



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, September 11, 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, Tom Vonhof, Donna Hentges, and Lee Watson. Ray Huber absent with notice.

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 AUGUST 14, 2023 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Huber; second by Commissioner Robbins to approve the minutes of August 14, 2023 Planning Advisory meeting. The motion carried unanimously.

III. CONSENT AGENDA

3.1 CONSENT HEARING 6:30 PM: COGLITORE PRELIMINARY PLAT AND FINAL PLAT (PL#2023-062)

- A. Request for Preliminary Plat of Hickory Hills Fourth Addition Consisting of Two Lots on 7.5 Acres.
- B. Request for Final Plat of Hickory Hills Fourth Addition Consisting of Two Lots on 7.5 Acres.

Location: Section 35
Township: Spring Lake
Current Zoning: RR-2, Rural Residential Single Family

Chair Vonhof presented the Consent Agenda and asked Commissioners and members of the audience if anyone wished to remove this item from the Consent Agenda and be heard as a Public Hearing item.

No motions were made.

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 Hickory Hills Trail, 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 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.

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

Motion by Commissioner Watson; second by Commissioner Pica to approve the Consent Agenda. The motion carried unanimously.

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

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

The motion passed unanimously with 6 Ayes.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:32 PM: PRELIMINARY PLAT AND FINAL PLAT OF SHIMEK ACRES (PL#2023-057)

- A. Request for Preliminary Plat of Shimek Acres Consisting of 2 Lots and 2 Outlots on 70.50 Acres.
- B. Request for Final Plat of Shimek Acres Consisting of 2 Lots and 2 Outlots on 70.50 Acres.

Location: Section 20
Township: Spring Lake
Current Zoning: TR-C, Transition Reserve Cluster; RR-1, Rural Residential Reserve

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: [September 11, 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 questioned if they plan to sell their current house and why they want to build a new house.

Mr. Wagner explained the Applicant wishes to downsize their home and to build a smaller home so likely will sell the existing home once they have the new one built, but that isn't part of the application consideration.

Commissioner Hentges asked how many horses are allowed on 10 acres.

Mr. Wagner explained 9 horses are allowed on 10 productive acres. Applicant can apply for an administrative permit which takes into consideration pasture and manure management, and could increase the number.

Commissioner Hentges suggested adding language to house up to 10 horses only as the use of the indoor horse arena can house more than 10 horses.

Mr. Wagner explained with the smaller lot they would be limited to 5 or 6 so they would still be regulated by County Ordinance requirements for animal units.

Chair Vonhof made comment this is creating a flag lot. Chair Vonhof then questioned the location of septic sites on the only and potential new lots.

Mr. Wagner explained where the septic sites are located on the lots and that these lots meet the required lot width of 100 feet.

Commissioner Hentges questioned who owns the outlots.

Mr. Wagner clarified a neighbor, Yaroslav Murza owns the outlots, Mr. Murza would retain ownership of both outlots and the Applicants are simply obtaining one building right off of Outlot B is done through a private agreement between the two parties.

Commissioner Hentges asked if Outlot B would never be developed.

Mr. Wagner explained the Comprehensive Plan was changed in 2009 to allow property owners in this portion of Spring Lake Township to rezone their property down to 2.5 acres. At this moment Mr. Murza has not approached the County with intentions to develop the property, development will be done at his discretion.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

Kirstyn Cook, Butterfly Lane resident, explained the neighboring properties are comfortable with the Shimek's plans. Ms. Cook and her neighbors' concerns lay with the driveway situation and possible expansion of Butterfly Lane to Vergus. Ms. Cook further expressed concern this is a dead-end/cul-de-sac with a 30-mph speed limit, they all have small children and would like to keep it this way.

Mr. Wagner clarified back in 2009 Spring Lake Township requested and worked with the county to allow residents the option to develop at 2.5 acre density. If and when the adjacent landowner chooses to develop their property the cul-de-sac would be extended as a through street. Butterfly Lane was constructed as a temporary cul-de-sac and the right-of-way was dedicated with Ms. Cook's development (Monarch Meadows) for the road to extend to the east. It would still be a local residential street, so not a major county road.

Chair Vonhof questioned if Mr. Murza has made an application.

Mr. Wagner explained Mr. Murza has not approached the County about developing his property.

Commissioner Hentges made comment to whether the Shimek's do this or not, this road expansion is still exists.

Mr. Wagner confirmed that it is dependent on the owner to the east and any development plans.

Chair Vonhof questioned if the right of way was put in place when the road was developed.

Mr. Wagner confirmed the right-of-way was dedicated with Monarch Meadows for the future road extentsion.

Chair Vonhof made motion to close the hearing.

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

Motion by Commissioner Waston; second by Commissioner Robbins, based on the criteria for approval listed in the staff report, I recommend approval of the Preliminary & Final Plat of Shimek Acres consisting of 2 lots and 2 outlots on 70.50 acres, noting that this recommendation is subject to the conditions listed

that must be satisfactorily addressed prior to County Board consideration. A friendly amendment made to include the driveway matter that needs to be cleared up and the Township recommendation.

Commissioner Robbins asked for clarification this item will not go to County Board until after the driveway situation has been cleared.

Mr. Wagner explained the cul-de-sac and driveway issues will need to be resolved before the Shimek's can go before the County Board for action on the plat.

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: Absent

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes.

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 access off of Butterfly Lane, a paved Spring Lake 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 the Rural Residential Growth Area and 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 proposed subdivision does not meet the minimum thresholds for an Environmental Review.
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.

4.2 PUBLIC HEARING 6:53 PM: PRELIMINARY AND FINAL PLAT OF LANO ADDITION, AND CONDITIONAL USE PERMIT FOR LANO EQUIPMENT, LLC (PL#2023-045)

- A. Request for Preliminary Plat of Lano Addition Consisting of 1 Lot on 4.25 Acres.
- B. Request for Final Plat of Lano Addition Consisting of 1 Lot on 4.25 Acres.
- C. Request for Conditional Use Permit (CUP) for Lano Equipment to Construct and Operate an Equipment Dealership.

Location: Section 21

Township: Louisville

Current Zoning: C-1, General Commercial District

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: [September 11, 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 questioned the lots being platted to the center of the road rather than the road right-of-way..

Mr. Schmitz explained that platted lots lines typically extend to the road right of way, and the road right-of-way is dedicated to the public. In this case the public is the Township. Here the surveyor is showing the lot lines extending to the center of the road because they think by doing so it will make it less complicated to vacate 133rd St. In the future. Staff is requiring that the lot line be platted to the road right-of-way unless the applicant's engineer and surveyor can convince Staff that platting the lot lines to the center of the road has advantages for this plat.

Commissioner Robbins asked what type of equipment they would sell.

Mr. Schmitz clarified they it would be construction equipment.

Commissioner Pica asked if Lano Equipment is operating on a CUP at this moment.

Mr. Schmitz confirmed they are operating on a CUP.

Commissioner Pica asked for further clarification that Lano Equipment will not be combining the old CUP with this new one.

Mr. Schmitz confirmed.

Chair Vonhof commented that with the road vacated, the two properties would meet at the new property line and operate as two separate operations.

Mr. Schmitz confirmed.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

No one approached the podium.

Chair Vonhof made motion to close the hearing.

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

Motion by Commissioner Watson; second by Commissioner Robbins, based on the criteria for approval listed in the staff report, I recommend approval of the preliminary and final plat of Lano Addition and approval of the Conditional Use Permit for Lano Equipment (Kurt Lano) to operate an equipment dealership, noting that this recommendation is subject to the conditions that must be satisfactorily addressed prior to County Board consideration of the project. Friendly Amendment to include Township recommendation.

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: Absent

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes.

Conditions to be Satisfied Prior to County Board Consideration of the Preliminary Plat or the Conditional Use Permit:

1. Any conditions stated in the Scott County Natural Resources Department review of the stormwater management plan, grading plan, or erosion control plan.
2. Any requirements listed in the Louisville Township recommendation or the review comments of Township staff. If required by the Township, the applicant shall enter into a stormwater management and maintenance agreement or Developers Agreement.
3. The Applicant shall provide a Landscape Plan acceptable to County Staff.
4. The applicant shall provide a final plat drawing acceptable to the Louisville Township and the County.
5. Payment of any Louisville Township or Scott County Final Plat fees.
6. The applicant shall provide an up to date (within three [3] months) commitment for title insurance or title opinion.
7. Prior to issuing a building permit for the metal building, the applicant shall incorporate 3 design elements into the building to meet the zoning ordinance.

Criteria for Plat Approval:

1. *Adequate Drainage* – the proposed plat will meet all stormwater 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 an individual well, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – the property has frontage to 133rd Street West and Louisville Lane, paved Louisville Township road.
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 in the Commercial 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.*

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

1. The proposed use does not create an excessive burden on public facilities.
2. The proposed use is compatible with commercial uses on adjacent lots.
3. The proposed structures will be designed of materials that are not unsightly in appearance.
4. The use is consistent with the purpose of the C-1 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.
7. Adequate water supply, sewage treatment systems, erosion control and storm water facilities have been approved by County Staff.
8. The proposed buildings will meet all Building Code requirements.

Conditions for Approval:

1. The applicant is to file with the Scott County Planning Office in January of each year a statement stating 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. This Conditional Use Permit is specifically issued to Lano Equipment (Kurt Lano) applicant, to construct and operate an equipment dealership, including office, service shop, showroom and sales lot as described in the application narrative and site plans prepared by Sunde Engineer dated 8/04/23.
3. If the property is sold or the use changes within the structure, and/or a new user is considered, said changes shall be reviewed by the Scott County Zoning Administration, Building Inspections and Environmental Health Departments and by the Louisville Town Board to determine if the Conditional Use Permit needs to be updated or amended.
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 developed according to the approved project plans; any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and by the Louisville Town Board.
7. All signage shall comply with the Scott County Sign Ordinance.
8. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance. A hazardous waste license shall be obtained as required by Scott County Environmental Health.
9. The sales lot shall comply with all parking setbacks in the Commercial zoning district and be landscaped, fenced, per the approved landscape plan. Any dead or dying plants shall be removed and replaced.
10. The property shall be maintained in a neat and orderly manner.
11. The applicant shall pave the sales lot with the initial phase of construction. If the applicant does not construct the larger showroom/shop building and install required landscaping by January 1, 2026, the County will require additional landscape units around the site to comply with landscape/screening requirements.
12. Outside sales areas are only permitted on the grey-shaded area designated as finished in bituminous millings as shown on the Site, Grading, and Erosion Control Plan prepared by Sunde Engineering and dated August 4, 2023.
13. No approvals for Phase 2 (the "Master Plan") are provided at this time as plans for that have not been submitted. At such time as they seek to move forward with Phase 2, the applicant shall submit full plans and an amendment to the Conditional Use Permit as well as a vacation petition related to 133rd Street for consideration by the Township.

4.3 PUBLIC HEARING 7:06 PM: INTERIM USE PERMIT AMENDMENT FOR SHAKOPEE SAND, LLC (PL#2012-023)

- A. Request for Interim Use Permit Amendment for Shakopee Sand, LLC to Amend the Grading Plan Within the Reclamation Plan Including Approval of the Third Amendment to the Developers Agreement Located in Section 33 of Louisville Township and the North ½ of Sand Creek Township.

Location: Section 33 of Louisville Township
Section 4 of Sand Creek Township
Current Zoning: I-2, Heavy Industrial District

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: [September 11, 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 questioned the intention of the property after it has been cleaned up.
Mr. Schmitz explained they intend to sell the property for industrial uses.

Commissioner Pica made comment he appreciated that the Applicant used the mined sand for reclamation of the mine instead of selling it.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

Bryan Petzel, ISG Management, on behalf of Applicant who want to make public record there are items in the Staff Report regarding the frontage road they do not agree with, which does not affect the IUP Amendment set before the Commission tonight.

Commissioner Pica questioned if Applicant was able to fix their water truck as the dust in the area has been significant.

Mr. Petzel confirmed they were able to get the water tank up and running to help control the dust.

Jon Weckman, Louisville Township Official, made comments they approved the Applicants request but have received a large number of complaints of the dust in the air coming from Shakopee Sand and it is unacceptable.

Chair Vonhof made motion to close the public hearing.

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

Motion by Commissioner Robbins; second by Commissioner Pica, based on the criteria for approval listed in the staff report, I recommend approval recommending to the County Board that they amend Section VIII of the IUP located in Section 33 of Louisville Township and the North ½ of Section 4 of Sand Creek Township conditioned on the parties to the original Developers Agreement entering into a Third Amended Developers Agreement as approved by the County and the Townships.

Commissioner Waston commented on the dust issues and if this is something the PAC could address. Commissioner Pica further commented there was a slow down on the highway because of the dust pushing through and also received many calls.

Commissioner Robbins questioned there are still disagreements, and the County Board still has to agree on this.

Mr. Schmitz confirmed the County Board still needs to act on the request. As to the dust issue Shakopee Sand has been contacted by many local departments.

Commissioner Robbins asked if the County Board can press on the dust issue prior to Board approval.

Mr. Schmitz replied yes, and feels the operators are getting the message on the dust issues.

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: Absent

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes.

VIII. RECLAMATION

A. Reclamation Plan: (New language in red)

1. Except as provided in this paragraph, Reclamation shall be in substantial conformance with Exhibit u of the Interim Use Permit Application dated March 12, 2012 and the Shakopee Sand Site Plan Drawings for the rail yard expansion (Exhibit w). To the extent that the Reclamation Plan dated March 12, 2012 prepared by Sunde Engineering, Exhibits B, C, D, and U of this IUP (as the same are incorporated into the Development Agreement), and any other provisions of or exhibits to either the Development Agreement or this IUP conflict with the grade elevations of the Subject Property as depicted on attached Exhibit CC and the that portion of the Narrative dated June 30, 2023, describing the grading elevation, seeding and vegetation establishment of the Subject Property, attached as Exhibit DD, the final grade elevations shown on attached Exhibit CC and those portions of the Exhibit DD describing grading elevation, seeding and vegetation only shall govern.
2. When mining is completed, a registered engineer shall certify to the County and Townships that the site has been restored in accordance with the Reclamation Plan dated March 12, 2012 attached hereto as Exhibit U, the Braun Intertec Geotechnical Evaluation Reports attached hereto as Exhibit n, the Shakopee Sand Site Plan Drawings for the rail yard expansion (Exhibit w). With regard to the final grade elevation, seeding and vegetation establishment of the Subject Property, the engineer shall certify to the County and Townships that the Subject Property has been restored as provided in Section VIII.A.1.
3. Operator shall be ultimately responsible for all means and methods utilized in the implementation of all mining, processing and reclamation plans. Operator shall implement a process substantially similar to Braun Intertec's reclamation recommendations as stated in Braun's evaluation attached as Exhibit n to the IUP.
4. The Reclamation Plan shall include a frontage road in the location identified on Exhibit u of the Interim Use Permit Application dated March 12, 2012 and the Shakopee Sand Site Plan Drawings for the rail yard expansion (Exhibit w). The Operator shall dedicate the right-of-way for the frontage road in a location reasonably acceptable to the Townships and shall be responsible for the cost of constructing the frontage road to the Townships' road specifications at the time the property is developed for its end use. It is understood that the frontage road will not be constructed until the mining operation is complete, at the earliest.
5. Buildings not used for the mining operations shall be removed. At the conclusion of the mining operation the processing plant shall be removed from the site unless an acceptable use can be identified for the building in the sole discretion of the County. Security for reclamation shall remain in place until the processing plant is removed or an alternate use is identified for the building.
6. At the conclusion of the mining operation, the rail yard shall be removed and the ground restored to the pre-existing conditions unless an acceptable use can be identified for the rail yard. Approval of any such use following the conclusion of the mining operation shall be subject to the provisions outlined in the County's land use ordinances. Security for the removal of the rail yard and restoration of the site shall remain in place until the rail yard is removed or an alternate use is identified and approved for the rail yard.
7. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.

B. Reclamation Standards:

1. Except as to the final grade elevation, seeding and vegetation establishment of the Subject Property as provided in Section VIII.A.1, Reclamation shall be conducted in the general sequence and manner as described in the Reclamation Plan included herein as Exhibit u and the Shakopee Sand Site Plan Drawings for the rail yard expansion (Exhibit w).
2. Reclamation shall be on-going with back filling of areas and establishment of vegetation proceeding as soon as practical after a mining area has been completed.
3. Reclamation shall follow the RMP vegetation requirements.

4. Any revision in content of the above referenced reclamation plans will require Operator to submit the proposed revisions to the plan to Scott County Planning and Zoning and receive approval from the Scott County Board prior to implementation of the revised plan.
5. Operator shall report all reclamation activities in the Annual Report to be submitted to Scott County, the Townships and the Committee.
6. Operator shall engage a geotechnical engineer to design and periodically observe the reclamation backfilling and monitoring processes (including surcharge monitoring) and provide reports on such activities to the County, the Townships and the Committee when received by Operator from the geotechnical engineer.

At the conclusion of the reclamation process the Operator's geotechnical engineer must perform a post reclamation evaluation and certify to the County, the Townships and the Committee that the reclaimed areas are suitable for future end use of the Subject Property. In the case of Township road corridors in reclaimed areas, the geotechnical engineer must provide certification to the Operator and the Townships that settlements shall not exceed the maximum projected limits referenced in Section D of in Braun's evaluation attached as Exhibit n to this IUP, specifically limiting anticipated settlements to less than 1 inch for pavements and buildings for the final condition. The settlement must be evenly distributed such that spot settlements or shear settlements shall not occur.

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.*
Shakopee Sand idled the operations on September 26, 2018, and the Subject Property was maintained by Shakopee Sand in an idled state until 2023, when Shakopee Sand announced closure of operations on the property and began reclamation of the property on June 1, 2023. Because mining progressed through about one third of the area anticipated, the final grading plan needs to be modified to reflect the mining that has occurred on the property. This action only affects the final grading of the site.
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.*
Because mining progressed through about one third of the area anticipated the final grading plan needs to be modified to reflect the mining that has occurred on the property. The final grading will be compatible with the adjacent uses.
3. *If improvements are made, they shall be so designed and constructed so they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*
The grading changes to the Reclamation Plan will not be unsightly in appearance or hinder orderly development of land in the area. Further, Q-Prime has approved the proposed Amended Reclamation Plan as part of the Second Amendment of Lease with Shakopee Sands dated December 31, 2022.
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.*
This request does not change the need for a frontage/backage road through the site. The proposed amendments only apply to the grading elevation, seeding and vegetation establishment.
5. *Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.*
Stormwater is designed to drain internally on the site and has been reviewed by the County Natural Resources Engineer and the Township Engineer. This request will not impact water supply or future septic sites.
6. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*
No structures are proposed as part of this request.

V. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VII. GENERAL & ADJOURN

Motion by Commissioner Robbins; second by Commissioner Hentges to adjourn the meeting at 7:35 PM. The motion carried unanimously.



Tom Vonhof
Chair, Planning Advisory Commission

Oct 9, 2023
Date



Rachel Nosbush
Deputy Clerk to the Board

10/9/23
Date

