



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
County Board Room 226
200 Fourth Ave West
Shakopee, Minnesota

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

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:54 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 OCTOBER 9, 2023 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Huber; second by Commissioner Robbins to approve the minutes of October 9, 2023 Planning Advisory meeting. The motion carried unanimously. Commissioner Hentges abstained.

III. CONSENT AGENDA

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.

3.1 CONSENT HEARING 6:55 PM: HENDRICKS REZONE (PL#2023-075)

- A. Request to Rezone 37.77 Acres From Urban Expansion Reserve District, UER, to Transition Reserve Cluster District, TR-C

Location: Section 23
Township: Town of Helena
Current Zoning: Transition Reserve Cluster, TR-C

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

Motion by Commissioner Huber; second by Commissioner Robbins 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: Aye
Commissioner Vonhof: Aye
Commissioner Hentges: Aye
Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

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.*
The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for land preservation in the Transition Area.
2. *The proposed use is or will be compatible with present and future land uses of the area.*
The intended lot usage is not changing and the land preserved on Outlot A for continued agricultural use and potential future development is increasing in area.
3. *The proposed use conforms to all performance standards contained in this Ordinance.*
The use of the property is not changing; the majority of the property will remain in agricultural production and possibly 2 single family residential homes.
4. *The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.*
The use is not changing and therefore will not adversely impact public service capacity for local service providers.
5. *Traffic generation by the proposed use is within capabilities of streets serving the property.*
The residential lots will share an access to CSAH 2, a minor arterial roadway.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:57 PM: SAND CREEK TOWNSHIP COMPREHENSIVE PLAN AMENDMENT (PL#2023-0659)

- A. Request to Re-guide Seventeen (17) Parcels From "Urban Business Reserve" to "Rural Business Reserve," Nine (9) Parcels From "Urban Business Reserve" to "Transition Area," and (One) 1 Parcel From "Urban Business Reserve" to "Parks/Open Space" in Sand Creek Township

Location: Section 8
Township: Sand Creek
Current Zoning: I-1, Rural Industrial District

Brad Davis presented the staff report for this application. Available for download are the details of the staff report, video recording of the meeting and minutes are available at the Scott County Website link: [November 13, 2023 Planning Advisory Commission](#). Planning Advisory Commission packets can be found by visiting the official Scott County website at www.scottcountymn.gov then by searching Government > County Board Agendas & Minutes > selecting Planning Advisory Commission under the Event Categories or going to meeting date.

Commissioner Comments and Questions:

After the staff presentation, Commissioner Huber asked about the new traffic flows that will be in place soon to enter and exit Highway 169 in this general area. He questioned if motorists will be able to drive directly in and out of Bluff Drive. He also asked if the sewer line serving some of the properties in the corridor area goes south to Jordan.

Mr. Davis explained the intended traffic route using the planned 169 over pass at Bluff Drive. Mr. Davis said it was his understanding the sewer line ran south to Jordan.

Chad Sandy, Sand Creek Township Supervisor, stated the town board is seeking Planning Commission approval and support as this land use change would create employment opportunities and economic growth for

Sand Creek. Mr. Sandy stated it is the town board's desire to keep this corridor area under Township's control and not under the City of Jordan's control. He said the town board is aware of the concerns for the surrounding environment and its natural areas and there are federal, state and county requirements already set in place which must be followed to protect the land and water.

Commissioner Robbins asked about the process. He wondered if before any of the land can be developed, what is the process which must be followed and what approvals must be in place before moving forward with any plans.

Mr. Davis explained that before the land can be developed, there are typically pre-application meetings with developers, the township, the city and the county to go over site specific development issues and concerns. Commissioner Robbins questioned the impact on the ground water and how the septic systems would be monitored.

Mr. Davis stated that any specific site development plans will be reviewed through the development review process which includes wetland delineation reports, buffer setbacks, flood plain review and septic site review. Depending on the proposed development, some businesses might have to apply for a hazardous waste license which includes reviews as well.

Commissioner Husain asked if this corridor area is a part of the County's Comprehensive Plan.

Mr. Davis confirmed that the 2020, 2030 and 2040 Comprehensive Plans all have had this area guided as Urban Expansion or Urban Business Reserve for future development.

Commissioner Husain further questioned the 2040 Plan's "transition area" and the reason behind combining the Town Board's request to re-guide the corridor area into three different land use classifications under one application.

Mr. Davis explained the reason for combining of the request under one application is for efficiency.

Commissioner Watson questioned the time frame for completing the Highway 169 corridor improvements and other road construction in the area for traffic control and safety.

Mr. Davis estimated that all the various projects should be completed in the 2026-2027 time frame.

Commissioner Watson asked if developers would have their projects completed by this same time.

Mr. Davis stated he does not know the time frame of their land development.

Chair Vonhof questioned of the 430 acres, only 118 are developable; what happens to the rest of the 300 acres.

Mr. Davis responded that the flood plain areas are not developable and there will be no buildings or infrastructure built within these areas.

Mr. Davis showed a map of all property owners who received a mailed notice for the public hearing. Mr. Davis stated that the planning office received several email comments on this request, and all have been entered into the public record.

Chair Vonhof verbally opened the Public Hearing.

Public Comments and Questions at the Podium:

Mike Waltman, City of Jordan Consultant Engineer, asked that this item be tabled or denied until further discussion has taken place between the city and township on orderly annexation agreements. Mr. Waltman stated that the Met Council would not let the City identify a 2040 land use plan in the corridor area without an Orderly Annexation Agreement in place. Mr. Waltman said the corridor area is within the City's ultimate sewer area and a sewer extension project to serve the corridor area is included in the City's capital improvement plan, but dependent upon annexation of the parcels. He said one narrow parcel lies between the city limits and a vacant developable parcel in the corridor, which prevents annexation to the City.

Jenny Faulkner, Consultant Planner for City of Jordan, stated that this land use change is inconsistent with the County's 2040 comprehensive plan. Ms. Faulkner said allowing this land use change is not beneficial to the

City of Jordan. She is asking the Planning Commission to pause so the Township and City can discuss an Orderly Annexation agreement.

Commissioner Huber questioned Mike Waltmann if buildings in the corridor area are already hooked up to city of Jordan sewer and if this line is able to serve any additional capacity.

Mr. Waltmann confirmed some buildings are directly hooked up to city sewer. He said in 2017 pipe sizes that this sewer line hooks into were increased and are able to accommodate additional capacity.

Commissioner Watson questioned if rural septic systems could be designed to hook up to city sewer lines in the future.

Mr. Waltmann stated rural septic systems could hook up to a municipal sewer line as long as the elevations work and the placement on the lot compared to where the sewer line works, but the timing and ease to hook-up can be complex.

Commissioner Robbins asked if it was not for the current proposal, what would the City of Jordan's intentions for this area be.

Mr. Waltmann explained the City has discussed developing this property but there is one property owner who refuses to annex. If there was an OAA in place they would have already developed the property but until they are able to annex this property, they are unable to move forward with their plans.

Commissioner Pica asked for clarification as the sewer pipeline is already out there, why does it need to be annexed, and if the City does have the water to service the area.

Mr. Waltmann explained because there is one property holding up the process, they are unable to proceed and confirmed the City does have the water service capacity to serve the corridor area.

Commissioner Husain questioned when could the city serve the corridor area with sewer and water services.

Mr. Waltmann said it all depends on the development and annexation, but they have it in the city's capital plans for 2024.

Commissioner Huber asked if the exiting sewer line serving the RTF, JAF and Metropolitan Mosquito Control District properties has capacity to serve the types of rural development envisioned for the vacant properties in the corridor area.

Mr. Waltmann stated that the existing sewer line is not big enough to serve the vacant properties with rural business development

Commissioner Hentges expressed her frustration that there is so much discussion on sewer when the focus should be on the land itself and why this property was picked for rural development. Ms. Hentges further expressed her concern for ground water safety.

Beverly Koehnen, neighboring property owner, expressed concern with the public hearing notification process and commented on a drainage issue on her property.

Peggy Dunnette, neighboring property owner, expressed her concerns about the environmental impact the land use change could have on the natural lands in the corridor area. Ms. Dunnette further expressed concerns that the soil is very delicate and when there is a heavy rain it takes days for the water levels to filtrate the aquafer.

Mary Schenck, neighboring property owner, stated her opposition to the land use change. She commented that if the land use change prompts needs for an improved Valley View Drive it would impact her property significantly. Ms. Schenck said she would lose a portion of her riding fields. Ms. Schneck explained the high-water levels of the ground, and this is not a suitable place for new development to be constructed. Ms. Schenck further expressed her appreciation of the wildlife in the area and does not want the wildlife to be taken away.

Mark Sonstegard, JMH Land Development, stated that he represents the developer on one of the properties in the corridor area. He said there would be a low-intensity business uses like outdoor storage, landscape business, plumbing and mechanic shops which makes water use infrequent as compared to other developments. He pointed out that not even half of the land would be developed because of the floodplain and wetland restrictions. Mr. Sonstegard further questioned what the landowners are supposed to do until the City is able to make their way to the subjected property for utilities.

Commissioner Huber asked if this land use change passes and the developer moves forward could they put the septic as close to the road as possible.

Mr. Sonstegard said they could.

Jennifer Haskamp, Consultant Planner representing another developer in the corridor area, said she is asking for approval to develop today as there is a need for this type of zoning in the area. She said developments in the corridor area can hook up to the City of Jordan sewer system if properly designed ahead of time. Ms. Haskamp stated they are aware of the flood plains and their potential dangers and with that in mind they plan to work with the land around them and develop conservation easements.

Matt Stordahl, Sand Creek Township Engineer, made comments to clarify a few items from the staff report including the water being drained into the ditches. He said that while this water is not contaminated, it is stagnant water which needs to be flushed out periodically.

Commissioner Huber wondered about the design of sanitary sewer line serving the RTF, JAF and Mosquito Control District properties.

Mr. Stordahl explained he is not aware of the type of system in place, but if it is a grinder system there is a 55 gallon drum with a small pump pushing water through.

Chad Sandy made additional comments that the town board is not proposing this land use change for no reason. Mr. Sandy said back in 2017, Sand Creek reach out to the City of Jordan to discuss an orderly annexation agreement and never heard a response. He questioned why today, all of sudden, the city is interested in discussion an OAA for this corridor area.

Commissioner Huber asked if the gravel road will be upgraded to asphalt.

Mr. Sandy said that is the plan.

Emily Gilpin, neighboring property owner, questioned why this property is even being considered for development given much of it is in a flood plain, there are known issues with flooding and the over half of the land is undevelopable. Ms. Gilpin further expressed concern over what types of companies will be occupying the land and their potential hazards on the surrounding environment. She asked who oversees taking care of a disaster if there is one.

Peggy Dunnette commented there cannot be a septic site if the land has been graded.

Chair Vonhof made for motion to close the hearing.

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

Chair Vonhof asked the Board for any additional discussion.

Commissioner Huber asked Kate Sedlacek, County Environmental Services Manager, about the soils and the high-water table regulations.

Ms. Sedlacek stated studies from the Minnesota Pollution Control Agency and the University of Minnesota have found on-site sewage treatment systems treat sewage as well as municipal systems. Septic system discharge can be a positive for groundwater quality and quantity. There are several opportunities to review to development for requirements that protect the environment. She said the County is also concerned about

environment impacts, but this area has fast infiltration and high groundwater, septic system have feature that can ensure treatment. She also commented that many businesses will have a solid waste or hazardous waste license and there will be follow up inspections.

Commissioner Watson asked for comparison of the soils and septic suitability in this corridor area as compared to the soils and septic suitability in the Fieldstone rural business park in New Market Township.

Ms. Sedlacek commented the soils are vastly different, but septic systems are working fine in Fieldstone.

Commissioner Huber commented that Fieldstone has more clay soils than compared to the sandy soil in Sand Creek.

Ms. Sedlacek agreed and said because of the sandy soils in this corridor area, septic systems will need to be designed to slow down the ground percolation process.

Commissioner Husain asked what happens when existing septic systems are located in a floodplain and there is in fact a flood.

Ms. Sedlacek explained property owners need to disconnect their drainfields until water levels have fallen below a certain point and, in the meantime, owners need to have their septic tanks pumped which can be costly.

Commissioner Robbins comments on his conflictions on which way to vote. Mr. Robbins said he understands the neighboring property owners' concerns on environmental impacts, but this is a matter of whether or not to re-guide the corridor for development now rather than wait for annexation and city services

Commissioner Watson made comments on traffic concerns and impact on the ground water; yet feels there is no reason to delay and to move forward with the land use change.

Commissioner Hentges expressed concerns of the vacant properties in the corridor area being developed knowing it is in a flood plain and the environmental and ground water concerns are high, along with the amount of regulations the developers will have to go through and to abide by seems intense.

Commissioner Huber stated that the county and state have high regulations for wetland protection and floodplain protection and the septic can be designed and monitored to keep the ground water safe.

Commissioner Pica commented he doesn't know why the vacant properties in this corridor were picked for development as there is a huge concern for ground water and environmental safety. Mr. Pica expressed some parcels could be developed but not all of them.

Commissioner Husain explained as there are many concerns and so many neighbors spoke out against the project and not one neighboring property spoke in support of the land use change, he will have to disapprove.

Chair Vonhof commented that the Planning Commission has a duty to make decision on the application before them. He said considering a land use change in this area is extremely challenging. He said the Planning Commission needs to view this as a land use change and comprehensive plan amendment.

Motion by Commissioner Watson; second by Commissioner Huber, based on the criteria for approval listed in the staff report, I support Sand Creek Town Board's requested land use amendment and further recommended advancing the request to the County Board for preliminary action.

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

Commissioner Husain: Nay

Commissioner Picha: Nay

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Nay

Commissioner Watson: Aye
The motion passed with 4 Ayes, 3 Nay.

V. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

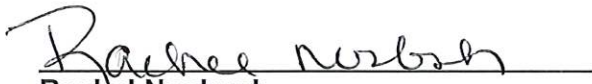
VI. GENERAL & ADJOURN

Motion by Commissioner Robbins; second by Commissioner Pica to adjourn the meeting at 9:46 PM. The motion carried unanimously.



~~Tom Vonhof~~ LEE WATSON
Vice Chair, Planning Advisory Commission

12-11-23
Date


Rachel Nosbush
Deputy Clerk to the Board

12/11/23
Date

