



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

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

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting 6:42 PM with the following members present: Ammar Husain, Jay Picha, Kent Robbins, Ray Huber, Tom Vonhof, Lee Watson and Donna Hentges.

County Staff Present: Brad Davis-Planning Manager; Marty Schmitz-Zoning Administrator; Greg Wagner-Principal Planner; Nathan Hall-Associate Planner; Kate Sedlacek-Environmental Services Manager; Vanessa Strong-Natural Resources Supervisor; Tom Wolf-County Board Commissioner.

II. APPROVAL OF JULY 8, 2024 PLANNING ADVISORY COMMISSION MINUTES

Chair Vonhof called for a motion to approve the minutes. Motion by Commissioner Robbins; second by Commissioner Hentges to approve the minutes of July 8, 2024, Planning Advisory meeting. The motion carried unanimously. Commissioner Husain 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.

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

3.1 CONSENT HEARING 6:43 PM: REZONE, PRELIMINARY PLAT AND FINAL PLAT OF WARREN ADDITION (PL#2024-043)

- A. Request for Rezoning of 81.73 Acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.
- B. Request for Preliminary Plat of Warren Addition Consisting of 2 Lots and 3 Outlots on 81.73 Acres.
- C. Request for Final Plat of Warren Addition Consisting of 2 Lots and 3 Outlots on 81.73 Acres.

Location: Section 19
Township: Belle Plaine
Current Zoning: A-3, Agricultural Preservation District

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. *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 existing residences have road frontage and driveway access to Laredo Avenue, a gravel Belle Plaine Township Road. In addition, the agricultural land has a separate field access.
4. *Adequate Waste Disposal Systems* – the proposed lots will meet all requirements of the individual sewage treatment system ordinance prior to County Board consideration.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for agricultural development and preservation of farmland.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize existing township road for access.
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 improvements; therefore, it is consistent with the County's capital improvement plan.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:45 PM: INTERIM USE PERMIT FOR CHARD GRADING & EXCAVATION (PL#2023-036)

- A. Request for Interim Use Permit to Operate a Sand and Gravel Mine on 29.78 Acres

Location: Section 5
Township: Belle Plaine
Current Zoning: A-3, Agricultural Preservation Density District

Marty Schmitz presented the staff report for this application. Mr. Schmitz introduced Brandon Peterson, Consulting Engineer with Carlson McCain 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: [August 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 asked if the City of Belle Plaine has reviewed and approved the application. *Mr. Peterson responded the City of Belle Plaine has seen the mine proposal and has approved it, as has Belle Plaine Township.*

Commissioner Huber asked about the future land uses and if that would be residential or how the reclamation would occur.

Mr. Peterson responded that they are only lowering the site 3-4 feet so it would not be a significant site reduction.

Mr. Schmitz noted that the applicant had submitted revised plans late last week, which were forwarded to the City and State Department of Health but comments on the revised plans have not yet been received. In review with the Department of Health the soil borings do show that there is a confining layer between the aquifers, but it is important that groundwater monitoring should be done at some level since the city will be adding future wells.

Commissioner Huber asked about the end reclamation and the final elevation will be 30-40 feet below the surrounding grade.

Mr. Schmitz responded that the property owner has access to an additional 105 acres of property with a large amount of soil that can be used to help fill in the future.

Commissioner Hentges asked about the MN Department of Health comments and if staff feels those comments have been addressed.

Mr. Schmitz responded a meeting was held with the Dept of Health, City of Belle Plaine and County staff this afternoon and staff feels the concerns have been addressed.

Commissioner Picha asked about dust control.

Mr. Peterson responded that the Resource Management Plan contains information about a well and that Chard has an MPCA permit that this site would be included.

Commissioner Hussain asked about the requested wash plant and if that would be allowed.

Mr. Schmitz indicated that the wash plant raises concerns about the groundwater but this site will stop at elevation 820 and the groundwater stops at 817 and the applicant will only screen and not propose a wash plant at this time.

Commissioner Vonhof clarified there is a condition in the IUP where there would need to be a groundwater monitoring plan.

Mr. Schmitz confirmed that the monitoring plan would need to be provided prior to County Board.

Commissioner Robbins asked about the mine duration.

Mr. Peterson responded that it would be 14-24 years.

Commissioner Hussain asked about the monitoring plan.

Mr. Schmitz indicated the applicant would prepare the plan and it would be reviewed by staff.

Dan Chard indicated that the NPDES requires monthly and annual monitoring and their engineer will develop a monitoring plan.

Kate Sedlacek noted the applicant, and their engineer were notified of the monitoring plan, and they will be preparing according to MPCA requirements. And staff confirmed the applicant was not using a wash plant and if in the future they would propose one the IUP would need to be amended.

Chair Vonhof opened the public hearing at 7:08pm.

Public Comments and Questions at the Podium:

Dawn Meyer, City of Belle Plaine Administrator noted the site is in the future drinking water management area and groundwater monitoring area. The City is having issues finding quantity and quality of water due to issues with the aquifers below the City. The City supports the monitoring well on site and that the Dept of Health conditions be followed.

Commissioner Huber asked Ms. Meyer about future land use.

Ms. Meyer indicated there is not an annexation agreement with the Township and the City provided minor comments as the reclamation will be agricultural until it gets annexed.

Tony Kornder, Belle Plaine Township, indicated the Township is supportive of mining to help township tax base and there is a need for gravel now.

Chet Vansloun from Lago Boulevard noted that he is not able to build accessory building on the square footage he has so why is mining allowed.

Tom Chard clarified that additional Geotech work was completed and noted that glacial till layer existed and they are not looking to go down below the 820 elevations to avoid issues with groundwater.

Commission Huber confirmed that the clay till found will help separate the aquifers.

Anneka Munsell from the MN Department of Health clarified the area is in the high vulnerable in Belle Plaine's future DWSMA. Creating a depression in the DWSMA creates infiltration which can be a concern for groundwater and monitoring will help greatly as it helps prevent issues and protect the aquifer.

Pam Welch main concern is on truck traffic on County Road 64 and issues with hills.

Commission Vonnhof noted that the road is county road and there are traffic counts that dictate road capacity, and it is difficult to prevent a specific vehicle from traffic.

Mr. Schmitz noted that County Highway reviewed the site and lines from the west and east have fairly good site lines (photos shown of roadway) and staff has been out and will require an access permit to out it in the safest location.

Chair Vonnhof asked for a motion to close the hearing.

Motion by Commissioner Robbins to close the public hearing; second by Commissioner Picha. 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 Chard Grading & Excavation to operate a Sand and Gravel Mine noting this recommendation is subject to the conditions of approval listed in the staff report to be satisfied prior to County Board consideration of this request.

Chair Vonnhof 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 Vonnhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

Criteria for Interim Use Permit Approval:

1. The proposed use does not create an excessive burden on public facilities.

The proposed operation utilizes County Road 64 as the haul route. County Road 64 is classified as a future B-minor arterial roadway. It is anticipated that most traffic will exit the mine west bound on County Road 64 to US Highway 169. A meeting with State Agencies including DNR, MDH and Rural Water has been held regarding mine in the City of Belle Plaine DWSMA to provide guidance and best management practices on the mine request.

2. The proposed use is compatible with uses on adjacent lots.

Adjacent land is generally agricultural land. Three other gravel mines are operated to the north of the proposed mine. The closest residence is located approximately 400 feet south of the proposed 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 for agricultural uses 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 mine will utilize County Road 64 as the haul route. County Road 64 is classified as a future B-minor arterial roadway. It is anticipated that most traffic will exit the mine west bound on County Road 64 to US Highway 169. Scott County Transportation Services is requiring an access permit for the mining operation.

5. Adequate water supply, individual sewage treatment facilities, erosion control, and stormwater management are provided in accordance with applicable standards.

The mine is not requesting a well and portable restroom 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. All structures constructed or moved onto the site will need to meet the requirements of the Building Code.

Conditions for Approval:

1. The permit shall be operated in compliance with the applicant's approved Interim Use Permit Application Project Description, Plans and Attachments from Carlson McCain Dated May 24, 2024, including Resource Management Plan, Mine View Shed Analysis, Nearby Wells Logs, and NRCS Web Soils Survey. 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 Chard Grading & Excavation 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, 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. The IUP will need to be amend prior to installation of a wash plant at the mine.
4. Maximum Excavation Limit shall not exceed elevations shown on Cross Sections A', B' & C' (Plan Sheet 6 of 6). This depth equals approximately 40 feet, which is located at elevation 820 feet above msl. (may be modified based on soil borings)
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 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.
6. The Operator shall water the haul roads and processing areas of the mine as needed to minimize dust.
7. The Operator shall comply with all requirements of Scott County for site access.
8. 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 \$_____. 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.
9. The Operator shall be responsible for any damage to County Road 64 caused by haul trucks entering and exiting the mine.
10. The Operator shall monitor for dust and soil tracking onto County Road 64. The applicant shall take action to reduce dust and soil tracking onto the roadway. Material tracked on the roadway shall be immediately swept.
11. 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; current year mining elevations and projected mining elevation for the upcoming year; manifest for all imported fill material and all monitoring well data.

12. Reclamation backfill standards identified in Section 4.0 (Site Reclamation) of the IUP Permit Application dated May 24, 2024, prepared by Carlson McCain shall be followed for the life of the mine including completion of all reclamation activities.
13. 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 as part of the annual report described in Condition 11.
14. All costs associated with any permit review and submission of monitoring reports to the County and Township shall be the sole responsibility of the Operator.
15. Mining shall be completed in twenty-five (25) 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.
16. All equipment and temporary structures shall be removed no later than six months after termination of mining operations or IUP expiration.
17. Stockpile height shall not exceed 30 feet higher than the initial grade of the mining area or 50 feet in height, whichever is lower.
18. Berms shall be vegetated and mowed on a regular basis.
19. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
20. 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.
21. There shall be no overnight camping of employees of the company on the site.
22. The Operator may recycle asphalt and concrete. Prior to receiving any asphalt or concrete material, the Operator will receive a solid waste permit from Scott County. The Solid Waste License shall include a performance bond as required by County Ordinance.
23. 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.
24. 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.
25. 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.
26. The applicant shall provide to the Scott County Auditor's Office appropriate payment due for gravel tax in accordance with State and County regulations.
27. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.
28. All signage shall conform to the Scott County Sign Ordinance.
29. 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.
30. The operations shall be available for inspections by authorized County 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.

31. All requirements of Section 6B-2.5 (County Zoning Ordinance) *Specific standards for areas of moderate or high susceptibility to ground water contamination or are located within a Drinking Water Supply Management Area (DWSMA) as defined in Minnesota Rule 47020.5100, subp. 13* must be followed. Infiltration rate testing results and a soil boring located within the infiltration basin areas shall be provided prior to final construction of the proposed infiltration basins. Each basin location will require a soil boring and confirmation of infiltration rates.
32. On-site vehicle & equipment maintenance shall be performed on an impervious surface.
33. The operator shall comply with the approved ground water monitoring plan prepared by Carlson McCain dated _____. All ground water monitoring data shall be provided to the County and City.

4.2 PUBLIC HEARING 7:31 PM: REZONE, PRELIMINARY PLAT & CONDITIONAL USE PERMIT OF VALLEY VIEW INDUSTRIAL PARK (PL#2024-012)

- A. Request for Preliminary Plat of Valley View Industrial Park Consisting of 7 Lots and 2 Outlots on 97.13 Acres.
- B. Request for a Rezone of 97.13 Acres from Urban Business Reserve, UBR, to Rural Business Reserve, RBR.
- C. Request for Conditional Use Permit to add More Than 1,000 Cubic Yards of Fill in the Floodplain When the Fill is not Being Used to Elevate a Structure.

Location: Section 8 & 17
Township: Sand Creek
Current Zoning: UBR, Urban Business Reserve

Nathan Hall 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: [August 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 asked about the changes that occurred since the July public hearing.
Mr. Hall noted the Valley View Drive right-of-way concerns have been addressed with the railroad crossing as well as the floodplain mitigation and the amount of compensatory storage for the fill that they are adding.

Commissioner Huber asked about the floodplain impacts and definitions.
Ms. Strong explained the Floodway is the standard flooding zone and the flood fringe is the adjacent area that is also protected. The current ordinance and maps were updated by FEMA and the MN DNR in February 2021.

Commissioner Huber asked about the flood fringe storage issue.
Ms. Strong noted the ordinance is very aggressive and that it requires 2:1 compensatory storage. The proposal went above and beyond the available area and the average groundwater level. Additionally, the applicant provided soil borings to verify the fill.

Chair Vonnhof opened the public hearing at 7:47pm

Public Comments and Questions at the Podium:

Zack Perkel, future neighboring property owner, commented the use does not fit with the surrounding area and the land is not suitable for development as well as concerns to potential impacts to the groundwater. Mr.

Perkel, further discussed the future road realignment with the railroad crossing and issues he sees with the realignment. He requested the denial of the plat and the road realignment.

Katie Sawyer, future neighboring property owner, discussed the compatibility with adjacent and future land uses.

Peggy Dunnette believes the natural area corridor and the comprehensive plan are reasons to vote against this project and the development needs an Environmental Review.

Mark Sonstegard from JHM Land discussed the review with staff on the floodplain concerns. All the buildings and building pads and storage will be outside of the floodplain. Their engineering shows a no rise once the mitigation is complete. Uses are not manufacturing uses, more service oriented that require outdoor storage and are no longer generally allowed in the cities.

Commissioner Huber asked about the buildings and the grades.

Mr. Sonstegard noted all the buildings are out of the floodplain, both proposed and original, and will be outside of the 100-year flood. Infiltration will also be required to meet MPCA and County requirements for infiltration.

Ms. Strong noted the storm ponds catch normal runoff off of hard surfaces, and as each lot comes in they would design for each use above and beyond the plat proposed stormwater.

Commissioner Watson asked about the Valley View Drive Improvements.

Mr. Sonstegard commented it's a Township Road and the Township has this planned for 2025.

Commissioner Robbins asked about meeting with any neighboring residents.

Mr. Sonstegard noted that they have not met with any neighboring residents, but the adjacent neighbor is operating a landscape operation. The closest neighbor was contacted about buying the adjacent strip but received no response.

Commissioner Huber asked about the change in the Comp Plan.

Mr. Davis indicated the comp plan process changed it from Urban Business to Rural Business since the City had planned for development post-2040.

Chad Sandey from Sand Creek Township discussed the Township's position and determination for the process of changing the land use and identified the steps to make the development the best fit for the area.

Commissioner Vonhof noted the steps the Township is taking will make the road and railroad crossing safer and that the existing crossing is a very dangerous railroad crossing.

Mr. Sandey noted that the road design will be more restricted speed at the crossing lower than recommended.

Ms. Dunnette made further comment that just because it was planned for does not make it right.

Chair Vonhof asked for a motion to close the hearing at 8:57.

Commissioner Robbins made comment he agrees this is a great area but there has been effort from developers to work with this area in a delicate way. Commissioner Robbins further commented to the flooding of the area and to be aware of the potential impacts.

Commissioner Huber commented engineers have looked at the s curve and there is a reason for its re-design.

Commissioner Picha commented on the railroad crossing and its dangers and his hope for the safety of the crossing with the re-design of the s curve. Commissioner Picha further commented that every agency is watching the Applicant closely and hopes the Applicant follows through with all the requirements and safety precautions.

Motion by Commissioner Hentges to close the public hearing; second by Commissioner Huber. 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 Rezone of 97.13 Acres From Urban Business Reserve, UBR, to Rural Business Reserve, RBR, the Preliminary Plat of Valley View Industrial Park consisting of 7 Lots and 2 Outlots on 97.13 Acres, and a Conditional Use Permit to add more than 1,000 cubic yards of fill in the floodplain noting this recommendation is subject to the conditions of approval listed in the staff report to be satisfied prior to County Board consideration or the plat.

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 unanimously with 7 Ayes.

Criteria for Rezoning 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 Rural Business land.
- 2. The proposed use is or will be compatible with present and future land uses of the area.*
The proposed rural business use of the property is compatible with nearby properties and consistent with the use of adjacent rural business land.
- 3. The proposed use conforms to all performance standards contained in this Ordinance.*
The proposed lot sizes and dimensions conform to the performance standards for RBR property.
- 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 uses of the RBR properties 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 property has access to Valley View Drive, where improvements are proposed to increase the capabilities of the street.

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 wells, meets the requirements of the zoning and subdivision ordinances.
- 3. Adequate Roads or Highways to Serve the Subdivision* – the property has frontage on Valley View Drive, a gravel township road that is scheduled for improvements. In addition, improvements are planned for Jordan Avenue and 173rd Street to serve the development.
- 4. Adequate Waste Disposal Systems* – the proposed lots will 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 development in the Rural Business Reserve 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:

1. The use will not create an excessive burden on public facilities and utilities that serve or are proposed to serve the area.
The developer will participate in the planned improvements to the road infrastructure. There are no imminent plans to provide municipal services to the area.
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.
Once the fill of the flood fringe area and excavation of the compensatory storage areas are completed, they will be stabilized. The disturbed areas will be paved or planted and will not deter uses on neighboring properties.
3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
The area of fill will be stabilized and seeded or developed and will not be out of character for the RBR District.
4. The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
The Scott County Zoning Ordinance allows for more than 1,000 cubic yards of fill in the floodplain through a CUP.
5. The use is not in conflict with the Comprehensive Plan of Scott County.
The Comprehensive Plan guides the properties where the expansion will take place as Rural Business Reserve (RBR). The fill within the flood fringe will facilitate the expansion of the area that can be used for storage or contractor yards within the RBR development, which is not in conflict with the Comprehensive Plan.
6. 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 sufficient on-site parking.
Access to the site will be maintained from Valley View Drive, a gravel Township Road. The development of the site and fill of the floodplain area will need to be coordinated with the Township to ensure an appropriate condition of the public road is maintained.
7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
The addition of fill and excavation of compensatory storage areas will not interfere with the proposed wells, septic fields, and stormwater areas.
8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.
There are no proposed buildings as part of this CUP request.

4.3 PUBLIC HEARING 9:02 PM: CONDITIONAL USE PERMIT AMENDMENT FOR MID AMERICA FESTIVALS CORPORATION (PL#2024-040)

- A. Request for Conditional Use Permit Amendment #616-C-8 Issued to Mid America Festivals Corporation to Modify Conditions Related to On-Site Parking Numbers and On-Site Parking Passes.

Location: Section 16, 21, 28 & 29
Township: Louisville
Current Zoning: I-2 Heavy Industrial

Brad Davis 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: [August 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.

John Matzko, SRF Consulting, presented a traffic management update, parking and transit summary. Tony Janawick, Interstate Parking spoke about the parking process and how Interstate works in other venues.

Commissioner Comments and Questions:

Commissioner Robbins asked about the intention of replacing or replenishing spaces in parking lots as a common best practice.

Mr. Janawick stated that his professional parking company operates traffic management at venues throughout the country, and operations at this venue [Ren Fest] is the most restrictive regulation for parking. He said the issue of closing the lot and putting cars back on the roadways goes against good practice.

Chair Vonhof opened the public hearing at 9:44pm.

Public Comments and Questions at the Podium:

Bob Pieper, Louisville Township Supervisor, noted he visited the site daily during the festival operations and observed parking spaces available in various lots with people parking far away. He mentioned replenishment would be helpful and the Township approved the time at 1:30pm.

Cheryl Doucette, Louisville Township Clerk, was impressed in 2023 with the difference in traffic and parking management and the improvements were noticeable.

Brad Davis noted that Mid-America will unilaterally stop the practice of replenishment if the proposed changes do not work. Mr. Janawick agreed with this statement; and said the parking company would like to manage backfill based on their criteria, not on a certain time as the vacancy changes each day of the festival. Bo Beller, Mid-America Festivals, noted they have enhanced bussing this year with additional hubs.

Chair Vonhof asked for a motion to close the hearing at 9:57.

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

Motion by Commissioner Robbins; second by Commissioner Hentges, based on the criteria for approval listed in the staff report, I recommend approval of Mid America Festival's requested CUP amendment to modify condition #31 setting the price of the at-the-gate parking voucher to double the price of the on-line pre-purchased voucher, and condition #32 allowing the applicant's professional parking company to sell daily Parking Passes in a number equal to but no greater than the number of vehicles that leave the site with continuous monitoring; beginning at 2:30 pm in the afternoon.

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 CUP Approval:

1. *The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.*

The proposed amendment will not create an excessive burden on existing or proposed public facilities serving the surrounding area, particularly with the provisions setting the time when the professional parking company

can "backfill" parking spaces to 2:30 pm on festival event days and setting the maximum number of "backfill" parking spaces to no greater than the number of vehicles exiting 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.*

The proposed amendment does not change the compatibility with adjacent land uses.

3. *Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*

No structures are proposed with this requested amendment.

4. *The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.*

The proposed amendment is consistent with County zoning ordinance.

5. *The use is not in conflict with the Comprehensive Plan of Scott County.*

The proposed amendment does not change the use of the properties. The use is not in conflict with the 2040 Comprehensive Plan.

6. *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 sufficient on-site parking.*

The proposed amendment includes adequate measures to minimize traffic congestion and provide sufficient on-site parking, particularly with staff's recommendation setting the time when the professional parking company can "backfill" parking spaces to 2:30 pm on festival event days and setting the maximum number of "backfill" parking spaces to no greater than the number of vehicles exiting the site.

7. *Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.*

No modifications to water supply, septic systems, erosion control or stormwater management are proposed with this requested amendment.

8. *All buildings/structures must meet the intent of the State Building Code and/or Fire Codes.*

No structures are requested as part of the requested CUP amendment. Any future structures will require a building permit and compliance with all applicable building and/or fire codes.

4.4 PUBLIC HEARING 10:00 PM: CONDITIONAL USE PERMIT FOR HAWKINS PROPERTY, LLC., (PL#2024-039)

- A. Request for Conditional Use Permit Amendment for Hawkins Property, LLC., to Operate a Contractor Yard for Excavating & Landscaping, Truck Repair and to Lease Space to Other Industrial Users.

Location: Section 28
Township: Louisville
Current Zoning: I-1 Rural Industrial District

Marty Schmitz 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: [August 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:

Mr. Schmitz presented the staff information and noted that there is information staff is recommending items be shown on the property survey to clearly delineate boundaries, locations of storage areas, landscaping, and verification that the business is not occupying the right-of-way or dedicated easements. It was also noted that the Township recommended the item be tabled for more information.

Chair Vonhof opened the public hearing at 10:11pm.

Public Comments and Questions at the Podium:

Commissioner Hussain asked about the 60 day deadline.
Mr. Schmitz noted that the county will extend the deadline

Chair Vonhof asked for 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 staff recommendation, because there are so many outstanding items that need to be address, I recommend the request be continued. The additional time will permit the applicant the opportunity to address the comment memos from Transportation Services and Natural Resources, update the site survey, grading plan, and landscape/screening plan, address any township comments and accurately demonstrate where outside storage can be located.

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.

4.5 PUBLIC HEARING 10:13 PM: PRELIMINARY PLAT & CONDITONAL USE PERMIT OF CAMBRIA REH, LLC., (PL#2024-011)

- A. Request for Preliminary Plat Approval for CREH Addition Consisting of 1 Lot and 2 Outlots on 88.18 Acres.
- B. Request for Conditional Use Permit to Construct and Operate a Material Trans Loading & Processing Center in the I-2 District

Location: Section 33
Township: Louisville
Current Zoning: I-2 Heavy Industrial District

Marty Schmitz 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: [August 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 Picha asked about used material and stockpiled on site.
Joel Peters responded no they recycle material and stockpile to the CUP limit of 50 feet.

Chair Vonhof opened the public hearing at 10:21.

Public Comments and Questions at the Podium:

John Weckman, Louisville Township, noted the Township approved the CUP/plat and are going over the development agreements, but the Township is comfortable moving the project forward.

Chair Vonhof asked for a motion to close the hearing at 10:25.

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

Motion by Commissioner Robbins; second by Commissioner Picha, based on the Conditions of Approval and Criteria for Approval listed in the staff report, I recommend approval of Cambria REH's Conditional Use Permit (CUP) and preliminary plat approval CREH Addition to use the site for Material Trans Loading & Processing Center

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 unanimously with 7 Ayes.

Criteria for Plat Approval:

1. *Adequate Drainage* – the proposed plat will meet all storm water drainage requirements as identified in Chapter 6 of the Zoning Ordinance.
2. *Adequate Potable Water Supply* – The plat/use do not require municipal services. The plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – Adequate measures have been taken to provide ingress and egress, access to the plat via a future frontage road from Bluff Drive on the south to Smith Drive on the north. The Developers Agreement will include language regarding the location, timing, and funding for the frontage road through the property. The existing direct driveway access to Highway 169 will be removed when the property receives access from the frontage 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 the development in the Industrial Area.
6. *Public Service Capacity* – The proposed plat/use do not create an excessive burden on public facilities. Access to the site will be from a frontage road constructed as part of the project. The Developers Agreement will include language regarding the location, timing, and funding for the frontage road through the property.
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* – To improve access to the site, Cambria will construct a future frontage road from Smith Drive through their parcel.

Criteria for CUP Approval:

1. The proposed use does not create an excessive burden on public facilities. The proposed use does not require public utilities. To improve access to the site, Cambria will construct a frontage road from Smith Drive through their parcels. The Developers Agreement will include language regarding the location, timing, and funding of the frontage road through the property. The existing direct driveway access to Highway 169 will be removed when access to the frontage road is available.

2. The proposed use is compatible with uses allowed in the Heavy Industrial District. In addition, the Trans Load and processing facility are separated by approximately 1,000 feet from the nearest residence which is also located in the I-2 Heavy Industrial zoning district.
3. New structures on the site will be designed and constructed to comply with County Ordinance. Building permits will be required for all new structures. Improvements to the exterior of the existing processing building will take place within 3 years of when the CUP is approved by the County Board. All building exteriors will have a design finish that will not hinder orderly and harmonious development in the I-2 Zoning District.
4. The use is consistent with the purpose of the I-2 Zoning District.
5. The use is not in conflict with the Scott County 2040 Comprehensive Plan. The property is designated industrial in the Comprehensive Plan. The proposed use is consistent with the uses in the industrial district.
6. Adequate measures have been taken to provide ingress and egress access to the site via a future frontage road. The Developers Agreement will include language regarding the location, timing, and funding for the frontage road through the property. The existing direct driveway access to Highway 169 will be removed when access to the frontage road is available.
7. Adequate water supply, sewage treatment systems, erosion control and storm water facilities have been approved by County Staff. The use does not require municipal services, nor is a high-water user.
8. All buildings are designed to meet applicable building and fire codes. Building permits are required for all structures at the facility.

Conditions of Approval:

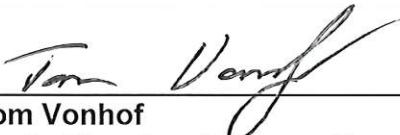
1. The applicant is to file with Scott County Zoning Administration in January of each year a statement stating that they are in compliance with the conditions of the Conditional Use Permit (CUP). Failure to do so may be a basis for revocation of the permit.
2. This Conditional Use Permit is specifically issued to Cambria REH, LLC. applicant, to construct and operate a trans load and material processing facility as described in the application narrative and approved plans prepared by Sambatek dated _____ as may be amended prior to County Board approval.
3. If the property is sold, the new operator shall contact Scott County Zoning Administration and the Louisville Town Board to determine if the Conditional Use Permit needs to be updated or amended due to any operational changes.
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 operated according to the project narrative and project plans prepared by Sambatek; any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and by the Louisville Town Board.
7. The Applicant shall repurpose the existing processing building and have it operational within three years or it shall be removed from the property unless an extension is approved by the Township and County.
8. Material stockpiles shall not exceed 50 feet in height. Storage containers shall not be stacked over three high within the container storage yard.
9. The Applicant shall obtain, maintain, and comply with all federal, state, county and township ordinance rules and regulations.
10. The operations shall be available for inspections by authorized County and Township inspectors within normal company working hours upon reasonable advance notice to the Operator.
11. The property shall be maintained in a neat and orderly manner.
12. Landscaping/Screening shall be installed per the approved landscaping and screening plans dated February 26, 2024, as maybe amended prior to County Board action. Establishment of a \$5,000 landscaping/screening financial guarantee is required to maintain the plantings for a full growing season. All plant material required as part of the Landscaping/Screening Plan shall be maintained and kept alive. Any dead or damaged plants shall be replaced.
13. All signage shall comply with the Scott County Sign Ordinance.

14. Lighting shall comply with the standards in the Scott County Zoning Ordinance
15. The access drive to Hwy 169 shall be removed when access is available to the frontage road.

V. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VI. GENERAL & ADJOURN

Motion by Commissioner Robbins; second by Commissioner Huber to adjourn the meeting at 10:28 PM. The motion carried unanimously.



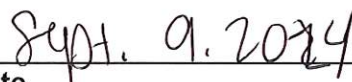
Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date