



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, February 12, 2024
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting 6:30 PM with the following members present: Ammar Husain, Kent Robbins, Ray Huber, Tom Vonhof, Lee Watson and Donna Hentges. Jay Picha 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 JANUARY 8, 2024 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Robbins; second by Commissioner Huber to approve the minutes of January 8, 2024. Planning Advisory meeting. The motion carried unanimously, Lee Watson abstaining, and one abstention.

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 6:30 PM: PRELIMINARY PLAT AND FINAL PLAT OF SCHUMANN THIRD ADDITION (PL#2023-096)

- A. Request for Preliminary Plat of Schumann Third Addition Consisting of 2 Lots on 14.25 Acres.
- B. Request for Final Plat of Schumann Third Addition Consisting of 2 Lots on 14.25 Acres.

Location: Section 23
Township: Spring Lake
Current Zoning: RR-2, Rural Residential Family District

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

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

The motion passed unanimously with 6 Ayes, 1 Abstention.

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* – Lot 2 will continue to use a shared driveway access to County Road 23. Lots 1 will share a driveway access to County Road 68 in the township road right-of-way and location of a future 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.

3.2 CONSENT HEARING 6:32 PM: PRELIMINARY PLAT AND FINAL PLAT OF MEIERBACHTOLS ADDITION (PL#2024-001)

- A. Request for Preliminary Plat of Meierbachtols Addition Consisting of One Lot and One Outlot on 132 Acres.
- B. Request for Final Plat of Meierbachtols Addition Consisting of One Lot and One Outlot on 132 Acres.

Location: Section 20
Township: Belle Plaine
Current Zoning: A-1, Agricultural Preservation District &
A-3 Agricultural Preservation Density District

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 lot has frontage on Keystone Lane, a gravel 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 to protect and preserve agricultural uses.
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 consent hearing; second by Commissioner Hentges. 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: Absent
Commissioner Robbins: Aye
Commissioner Huber: Aye
Commissioner Vonhof: Aye
Commissioner Hentges: Aye
Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes, 1 Abstention.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:33 PM: INTERIM USE PERMIT AMENDMENT OF PENTAGON MATERIALS (PL#2023-098)

- A. Request for Interim Use Permit Amendment for Pentagon Materials to Expand an Existing Sand and Gravel Mining Facility

Location: Section 5 & 32
Township: Belle Plaine & St. Lawrence
Current Zoning: UER, Urban Expansion Reserve &
UBR, Urban Business Reserve District

Marty Schmitz presented the staff report for this application and introduced Kirsten Pauly of Sunde Engineering for a thorough presentation. Available for download are the details of the staff report, video recording and minutes are available at the Scott County Website link: [February 12, 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 questioned how much area below the water table will they mine.

Kirsten Pauly, Sunde Engineering, explained it depends on how much good rock there is. There could be a lot in one section or none.

Commissioner Robbins further questioned how far down they will mine from surface level.

Ms. Pauly explained they are thinking 30 feet below the surface but is hard to tell until.

Commissioner Robbins asked what the protocol is if pollutants are found.

Ms. Pauly responded the first step is to verify the pollutant by resampling the water, if a pollutant is found the Minnesota Pollution Control Agency (MPCA) is notified immediately. If it is found that the pollutant is to be the mine operations fault, they are fully financially responsible for cleaning up the property.

Commissioner Watson asked for examples of mining below the water table and if pollutants have occurred and what practices are set in place to prevent pollutants.

Ms. Pauly explained there are many local counties where mining below the ground water is practiced, these mining areas are monitored and to her knowledge has not heard of any contaminations coming from them. Ms. Pauly further explained regulations and protocols set in place from the MPCA.

Commissioner Robbins asked how quickly the monitors are able to find out about a potential contamination.

Ms. Pauly explained spills are to be reported to the MPCA immediately, with a mining operation they can respond quickly with the heavy machinery on site to collect the contaminated sand or soil and ship it off to a landfill. When it comes to ground water contamination, the water is tested three times a year as ground water moves slowly, testing is not done during winter months as _____. Ms. Pauly further explained because the ground water moves so slowing testing as it goes through gradient sources, is not done continuously and they are able to further expand their monitoring and prepare. To clean the water there is a pump and treat system which takes time to clean the water and additional water supplies will need to be found.

Commissioner Huber had questioned the backfilling of the property and what the intentions are for future use of the land as you cannot build structures on this property without risking settlement, and further questioned the safety of buildings if there is dewatering taking place.

Ms. Pauly confirmed there is a risk to building structures settling on the property without putting in utilities first, so once the mining operations has finished, they intend to have the property reclaimed back to agriculture for a number of years.

Mr. Schmitz further explained the land use is zoned UBR and UER which are both a 1 in 40 density district and if developed under those zonings there will not be a lot of building out there.

Commissioner Huber further questioned if the Townships plan to use this property in the future for residential or commercial.

Mr. Schmitz explained there would be a mix.

Commissioner Watson questioned an entrance off Old Hwy. 169 and if this would be used for any particular purpose.

Martin Pruesser, Pentagon Materials and Mary Koll, Property Owner explained there is an entrance there which is an entrance used for agricultural purposes and not the mining operations.

Commissioner Husain asked what the use of the land will be after the mining operations have been completed.

Ms. Pauly explained after the mining is completed, the property will be under reclamation which takes time and is done in phases, once the reclamation period is over and depending on the circumstances in the future depends on the next steps for the property. The property could stay under agricultural or if there is pressure from the Townships for development of the property for either residential or commercial, that is a possible outcome as well.

Commissioner Husain asked for further clarification the proper use for the property.

Mr. Schmitz responded this property is a part of the City of Belle Plaine, and if the timing is correct, the City could go forth with implementing the utilities, and until such a time is determined it will be agricultural.

Commissioner Husain questioned the reclamation of backfilling and what standard practices or regulations they plan to proceed with.

Ms. Pauly explained there is a backfilling specification based on the standards which have been reviewed by county staff and is consistent with mines in the area.

Chair Vonnhof opened the public hearing.

Public Comments and Questions at the Podium:

No one approached the podium.

Chair Vonnhof made a motion to close the hearing.

Motion by Commissioner Robbins to close the public hearing; second by Commissioner Hentges. 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 Interim Use Permit for Pentagon Materials to operate a sand and gravel mine noting that the St. Lawrence and Belle Plaine Town Boards have recommended approval of this request.

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

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

The motion passed with 6 Ayes, 1 Abstention.

Criteria for IUP Approval (Chapter 2-7-1):

1. *The proposed use does not create an excessive burden on public facilities.*
The proposed operation utilizes State Highway 169 as a haul route. Hwy 169 is classified as a principal arterial in the County Transportation Plan. MN Dot has reviewed the permit and determine an acceleration lane is needed.
2. *The proposed use is compatible with uses on adjacent lots.*
Adjacent land is generally agricultural land. Two other gravel mines are operated in the area on the adjacent property to the east. The closest residences are located approximately 380 feet to the north and west of the mine.
3. *The proposed improvements will be designed to not hinder orderly and harmonious development in the zoning district.*
The mine site is temporary; at the conclusion of mining, the site will be reclaimed to elevations compatible with the future county road plan and the City of Belle Plaine's land use guidelines and zoning.
4. *Adequate measures have been taken to provide ingress and egress so to minimize traffic congestion and access to public roads.*
The proposed operation utilizes State Highway 169 as a haul route. Hwy 169 is classified as a principal arterial in the County Transportation Plan. MN Dot has reviewed the permit and determine an acceleration lane is needed.
5. *Adequate water supply, individual sewage treatment facilities, erosion control, and stormwater management are provided in accordance with applicable standards.*
The applicant has provided a Ground Water Monitoring and Mitigation Plan and Resource Management Plan to deal with stormwater management as well as a Pollution Prevention Plan that addresses erosion control. Portable restrooms will be provided for employees.
6. *The proposed buildings will need to meet all Building Code requirements.*
All structures associated with the mine will be temporary and removed at the conclusion of mining. All structures constructed or moved onto the site will need to meet the requirements of the Building Code.

Conditions of Approval:

1. The permit shall be operated in compliance with the applicant's approved Interim Use Permit Application (Cover Page Dated November 2022 and December 2023) including Introduction, Required Information, Annual Report, Land Reclamation, Performance Standards, Figures 1-5, Plan Sheets C1, C2, C3, C4, C5, C6, C7 and Attachments 1-6, prepared by Sunde Engineering. If any report, plan, figure, or attachment identified in this condition vary from the written conditions of this IUP, the terms that are the most conservative shall control.
2. The permit is issued to and obligatory to Pentagon Materials and the Fee Owner(s) of the subject property.
3. Mining, for the purposes of this IUP, will be limited to stripping, digging, crushing, screening, washing, trucking and the on-site movement of materials, as well as the processing of recycle asphalt and concrete. Any activity not enumerated will require a revised IUP.
4. Maximum Excavation Limit shall not exceed elevations shown on Cross Section A-A' (Plan Sheet C5), Cross Section B-B (Plan Sheet C6) & Cross Section C-C (Plan Sheet C7). This depth equals approximately 50 feet below the water table, which is located at approximately 760 feet above msl.
5. Hours of operation for the mine shall be:
 - a. Mining/processing/truck loading/ hauling, 7:00 a.m. to 7:00 p.m. Monday-Friday and Saturday, if necessary.

- b. A one-hour equipment warm-up period from 6:00 a.m. to 7:00 a.m. and one hour shutdown period 7:00 p.m. to 8:00 p.m.
 - c. Equipment maintenance, permitted during daylight hours.
 - d. No work on Sundays.
 - e. Hours may be modified by the Township or County if valid complaints are received regarding noise or other impacts associated with the mine operations or vehicle traffic.
6. Haul roads shall be limited to State Highway 169. If in the future access is available from a future public street (County or City), access shall be removed from State Highway 169 and directed to the future street.
 7. The Operator shall water the haul roads and processing areas of the mine as needed to minimize dust.
 8. The Operator shall comply with all requirements of MnDOT for site access.
 9. The Operator shall post a bond or irrevocable Letter of Credit in an amount sufficient to insure compliance with the conditions of the Interim Use Permit and Restoration/End Use Plan, based upon a reasonable estimate of reclamation grading costs. The current bond is for \$280,720.00. The amount of this bond will be subject to annual review for adequacy. In the event the County Planning Manager determines that an additional surety is needed to assure adequate funds are available for the Reclamation Plan, the operator shall provide such surety within 30 days of the notice. This security shall be provided to the County prior to commencement of site activities.
 10. When restoration is completed in each phase and at the conclusion of mining, a registered civil engineer & geotechnical engineer must perform a post reclamation evaluation and certify to the County, City and Townships that the reclaimed areas in the Belle Plaine future development area (Belle Plaine Township) and the future county road are suitable for the planned end land use.
 11. The Operator shall be responsible for any damage to Hwy 169 caused by haul trucks entering and exiting the mine.
 12. The Operator shall monitor for dust and soil tracking onto the Hwy 169. The applicant shall take action to reduce dust and soil tracking onto the roadway. Material tracked on the roadway shall be immediately swept.
 13. The operator shall file with the Scott County Planning Office in the spring of each year, a statement stating that they are in compliance with the conditions of the Interim Use Permit (IUP). Failure to do so may be a basis for revocation of the IUP.
 14. In the fall of each year following the construction season, a registered engineer will review the site and prepare a written report in accordance with the mining operations plan, as submitted and approved, specifically concerning the status of the Reclamation Plan. At a minimum, the annual report must specify the following: The amount of material removed from the mine site in the previous year; current detailed plan or survey showing the areas in which mining is complete and areas in which mining is ongoing and planned to be mined within the next year; areas of the mine which have been reclaimed or are ready to be reclaimed; evidence that any required bond, Letter of Credit or other security requirement remains valid and is adequate to reclaim the mine in conformity with the approved Reclamation Plan; groundwater monitoring data; manifest for all imported fill material; and Geotechnical Engineer settlement monitoring reports.
 15. The approved Groundwater Monitoring and Mitigation Plan shall be followed for the life of the mine including completion of all reclamation activities. Monitoring results shall be submitted annually and presented within the Annual Report.
 16. Reclamation backfill requirements identified in Attachment 1 shall be followed for the life of the mine including completion of all reclamation activities. A 3rd party geotechnical engineer will oversee the settlement monitoring program and shall annually submit the results of settlement monitoring including depth of fill, placement of settlement plates and compaction observed within the annual report to the County and City.
 17. The Operator and owner shall retain manifest for all fill material imported to the site. The manifest shall document the source of the fill, soil type, and absence of contamination. Copies of the manifest will be provided to the County and City as part of the annual report described in Condition 14.
 18. All costs associated with any permit review and submission of monitoring reports to the County, City and Townships shall be the sole responsibility of the Operator.
 19. Mining shall be completed in thirty (30) mining seasons unless an extension is granted. Reclamation can continue for one additional mining season. If operations substantially cease for more than one year, Scott County may consider termination of the IUP.

20. All equipment and temporary structures shall be removed no later than six months after termination of mining operations or IUP expiration.
21. Stockpile height shall not exceed 30 feet.
22. The active mining site perimeter shall be bermed and vegetated. Berms shall be mowed on a regular basis.
23. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
24. The property shall be maintained in a neat and orderly manner. Noxious vegetation shall be controlled in compliance with County Ordinances. Abandoned machinery, non-earth residual wastes, contaminated soil stockpiles, and rubbish shall be removed from the site regularly or at a minimum, once a year.
25. There shall be no overnight camping of employees of the company on the site.
26. It is anticipated that the Operator will recycle asphalt and concrete. Prior to receiving any asphalt or concrete material, the Operator will receive a solid waste permit from Scott County. No more than 30,000 cubic yards of recycle material may be on site at one time.
27. The Operator shall identify a person within the company for the residents, the Town Board, City or Scott County to contact regarding their concerns of the IUP.
28. The Operator shall comply with all rules, regulations, requirements, and standards of the Minnesota Pollution Control Agency (MPCA), Department of Natural Resources (DNR) and other regulations and standards applicable to the mining operation.
29. All production equipment will be designed to meet the MPCA noise standards. If deemed appropriate by staff or if problems/complaints are generated, the County shall contact a private testing firm to determine the ambient noise level on the property and at the closest residences. Any violations shall be corrected immediately. All costs for testing as determined by the County will be the responsibility of the operator.
30. The applicant shall provide to the Scott County Auditor's Office appropriate payment due for gravel tax in accordance with State and County regulations.
31. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.
32. All signage shall conform to the Scott County Sign Ordinance.
33. No part of the reclamation area which is planned for utilization for uses other than open space or agriculture shall be at an elevation lower than the minimum required for gravity connection to sewer and storm sewer.
34. Reclamation, restoration, and rehabilitation shall minimize presence of shallow groundwater, poor foundation conditions, flooding potential, and undevelopable areas.
35. Boulders and rocks, organic soils and debris (topsoil, peat, muck, stumps, roots, logs, brush, etc.), demolition debris (broken concrete or bituminous fragments, brick, lumber, metal, etc.) and any other solid or hazardous waste shall not be used as fill in reclamation, restoration, or rehabilitation.
36. The Owners and Operators shall attempt to enter into an agreement with the owner/operator to the east to mutually extract material inside the required setback area and under the shared property boundary.
37. The operations shall be available for inspections by authorized County, City and Township inspectors within normal company working hours upon reasonable advance notice to the Operator. Because this is an active mine site, any inspectors must identify themselves to an employee of the Operator before entering the mine site and must be escorted by an employee of the Operator at all times to ensure the safety of the inspectors. Inspectors will be required to provide all safety equipment including hardhats, safety glasses and reflective vests that may be required in compliance with applicable State and Federal laws and regulations.
38. The applicant shall coordinate with MN Dot the construction of an acceleration on Northbound side of US 169. The acceleration shall be installed by October of 2025.

V. RE-ELECTION OF OFFICER FOR SECRETARY OF THE PLANNING COMMISSION

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

Commissioner Huber nominated Commissioner Robbins; second by Commissioner Hentges.

Chair Vonhof called for any further nominations 3 times.

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

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

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

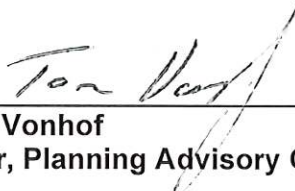
Commissioner Husain: Aye
Commissioner Picha: Absent
Commissioner Robbins: Abstained
Commissioner Huber: Aye
Commissioner Vonhof: Aye
Commissioner Hentges: Aye
Commissioner Watson: Aye

The motion passed unanimously with 5 ayes, 1 abstention, 1 abstained

VI. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VII. GENERAL & ADJOURN

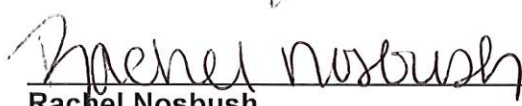
Motion by Commissioner Robbins; second by Commissioner Hentges to adjourn the meeting at 7:26 PM. The motion carried unanimously.



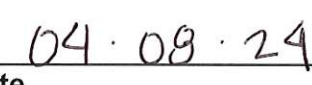
Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date