



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, May 8, 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 April 10, 2023 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Huber; second by Commissioner Robbins to approve the minutes of April 10, 2023 Planning Advisory meeting. The motion carried unanimously with Commissioner Hentges abstaining due to absence from previous meeting.

III. CONSENT AGENDA

Chair Vonhof introduced the two Consent items and made notice that item 3.2 BARBARAWI CONDITIONAL USE PERMIT AMENDMENT (PL#2022-063) was pulled from the Consent Agenda;

3.1 CONSENT HEARING 6:32 PM: DEVINE REZONE (PL#2023-020)

- A. Request to Rezone 100 Acres From Urban Expansion Reserve District, UER to Urban Expansion Reserve Cluster District, UER-C

Location:	Section 19
Township:	New Market
Current Zoning:	UER, Urban Expansion Reserve District

Criteria for Approval:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official County Comprehensive Plan.
2. The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for land preservation in the Transition Area.
3. The proposed use is or will be compatible with present and future land uses of the area.
4. The use is not changing and while the lot size is being reduced the overall density will remain at one unit per 100 acres.
5. The proposed use conforms to all performance standards contained in this Ordinance.
6. The use of the property is not changing; the majority of the property will remain in agricultural production.

7. The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.
8. The use is not changing and therefore will not adversely impact public service capacity for local service providers.
9. Traffic generation by the proposed use is within capabilities of streets serving the property.
10. The homestead has access from CSAH 2 and no increase in traffic generation is anticipated since the use is not changing.

Chair Vonhof asked the Board and public if anyone wished to remove the one remaining Consent item to be considered separately. No motions were made.

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

Motion by Commissioner Watson; second by Commissioner Hentges to approve the Consent Agenda. 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.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:33 PM: HERMAN'S LANDSCAPE SUPPLIES CONDITIONAL USE PERMIT AMENDMENT (PL#2023-023)

- A. Request for a Conditional Use Permit Amendment to add 46 acre parcel for storage of black dirt, boulders, mulch and other landscape material.

Location: Section 4
Township: Sand Creek
Current Zoning: RBR, Rural Business Reserve

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: [May 8, 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 questioned an easement if the county needs to put a road through.

Mr. Schmitz responded the Applicant is not proposing any structures at this time and if the County or Township would need to extend the road through his property they can work with the Applicant to pursue the extension.

Commissioner Robbins questioned the main use for the land to the south would be for storage.

Mr. Schmitz explained this area would be used for storage and processing of mulch, black dirt, boulders and other landscape items. The public is generally not allowed in this area.

Chair Vonhof verbally opened the public hearing.

Beverly Koehn, neighboring property owner, expressed concerns of holes dug by the Applicant and how much further south he intends to use his property.

Wes Herman, Applicant, responded to Ms. Koehn, stating in 2012 they had removed sand from the south end of the property for the extension of extend Berkshire Avenue. The area where the sand was removed was filled with dirt from the site and vegetated.

Mr. Schmitz, explained that prior to construction of the sales building and sales lot the Applicant had removed black dirt and filled with sand for a stable building/parking section.

Commissioner Hentges asked the Applicant if the property is properly graded that if it would negatively affect the neighboring property.

Mr. Herman confirmed it is properly graded.

Brad Davis, Planning Manager, asked County Staff to explain to Ms. Koehn how far south on the Applicant's property does he intend to expand on.

Mr. Schmitz explained to how far south the Applicant plans to expand to on a map.

Motion by Commissioner Robbins to close the public hearing; second by Commissioner Pica. 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 Conditional Use Permit amendment for Hermans Landscape Supplies to operate a landscape supply business, materials processing, and outdoor storage noting that this recommendation is subject to the outstanding conditions that must be satisfactorily addressed prior to County Board consideration of the project and noting Town Board approval.

Commissioner Robbins expressed concern that Ms. Koehn's concerns will be addressed.

Commissioner Husain also agreed with Commissioner Robbins comments and would like for her concerns to be addressed.

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 Approval:

1. The proposed use does not create an excessive burden on public facilities.
2. The proposed use is compatible with industrial uses on adjacent lots.
3. Structures have been designed of materials that are not unsightly in appearance. No new structures are proposed.
4. The use is consistent with the purpose of the RBR 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. Access to the site is off of Berkshire Avenue, a paved township road.

7. No new building are proposed with this amendment.

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 CUP.
2. This Conditional Use Permit is specifically issued to Hermans Landscape Supplies for the operation of a landscape supply business, materials processing and storage.
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 narrative letter dated January 27, 2012. Stockpiles shall be limited to a maximum of 30 feet in height.
7. 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.
8. Building permits shall be obtained for construction of any structures on the property.
9. The Screening/landscaping buffer between Hwy 169 and the processing/storage area shall be maintained. Any dead or dying trees shall be replaced.
10. The applicant/business owner shall maintain an area through the property for a future continuation of Berkshire Avenue to the south.
11. The applicant/business owner shall be responsible for maintain stormwater management facilities on the property and prevent sediment from entering the wetland in the southwest corner of the property.

V. PUBLIC HEARING 6:50 PM DAKOTA ELECTRIC SUBSTATION (PL#2023-022)

- A. Request for a conditional use permit to establish an electric substation.

Location: Section 25
Township: New Market
Current Zoning: Urban Business Reserve, UBR

Nathan Hall 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: [May 8, 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 noted that there are conditions and requirements that still need to be addressed by the applicant and questioned if everything in the proposed motion would be addressed.

Mr. Hall explained that prior to the County Board consideration of the request all conditions and requirements would need to be satisfied.

Commissioner Robbins asked for further clarification that everything will be addressed before this item would go to the County Board.

Mr. Hall confirmed.

Chair Vonhof verbally opened the public hearing.

Public Comments and Questions at the Podium

Jonathan Carlson, neighboring property owner, expressed concerns of negative impacts the electric plant would have on neighboring properties. Mr. Carlson further explained there is an industrial park a half mile south of the proposed area and questioned why they need to build their substation in a rural residential area. Mr. Carlson requested that Dakota Electric move their substation to be inside the industrial park. Commissioner Robbins asked Mr. Carlson to direct to him on a map where the proposed area is located. *Mr. Carlson explained the proposed location of Dakota Electric compared to the industrial park.*

Commissioner Hentges asked Mr. Hall if he was aware Dakota Electric was looking at a second location. *Mr. Hall explained he is only aware of the Application sent to County Staff and is unaware of other locations. Mr. Carlson explained he had been sent correspondence regarding Dakota Electric looking at other locations and is willing to share it with Commissioners and Staff.*

Commissioner Hentges asked the Applicant if they are considering a separate location. *Derick Teich, Dakota Electric, explained in good faith they had vetted multiple sites and found this location was the most appropriate after an analysis. They are willing to look at separate locations a second time.* Commissioner Hentges asked for a more clarified answer on if the Applicant has considered a location inside the park or if they have already had and rejected it. *Mr. Teich explained they had considered it and rejected, but they could be open to looking into the site again if there are parcels available in the park.*

Commissioner Watson questioned if Dakota Electric is the owner of the property in question. *Mr. Teich explained they have a signed purchase agreement with the current owner.*

Commissioner Pica questioned the public if they know how the substation could impact their property. *Mr. Carlson explained they had a local realtor do a property value impact statement surrounding the substation at the proposed location, and from a residential perspective, each property would lose around \$40,000.00.* Commissioner Pica asked if there was a valuation done of the residential properties if the substation was located inside the industrial park or not. *Mr. Carlson explained he would have to look further into the assessment to clarify if this was done with the substation inside the park or at the proposed location.*

Commissioner Robbins asked Mr. Carlson to confirm that amount of loss the realtor had estimated on each value. *Mr. Carlson explained it was \$40,000.00 per property.* Commissioner Hentges pointed out that this assessment did not include if the substation was put inside the park.

Joannie McArthur, northerly property owner, asked for clarification from Mr. Teich that if the CUP is not approved the purchase agreement would fall through. *Mr. Teich confirmed.*

Ms. McArthur expressed concern with having the substation 73 feet from her property line and what the effects would be on her animals and health regarding the hum and being so close to an electrical current. Ms. McArthur felt Dakota Electric was not truthful when they explained they evaluated developing in the industrial park. She further explained three years ago sewer and water came through to service only the industrial park and not the residents, and during this time frame something happened with a boring machine and a pond on her property drained, and she never received an explanation. Ms. McArthur is asking the Board to consider the neighborhood and the people who live in the area.

Tim Squires, northerly property owner, explained no berm or trees would be added to the north side of the substation from their plans and feels they would only see the substation from the kitchen window. As animal owners would they have to switch from electrical fences to other options, which would cost money. Mr. Squires further expressed concern with livestock next to electrical current and the effects on their health are negative. He further questioned the decibels and feels it would be like the sound of a lawnmower outside their window all

day and night. Mr. Squires feels Dakota Electric should develop inside the industrial park where it would not negatively impact the surrounding properties.

Chair Vonnhof asked Mr. Teich why this site was selected by Dakota Electric.

Mr. Teich explained there are many factors to consider, the cost to secure a site along with transmission power and distribution voltage need to be taken into consideration. They did consider the industrial park site and it was determined that the cost to bring 5 circuits of feeder cables to the park would be a substantial amount. With the current proposed area, the additional acreage could be used for future additions and technological advances; along with access for getting in and out of the site for emergencies. Dakota Electric also plans for a pollinator friendly habitat

Chair Vonnhof asked if the initial siting was considered because of the proximity to the power lines.

Mr. Teich explained they need to be within a couple of hundred feet to the power lines.

Chair Vonnhof asked why the station is located where it is within the site.

Mr. Teich stated the main reasons for the placement were grading for stormwater management and the proposed realigning of Dupont avenue

Chair Vonnhof questioned the decibels at the property line.

Mr. Teich responded the transformers run at 73 decibels at the station but does not know the decibels at the property line.

Chair Vonnhof asked for clarification that the station is surrounded by an 8-foot fencing and if there is screening to the north of the station.

Mr. Teich confirmed the 8-foot fencing and explained they do not have plans for screening to the north at the moment but would be happy to explore berming the north side there are concerns with berming and grading the area for stormwater management.

Commissioner Hentges asked if there was a full comparison between the two locations.

Mr. Teich explained they reviewed what it would be to bring power in and out, and to develop both sites and there was an unavoidable disparity between the two.

Commissioner Watson asked if a substation would be compatible within a business park with its power lines and uses.

Mr. Teich does not see any issues.

Commissioner Husain asked for the cost difference between developing in the park compared to the proposed location.

Mr. Teich explained the cost was hundreds of thousands of dollars.

Commissioner Husain explained normal hearing for humans is 47 decibels and questioned how the 74 decibels would affect the neighbors.

Mr. Teich responded the 74 decibels is that the physical location and would have to refer to the engineers to answer how loud it would be at the property line.

Commissioner Hentges questioned if the proposed site becomes unavailable would Dakota Electric consider the industrial park.

Mr. Teich responded they would have to consider the industrial park.

Commissioner Robbins wanted to know more about the possible expansion with the additional acreage.

Mr. Teich explained that in the future with renewable energies the additional area would give them room to work in without having to find additional acreage elsewhere.

Mr. Carlson questioned if Dakota Electric would be willing to make public the study they had done and wanted to point out that the MPCA does have noise pollution statutes in place and was wondering if Dakota Electric could provide compliance those standards with the location.

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

Commissioner Robbins made comments that he is torn between the two sides. While he understands the alternative is more expensive, they do not know how much more expensive. If Dakota Electric makes additions in the future and how do those additions affect the neighbors at that time.

Commissioner Watson is wondering if there is enough information to proceed.

Commissioner Hentges would like for Dakota Electric to explore the industrial park.

Chair Vonhof commented power substations are located near power lines for a reason and in cities power substations are placed in residential areas.

Motion by Commissioner Watson; second by Commissioner Robbins, to recommend tabling the matter until a future meeting where the applicant can provide information regarding the selection of the proposed location and the industrial park location, and information on how noise and other impacts to neighboring property owners will be mitigated, can be provided as a tool to make a proper decision.

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

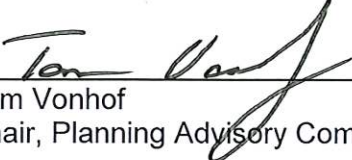
Commissioner Husain: Aye
Commissioner Picha: Aye
Commissioner Robbins: Aye
Commissioner Huber: Abstained
Commissioner Vonhof: Aye
Commissioner Hentges: Aye
Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes, 1 abstention.

VI. PLANNING MANAGER UPDATE - Presented by Brad Davis

VIII. GENERAL & ADJOURN

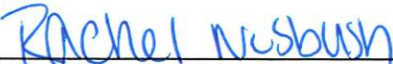
Motion by Commissioner Hentges; second by Commissioner Robbins to adjourn the meeting at 7:42 PM. The motion carried unanimously.



Tom Vonhof
Chair, Planning Advisory Commission

6/12/2023

Date



Rachel Nosbush
Deputy Clerk to the Board

6/12/2023

Date

