



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, March 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, Nathan Hall-Associate Planner; Tom Wolf-County Board Commissioner and Rachel Nosbush-Deputy Clerk to the Board.

II. APPROVAL OF DRAFT OF THE FEBRUARY 13, 2023 PLANNING ADVISORY COMMISSION MINUTES

Commissioner Robbins; second by Commissioner Pica to approve the minutes of February 13, 2023 Planning Advisory meeting. Friendly amendment made for typographical error noting minutes of January 9, 2023 instead of February 9, 2023. Commissioner Robbins; second by Commissioner Pica approved friendly amendment. The motion carried unanimously.

III. CONSENT AGENDA

3.1 PUBLIC HEARING 6:30 PM: BAUER BROTHERS PARTNERSHIP REZONE (PL#2023-007)

- A. Request for Rezoning of 90 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.

Location: Section 12
Township: Belle Plaine
Current Zoning: A-1

Criteria for Approval:

1. *Consistency with the Comprehensive Plan* – The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for preservation of land for agricultural use.
2. *Compatible with present and future land uses of the area* – The use is not changing and while the lot size is being reduced, the overall density will remain at one unit per 40 acres per A-1 District.
3. *The proposed use conforms to all performance standards contained in the Zoning Ordinance* – The use of the property is not changing. The site will continue to have a building site with the majority of the property remaining in agricultural production.
4. *Public Service Capacity* – The rezoning will not change or intensify the existing land uses, and therefore will not adversely impact public service capacity.
5. *Adequate Roads or Highways to Serve the Subdivision* – The building site has frontage and an existing driveway access on 240th Street West a grave township street.

Chair Vonhof asked if anyone would like to remove this item from the Consent Agenda.

No motion was made.

**3.2 PUBLIC HEARING 6:30 PM: CAMPING WORLD HOLDINGS, INC PRELIMINARY
PLAT AND FINAL PLAT (PL#2023-009)**

- A. Preliminary & Final Plat of Highway 169 Industrial Park 3rd Addition consisting of 1 lot on 13.32 acres.

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

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 and driveway access to Greystone Lane, a paved Township Road.
4. *Adequate Waste Disposal Systems* – the proposed lots meet 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 the development in those areas guided for Commercial and Industrial.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as it is not adding additional lots.
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.

Chair Vonhof asked if anyone would like to remove this item from the Consent Agenda.

No motion was made.

Chair Vonhof moved for a motion to close the consent agenda public hearing.

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

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

Chair Vonhof called for a motion of approval on 3.1 PUBLIC HEARING 6:30 PM: BAUER BROTHERS PARTNERSHIP REZONE (PL#2023-007)

Motion by Commissioner Robbins; second by Commissioner Huber based on the criteria for approval listed in the staff report, I recommend approval of the rezoning of 90 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.

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

Chair Vonhof called for a motion of approval on 3.2 PUBLIC HEARING 6:30 PM: CAMPING WORLD HOLDINGS, INC PRELIMINARY PLAT AND FINAL PLAT (PL#2023-009)

Motion by Commissioner Pica; second by Commissioner Watson based on the criteria for approval listed in the staff report, I recommend approval of the preliminary plat and final plat of 169 Industrial Park 3rd Addition, consisting of 1 lot on 13.32 acres, noting that this recommendation is subject to approval of the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the project.

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 and 1 abstention; due to Commissioner Huber's connection with Camping World, Inc.

IV. PUBLIC HEARING 6:37 PM SHOENBAUER FARMS REZONE, PRELIMINARY PLAT AND FINAL PLAT (PL#2023-010)

- A) Rezoning of 350 Acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.
- B) Rezoning of 115 Acres From A-1, Agricultural Preservation District, to TR-C, Transition Reserve Cluster District.
- C) Preliminary Plat of Schoenbauer Farms Consisting of 20 Lots and 7 Outlots on 543 Acres.
- D) Final Plat of Schoenbauer Farms Consisting of 20 Lots and 7 Outlots on 543 Acres.

Location: Sections 19, 20 and 21
Township: Helena
Current Zoning: A-3, TR-C

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 [March 13, 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 Robbins ask why the Applicant choosing to sell the farmland.

Mr. Wagner explained the County only regulates subdivision but does not inquire as to the purpose. Randy Kubes of Kubes Reality approached the podium and explained this is a family farm and to accommodate all members of the family who farm and who do not farm they are choosing to sell off these properties; along with the need for residential development in this area.

Commissioner Husain asked for clarification regarding the two corners.

Mr. Wagner clarified that the non-outlined corners are already residential lots and will not be included as these are already separate parcels with homes.

Chair Vonhof verbally opened the public hearing.

Public Comments and Questions at the Podium

Laurie Green (neighboring property) approached the podium and questioned if and/or how the Schoenbauer rezone could affect her property in the future.

Mr. Wagner explained that the land use plan limits development on her land to 1 dwelling unit per 40 acres. This plan was adopted in 2009 and the county is required to review land use every 10 years through a public review process.

Bill Nytes approached the podium and explained he has tile which runs through much of the Applicant's land and wants to know how this is going to affect the tile.

Mr. Wagner explained he spoke with Mr. Nytes and Town Supervisor Deutsch earlier regarding the tile, which was also discussed at the town board. The Township Attorney added language to the Development Agreement that any tile damaged during subdivision construction must be repaired or replaced by the Developer, who shall not damage or interfere without existing approval of the tile owner. However, drain tile is private and neither the township nor the county have authority to regulate private drain tile. After speaking with the County Attorney's office the county would suggest that Mr. Nytes consult their own legal counsel regarding private tile.

Mr. Nytes also asked if the county has any right to farm ordinances for preservation of the land if people begin moving in and complaining about the dust, smell, etc.

Mr. Wagner the county does not have a right to farm ordinance but the Township does.

Duane Deutsch of Helena Township, explained that the township will need easement rights to a stormwater holding pond where they will need to clean and maintain this pond.

Mr. Wagner explained the Township engineer is reviewing the project plans and should include a requirement for easement access to be dedicated.

Mr. Deutsch also explained they do not know where the tile is. If the new property owners start planting trees it will be a problem. Mr. Kubes explained to him they do not find this as a concern. Mr. Deutsch further explained that if the tile is disrupted it will enter the homes and the property so this needs to be addressed now.

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

Motion by Commissioner Huber; second by Commissioner Pica, based on the criteria for approval listed in the staff report, I recommend approval of the Rezoning of 350 acres from A-1, Agricultural

Preservation District, to A-3, Agricultural Preservation Density District, and Rezoning of 115 acres from A-1, Agricultural Preservation District, to TR-C, Transition Reserve Cluster District, and the Preliminary & Final Plat of Schoenbauer Farm consisting of 20 lots and 7 outlots on 543 acres noting that this recommendation is subject to the conditions listed that must be satisfactorily addressed prior to County Board consideration.

Commissioner Husain commented that the neighboring properties should be notified and their comments should be included.

Mr. Wagner explained that notice of public hearings are always mailed out 10 days prior to the hearing.

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

V. PUBLIC HEARING 7:10 PM DEM-CON LANDFILL, LLC CONDITIONAL USE PERMIT AMENDMENT (PL#2022-058)

A. Request for Approval for Amendment to horizontally expand the existing Dem-Con Landfill.

Location: Section 16, 21 and 28
Township: Louisville
Current Zoning: I-2

Greg Wagner presented the staff report for this application. An additional presentation was given by Mark Paul, Owner of Dem- Con and Kirstin Pauly of Sunde Engineering. The specific details within the staff report and a video are available at the Scott County Website link: [March 13, 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 Robbins asked how many years this will be used and what is the depth of the 241 acres. *Ms. Pauly explained it is currently 80 feet below the elevation of 169 and the final height will be 910 msl. This addition to Dem-Con is planned to be open for between 40-80 years depending on recycling and other educational efforts to limit landfill waste.*

Commissioner Huber assumed the leachate will go to Blue Lake.

Ms. Pauly confirmed.

Commissioner Huber questioned the mining and how many feet they are leaving before they hit the Jordan sandstone which acts as a ground water filtration.

Ms. Pauly confirmed there is about 5 feet to the ground water elevation.

Commissioner Huber questioned what will happen with the runoff during construction.

Ms. Pauly explained there are perimeter controls on working areas and the cells are sloped to control water within open fill areas to prevent runoff. Areas with temporary covers that rainwater can flow off site which is ok.

For the first number of years everything in the quarry is low so nothing will flow off site. The portion hitting active waste will be collected by the leachate collection and everything else will be through the ground.

Commissioner Husain asked if statistics could be kept for future review. Also questioned how far down they monitor the water.

Ms. Pauly explained the upper portion of the water table will be monitored, and that annual reports are required to the MPCA and County.

Commissioner Husain asked how the land can be utilized after it is closed.

Ms. Pauly explained the land can be used as a solar farm or an open storage area, but there are limited uses for a closed landfill due to the nature of the use.

Commissioner Husain thanked them for their in-depth presentation.

Mr. Davis asked of the Bryan Rock IUP over the same property and their screening plan and if their plan would interfere.

Ms. Pauly the Dem-Con plan is more robust. There will be a berm with final grading and dressing it up with extensive planting so the Dem-Con Plan will be more significant in screening.

Mr. Davis expressed this may be a procedure question for staff if one permit exceeds the other.

Chair Vonhof verbally opened the hearing.

Public Comments and Questions at the Podium

Commissioner Pica had a comment on the haulers on 169 with the debris that flies out of their trucks and if there is a way to secure this.

Mr. Paul explained there is a proposed ordinance which would direct the haulers to have a tarp over their loads; however, Commissioner Vonhof noted that this is a public safety enforcement item, not the landfill.

Jess Moeding (neighboring business owner) questioned the traffic entering and existing and if anything will change on 169.

Ms. Pauly explained there are no changes in the traffic plans. There are two shared access points on this site which will be continued to be used. There could be a change in several years when Bryan Rock is out of the property and things could switch to the south access.

Mr. Moeding wants to know if the landfill will be filled up in one spot all at once.

Ms. Pauly clarified the landfill will be filled in several phases so they are able to slope the property in a way to get to a final grade.

Commissioner Robbins expressed his gratitude in the amount of care Dem-Con has taken in consideration of protecting the ground water and the property.

Commissioner Watson also expressed his complements to Dem-Con in the care being taken.

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

Chair Vonhof explained there are laws in place regarding covering your trailer when hauling products.

Motion by Commissioner Watson; second by Commissioner Robbins, based on the criteria for approval listed in the staff report, I recommend approval of the Conditional Use Permit amendment for Dem-Con Landfill LLC, to horizontally expand their demolition, construction, and industrial debris landfill, noting that this recommendation is subject to the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration.

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 CUP Approval:

1. The proposed use does not create an excessive burden on public facilities, and there is no increase to traffic from the proposed expansion as the applicants will utilize the existing accesses, landfill entrance routes and internal haul road network.
2. The proposed use is compatible with industrial uses on adjacent lots. The landfill is adjacent to a closed landfill on the west, mining operations to the north and south, and is across US Highway 169 from commercial development.
3. The landfill does not have any permanent structures or other improvements that will hinder orderly and harmonious development in the I-2 Zoning District.
4. The use is consistent with the purpose of the I-2 Zoning District.
5. The use is not in conflict with the Scott County 2040 Comprehensive Plan.
6. Adequate measures have been taken to provide ingress and egress, access to public roads and on-site parking via the existing Dem-Con landfill routes
7. Adequate water supply, sewage treatment systems, erosion control and storm water facilities have been approved by County Staff.
8. Any future buildings need to meet the requirements of the State Building Code.

Conditions of Approval:

1. The applicant is to file with Scott County Zoning Administration in January of each year a statement stating that they are in compliance with the conditions of the Conditional Use Permit (CUP). Failure to do so may be a basis for revocation of the Permit.
2. This Conditional Use Permit is specifically issued to Dem-Con Landfill LLC, applicant, for the operation of a demolition, construction, and industrial debris landfill as described in the application narrative to horizontally expand landfill operations to the south within the existing limestone quarry (currently under a separate CUP).
3. If the property is sold the new operator shall contact Scott County Zoning Administration and the Louisville Town Board to determine if the Conditional use Permit needs to be updated or amended due to any operational changes.
4. The Louisville 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. The property shall be operated according to the approved narrative (dated 9-9-2022) and project plans (dated 2-10-2023) prepared by Sunde Engineering; any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and by the Louisville Town Board.
7. Operation of the landfill shall be according to the approved Minnesota Pollution Control Agency (MPCA) solid waste facility permit. Failure to obtain or maintain the MPCA permit would be grounds for termination of the CUP.
8. Access to the landfill shall be allowed according to the traffic patterns outlined in the application narrative. The right-in, right-out access on US Highway 169 shall be only for vehicles used in landfill construction and maintenance activities; vehicles hauling in debris for the landfill shall use the hauling routes for landfill intake.
8. Dem-Con Landfill, LLC shall obtain and maintain all required state permits for operation of the landfill.
9. Dem-Con Landfill, LLC shall operate according to the approved Scott County Solid Waste License.

10. The applicant shall provide to Scott County copies of any monitoring reports and results that are required as part of their MPCA permits.
11. The property shall be maintained in a neat and orderly manner. Dem-Con shall maintain their current operating practices for controlling odor, dust, and litter, and also keep operations with state guidelines for noise.
12. Landscaping and screening shall be installed according to the approved project plans for both interim screening and for final landscaping upon completion of the landfill. The applicant shall provide the county with a landscaping financial guarantee to ensure compliance with the landscaping plans.

VI. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis

VII. GENERAL & ADJOURN

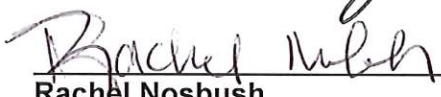
Motion by Commissioner Hentges; second by Commissioner Pica to adjourn the meeting at 8:10 PM. The motion carried unanimously.



Tom Vonhof
Chair, Planning Advisory Commission

Date

April 10, 2023



Rachel Nosbush
Deputy Clerk to the Board

Date

4-10-23