



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
County Board Room
200 Fourth Ave West
Shakopee, Minnesota

Monday, February 13, 2023
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:30 PM with the following members present: Ammar Husain, Jay Picha, Kent Robbins, Ray Huber, Tom Vonhof, Donna Hentges, and Lee Watson.

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

II. APPROVAL OF JANUARY 9, 2023 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Robbins; second by Commissioner Huber to approve the minutes of January 9, 2023 Planning Advisory meeting. The motion carried unanimously. Commissioner Husain abstained due to not being a commissioner at time of the meeting.

III. CONSENT AGENDA

3.1 There were no consent items for this meeting.

IV. PUBLIC HEARING 6:30 PM MARTIN MARIETTA MATERIALS INC., INTERIM USE PERMIT (PL#2022-083)

A. Request for Interim Use Permit (IUP) for Martin Marietta Materials, Inc. to operate a sand & gravel mining facility on 19 acres of property.

Location: Section 16
Township: Louisville
Current Zoning: I-2 Heavy Industrial

Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available at the Scott County Website link: [January 9, 2023 Planning Advisory Commission](#) Agenda Packet. The staff report can be found in the full agenda packet located by clicking Planning Advisory Commission. Mr. Wagner explained the amended conditions of approval based on discussions with the applicant and with Louisville Township and presented these conditions.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Planning Advisory Commission.

Commissioner Comments and Questions:

Commissioner Huber wanted clarification if the mining was going to be sand and gravel.
Kristina Morrison of Martin Marietta detailed the plan to extract both sand and gravel.

Commissioner Huber asked about the compaction plan and fill soils.

Kirsten Pauly of Sunde Civil Engineering explained the plan to include a specification requiring compaction as well as types of material for future development, and the IUP conditions were updated to include this.

Commissioner Huber asked if the portion being dug close to the water will be filled with sand.

Ms. Pauly clarified his assumptions were correct that it would be sand for future infiltration.

Commissioner Pica questioned who will be sweeping the township roads and how often.

Ms. Morrison responded they have their own sweeper which clears the entrances once a week and more often if the workload is busier.

Commissioner Robbins asked for confirmation that this operation is not endangering the ground water.

Ms. Pauly detailed precautions Applicant takes to prevent disasters and by working closely with the MPCA. She expressed there are no concerns with ground water contamination.

Chair Vonhof questioned the length of years.

Ms. Pauly replied with five to tens years of operation.

Commissioner Huber questioned what will be done with grading of the property.

Ms. Pauly described the type of slope they intend to use and that they will work with MnDOT to grade the common property line barrier to avoid leaving a large land wall between the two properties.

Commissioner Husain questioned dust control.

Ms. Pauly explained their use of water trucks which carry up to 4,000 gallons of water.

Commissioner Husain asked if the trucks will be washed. *Ms. Morrison responded the water trucks are portable for truck washing prior to going on township roads to help limit debris flying off their trucks.*

Ms. Pauly further explained they follow the regulations put forth by the MNPCA.

Chair Vonhof verbally opened the public hearing.

Public Comments and Questions at the Podium

No one approached the podium.

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

Motion by Commissioner Huber; second by Commissioner Robbins, based on the criteria for approval listed in the staff report, I recommend approval of the Interim Use Permit for Martin Marietta Materials, Inc. to operate a sand and gravel mine, noting that this recommendation is subject to the conditions to be satisfied prior to County Board consideration of the IUP. Chair Vonhof noted Louisville Township has recommended approval and that staff presented amended conditions that would be recommended to the County Board.

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

Commissioner Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

Criteria for IUP Approval (Chapter 2-7-1):

1. The proposed use does not create an excessive burden on public facilities.
The proposed operation utilizes State Highway 41 and US Highway 169 as the primary haul routes. The site access is via Dem Con Drive connects to State Highway 41 at a signalized intersection.
2. The proposed use is compatible with uses on adjacent lots.
Adjacent land is zoned Industrial, with the MnDOT regional facility to the south, as well as Dem Con Landfill. To the north across Highway 41 is an industrial blacktop business as well as other mining operations, and to the northwest is a closed horse training facility on land zoned for industrial uses.
3. The proposed improvements will be designed to not hinder orderly and harmonious development in the zoning district.
The mine site is temporary; at the conclusion of mining, the site will be reclaimed for future industrial uses.
4. Adequate measures have been taken to provide ingress and egress so to minimize traffic congestion and access to public roads.
The proposed operation utilizes Dem Con Drive, a paved township road, to State Highway 41 and US Highway 169 as the main haul routes.
5. Adequate water supply, individual sewage treatment facilities, erosion control, and stormwater management are provided in accordance with applicable standards.
The applicant has provided a Resource Management Plan to deal with stormwater management as well as a Storm Water Pollution Prevention Plan that addresses erosion control. Portable restrooms will be provided for employees.
6. The proposed buildings will need to meet all Building Code requirements.
There are no structures proposed as part of the mining activities.

Martin Marietta Amended Conditions of Approval:

1. The permit shall be operated in compliance with the applicant's approved Interim Use Permit Application including Project Description, Site Operation, Resource Management Plan, Performance Standards, Plan Set Sheets C1 - C4 and Attachments A to G, dated November 2022 prepared by Sunde Engineering.
2. The permit is issued to Martin Marietta Materials, Inc. and Malkerson Sales, Inc. the Fee Owner(s) of the subject property.
3. Mining, for the purposes of this IUP, will be limited to stripping, extraction, crushing, screening, washing, stockpiling, hauling and the on-site movement of materials. Any activity not enumerated will require a revised IUP.
4. The excavation shall not exceed the groundwater elevation of approximately 711-715 feet above mean sea level as shown on the Proposed Operations Plan C2. However, if mining into the water table is proposed to be added in the future the applicant shall provide a groundwater monitoring plan to be included as part of this IUP.
5. Hours of operation for the mine shall be:
 - a. Mining/processing/Truck loading/ hauling, 7:00 a.m. to 7:00 p.m. Monday-Friday and 7:00 a.m. to 5:00 p.m. on Saturday.
 - b. Equipment Maintenance, Permitted during daylight hours
 - c. No work on Sundays
 - d. Hours may be modified by the Township or County if valid complaints are received regarding noise or other impacts associated with the mine operations or vehicle traffic.
6. The Operator shall water the haul roads and processing areas of the mine as needed to minimize dust. All berms shall be vegetated and mowed to prevent noxious weeds.
7. The Operator shall comply with all requirements of Louisville Township and MnDOT for site access and obtaining required access permits.
8. The Operator shall post a bond or irrevocable Letter of Credit in an amount sufficient to insure compliance with the conditions of the Interim Use Permit and Restoration/End Use Plan. The amount of this bond will be subject to annual review for adequacy and based upon a reasonable estimate of

- reclamation grading costs. The Operator shall provide evidence that the required bond remains valid and is adequate to reclaim the mine in conformity with the approved Reclamation Plan. In the event the County Planning Manager determines that an additional surety is needed to assure adequate funds are available for the Reclamation Plan, the operator shall provide such surety within 30 days of the notice. This security shall be provided to the County prior to commencement of site activities.
9. When mining is completed, a registered engineer shall certify to the County that the site has been restored in accordance with the end use plan.
 10. The Operator shall be responsible for any damage to township or state roadways caused by haul trucks entering and exiting the mine.
 11. The Operator shall monitor for dust and soil tracking onto the County Road. The applicant shall take action to reduce dust and soil tracking onto the roadway. Material tracked on the roadway shall be immediately swept.
 12. The operator shall file with the Scott County Planning Office in the spring of each year, a statement stating that they are in compliance with the conditions of the Interim Use Permit (IUP). Failure to do so may be a basis for revocation of the IUP. In the fall of each year following the construction season, a registered engineer will review the site and prepare a written report in accordance with the mining operations plan, as submitted and approved, specifically concerning the status of the Reclamation Plan. The engineer's report must include the volume of material leaving the pit, how much material is remaining in the pit and how much of the pit was reclaimed. If the pit is being depleted faster than reclamation is occurring additional security will be required.
 13. The IUP shall terminate upon cessation of mining activities (estimated to take between 5-10 years), or 20 years from date of issuance. If mining activities are ceased or interrupted for more than one year the applicant shall notify the Township and County, as part of their annual report, as to plans for future resumption of mining activities. Reclamation shall be completed within one year after conclusion of mining activities.
 14. All equipment and temporary structures shall be removed no later than six months after termination of mining operations or IUP expiration.
 15. Stockpile height shall not exceed 50 feet.
 16. The Operator and owner shall retain manifest for all fill material imported to the site. The manifest shall document the source of the fill, soil type, and absence of contamination. Copies of the manifest will be retained by the operator and mine owner and will be available for review by the Township and County Staff.
 17. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
 18. The property shall be maintained in a neat and orderly manner. Noxious vegetation shall be controlled in compliance with County Ordinances. Abandoned machinery, non-earth residual wastes, contaminated soil stockpiles, and rubbish shall be removed from the site regularly or, at a minimum, once a year.
 19. There shall be no overnight camping of employees of the company on the site.
 20. The Operator shall identify a person within the company for the residents, the Town Board, or Scott County to contact regarding their concerns of the IUP.
 21. The Operator shall comply with all rules, regulations, requirements, and standards of the Minnesota Pollution Control Agency (MPCA), Department of Natural Resources (DNR) and other regulations and standards applicable to the mining operation.
 22. All production equipment will be designed to meet the MPCA noise standards. If deemed appropriate by staff, the County shall contact a private testing firm to determine the ambient noise level on the property and at the closest residences, if problems/complaints are generated. Any violations shall be corrected immediately. All cost for testing as determined by the County will be the responsibility of the operator.
 23. The applicant shall provide to the Scott County Auditor's Office appropriate payment due for gravel tax in accordance with State and County regulations
 24. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.
 25. All signage shall conform to the Scott County Sign Ordinance.

26. Reclamation, restoration, and rehabilitation shall minimize presence of shallow groundwater, poor foundation conditions, flooding potential and undevelopable areas.
27. Boulders and rocks, organic soils and debris (topsoil, peat, muck, stumps, roots, logs, brush, etc.), demolition debris (broken concrete or bituminous fragments, brick, lumber, metal, etc.) and any other solid or hazardous waste shall not be used as fill in reclamation, restoration, or rehabilitation.
28. The Owners and Operators shall work cooperatively with the Minnesota Department of Transportation to the east and south to extract material inside the required setback area and grade the embankment along the common property boundary.

V. PUBLIC HEARING 7:06 PM VALLEY PAVING MINING INTERIM USE PERMIT AMENDMENT (PL#2022-081)

- A. Request for Approval of the Interim Use Permit Amendment for Valley Paving to operate a sand & gravel mining facility. The amendment includes adding 59.5 acres to the current 26.5 acre mine and increasing the maximum depth of excavation to permit mining up to 25 feet below the water table.

Location: Sections 4 & 5 of Belle Plaine Township and
Sections 32 & 33 of St. Lawrence Township
Current Zoning: UER & UBR

Marty Schmitz presented the staff report for this application. The specific details within the staff report and a video are available at the Scott County Website link: [January 9, 2023 Planning Advisory Commission](#) Agenda Packet. The staff report can be found in the full agenda packet located by clicking Planning Advisory Commission.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Planning Advisory Commission.

Mr. Schmitz introduced Kristen Pauly of Sunde Engineering who presented further details on the project. Video available at the Scott County Website.

Commissioner Comments and Questions:

Commissioner Robbins asked the amount of material they will attain by going closer to the water table.
Ms. Pauly explained there is possibly 1-1.5 million cubic yards of material available.

Commissioner Robbins wanted clarification if the Applicant will be responsible for the cleanup of polluted waters.

Ms. Pauly responded the MPCA is required to be notified where an investigation will take place, following the results protocols will be included and a third-party company will come in for cleanup.

Commissioner Huber questioned the compaction specs being one test per acres.

Ms. Pauly explained there is no development planned so they are trying to develop a spec that would make the site buildable in the future. There may be additional work needed when the site is developed.

Commissioner Huber questioned if there was a sanitary sewer in place.

Ms. Pauly responded there are none but the City has plans for potential expansion.

Chair Vonhof verbally opened the public hearing.

Public Comments and Questions at the Podium

Bob Pieper of Louisville Township asked for clarification of the direction of the water flow and how far away the Minnesota River is from the site.

Ms. Pauly responded the water flow is to the northwest towards to the river and the site is under a mile from the river

Mr. Pieper questioned if there is a contamination how far does the polluted water flow and how it would impact downstream wells.

Ms. Pauly explained the wells in question are in a deeper bedrock aquifer and are not as high risk as some other wells they monitor.

Chair Vonhof wanted clarification on how deep the monitored wells are.

Ms. Pauly explained the monitored wells are shallow, as petroleum is lighter, they screen the upper most part of the water table.

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

Motion by Commissioner Watson; second by Commissioner Huber, based on the criteria for approval listed in the staff report, I recommend approval of the Interim Use Permit Amendment for Valley Paving to add 59.5 acres to the current 26.5 acre mine and increasing the maximum depth of excavation to permit mining up to 25 feet below the water table. Chair Vonhof noted Belle Plaine and St. Lawrence Townships' have recommended approval.

Commissioner Robbins expressed his gratitude for the testing and processes Applicant follows. He wants to express concern if anything appears to be an issue that Applicant responds quickly.

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

Commissioner Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

Criteria for IUP Approval (Chapter 2-7-1):

1. The proposed use does not create an excessive burden on public facilities.

The proposed operation utilizes County Road 66 and State Highway 169 as a haul route. County Road 66 is classified as a minor arterial and Hwy 169 is classified as a principal arterial in the County Transportation Plan. Valley Paving is responsible for any damage they cause to County Road 66.

2. The proposed use is compatible with uses on adjacent lots.

Adjacent land is generally agricultural land. The closest residence is located over 250 feet to the west of the mine expansion. Adjacent land use to the north and west includes gravel mining operations.

3. The proposed improvements will be designed to not hinder orderly and harmonious development in the zoning district.

The mine site is temporary; at the conclusion of mining, the site will be reclaimed. The southern portion of the site is in Belle Plaine Township and is within the Orderly Annexation Area (OAA) for the City of Belle Plaine. The reclamation plan maintains the previously approved final grades of the existing mine (elevation 824 to 832). The plan has been designed to allow future development of the site consistent with the City of Belle Plaine's 2040 Comprehensive Plan. The northern portion of the site is in St. Lawrence township. Reclamation grades in this area accommodates the preservation of right-of-way for the future county road extension through the property to connect County Roads 66 & 64 and future open space and agricultural uses.

4. Adequate measures have been taken to provide ingress and egress so to minimize traffic congestion and access to public roads.
The proposed operation utilizes County Road 66 and State Highway 169 as a haul route. County Road 66 is classified as a minor arterial and Hwy 169 is classified as a principal arterial in the County Transportation Plan. Valley Paving is responsible for any damage they cause to County Road 66.
5. Adequate water supply, individual sewage treatment facilities, erosion control, and stormwater management are provided in accordance with applicable standards.
Valley Paving will operate in accordance with MPCA storage requirements for fuel and operates under an approved Spill Prevention Control and Countermeasures Plan. In addition, Valley Paving proposes to implement a ground water monitoring plan that was developed as part of the EAW. The applicant has provided a Resource Management Plan to deal with stormwater management as well as a Pollution Prevention Plan that addresses erosion control. Portable restrooms will be provided for employees.
6. The proposed buildings will need to meet all Building Code requirements.
All structures associated with the mine will be temporary and removed at the conclusion of mining. All structures constructed or moved onto the site will need to meet the requirements of the Building Code.

Conditions of Approval:

1. The permit shall be operated in compliance with the applicant's approved Interim Use Permit Application (Cover Page Date November 2022) including Introduction, Required Information, Annual Report and Inspection, Land Reclamation, Performance Standards, Figures 1-5, Plan Sheets C1, C2, C3, C4, C5, C6 and Attachments 1-5, prepared by Sunde Engineering. If any report, plan, figure or attachment identified in this condition vary from the written conditions of this IUP, the terms that are the most conservative shall control.
2. The permit is issued to and obligatory to Valley Paving and the Fee Owner(s) of the subject property.
3. Mining, for the purposes of this IUP, will be limited to stripping, digging, crushing, screening, washing, trucking and the on-site movement of materials, as well as the processing of recycle asphalt and concrete. Any activity not enumerated will require a revised IUP.
4. Maximum Excavation Limit shall not exceed elevations shown on Cross Section A-A' (Plan Sheet C4) & Cross Section C-C (Plan Sheet C6). This depth equals approximately 25 feet below the water table, which is located at approximately 790-783 feet above msl.
5. Hours of operation for the mine shall be:
 - a. Mining/processing/truck loading/ hauling, 7:00 a.m. to 7:00 p.m. Monday-Friday and Saturday if necessary.
 - b. A one hour equipment warm-up period from 6:00 a.m. to 7:00 a.m. and one hour shutdown period 7:00 p.m. to 8:00 p.m.
 - c. Equipment maintenance, permitted during daylight hours.
 - d. No work on Sundays.
 - e. Hours may be modified by the City, Township or County if valid complaints are received regarding noise or other impacts associated with the mine operations or vehicle traffic.
6. Haul roads shall be limited to County Road 66 and State Highway 169.
7. The Operator shall water the haul roads and processing areas of the mine as needed to minimize dust.
8. The Operator shall comply with all requirements of the Scott County Highway Department for site access.
9. The Operator shall post a bond or irrevocable Letter of Credit in an amount sufficient to insure compliance with the conditions of the Interim Use Permit and Restoration/End Use Plan, based upon a reasonable estimate of reclamation grading costs. The current bond is for \$252,648.00. The amount of this bond will be subject to annual review for adequacy. In the event the County Planning Manager determines that an additional surety is needed to assure adequate funds are available for the Reclamation Plan, the operator shall provide such surety within 30 days of the notice. This security shall be provided to the County prior to commencement of site activities.
10. When restoration is completed in each phase and at the conclusion of mining, a Registered Civil Engineer & Geotechnical Engineer must perform a post reclamation evaluation and certify to the County, City and Townships that the reclaimed areas in the Belle Plaine Orderly Annexation area on (Date of permit Approval) and the future county road are suitable for the planned end land use.

11. The Operator shall be responsible for any damage to County Road 66 caused by haul trucks entering and exiting the mine.
12. The Operator shall monitor for dust and soil tracking onto the County Road. The applicant shall take action to reduce dust and soil tracking onto the roadway. Material tracked on the roadway shall be immediately swept.
13. The operator shall file with the Scott County Planning Office in the spring of each year, a statement stating that they are in compliance with the conditions of the Interim Use Permit (IUP). Failure to do so may be a basis for revocation of the IUP.
14. In the fall of each year following the construction season, a registered engineer will review the site and prepare a written report in accordance with the mining operations plan, as submitted and approved, specifically concerning the status of the Reclamation Plan. At a minimum, the annual report must specify the following: The amount of material removed from the mine site in the previous year; current detailed plan or survey showing the areas in which mining is complete and areas in which mining is ongoing and planned to be mined within the next year; areas of the mine which have been reclaimed or are ready to be reclaimed; Evidence that any required bond, Letter of Credit or other security requirement remains valid and is adequate to reclaim the mine in conformity with the approved Reclamation Plan; groundwater monitoring data; manifest for all imported fill material; and Geotechnical Engineer settlement monitoring reports.
15. The approved Groundwater Monitoring and Mitigation Plan shall be followed for the life of the mine including completion of all reclamation activities. Monitoring results shall be submitted annually and presented within the Annual Report.
16. Reclamation backfill requirements identified in Attachment 5 shall be followed for the life of the mine including completion of all reclamation activities. A Geotechnical Engineer will oversee the settlement monitoring program and shall annually submit the results of settlement monitoring including depth of fill, placement of settlement plates and compaction observed within the annual report to the County and City.
17. The Operator and owner shall retain manifest for all fill material imported to the site. The manifest shall document the source of the fill, soil type, and absence of contamination. Copies of the manifest will be provided to the County and City as part of the annual report described in Condition 14.
18. All cost associated with any permit review and submission of monitoring reports to the County, City and Townships shall be the sole responsibility of the Operator.
19. Mining shall be completed in twenty (20) mining seasons unless an extension is granted. Reclamation can continue for one additional mining season. If operations substantially cease for more than one year, the Belle Plaine Orderly Annexation Board may consider termination of the IUP.
20. All equipment and temporary structures shall be removed no later than six months after termination of mining operations or IUP expiration.
21. Stockpile height shall not exceed 30 feet.
22. The active mining site perimeter shall be bermed and vegetated. Berms shall be mowed on a regular basis.
23. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
24. The property shall be maintained in a neat and orderly manner. Noxious vegetation shall be controlled in compliance with County Ordinances. Abandoned machinery, non-earth residual wastes, contaminated soil stockpiles, and rubbish shall be removed from the site regularly or, at a minimum, once a year.
25. There shall be no overnight camping of employees of the company on the site.
26. It is anticipated that the operator will recycle asphalt and concrete. Prior to receiving any asphalt or concrete material, the Operator will receive a solid waste permit from Scott County. No more than 30,000 cubic yards of recycle material may be on site at one time.
27. The Operator shall identify a person within the company for the residents, the Town Board, City or Scott County to contact regarding their concerns of the IUP.
28. The Operator shall comply with all rules, regulations, requirements, and standards of the Minnesota Pollution Control Agency (MPCA), Department of Natural Resources (DNR) and other regulations and standards applicable to the mining operation.
29. All production equipment will be designed to meet the MPCA noise standards. If deemed appropriate by staff or if problems/complaints are generated, the County shall contact a private testing firm to determine

- the ambient noise level on the property and at the closest residences. Any violations shall be corrected immediately. All cost for testing as determined by the County will be the responsibility of the operator.
30. The applicant shall provide to the Scott County Auditor's Office appropriate payment due for gravel tax in accordance with State and County regulations
 31. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.
 32. All signage shall conform to the Scott County Sign Ordinance.
 33. No part of the reclamation area which is planned for utilization for uses other than open space or agriculture shall be at an elevation lower than the minimum required for gravity connection to sewer and storm sewer.
 34. Reclamation, restoration, and rehabilitation shall minimize presence of shallow groundwater, poor foundation conditions, flooding potential and undevelopable areas.
 35. Boulders and rocks, organic soils and debris (topsoil, peat, muck, stumps, roots, logs, brush, etc.), demolition debris (broken concrete or bituminous fragments, brick, lumber, metal, etc.) and any other solid or hazardous waste shall not be used as fill in reclamation, restoration, or rehabilitation.
 36. The Owners and Operators shall attempt to enter into an agreement with the owner/operator to the west to mutually extract material inside the required setback area and under the shared property boundary.
 37. Prior to the mine entering phase 3 the applicant shall meet with county staff and determine if modifications are needed to the reclamation plan to conform with the 2023 CH 66/CH64 Alignment and Design Study.
 38. The operations shall be available for inspections by authorized County, City and Township inspectors within normal company working hours upon reasonable advance notice to the Operator. Because this is an active mine site, any inspectors must identify themselves to an employee of the Operator before entering the mine site and must be escorted by an employee of the Operator at all times to ensure the safety of the inspectors. Inspectors will be required to provide all safety equipment including hardhats, safety glasses and reflective vests that may be required in compliance with applicable State and Federal laws and regulations.

VI. PUBLIC HEARING 7:44 PM CAMPING WORLD CONDITIONAL USE PERMIT AMENDMENT (PL#2022-080)

- A. Request for a Conditional Use Permit Amendment to expand Camping World's existing RV sales & service center to include a total of approximately 13.32 acres & construct a new service center.

Location: Section 4
Township: Sand Creek
Current Zoning: I-1 & C-1

Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available at the Scott County Website link: [January 9, 2023 Planning Advisory Commission](#) Agenda Packet. The staff report can be found in the full agenda packet located by clicking Planning Advisory Commission.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Planning Advisory Commission.

Commissioner Comments and Questions:

Commissioner Huber recused himself from the chambers due to conflict of interest.

Commissioner Pica asked what was to happen with the existing building on the lot.

Mr. Wagner explained the existing building right now is used as a sales and service center. The exiting building will be used for sales and office and the new building is to be used for the main service center.

Chair Vonhof verbally opened the public hearing.

Public Comments and Questions at the Podium

No one approached the podium.

Motion by Commissioner Hentges to close the public hearing; second by Commissioner Robbins. The motion carried unanimously. Commissioner Huber recused himself from all motions and voting on this matter due to a conflict of interest and exited the chambers.

Motion by Commissioner Robbins; second by Commissioner Pica, based on the criteria for approval listed in the staff report, I recommend approval of the Conditional Use Permit amendment to expand Camping World's existing RV sales & service center, noting that this recommendation is subject to the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the CUP. Chair Vonhof noted Sand Creek Township has recommended approval.

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

Commissioner Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: NA

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes, 1 Abstention.

Chair Vonhof noted Commissioner Huber reentered the chambers.

Criteria for Approval (Chapter 2-6-1):

1. The use will not create an excessive burden on public facilities and utilities that serve or are proposed to serve the area.
The property is served by paved public roads. There are no imminent plans to provide municipal services to the area.
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 service and repair use is allowed in the I-1 district through a CUP, and adjacent uses are generally industrial in nature and of similar type.
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 proposed structure will use exterior finishes similar to industrial park buildings 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 service and repair use is consistent with the uses allowed as a CUP in the I-1, Rural Industrial District. The retail use of the property is consistent with the uses allowed as a CUP in the C-1, General Commercial District.
5. The use is not in conflict with the Comprehensive Plan of Scott County.
The Comprehensive Plan guides the properties where the expansion will take place as Industrial. The expansion of the sales lot onto the southern parcel is currently in conflict with the Comprehensive Plan. The expansion of the sales area will not be continued unless the Comprehensive Plan is amended to allow commercial use on the subject property.
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 will be maintained from Greystone Lane, a paved Township road. Adequate parking is included in the proposed changes to the site.

7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
The proposed business expansion 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 will require building permits and review by the Scott County Building Department for conformance to the State Building Code.

Conditions of Approval:

(Existing Conditions, New Conditions, & ~~Removed Conditions~~)

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 CUP.
2. This Conditional Use Permit is issued to Camping World RV Sales, LLC for the operation of a recreational vehicle sales and service business.
3. If the property is sold or the use changes the CUP shall be reviewed by the Scott County Zoning Administration Department to determine any necessary modifications to the Conditional Use Permit.
4. The Sand Creek Town Board may conduct an annual review of the business to ensure that they are in compliance with the CUP conditions.
5. The applicant shall pay an annual inspection fee for the CUP, if and when the County adopts an inspection fee ordinance.
6. All signage shall comply with the Scott County Sign Ordinance.
7. The business shall be operated according to the application project description.
- ~~8. The property shall be maintained in a neat and orderly manner. The site shall be developed and landscaping installed according to the approved project plans dated May 23, 2014.~~
- ~~9. The property shall be maintained in a neat and orderly manner. The site shall be developed and landscaping installed according to the approved project plans as amended prior to County Board action.~~
- ~~10. The parking/sales lot shall be paved around the existing building in 2014, and the remaining site (southern end of the property) by 2017 as indicated in the project description.~~
11. Building permits shall be obtained for construction and renovation of any structures on the property.
12. Prior to any construction or grading, the applicant shall provide the County with a \$5,000 financial guarantee to ensure compliance with required site improvements including grading/stormwater management facilities, landscaping, paving, and other improvements required by the Scott County Zoning Ordinance.
13. Further expansion of the sales lot onto Lot 2, Block 1 of Highway 169 Industrial Park Second Addition shall cease unless or until the Scott County Comprehensive Plan is amended and the zoning district changed to allow for RV sales as a conditional use on the parcel.

VII. PUBLIC HEARING 7:57 PM SCHIEFFER HELIPORT CONDITIONAL USE PERMIT REVIEW (PL#2020-048)

- A. Review the Conditional Use Permit of Doug Schieffer's Heliport

Location: Section 26
Township: Cedar Lake

Marty Schmitz presented the staff report for this application. The specific details within the staff report and a video are available at the Scott County Website link: [January 9, 2023 Planning Advisory Commission](#) Agenda Packet. The staff report can be found in the full agenda packet located by clicking Planning Advisory Commission.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Planning Advisory Commission.

Commissioner Comments and Questions:

Chair Vonhof noted there have been no complaints.

Mr. Schmitz noted no mailings were sent but he notified Loren Bahls and Liz Brandt of the annual review.

Commissioner Robbins questioned why only 32 flights out of the allowed 75.

Mr. Schmitz explained in the original permit Applicant had 50 flights and wanted room to allow additional flights if needed.

Commissioner Watson questioned why the annual review if there have been no complaints.

Mr. Schmitz noted the annual review is a requirement of the CUP. The Applicant would like to see the annual review dismissed.

Chair Vonhof requested this item be moved to an administrative review unless there are extraordinary complaints.

Chair Vonhof noted no action needs to be taken as this is a review.

VIII. ELECTION OF 2023 PLANNING COMMISSION OFFICERS

Chair Vonhof opened the meeting for nominations for Chair of the Planning Commission.

Commissioner Hentges nominated Commissioner Tom Vonhof; second by Commissioner Robbins.

Chair Vonhof called for any further nominations 3 times.

Motion by Commissioner Hentges; second by Commissioner Huber to close the nominations. The motion carried unanimously.

Chair Vonhof called for a vote on Chair nomination of Tom Vonhof. The vote carried unanimously for Tom Vonhof as noted below.

Chair Vonhof opened the meeting for nominations for Vice Chair of the Planning Commission.

Commissioner Huber nominated Commissioner Lee Watson; second by Commissioner Hentges.

Chair Vonhof called for any further nominations 3 times.

Motion by Commissioner Huber; second by Commissioner Pica to close the nominations. The motion carried unanimously.

Chair Vonhof called for a vote on Vice Chair nomination of Lee Watson. The vote carried unanimously for Lee Watson as noted below.

Chair Vonhof opened the meeting for nominations for Secretary of the Planning Commission.

Commissioner Huber nominated Commissioner Robbins; second by Commissioner Hentges.

Chair Vonhof called for any further nominations 3 times.

Motion by Commissioner Watson; second by Commissioner Hentges to close the nominations. The motion carried unanimously.

Chair Vonhof called for a vote on the Secretary nomination of Kent Robbins. The vote carried unanimously for Kent Robbins as noted below.

Chair Vonhof called for a roll call vote on all 3 nominations with results as follows:

Commissioner Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

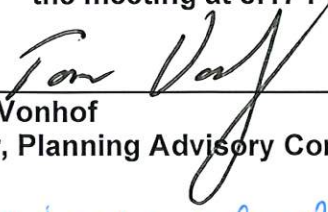
The motion passed unanimously with 7 ayes.

Two participants from the audience raised their hands and asked questions about the voting process. Chair Vonhof responded and answered their questions.

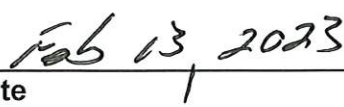
IX. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis

X. GENERAL & ADJOURN

Motion by Commissioner Hentges; second by Commissioner Robbins to adjourn the meeting at 8:17 PM. The motion carried unanimously.



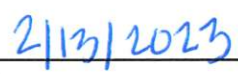
Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date