



SCOTT COUNTY  
PLANNING ADVISORY COMMISSION  
MEETING MINUTES

Scott County Board Room  
200 Fourth Ave West  
Shakopee, Minnesota

Monday, April 11, 2022  
Conference Room at 6:42 PM

## I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:42 PM with the following members present: Jay Picha, Lee Watson, Ray Huber, Donna Hentges, Barbara Johnson and Kent Robbins

County Staff Present: Brad Davis, Planning Manager, Marty Schmitz, Zoning Administrator; Greg Wagner, Principal Planner; Tom Wolf, County Board Commissioner and Barb Simonson, Deputy Clerk to the Board.

## II. APPROVAL OF MARCH 14, 2022 PLANNING ADVISORY COMMISSION MINUTES

**Motion by Commissioner Robbins; second by Commissioner Picha to approve the minutes of March 14, 2022 Planning Advisory meeting. The motion carried.**

## III. CONSENT AGENDA

### 3.1 PUBLIC HEARING 6:43 PM: VERGUS ESTATES SOUTH PRELIMINARY PLAT (PL#2021-064)

- A. Request for Approval of Preliminary Plat and Final Plat of Vergus Estates South Consisting of 7 Lots on 71 Acres.

**Location:** Section 29  
**Township:** Spring Lake  
**Current Zoning:** RR-2

#### **Criteria for Approval:**

1. *Adequate Drainage* – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance.
2. *Adequate Potable Water Supply* – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – the proposed lots have frontage on Vergus Avenue, a gravel Township Road.
4. *Adequate Waste Disposal Systems* – the proposed lots will meet all requirements of the individual sewage treatment system ordinance prior to County Board consideration.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Rural Residential Growth Staged Area.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as it is adding one additional lot.
7. *Consistency with the Minnesota Environmental Quality Board's Policies*- the proposal does not require any environmental review and is therefore consistent with the policies of the Minnesota Environmental Quality Board.
8. *Consistency with Capital Improvement Plans* – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County's capital improvement plan.

### 3.2 PUBLIC HEARING 6:43 PM: RIESGRAF FARM REZONING, PRELIMINARY PLAT AND FINAL PLAT (PL#2022-014)

- A. Request Rezoning of 80 acres from A-1, Agricultural Preservation District to A-3, Agricultural Preservation Density District. Preliminary Plat of Riesgraf Farm consisting of 1 lot and 2 outlots on 40 acres. Final Plat of Riesgraf Farm consisting of 1 lot on 40 acres

**Location:** Section 15  
**Township:** Sand Creek  
**Current Zoning:** A-1

#### Criteria for Plat Approval:

1. *Adequate Drainage* – the proposed plat meets all stormwater drainage requirements as identified in Chapter 6 of the zoning ordinance.
2. *Adequate Potable Water Supply* – the proposed plat, utilizing an individual wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – the property has frontage on three gravel township roads and no impacts are proposed beyond a future residential driveway that will require a township driveway access permit.
4. *Adequate Waste Disposal Systems* – the proposed lot meets all requirements of the individual sewage treatment system ordinance.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for development and agricultural land preservation in the Transition Area.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers.
7. *Consistency with the Minnesota Environmental Quality Board's Policies*- the proposal does not require any environmental review and is therefore consistent with the policies of the Minnesota Environmental Quality Board.
8. *Consistency with Capital Improvement Plans* – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County's capital improvement plan.

### 3.3 PUBLIC HEARING 6:43 PM: HERNANDEZ INTERIM USE PERMIT (PL#2022-018)

- A. Request for an Interim Use Permit to Operate a Home Extended Business for a Property Management Business.

**Location:** Section 17  
**Township:** Sand Creek  
**Current Zoning:** UER

#### Criteria for Approval:

1. *The use will not create a burden on public facilities and utilities, which serve or are proposed to serve the area.*  
The proposed use will not utilize public facilities or utilities, other than the Highway 169. With the termination of all previously issued CUPs on this parcel the potential traffic to the site will be reduced. The proposed use should not have a negative impact to the public facilities that serve the property.

2. *The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.*  
The site has been used for business uses in the past and is adjacent to a used car lot. The building used for the business has existed for many years and is similar to other accessory buildings on adjacent parcels and is well screened from other properties and Highway 169.
3. *If improvements are made, they shall be so designated and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*  
No improvements to the property are proposed. The building used for the business has existed for many years and is similar to other accessory buildings on adjacent parcels.
4. *Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide on-site parking.*  
The termination of all previously issued CUPs on this parcel has the potential to reduce traffic to the site. The driveway proposed for the business traffic includes a median opening and right and left turn lanes. Ample room is available for on-site parking and delivery trucks if needed.
5. *Adequate water supply, Individual Sewage Treatment System facilities, erosion control, and stormwater management are provided in accordance with applicable standards.*  
As part of the IUP process all septic systems on the property will be reviewed. Any system not meeting sewage treatment rules will be updated or properly abandoned.
6. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*  
The accessory structure proposed for the home Extended Business has been used for business purposes for many years any improvements to the building will require permits to insure compliance with State Building Codes.

#### **Conditions of Approval:**

1. The interim use permit is issued specifically to Alex Hernandez to operate a property maintenance business as a Home Extended Business. The use shall be consistent with the applicant's letter dated 3-18-2022, Parcel Sketch and Survey Dated 6-4-2020. Any change in use or operator shall void the permit consistent with Chapter 2-7 of the zoning ordinance.
2. The applicants are to file with the Scott County Zoning Administration in January of each year a statement indicating that they are in compliance with the conditions of the Interim Use Permit (IUP).
3. This IUP may be annually reviewed by the Township at a time and in a manner as prescribed by the Sand Creek Township Board.
4. The applicant shall pay an annual inspection fee for the IUP, if and when the County adopts an inspection fee ordinance.
5. The business shall be limited to three (3) business associated vehicles (truck & trailer combinations).
6. There shall be no more than one non-resident employee working on site; employees shall be allowed to pick up work vehicles and equipment for off premise work per the business narrative.
7. Except for snowplowing the hours of operation shall be limited to 7:00 A.M. to 7:00 P.M. Monday through Saturday.
8. No retail display areas or sales shall be allowed.
9. Oil, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance
10. There shall be no outside storage associated with the business.
11. All signage shall conform to the Scott County sign ordinance.
12. All previously issued CUPs on this property shall be terminated.
13. The home shall only be occupied by an owner of the business
14. The Interim Use Permit shall terminate when the current property owner, Alex Hernandez, sell the property or when the property is further subdivided, whichever occurs first.

**Motion by Commissioner Watson; second by Commissioner Huber to approve the consent agenda. The motion carried unanimously.**



#### IV. PUBLIC HEARING 6:45 Schieffer Plat Rezone and Preliminary Plat (PL#2021-107)

- A. Request to Approve Rezone of 116.27 Acres from RR-1, Rural Residential Reserve District to RR-2, Rural Residential Single-Family District, and Preliminary Plat of AMAZED ACRES Consisting of 37 Lots on 116.27 Acres in Section 21 of Spring Lake Township.

**Location:** Section 21  
**Township:** Spring Lake Township  
**Current Zoning:** RR-1

Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available on the official Scott County Website [www.scottcountymn.gov](http://www.scottcountymn.gov) under Government and then under County Board Agendas and Minutes by searching Planning Advisory Commission Meeting to download the packet file.

##### Commissioner Comment and Questions:

Commissioner Hentges asked if the proposed development was 2.5 acre lots. *Mr. Wagner responded yes.*

Commissioner Huber asked about the paved roads extension. *Mr. Wagner explained the planned road extensions and that those are required by Ordinance; however, one extension is not being built at this time. Paving is required by Ordinance for new roads and for existing roads paving is under township authority.* Commissioner Huber also expressed concern over the non-extension to the adjacent development. *Ted Kowalski, Spring Lake TWP Supervisor responded maintenance issue and future cost concerns.*

Commissioner Vonhof asked about cul-de-sacs. *Ted Kowalski, Spring Lake TWP Supervisor responded that the cul-de-sacs are being reviewed by the township engineer and will be updated on the plans.*

Chair Vonhof opened the floor for public comment.

Resident, Jeff Miller, of Erin Ave, commented on:

- Speaking on behalf of residents, does not support the road going through to Doon Bury Knolls

Resident, Dewey Brinkman, of 195<sup>th</sup> St E, commented on:

- Concerned about drainage.  
*Applicant Bassett had his engineer, Ryan Bluhm of Westwood Eng. answer: treating to slow the water, will work with homeowner to understand and try to lessen drainage towards his property.*

Resident Dan Fischer, of Erin Ave, commented on:

- Concerned about drainage.  
*Applicant Bassett had his engineer, Ryan Bluhm of Westwood Eng. answer: storm water pond and new culvert were added to help drainage away from the Erin Avenue properties, which is the direction of natural drainage.*

Commissioner Johnson asked about street names. *Applicant Bassett answered Daughters names.*

**Motion by Commissioner Robbins to close the public hearing; second by Commissioner Picha. The motion carried unanimously.**

**Motion by Commissioner Huber; second by Commissioner Johnson, based on the criteria for approval listed in the staff report, I recommend approval of the Rezoning of 116.27 acres from RR-1, Rural Residential Reserve District, to RR-2, Rural Residential Single Family District, and the**

**Preliminary Plat of Amazed Acres consisting of 37 lots on 116.27 acres noting that this recommendation is subject to the conditions listed that must be satisfactorily addressed prior to County Board consideration.**

**Chair Vonhof called for a roll call vote on the motion to approve the request as follows:**

**Commissioner Robbins: Aye  
Commissioner Hentges: Aye  
Commissioner Hrabe: Aye  
Commissioner Huber: Aye  
Commissioner Vonhof: Aye  
Commissioner Johnson: Aye  
Commissioner Watson: Aye**

**The motion passed unanimously with 7 Ayes.**

**Criteria for Approval:**

1. Adequate Drainage - the proposed plat will meet all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance prior to County Board consideration.
2. Adequate Potable Water Supply- the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. Adequate Roads or Highways to Serve the Subdivision - The proposed lots will have frontage and access off of the new internal road network on the preliminary plat. Road improvements shall be made to Vergus Avenue and 195th Street East as required by Spring Lake Township, and all new roads shall be constructed and paved according to Township Road standards.
4. Adequate Waste Disposal Systems - the proposed lots will meet all requirements of the individual sewage treatment system ordinance prior to County Board consideration.
5. Consistency with the Comprehensive Plan - the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Rural Residential Growth Area.
6. Public Service Capacity- the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize a new Township Road for access.
7. Consistency with the Minnesota Environmental Quality Board's Policies- the applicant submitted an EAW in 2021 and a negative declaration was made on the need for an EIS so this subdivision is consistent with the MN EQB policies.
8. Consistency with Capital Improvement Plans - the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County's capital improvement plan.

**V. PUBLIC HEARING 7:10 CUP Amendment and Preliminary and Final Plat for Doucette 3<sup>rd</sup> Addition (PL#2022-017)**

- A. Request to Approve Conditional Use Permit Amendment to add 5.40 Acres to Existing Industrial Parcel for Additional Indoor Storage and Outdoor Storage of Semi- Tractors, Trailers and Other Commercial Equipment and Preliminary Plat and Final Plat of Doucette 3<sup>rd</sup> Addition consisting of 1 lot on 16.9 Acres (Paul E. Doucette and Cheryl L. Doucette, Applicants and Property Owners) in Section 28 of Louisville Township

**Location:** Section 28  
**Township:** Louisville  
**Current Zoning:** I-1



Marty Schmitz presented the staff report for this application. The specific details within the staff report and a video are available on the official Scott County Website [www.scottcountymn.gov](http://www.scottcountymn.gov) under Government and then under County Board Agendas and Minutes and by searching Planning Advisory Commission Meeting to download the packet file.

Commissioner Comment and Questions:

Commissioner Johnson concern with the paperwork. *Mr. Schmitz agreed.*

Commissioner Huber asked about trees, screen and berm. *Mr. Schmitz referred to plans.*

Chair Vonhof asked about the material. *Mr. Schmitz answered Class 5, applicant verified and indicated they may surface with concrete or asphalt millings.*

Chair Vonhof opened the floor for public comment. No one came forward to comment.

**Motion by Commissioner Robbins to close the public hearing; second by Commissioner Watson. The motion carried unanimously.**

**Motion by Commissioner Watson; second by Commissioner Hentges, based on the criteria for approval and the amended conditions listed in the staff report, I recommend approval of the Conditional Use Permit amendment and preliminary and final plat of Doucette 3<sup>rd</sup> Addition noting that the Louisville Town Board has recommended approval of this request pending a review of ordinance.**

**Chair Vonhof called for a roll call vote on the motion to approve the request as follows:**

**Commissioner Robbins: Aye  
Commissioner Hentges: Aye  
Commissioner Picha: Aye  
Commissioner Huber: Aye  
Commissioner Vonhof: Aye  
Commissioner Johnson: Aye  
Commissioner Watson: Aye**

**The motion passed with 7 Ayes.**

**Criteria for CUP Approval:**

1. The use will not create an excessive burden on public facilities and utilities that serve or are proposed to serve the area.  
*The proposed operation will not burden existing public facilities. The existing and proposed business utilizes Louisville Road, a paved township road for access.*
2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.  
*The use is in an Industrial zone adjacent to US 169. Adjacent land uses are generally industrial or vacant land. Except for the applicant's and Paul's father's home the nearest home to the use is about 2,000' away. The applicants will install landscaping and screening as required by the Scott County Zoning Ordinance.*
3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

*The site development is consistent with industrial development in the area and will not hinder the orderly and harmonious development in the area.*

4. The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.  
*The use is consistent with the uses allowed as a CUP in the I-1, Rural Industrial District.*
5. The use is not in conflict with the Comprehensive Plan of Scott County.  
*The Comprehensive Plan guides this property as Industrial Area, the proposed use is allowed within this area.*
6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.  
*The proposed operation utilizes Louisville Road a paved township road to access US 169.*
7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.  
*The proposed business will utilize an individual well and private sewage treatment system, as well as stormwater infiltration areas.*
8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.  
*The proposed building(s) will require building permits and be reviewed by the Scott County Building Department for conformance to the State Building Code.*

#### **Conditions of Approval:**

1. The applicant is to file a statement with the Scott County Planning Office in January of each year indicating that they are in compliance with the conditions of the Conditional Use Permit. Failure to do so may be a basis for revocation of the Conditional Use Permit.
2. If ownership of the building changes, the new owner shall contact the Township Board and the County Planning Office to review the conditions of the Conditional Use Permit.
3. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
4. Adequate parking shall be provided on site.
5. Only domestic sewage may be discharged to the septic tank/drainfield. All wastewater from commercial industrial floor drains and non-domestic sink sources shall be pumped to a holding tank unless otherwise approved in writing by the Scott County Environmental Health Office.
6. The property shall be maintained in a neat and orderly manner.
7. Signage shall conform to the Scott County Sign Ordinance.
8. The operation shall be conducted according to the applicants Narrative dated February 16, 2022, revised site plan March 4, 2022, Resource Management Plan dated March 4, 2022, and Landscaping plan.
9. All solid waste shall be managed according to the Scott County Solid Waste Ordinance.
10. Outside storage shall be screened from Highway 169 and Louisville Road the frontage road. The site must be maintained to control weeds.
11. All berms shall be graded to a slope of three to one or flatter and will be maintained.
12. All street sweepings must be stored within the area designated on the site plan as street sweepings.
13. No salvage vehicles can be stored on the site and no trailers can be used for storage equipment or other items.
14. Building inspections staff will verify the flammable waste traps are functioning at the time a tenant applies to occupy the building.
15. Estimated additional water use by the prospective tenant will be reviewed by the Environmental Health Department before that tenant would be allowed to occupy the building.
16. If an occupancy category change is proposed by a tenant, building codes in effect at the time which the occupancy category changes will need to be met prior to approval of the occupancy category change.
17. A 60' radius turnaround is required for emergency vehicles and said vehicles must be able to access all sides of the existing buildings.

18. At any time when prospective tenants are applying to occupy the building, the Tenants & Mr. Doucette, will be required to meet with Planning Department, Building Inspections Department, Environmental Health Department and Louisville Township to make sure the proposed use of the building and site by the tenant is compatible with the structure, CUP, service capacity, and zoning requirements applicable to the property.
19. All exterior lighting shall conform to the Scott County lighting standards.
20. The applicant shall pay an annual inspection fee for the CUP, if and when the County adopts an inspection fee ordinance.
21. The Louisville Town Board may conduct an annual review of the business to ensure that they are in compliance with the conditions of the CUP.

## **VI. PUBLIC HEARING 7:32 IUP Impact Power Solutions LLC (PL#2022-009)**

- A. Request to Approve an Interim Use Permit to Construct and Operate a 1 MW Community Solar Energy System (IPS Solar, Applicant and William M. McCue and Lynette M. McCue, Property Owners) in Section 18 of Belle Plaine Township

|                        |              |
|------------------------|--------------|
| <b>Location:</b>       | Section 18   |
| <b>Township:</b>       | Belle Plaine |
| <b>Current Zoning:</b> | UERC         |

Marty Schmitz presented the staff report for this application. The specific details within the staff report and a video are available on the official Scott County Website [www.scottcountymn.gov](http://www.scottcountymn.gov) under Government and then under County Board Agendas and Minutes and by searching Planning Advisory Commission Meeting to download the packet file.

### Commissioner Comment and Questions:

Commissioner Johnson asked about dust from gravel roads. *Applicant IPS Pat Weir answered no dust and added additional comments on the plans.*

Chair Vonhof asked about maintenance. *Applicant Weir responded extra visits would be made.*

Commissioner Hentges asked about 6' evergreen plan to keep them alive. *Applicant Wier responded 1 year guarantee, maintenance ordinance and escrow.*

Commissioner Johnson asked about the 35 Year Longevity. *Applicant answered 25-year lease with two 5-year extensions is max.*

Chair Vonhol questioned post/cement pads. *Applicant Wier less disrupt of soil.*

Commissioner Picha asked about expanding. *Applicant Weir no, ordinance.*

Chair Vonhof opened the floor for public comment.

Nathan Dell of MN Land & Liberty Coalition – Property Rights of Applicant.

**Motion by Commissioner Watson to close the public hearing; second by Commissioner Hentges. The motion carried unanimously.**

**Motion by Commissioner Watson; second by Commissioner Pica, based on the criteria for approval listed in the staff report, I recommend approval of the Interim Use Permit for IPS Solar to construct and operate a 1-megawatt**



community solar energy system, noting that this recommendation is subject to satisfactorily addressing all conditions listed in the staff report that must be satisfied prior to County Board consideration of the IUP application also that the township has approved this application.

Chair Vonnhof called for a roll call vote on the motion to approve the request as follows:

Commissioner Robbins: Aye

Commissioner Hentges: Aye

Commissioner Picha: Aye

Commissioner Huber: Aye

Commissioner Vonnhof: Aye

Commissioner Johnson: Aye

Commissioner Watson: Aye

The motion passed with 7 Ayes.

#### Criteria for Approval:

1. The use will not create an excessive burden on public facilities and utilities that serve or are proposed to serve the area.  
*The use is not expected to create an excessive burden on public facilities. After construction of the facility, the applicant anticipates the site will generate less than one trip a month to maintain the facility. The facility does not require sewer or water.*
2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.  
*The use is allowed with an IUP in the UER-C district. The project is low profile, does not create odors and is virtually noiseless. A screening landscaping plan is proposed to aid in screen the project from existing residences and along Meridian Avenue.*
3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.  
*The purpose of the 15 foot height limitation and landscaping and screening is to limit the visual impact on adjacent properties and any adverse effects on development within the district where the project is proposed. The property is in the UER-C district which limits development to one home per 40 acres until urban services can be extend and therefore limits surrounding development. Routine maintenance will keep the site clear of garbage and debris.*
4. The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.  
*The use is consistent with the uses allowed as an IUP in the UER-C, Urban Expansion Reserve Cluster Zoning District.*
5. The use is not in conflict with the Comprehensive Plan of Scott County.  
*The solar facility is not in conflict with the County Comprehensive Land Use Plan. The site is zoned UER-C and designated as an Urban Expansion Area in the Scott County 2040 Plan. The project generally meets the goals of the Urban Expansion Area outlined in the 2040 Plan. Additionally, the solar project helps Scott County achieve goal #IX-10 and goal #XI-5 in the 2040 plan promoting local, renewable, and sustainable energy systems.*
6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.  
*Access to the site is proposed from a shared driveway on County Road 3 (Meridian Avenue). The use will not cause a traffic hazard or congestion during the operational phase. Typical construction traffic is expected during the construction of the facility.*

7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards. *The Project does not require water or sewer. The Resource Management Plan, which identifies how grading, drainage and erosion will be managed, will comply with County ordinance prior to approval by the County Board.*
8. All buildings/structures must meet the intent of the State Building Code and/or fire codes. *The proposed community solar energy system will require a building permit and the site has ample access for fire service access.*

**Conditions of Approval:**

1. The Applicant is to notify the Scott County Zoning Administration Department in January of each year, stating they are in compliance with the conditions of the Interim Use Permit (IUP).
2. The Belle Plaine Town Board may conduct annual IUP compliance review.
3. The IUP holder shall pay an annual inspection fee for the IUP, if and when Scott County adopts an inspection fee ordinance.
4. If property ownership changes or a new applicant/operator is proposed, the applicant/operator shall contact the Belle Plaine Township Board and Scott County Zoning Administration to review the IUP conditions and any proposed operation changes. The applicant/owner shall notify the Zoning Administration Department of any possible operation changes and at a minimum, a Certificate of Compliance will be required from Scott County Zoning Administration.
5. Oil, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
6. All signage shall comply with the Scott County Sign Ordinance.
7. The property shall be maintained in a neat and orderly manner. The Applicant shall promptly remove all garbage, trash, construction waste, debris, concrete rubble and all other nonessential or nonfunctional materials from the Property. Applicant shall maintain vegetation, landscaping, and remove weeds within the Project consistent with County Ordinances.
8. Landscaping/Screening shall be installed per the approved landscaping and screening plans dated March 11, 2022, as maybe amended prior to County Board action. Establishment of a \$5,000 landscaping/screening financial guarantee is required to maintain the plantings for a full growing season. All plant material required as part of the Landscaping/Screening Plan shall be maintained and kept alive. Any dead or damaged plants shall be replaced.
9. The solar panels shall not reflect sunlight so as to create glare on streets and highways. In the event the panels create glare on streets or highways and the County determines that such glare presents a safety hazard to the traveling public, the Applicant shall be given 90 days to eliminate such hazard. In the event that the Applicant believes that no such hazard exists or believes that it has sufficiently mitigated such hazard and the County continues to believe a hazard to the traveling public exists from the panels, the Applicant shall commission and pay for a glare study to be performed by a third-party consultant mutually acceptable to the Applicant and the County, which study shall determine whether such glare presents a hazard to the traveling public. If such study concludes that the glare presents a hazard to the traveling public, the Applicant shall take whatever additional actions are necessary to eliminate such hazard. If the study concludes that, the glare does not present a hazard to the traveling public, such conclusion shall be binding upon the County for a period not to exceed one year and Applicant shall have no obligation to further mitigate such glare. Further, the solar panels shall not reflect sunlight so as to create glare on neighboring properties. In the event the panels create glare onto neighboring properties and the County determines that such glare constitutes a nuisance to the residents of such property, the Applicant shall install additional screening on the Property and/or, as permitted, the neighboring property in a manner that will substantially eliminate or block the glare from entering the neighboring property.
10. All necessary building/electrical permits shall be obtained for construction of all structures on the property.
11. IPS Solar shall provide awareness training for emergency services providers (police & fire) to make them aware of the facility and how to manage emergencies on site. IPS Solar shall provide

emergency services providers with key systems (lockboxes and codes) necessary for emergency access to the property.

12. Applicant shall maintain weeds within the Project consistent with County ordinances.
13. Prior to building permit the applicant shall furnish the County with a performance bond, irrevocable letter of credit or cash escrow in an amount and form agreed upon by the County and Applicant to guarantee decommissioning and removal of site improvements as identified in the approved decommissioning plan. The performance bond, irrevocable letter of credit or cash escrow shall be equal to 125% of the estimated cost of decommissioning as determined by the County. The performance bond, irrevocable letter of credit or cash escrow shall be reviewed every 5 years and adjusted to account for inflation. Within six (6) months upon the conclusion of the removal of all Project site improvements, and upon satisfactory performance, the County will release the security for decommissioning.

The County may draw on the performance bond, irrevocable letter of credit or cash escrow to complete work not performed by Applicant and its successors and assigns including, but not limited to, completion of the Decommissioning Plan and to reimburse itself or Belle Plaine Township for costs incurred in the drafting, execution, administration or enforcement of this Agreement or to otherwise fulfill the obligations of the Applicant and its successors and assigns, under this IUP.

In the event that the performance bond, irrevocable letter of credit or cash escrow referred to herein is ever utilized and found to be deficient in amount to pay or reimburse the County and/or Township in total as required herein, the Applicant, its successor and assigns agree that upon being billed by the County and/or Township, they will pay within thirty (30) days of the mailing of said billing, the said deficient amount.

14. Bills not paid within thirty (30) days of billing by the County and/or Township shall accrue interest at the rate of 6% per year. Further, if the Applicant, its successors and assigns, fail to pay said amounts, then the County and/or Township may specially assess and/or certify the costs thereof against the Property, assert any rights granted under the Decommissioning Plan and/or bring legal action against the Applicant and/or Property Owner to collect any sums due to the County and/or Township pursuant to this IUP, plus all costs, engineering and attorney's fees incurred in enforcing this Permit. If there should be an overage in the amount of utilized security, the County will, upon making said determination, refund to the Applicant, its successor and assigns, without interest, any monies which the County has in its possession which are in excess of the actual costs paid by the County and/or Township.

Until all requirements of the Decommissioning Plan have been satisfied in the sole determination of the County, Applicant will not take any actions to eliminate the performance bond, irrevocable letter of credit or cash escrow or to otherwise materially alter Applicant's obligations in connection therewith.

15. All lighting shall comply with the Scott County Lighting Ordinance.
16. Site grading and construction shall be consistent with the approved Resource Management Plan, SWPPP, and all applicable Scott County ordinances.
17. Issuance of the IUP is not a substitute for any other permit required in conjunction with the Project, including but not limited to building permits, electrical permits, and driveway permits.
18. Applicant shall construct and operate the Project in full compliance with the approved application narrative, approved project plans and in full compliance with all federal, state, and local laws, rules, ordinances, and regulations.
19. Applicant shall provide potable water and portable toilets at all times during construction of the Project. Toilets shall be serviced on a regular basis.
20. The maximum height of any solar panel shall not exceed fifteen (15) feet.
21. Applicant shall bury all electrical lines between solar panels and facilities on the Property, except identified overhead lines intended for interconnection on the approved plans, and specifically for the interconnection with the electrical utility.

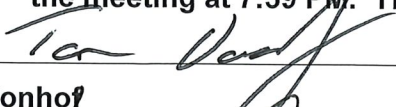


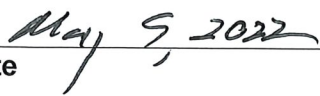
22. Upon completion of the installation of the solar equipment, Applicant shall maintain groundcover at all times in a manner that prevents soil erosion.
23. Applicant shall allow access to the Property by the County or Belle Plaine Township's representatives, or other local, state or federal officials and agents, upon reasonable notice and in the company of a competent site representative, to inspect permitted facilities and site conditions, at reasonable intervals chosen by the County.
24. The solar energy equipment or solar electric system shall not create interference with television, cable, radio, telephone, internet, computers or other electronic devices and services on neighboring properties, or otherwise constitute a public nuisance.
25. Applicant shall reimburse both the County and Belle Plaine Township for all reasonable out of pocket expenses incurred in the IUP application review and approval, facility inspections and enforcement of this IUP and local ordinances, including planning, engineering, and attorney's fees. Applicant also agrees to pay all applicable building, plumbing, septic, grading, stormwater, and electrical permit fees for the Project, according to the fee schedule established by the County and/or Township, as adjusted from time to time.
26. Except as otherwise provided in this IUP, all solar panels, inverters, panel anchors, and other infrastructure unique to the solar garden shall be removed from the Property at such time as the solar facilities have not produced or sold electricity to an electrical utility in any of the previous 12 month pursuant to the terms of the Decommissioning Plan on file with the County. Where the terms of the Decommissioning Plan and this IUP are in conflict, the terms of the IUP shall control. Upon failure to comply with the Decommissioning Plan by the Applicant, its successors and assigns, the County may thence after 30 days written notice to the Applicant enter onto the Property and complete Applicant's obligations under this IUP.
27. The IUP shall be terminated 35 years from the date issued, and/or following decommissioning of the site as required in condition #26 above. The Applicant shall be financially responsible for any damage which may occur to public property including but not limited to streets, street sub-base, base, bituminous surface when said damage occurs as a direct or indirect result of the activity which takes place during the development of the Project including, but not limited to, construction of improvements.
28. Should the County receive a complaint related to hazard or safety concerns pertaining to stray voltage from the solar array at the Project site the County shall forward such complaint to the Applicant. It shall be the Applicant's primary responsibility to resolve such complaints. The Applicant shall have 30 days to assess the complaint and, if the Applicant confirms a hazard or safety concern is caused by the solar array, then the Applicant shall propose a remedial plan to the County for review and approval. If the Applicant does not address the stray voltage complaint to the satisfaction of the County, then the County shall have the authority to review the complaint and may require additional and reasonable mitigation or remedial actions be taken by the Applicant to mitigate and/or eliminate the stray voltage at the Applicant's sole expense. Such mitigation or remedial actions shall be based on the available evidence including the possibility of a stray voltage study, commissioned by the County, completed by an independent evaluator approved by mutual consent of the County and Applicant, and at the sole expense of the Applicant.
29. Applicant shall not damage or interfere with the use of, or otherwise diminish the functionality of any existing field tiles. Any damage to existing field tile caused by the Applicant and/or its representatives shall be repaired or replaced or rerouted at the sole expense of the Applicant. Following construction, the Applicant shall provide access to the Property to users of the drain tile, upon reasonable notice and in the company a competent site representative, for the purposes of inspection. Applicant shall work in good faith with users of the drain tile to enable any repair or replacement work that may be necessary as a result of normal use of the tiles. Such repair shall be at the user's expense.
30. Construction hours for pile driving shall be Monday through Friday 8 a.m. to 5 p.m.

**VI. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis**

**VII. GENERAL & ADJOURN**

Motion by Commissioner Hentges; second by Commissioner Watson to adjourn the meeting at 7:59 PM. The motion carried unanimously.

  
\_\_\_\_\_  
Tom Vonhof  
Chair, Planning Advisory Commission

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kim Cave  
Deputy Clerk to the Board

  
\_\_\_\_\_  
Date

