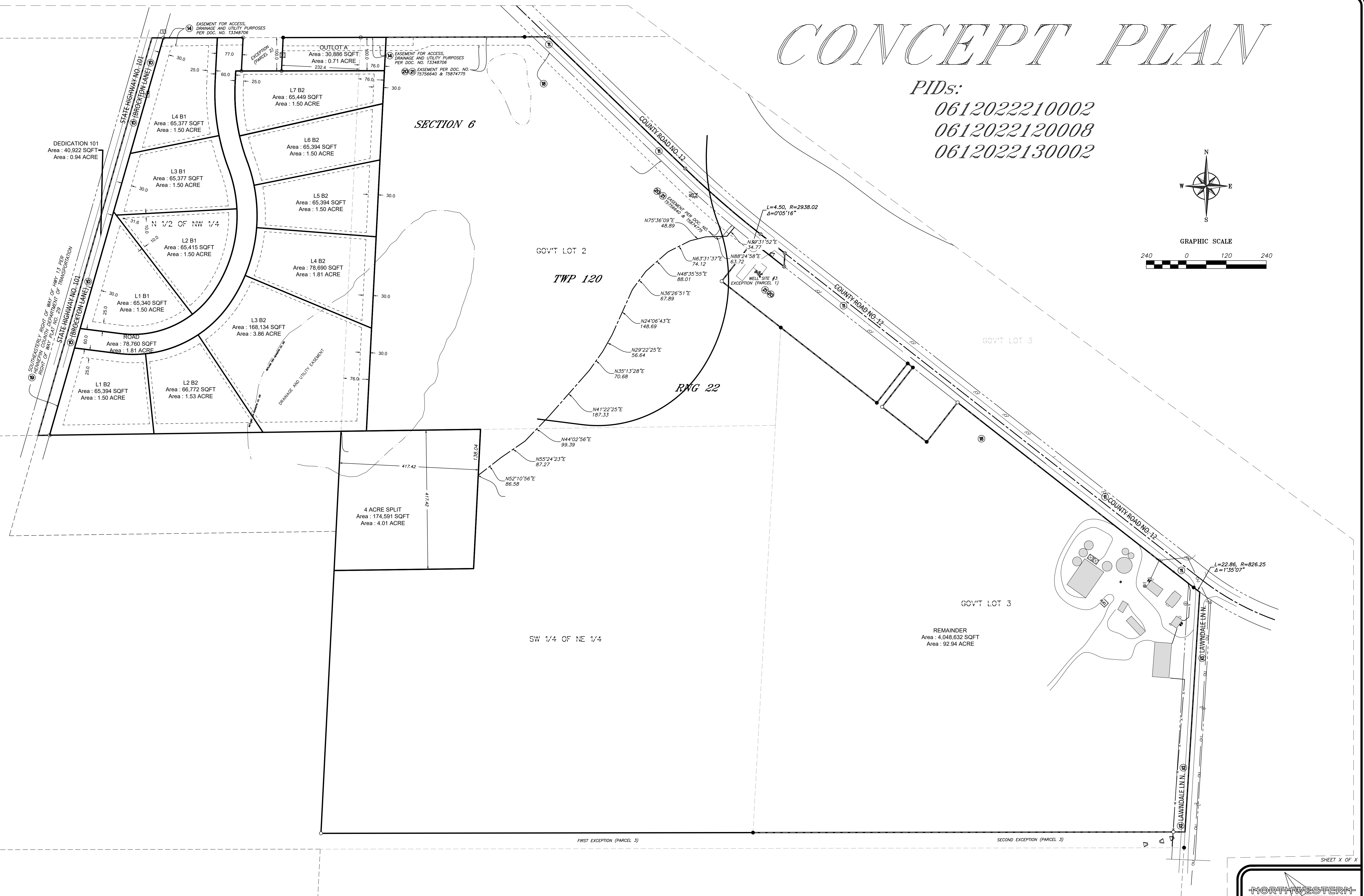
0612022210002

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0612022130002



GRAPHIC SCALE



**ITEM:**

**PUBLIC HEARING:** East French Lake Road Moratorium

**APPLICANT/PRESENTERS:**

Jason Quisberg, City Engineer

Jon Sevald, Community Development Director

**PREPARED BY:**

Jon Sevald, Community Development Director

**BACKGROUND/OVERVIEW:**

On April 22, 2025, the City Council adopted a six-month Interim Ordinance (Moratorium) prohibiting approval of subdivisions within an area around 113<sup>th</sup> Avenue and East French Lake Road to allow the City time to study future land use and transportation.<sup>1</sup>

Attached are three concept plans; (1) Residential Heavy; (2) Industrial Heavy; and (3) Industrial Heavy with 113<sup>th</sup> Avenue extension. Each concept plan took into consideration previous plans submitted by developers. On properties where no development plans are known, Staff made assumptions.

The Planning Commission discussed the three concept plans at its July 10<sup>th</sup> meeting, with a consensus favoring the *Industrial Heavy* road alignment, and no consensus on land use. Since July 10<sup>th</sup>, the Industrial Heavy figure has been updated; (1) shifting the 117<sup>th</sup> Avenue & East French Lake Road intersection to the east; and (2) eliminating the frontage road along County Road 81.

As a city initiated concept plan, Developers will submit proposals of what works best for them. The attached concept plans are examples of what *could* be built, not what *will* be built.

**CRITICAL ISSUES:**

Oppidan      The Planning Commission/City Council reviewed a Concept Plan for a 200,000 sq ft warehouse/distribution project on the DDL site in March 2025. If the *Residential Heavy* or *Industrial Heavy* road alignment is chosen, the Oppidan project does not fit where proposed. Oppidan and DDL have concerns regarding the amount of right-of-way that would consume developable land, and its cost.

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

	60-Days	120-Days
N/A	(date)	(date)

**RELATIONSHIP TO COUNCIL GOALS:**

*Build and Maintain Quality Infrastructure*

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<sup>1</sup> Ordinance 2025-11; *Adoption of an Interim Ordinance prohibiting the approval of land subdivisions in the general area of 113<sup>th</sup> Avenue and East French Lake Road*

## PLANNING COMMISSION MEETING

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- *Establish comprehensive roadway system*

*Encourage Diversity and Manage Thoughtful Development*

- *Create a variety of housing options*
- *Healthy Commercial Sector with services and job growth*

*Maintain and Enhance the Natural and Rural Community Connection*

- *Facilitate an interconnected trail system*

### **ROLE OF PLANNING COMMISSION:**

Conduct a Public Hearing. Make a recommendation for one of the three plans, or a combination.

### **RECOMMENDATION:**

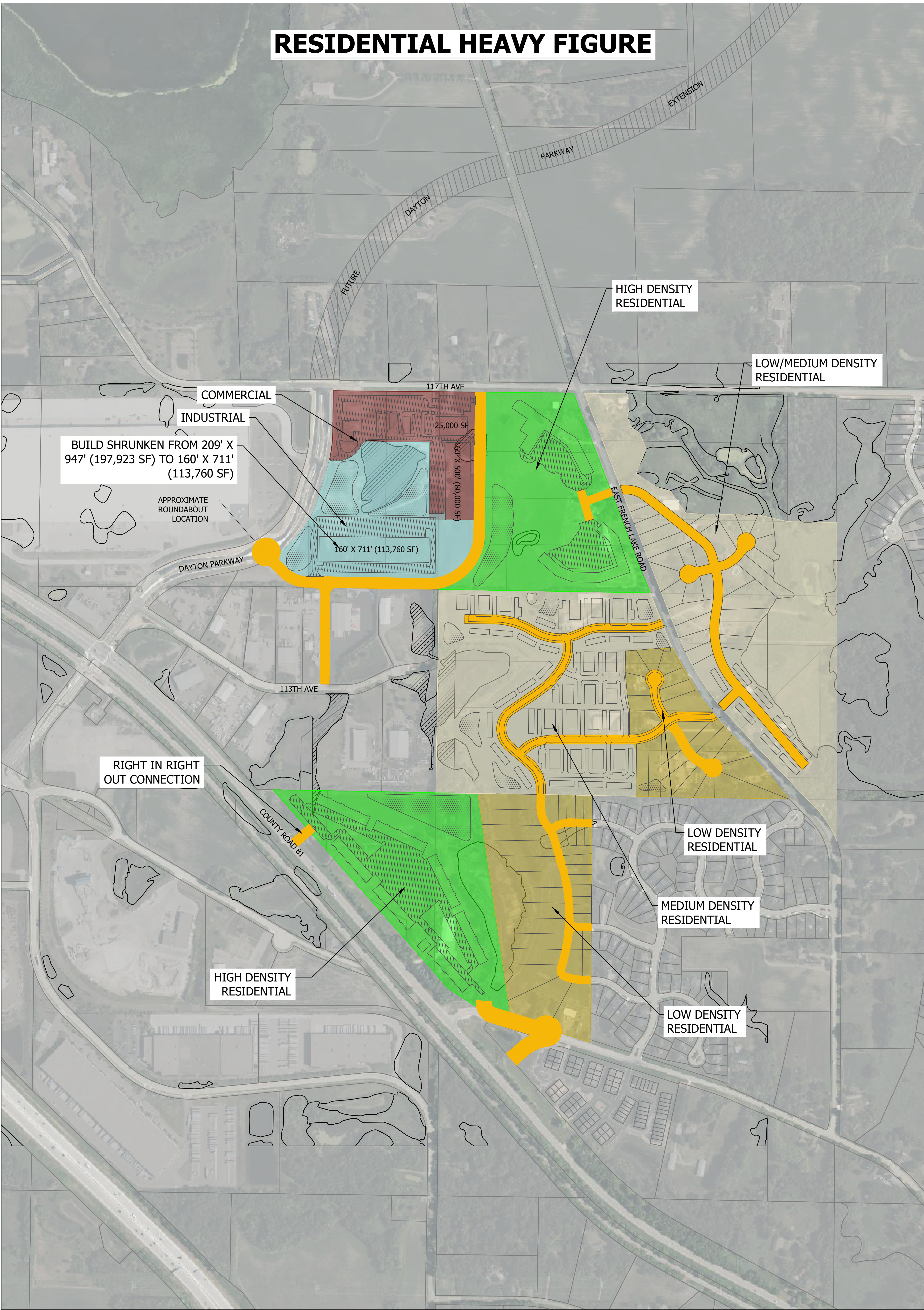
None.

### **ATTACHMENT(S):**

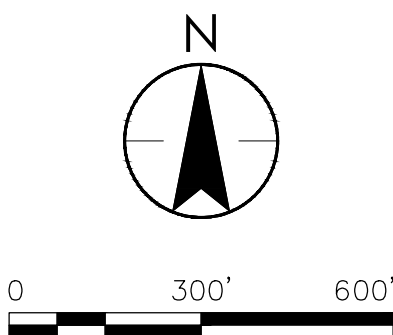
Concept Plans



# RESIDENTIAL HEAVY FIGURE



- DELINEATED WETLANDS
- NWI WETLANDS
- AREAS NOT INCLUDED IN THE STUDY
- FUTURE POTENTIAL LOCATIONS OF STORM WATER PONDS
- FUTURE POTENTIAL LOCATION OF PARKING LOTS



SHEET TITLE

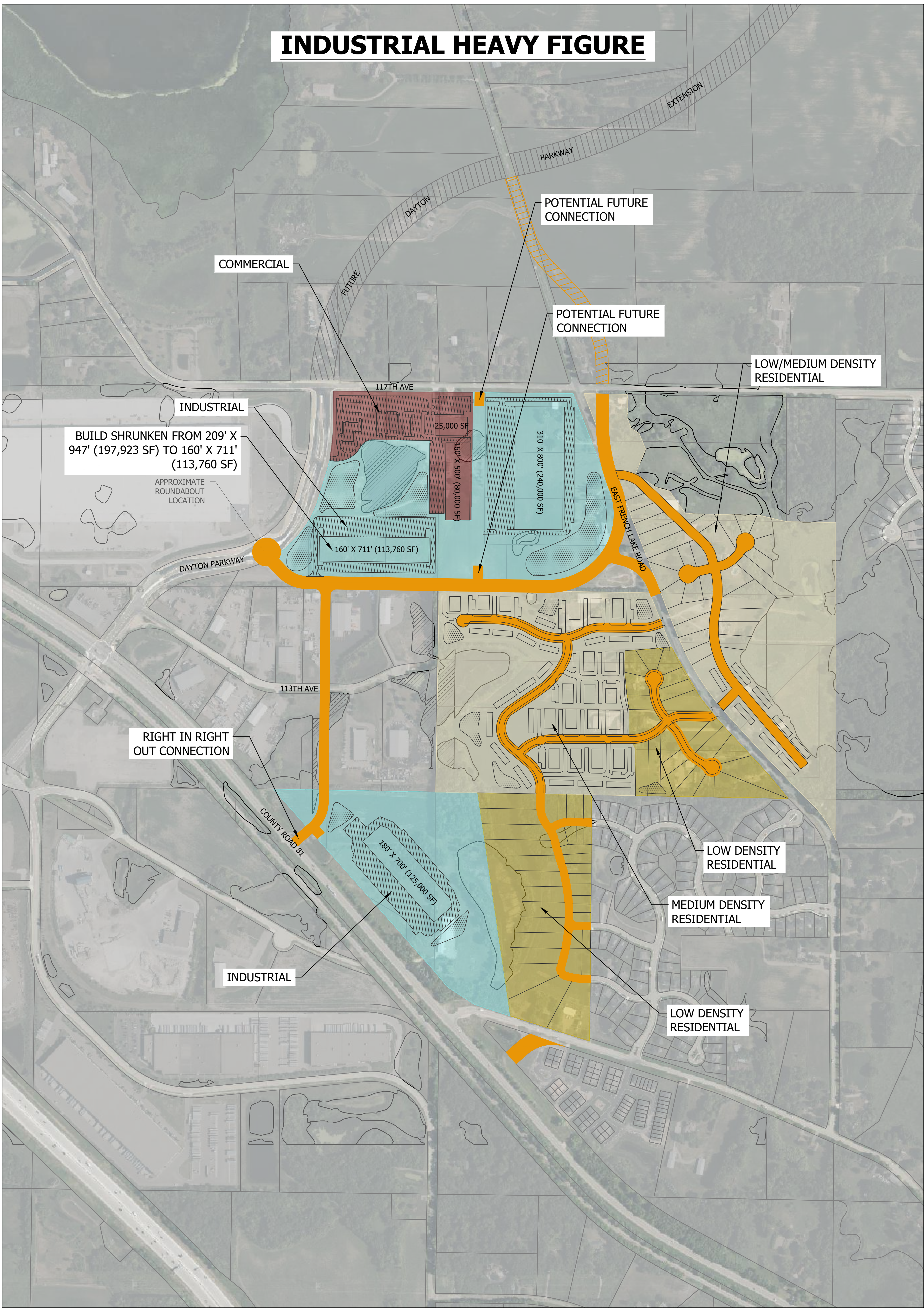
CITY OF DAYTON

EFLR MORATORIUM AREA

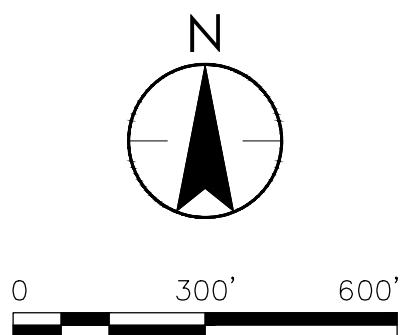
FIGURE 1



# INDUSTRIAL HEAVY FIGURE



- DELINEATED WETLANDS
- NW1 WETLANDS
- AREAS NOT INCLUDED IN THE STUDY
- FUTURE POTENTIAL LOCATIONS OF STORM WATER PONDS
- FUTURE POTENTIAL LOCATION OF PARKING LOTS



SHEET TITLE

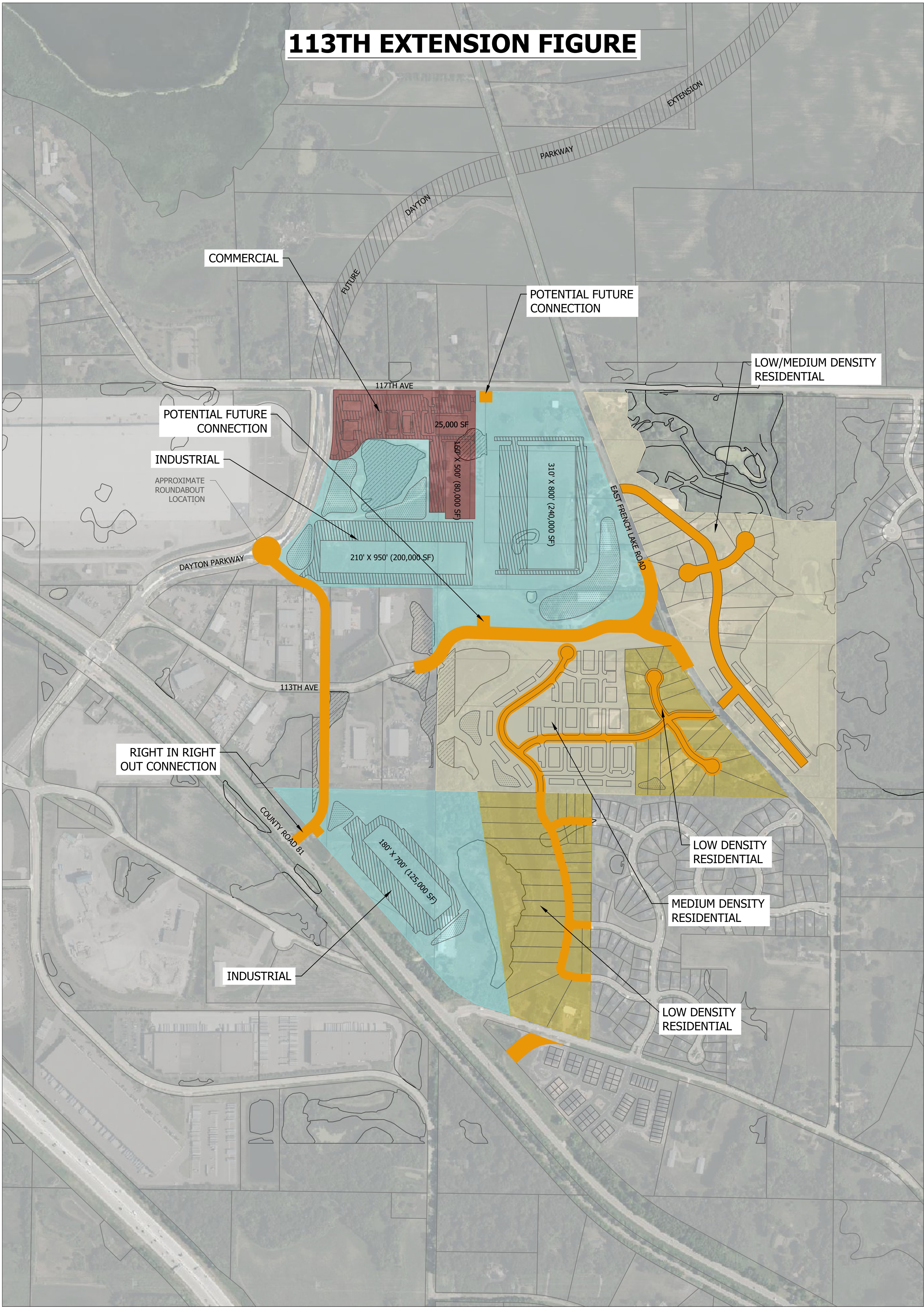
CITY OF DAYTON

EFLR MORATORIUM AREA

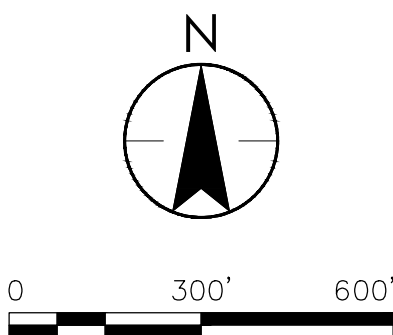
FIGURE 2



# 113TH EXTENSION FIGURE



- DELINEATED WETLANDS
- NWI WETLANDS
- AREAS NOT INCLUDED IN THE STUDY
- FUTURE POTENTIAL LOCATIONS OF STORM WATER PONDS
- FUTURE POTENTIAL LOCATION OF PARKING LOTS



SHEET TITLE

CITY OF DAYTON

EFLR MORATORIUM AREA

FIGURE 3

