



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, January 8, 2024
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting 6:44 PM with the following members present: Ammar Husain, Jay Picha, Kent Robbins, Ray Huber, Tom Vonhof, and Donna Hentges. Lee Watson 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 DECEMBER 11, 2023 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Robbins; second by Commissioner Huber to approve the minutes of December 11, 2023 Planning Advisory meeting. The motion carried unanimously. Chair Vonhof abstaining.

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 6:45 PM: POMIJE REZONE (PL#2023-096)

- A. Request to Rezone 82.75 acres from Transition Reserve, (TR), to Transition Reserve Cluster District, (TR-C) to Separate the Farmstead from the Farmland

Location: Section 30
Township: Cedar Lake
Current Zoning: Transition Reserve, (TR)

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

Motion by Commissioner Hentges; 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: Absent

The motion passed unanimously with 6 Ayes, 1 Abstention.

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 use is not changing and while the lot size is being reduced the overall density will remain at one unit per 82.75 acres.
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.
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 homestead has access from CSAH 2 and no increase in traffic generation is anticipated since the use is not changing.

3.2 CONSENT HEARING 6:45 PM: JONES REZONE (PL#2023-092)

- A. Request to Rezone 128 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.

Location: Section 5
Township: Belle Plaine
Current Zoning: A-1, Agricultural Preservation 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.*
The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for preservation of land identified for the logical extension of urban commercial and industrial land uses.
2. *The proposed use is or will be 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 less than one unit per 40 acres.
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.
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 farmstead has access to County Highway 7 and the access point will not be altered.

Motion by Commissioner Robbins; 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 requests as follows:

Commissioner Husain: Aye
Commissioner Picha: Aye

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

The motion passed unanimously with 6 Ayes, 1 Abstention.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:47 PM: PRELIMINARY PLAT, FINAL PLAT AND CONDITIONAL USE PERMIT OF MARYSTOWN ESTATES (PL#2023-092)

- A. Request for Preliminary Plat, Final Plat and Conditional Use Permit for Marystown Estates Consisting of 2 Lots on 8.00 Acres

Location: Section 35
Township: Louisville
Current Zoning: TR – Transition Reserve

Greg Wagner presented the staff report for this application. Available for download are the details of the staff report, video recording and minutes are available at the Scott County Website link: [January 8, 2024 Planning Advisory Commission](#). Planning Advisory Commission packets can be found by visiting Scott County website at www.scottcountymn.gov search Government > County Board Agendas & Minutes > select Planning Advisory Commission under the Event Categories or going to meeting date.

A copy of the Louisville Township recommendation for denial was provided to the Commission and was reviewed by Mr. Wagner. Mr. Wagner went through the main points from the township planner's review memorandum and then presented research by County staff that supported County staffs' recommendation for approval of the plat and conditional use permit.

Commissioner Comments and Questions:

Commissioner Robbins asked for confirmation that Louisville Township recommended denial of this application.

Mr. Wagner confirmed the disapproval as the Township's planner consultant believes this is one parcel and not two parcels, in contrast to Scott County Taxation and Land Records staff, who have stated this property is two parcels and has been assessed and taxed as two parcels.

Mr. Wagner stated that in review of the property recorded deeds and court order (1987), the County Attorney, County Recorder and County Auditor concluded this property exists as two separate tax parcels. The three County officials also are listed on and must sign the final plat so they would review the parcels to ensure that they are legally recorded properties.

Commissioner Picha questioned if the Township's position on this application has changed after this new information has been presented.

Mr. Wagner stated he had a phone conversation with the Township planner and does not feel the planner would agree with County interpretation.

Commissioner Picha further questioned if the Township is willing to approve it after this new information.

Mr. Wagner responded the Township is present at the meeting and would need to answer if they have a different stance based on the new information.

Commissioner Husain asked why the Township is not viewing this as two separate parcels.

Mr. Wagner referenced the town planner's comment memorandum and responded the Township will have to speak on their decision to recommend denial.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

John Weckman, Chair of Louisville Township, stated documents from a 1987 Court Order shows the 7.16 -acre property as one legal description, and the other piece as another legal description, but all on one document. This, along with other details provided by their township planner, was the information that the Town board based their recommendation on.

Mr. Wagner stated the Court Order does show legal descriptions of the property on one document, but still as separate descriptions and the Court did not combine the properties. Mr. Wagner stated that if that was the intent the previous owners would have needed to record a deed requesting the parcels to be combined.

Chair Vonhof commented it appears the Court recognizes they are under common ownership but did not combine the parcels as one.

Mr. Weckman stated the town board has no record of the property being separate.

Chery Doucette, Clerk of Louisville Township, commented the deed recorded on the property when the property was purchased lists two legal descriptions. She also questioned the missing acreage on the deed, which is where the confusion is coming from.

Commissioner Huber asked if there is a reason for denial other than legal descriptions.

Ms. Doucette responded that County Ordinances should be followed and because the Township views this as one parcel, it does not follow the Ordinance, and therefore should not be approved.

Commissioner Huber commented it appears the County is following the Ordinances.

Ms. Doucette responded the Township Consultant's analysis states the opposite.

Commissioner Huber questioned if the Township is against subdividing this property, which would bring in tax income.

Ms. Doucette explained they are not sure, but what are the Ordinances there for if no one follows them as there are things happening in the Township.

Commissioner Hentges asked for clarification if this property is deeded as one landowner but taxed as two properties.

Mr. Wagner stated yes as there is no recorded deed stating they are one parcel. Mr. Wagner further explained that, as an example, owners of multiple farmland parcels often consolidate different properties and separate legal descriptions on one deed that lists all legally described properties but are not considered one parcel.

Commissioner Husain asked if this could be resolved through legal means as this appears to be an issue with the interpretation of the deed.

Mr. Wagner answered this issue was presented to the County Recorder's Office and they confirmed the County has always considered and taxed these as two separate parcels.

Commissioner Robbins asked if there is a solution to this difference in opinion between the Township and County on this matter.

Mr. Wagner is unsure if there is an immediate solution, as there are differing opinions.

Commissioner Huber commented that it sounded like the Scott County Attorney Office reviewed the analysis and disagreed with the Township's position.

Mr. Wagner confirmed. Mr. Wagner made further comment answering Ms. Doucette's question on the missing two acres by stating the two acres belong to the neighboring owners to the south.

Randy Kubes, Kubes Realty, Applicant Representative, made comment that all the appropriate steps were taken to file the application and he would like to see this application approved.

Chair Vonhof made a motion to close the hearing.

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

Chair Vonhof asked for discussion.

Commissioner Robbins commented there are some technicalities related to this application that are unresolved, and he is concerned of the intent of the parties involved, and wondered if the previous owners did not make the appropriate steps or were misguided in their steps.

Commissioner Husain commented that the County Attorney's Office had been consulted and their review of the issue seems to stand with County Staff's recommendations.

Commissioner Picha asked the Applicant what DJS Enterprises stands for.

Mr. Kubes answered it is the initials of the home builders who would build a home on the lot.

Chair Vonhof commented he feels Staff has gone to a great degree to determine the proper parcel identifications and feels comfortable with Staff's stance on the matter.

Commissioner Hentges commented she wished the Township's planner was able to appear and make her position clear, as it appears in good faith, she did her research. Commissioner Hentges would like to better understand the Township planner's expertise in this matter as it compares to the expertise at the County on this topic.

Motion by Commissioner Huber; second by Commissioner Hentges, based on the criteria for approval listed in the staff report, I recommend approval of the Conditional Use Permit, Preliminary & Final Plat of Marystown Estates consisting of 2 lots on 8.00 acres noting that this recommendation is subject to the conditions listed that must be satisfactorily addressed prior to County Board consideration. Noting Town Board does not recommend approval.

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

Commissioner Husain: Aye

Commissioner Picha: Nay

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Absent

The motion passed with 5 Ayes, 1 Nay, 1 Abstention.

4.2 PUBLIC HEARING 7:40 PM: CHAPTER 6 ORDINANCE AMENDMENT

- A. Request to Consider Amending Scott County Zoning Ordinance No. 3 – Chapter 6 Article G. Watershed Standards to Add Language Specific To The Prior Lake Watershed District Area Permitting

Location: Section 30
Township: Cedar Lake
Current Zoning: Transition Reserve, (TR)

Megan Tasca presented the staff report for this application. Available for download are the details of the staff report, video recording and minutes are available at the Scott County Website link: [January 8, 2024 Planning Advisory Commission](#). Planning Advisory Commission packets can be found by visiting Scott County website at www.scottcountymn.gov search Government > County Board Agendas & Minutes > select Planning Advisory Commission under the Event Categories or going to meeting date.

Commissioner Comments and Questions:

Commissioner Robbins asked for an example as to the stormwater volume.

Ms. Tasca explained if you add an acre of impervious land you will need a basin for infiltration of one inch of water over that 1 acre area.

Commissioner Robbins if there is impervious surface with water on the land it needs a place to go.

Ms. Tasca confirmed that is the purpose of the stormwater facilities.

Commissioner Huber questioned if this is for the entire county and if the Vermillion River is a part of this.

Mr. Tasca responded it is for the Prior Lake Spring Lake Watershed District only and not the entire County and there are parts of Sand Creek township included. Ms. Tasca further confirmed the Vermillion River is not included.

Commissioner Huber questioned if this Ordinance change is to make one governing body for the area in question.

Ms. Tasca confirmed that this change is to allow the county to maintain permitting authority over all the township areas of the County.

Commissioner Robbins questioned why this is happening now and the reasoning behind it.

Ms. Tasca explained that the PLSL Watershed District has updated their rules and to have the county maintain permitting authority the County has to update our Ordinance with the new rules. This keeps things under one permit instead of having residents having to get two permits.

Commissioner Husain asked who will be enforcing this area.

Ms. Tasca responded the Watershed District is sent applications for review for comments, ultimately the County is responsible for final review.

Commissioner Husain further asked why or if this is needed.

Ms. Tasca explained the Watershed District reviewed all rules and determined it is best to have this area all under one permitting authority.

Commissioner Husain questioned if there is a client or project that is currently in the process of the change.

Ms. Tasca responded she is not aware of any developments moving forward.

Commissioner Husain asked if the standards are consistent with the industry standards.

Ms. Tasca confirmed that they are standard regulations.

Commissioner Huber questioned the soils regulations and if those allow filtration.

Ms. Tasca confirmed and explained that for clay soils developer's can do a filtration system with drainage pipes in the soil basins to allow water to filtrate through the ground.

Commissioner Picha questioned if this is to help with flooding.

Ms. Tasca explained it is one of the goals to help with water quality and flooding.

Chair Vonhof commented he feels this is to help with water quality and control.

Commissioner Hentges asked if the Watershed District decides to make changes and everyone is to go along with it.

Ms. Tasca responded this has been in the works for a number of years and there have been negotiations along the way and has been a 10 year process.

Commissioner Hentges asked if she is comfortable with this.

Ms. Tasca confirmed.

Commissioner Husain questioned two definitions.

Ms. Tasca explained the two definitions are needed as they were lacking from the original Ordinance.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

No one approached the podium.

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

Motion by Commissioner Picha; second by Commissioner Robbins, based on the criteria for approval listed in the staff report, I recommend approval of the Zoning Ordinance amendments to Chapter 6 as presented in the staff report and attached exhibit, and that this item be forwarded to the County Board for consideration and action.

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: Absent

The motion passed unanimously with 6 Ayes, 1 Abstention.

V. ELECTION OF OFFICERS

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

Commissioner Robbins nominated Commissioner Tom Vonhof.

Chair Vonhof called for any further nominations 3 times.

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

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

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

Commissioner Huber nominated Commissioner Lee Watson

Chair Vonhof called for any further nominations 3 times.

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

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

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

Commissioner Hentges nominated the Deputy Clerk.

Chair Vonhof called for any further nominations 3 times.

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

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

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

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

The motion passed unanimously with 6 ayes, 1 abstention.

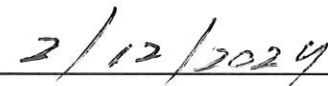
VI. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VII. GENERAL & ADJOURN

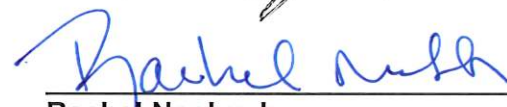
Motion by Commissioner Robbins; second by Commissioner Huber to adjourn the meeting at 7:58 PM. The motion carried unanimously.



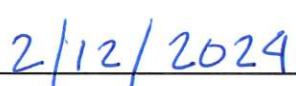
Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date