



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, June 10, 2024
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting 6:54 PM with the following members present: Ammar Husain, Jay Picha, Kent Robbins, Ray Huber, Tom Vonhof, Lee Watson and Donna Hentges.

County Staff Present: Greg Wagner-Principal Planner, Nathan Hall-Associate Planner; Tom Wolf-County Board Commissioner and Rachel Nosbush-Deputy Clerk to the Board.

II. APPROVAL OF MAY 13, 2024 PLANNING ADVISORY COMMISSION MINUTES

Chair Vonhof called for a motion to approve the minutes. Motion by Commissioner Huber; second by Commissioner Hentges to approve the minutes of May 13, 2024 Planning Advisory meeting. The motion carried unanimously.

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.

Chair Vonhof moved for motion to close the Consent Agenda. Motion by Commissioner Watson; second by Commissioner Robbins. The motion carried unanimously.

3.1 CONSENT HEARING 6:56 PM: PRELIMINARY PLAT AND FINAL PLAT OF FOREST RIDGE SOUTH THIRD ADDITION (PL#2024-026)

- A. Preliminary Plat of Forest Ridge South Third Addition Consisting of 2 Lots on 42.70 Acres.
- B. Final Plat of Forest Ridge South Third Addition Consisting of 2 Lots on 42.70 Acres.

Location: Section 2
Township: New Market
Current Zoning: RR-1 Rural Residential Single Family

Motion by Commissioner Watson; 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. *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 will have road frontage and access on 225th Street East (County Road 29) and will relocate a shared access per Scott County Transportation access spacing regulations.
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.
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.

And noting that the New Market Town Board recommended approval of the preliminary and final plat.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:56 PM: INTERIM USE PERMIT OF JMH SANDPIPER RIDGE, LLC (PL#2024-025)

- A. Request for an Interim Use Permit to Operate a Sand and Gravel Mine.

Location: Section 25
Township: St. Lawrence
Current Zoning: UER, Urban Expansion Reserve

Greg Wagner presented the staff report for this application, amended conditions following discussions with the applicant and City of Jordan, and then introduced Eric Hanson from Sunde Civil Engineer for further presentation. Available for download are the details of the staff report, video recording and minutes are available at the Scott County Website link: [June 10, 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 Hentges made comment that while she shares a last name with the Applicant there is no relation between the two parties.

Commissioner Comments and Questions:

Commissioner Robbins asked how far down they will mine and the length of time they intend to mine this area. Mr. Hanson responded 30 feet and but they will not mine below the water table and the length of time would be around 20 years.

Commissioner Robbins questioned the surrounding land area use and if this is to be residential in the future will they continue to mine the property.

Mr. Hanson the 2040 Comprehensive Plan does include residential for the surrounding area but cannot tell what will happen with the surrounding property in 20 years.

Commissioner Husain questioned the Comprehensive Plan for the city and in 20 years expansion into residential.

Mr. Wagner explained the 2040 Future Land Use map identifies the surrounding area is medium density residential land use, but that in many communities mining is conducted ahead of development to extract the resource ahead of residential subdivisions. Mr. Wagner further explained there are many factors that impact the timing of development including market demand for both aggregate resources and housing.

Commissioner Husain asked for clarification on the nearest resident and its location from the mine and if this is acceptable.

Mr. Hanson responded the closest residence is 440 feet from the project site boundary and 700 feet from the closest mining boundary which is allowed under county ordinances.

Mr. Wagner further explained that the required distance from an adjacent residence to any mine processing areas 500 feet and mining can go up to 30 feet from a property line.

Commissioner Husain questioned who will be enforcing these guidelines.

Mr. Wagner explained the Applicant is required to submit annual reports indicating where they mined and how much was mined so that the county can monitor mining limits to ensure they are within the approved plans and county ordinance requirements.

Commissioner Husain asked if the client is providing this annual report.

Mr. Wagner confirmed that it is required to be provided by the applicant and their engineer.

Commissioner Huber expressed gratitude for not mining into the bluffs and questioned the discrepancies between the staff report and Sunde's reports indicating the difference in fill material and that the two reports should include language to include compaction tests and the layers for reclaiming the land.

Kirsten Pauly, Sunde Engineering, commented there are edits with the reports and will take this comment to ensure the compaction testing is included into the report.

Commissioner Picha questioned the previous residential well if this was sealed and further questioned the watering of trucks for dust control and where do they plan to get their water from.

Ms. Pauly responded that the previous well from the farmstead was sealed to the conditions the Minnesota Department of Health and their intentions for watering would be from off site or dig a sump for their wash water which they would recycle the water which would be used for their water trucks. This requires a MN DNR Water Appropriations Permit.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

Mike Waltmann, Jordan City Engineer, made comment to the amended Reclamation Plan and the possibility of this mined land being future residential area, they are requesting testing to be done and that only good material is used to fill in the mine for future use. Mr. Waltmann further commented there will be a 3:1 slope of the land.

Ms. Pauly commented the Applicant is aware of the future land use and good material will be used to fill the land. In addition the exhibit prepared is an addendum to the reclamation plan to show that there is sufficient material on the parcel to make grades for future roads and development; however, development would not occur until mining is complete, approximately 20 years, and it makes sense to plan for development at that time with the City. The applicant has the resources to move material and has developed other subdivisions in the City and would work with the city on a development plan in the future.

Commissioner Robbins questioned who is responsible for monitoring what fill is being used.

Mr. Waltmann expressed there are a few items in the Reclamation Plan which are still in discussion.

Commissioner Huber asked what type of soils are on the property.

Ms. Pauly answered clay and granular material which are suitable for future development.

Commissioner Huber questioned if they plan to take the untouched soils from the south end of the property to use as fill.

Ms. Pauly made comment this process will be done in 20 years it is hard to make that conclusion at this time.

Ted Kornder, St. Lawrence Township, made comment that the Township feels the City of Jordan is overstepping its powers and encroaching on Township property as the City of Jordan is not the governing body of the property in question and stated there has been a lack of respect for the surrounding Townships as of recent. Mr. Kornder made further comment that St. Lawrence is welcoming to the mines and hope there is similar work like this in the future for the Township.

Chair Vonhof asked for a motion to close the hearing.

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

Motion by Commissioner Watson; second by Commissioner Huber, based on the criteria for approval listed in the staff report, I recommend approval of the Interim Use Permit for JMH Sandpiper Ridge, LLC Inc. to operate a sand and gravel mine, noting that this recommendation includes the amended conditions proposed by staff and is subject to the conditions to be satisfied prior to County Board consideration of the IUP. And noting that the town board recommended approval.

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

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

The motion passed with 7 Ayes.

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 County Road 66, a county collector road, as the main access and will direct truck traffic to County Road 59, a county B-minor arterial road, north to US Highway 169 as the main haul route.
2. The proposed use is compatible with uses on adjacent lots.
Adjacent land use is currently agricultural and other adjacent parcels have previously been operated as aggregate mines ahead of anticipated urban development.
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 an agricultural use until such a time as urban development occurs.
4. Adequate measures have been taken to provide ingress and egress so to minimize traffic congestion and access to public roads.
The proposed operation will use County Roads 66 to County Road 59 to US Highway 169 as the main haul route to avoid downtown Jordan. In the event that the main haul route is not available, due to future interchange improvements, or there are projects east and south the applicant shall utilize county and state roadways for alternative haul routes and avoid using city streets.
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 Resource Management Plan to deal with stormwater management as well as a Storm Water 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.

There are no structures proposed as part of the mining activities. Demolition permits are required for removal of any existing structures.

Amended Conditions in Underline

1. The permit shall be operated in compliance with the applicant's approved Interim Use Permit (IUP) application including Project Description, Site Operation, Resource Management Plan, Performance Standards, Reclamation Backfill Specifications, Plan Set Sheets C1 – C6 and Attachments A to H, dated May 15, 2024, prepared by Sunde Engineering.
2. The permit is issued to S.M. Hentges & Sons, Inc., to operate a sand and gravel mine with solid waste recycling for concrete and asphalt.
3. Mining, for the purposes of this IUP, will be limited to stripping, extraction, crushing, screening, washing, stockpiling, hauling and the on-site movement of materials. Any activity not enumerated will require an IUP amendment.
4. 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 7:00 a.m. to 5:00 p.m. on Saturday.
 - b. Equipment Maintenance, Permitted during daylight hours.
 - c. No work on Sundays
 - d. 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.
5. The Operator shall water the haul roads and processing areas of the mine as needed to minimize dust. All berms shall be vegetated and mowed to prevent noxious weeds.
6. The Operator shall comply with all requirements of Scott County Transportation for modification of the site access and obtaining required access permits. Upon development of adjacent parcels (east and south of the site) the mine access location shall be evaluated and, if necessary, relocated, at the mine operator's expense, to avoid conflicts with city residential development. The location of the mine access shall be determined in consultation with the County Engineer.
7. The Operator shall be responsible for any damage to county or state roadways caused by haul trucks entering and exiting the mine.
8. The Operator shall monitor for dust and soil tracking onto the County Road. The applicant shall take action to reduce dust and soil tracking onto the roadway. Material tracked on the roadway shall be immediately swept and removed.
9. 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 Plans. 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 Plans; a manifest for all imported fill material.
10. The Operator and owner shall retain a manifest for all fill materials imported to the site. The manifest shall document the source of the fill, soil type, and absence of contamination and follow the Reclamation Backfill Specifications. Copies of the manifest will be retained by the operator and mine owner and will be available for review by St. Lawrence Township, City of Jordan, and Scott County for review of the reclamation and financial security.
11. 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 structural fill in reclamation, restoration, or rehabilitation. Organic soils (topsoil, peat, muck) may be used for side slopes and berms.
12. Reclamation, restoration, and rehabilitation shall minimize the presence of shallow groundwater, poor foundation conditions, flooding potential and undevelopable areas.
13. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.

14. The Operator shall obtain a Solid Waste License from Scott County for the storage and processing of recycled materials including concrete and asphalt. The Solid Waste License shall include a performance bond as required by County Ordinance.
15. Stockpile height shall not exceed 30 feet higher than the initial grade of the mining area or 50 feet in height, whichever is lower.
16. 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.
17. The Operator shall post a bond or irrevocable Letter of Credit in an amount that ensure compliance with the conditions of the Interim Use Permit and the costs for the Restoration/End Use Plans. The amount of this bond will be subject to an annual review for adequacy and based upon a reasonable estimate of reclamation grading costs. The Operator shall provide evidence that the required bond remains valid and is adequate to reclaim the mine in conformity with the approved Reclamation Plans. 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.
18. At the completion of each phase a registered engineer shall certify to the County that the site has been restored in accordance with the reclamation plan.
19. The IUP shall terminate upon cessation of mining activities. If mining activities are ceased or interrupted for more than one year, the applicant shall notify the Township and County, as part of their annual report, as to plans for future resumption of mining activities. Reclamation shall be completed within one year after conclusion of mining activities.
20. All equipment and temporary structures shall be removed no later than six months after termination of mining operations or IUP expiration.
21. There shall be no overnight camping of employees of the company on the site.
22. The Operator shall identify a person within the company for the residents, the Town Board, or Scott County to contact regarding their concerns of the IUP.
23. The Operator shall comply with all rules, regulations, requirements, and standards of the Minnesota Pollution Control Agency (MPCA), Department of Natural Resources (DNR), Environmental Quality Board (EQB) and other state and federal regulations and standards applicable to mining operations.
24. All production equipment will be designed to meet the MPCA noise standards. If deemed appropriate by staff, the County shall contact a private testing firm to determine the ambient noise level on the property and at the closest residences, if problems/complaints are generated. Any violations shall be corrected immediately. All costs for testing as determined by the County will be the responsibility of the operator.
25. The applicant shall provide to the Scott County Auditor's Office appropriate payment due for gravel tax in accordance with State and County regulations.
26. A sufficient amount of existing topsoil shall be stockpiled on site for future re-spread.
27. All signage shall conform to the Scott County Sign Ordinance.

V. PLANNING MANAGER UPDATE PRESENTED BY GREG WAGNER

VI. GENERAL & ADJOURN

Motion by Commissioner Picha; second by Commissioner Robbins to adjourn the meeting at 8:05 PM. The motion carried unanimously.



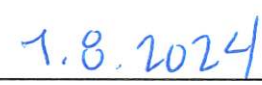
Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date