



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Tuesday, November 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, 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; Rachel Nosbush - Deputy Clerk to the Board.

II. APPROVAL OF OCTOBER 14, 2024 PLANNING ADVISORY COMMISSION MINUTES

Chair Vonhof called for a motion to approve the minutes. Motion by Commissioner Robbins; second by Commissioner Picha to approve the minutes of October 14, 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.

3.1 PUBLIC HEARING 6:30 PM: REZONE, PRELIMINARY PLAT & FINAL PLAT OF ALEX & BRITTANY KUECHLE ADDITION (PL#2024-057)

- A. Request for Rezoning 80.65 Acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.
- B. Preliminary Plat of Alex & Brittany Kuechle Addition consisting of 2 Lots and 1 Outlot on 80.65 acres.
- C. Request for Final Plat of Alex & Brittany Kuechle Addition consisting of 2 Lots and 1 Outlot on 80.65 acres.

Location: Section 23
Township: Sand Creek
Current Zoning: A-3 Agricultural Preservation Density

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 frontage and access off Harlow Avenue and 195th Street West, County Road 71, a gravel county road. An access permit for the driveway improvements is required.
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 Transition 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.

3.2 PUBLIC HEARING 6:30 PM: REZONE OF DAVID & KRISTA WOESTEHOF (PL#2024-058)

- A. Request for Rezoning 96.17 Acres from Urban Expansion Reserve District, UER to Urban Expansion Reserve Cluster District, UER-C.

Location: Section 16
 Township: Sand Creek
 Current Zoning: Urban Expansion Reserve District, UER

Criteria for Approval:

1. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official County Comprehensive Plan.*
 The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for land preservation in the Transition Area.
2. *The proposed use is or will be compatible with present and future land uses of the area.*
 The use is not changing and while the lot size is being reduced the overall density will remain at one unit per 40 acres.
3. *The proposed use conforms to all performance standards contained in this Ordinance.*
 The use of the property is not changing; the majority of the property will remain in agricultural production.
4. *The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.*
 The use is not changing and therefore will not adversely impact public service capacity for local service providers.
5. *Traffic generation by the proposed use is within capabilities of streets serving the property.*
 The farmstead has driveway access onto State Highway 282 and the agricultural land shares a field access with the adjacent agricultural parcel to the east.

Chair Vohnhof made a motion to Approve the Consent Agenda.

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

Chair Vohnhof 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 Vohnhof: Aye
 Commissioner Hentges: Aye
 Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

IV. PUBLIC HEARING

Brad Davis asked that both Public Hearings listed on the agenda be opened at the same time as the two items are related.

Chair Vonhof made a motion to open both public hearings.

Motion by Commissioner Robbins to open the Public Hearings; second by Commissioner Hentges. The motion carried unanimously.

4.1 PUBLIC HEARING 6:30 PM: ADOPTION OF SCOTT COUNTY ORDINANCE NO. 37 CANNABIS RETAIL REGISTRATIONS

- A. Request to consider adopting Scott County Ordinance No. 37 Cannabis Retail Registrations which will authorize Scott County to register State licensed retailers who sell cannabis products.

4.2 PUBLIC HEARING 6:30 PM: AMENDMENT TO THE SCOTT COUNTY ZONING ORDINANCE TO ESTABLISH CANNABIS LAND USE REGULATIONS

- A. Request to consider amending Scott County Ordinance No. 3 to add Chapter 17: Cannabis Land Uses.
- B. Request to consider amending Chapter 16: Land Use Descriptions and Standards.
- C. Request to consider amending Table 20-4: Uses to Establish Zoning Regulations for Cannabis Uses.

Brad Davis presented the staff report for both ordinances. Planning Advisory Commission packets, staff reports, video recording and approved minutes are available for download at the Scott County Website link: [November 12, 2024 Planning Advisory Commission](#) or by visiting www.scottcountymn.gov/pacreports and selecting the current date.

Commissioner Comments and Questions:

Commissioner Robbins asked if the County cannabis ordinance will supersede a City cannabis ordinance if the business wishes to operate in a city?

Mr. Davis responded if the retail is locating within a city, the city ordinances will apply; if the retail is locating outside the city limits, or in the townships, the County's ordinances will apply.

Commissioner Hentges asked whose ordinances the Shakopee Mdewakanton Sioux Community would follow?

Mr. Davis answered any cannabis business development on trust land will not be subject to the County ordinance

Chair Vonhof asked if the State of Minnesota is setting limits on the number of cannabis retail establishments it will license?

Mr. Davis stated it is his understanding the State of Minnesota is not limiting their retail licenses through their process. The state law is allowing local jurisdictions to set limits.

Commissioner Robbins asked to remind him what have been the reasons for not proposing to allow cannabis cultivation in certain areas?

Mr. Davis stated that, based on previous discussions and feedback, indoor cultivation in large buildings, with the required security fencing and lighting, was viewed as not compatible in agriculture areas.

Commissioner Hussain asked what the process would be for businesses to get relief from required setbacks as proposed in the cannabis ordinance?

Mr. Davis responded more research will be needed to determine if relief would be allowed under the County's typical variance process and hardship criteria.

Commissioner Robbins asked about the common concerns of cannabis odor and lighting.

Mr. Davis responded that prospective cultivators will need to make sure the site has enough power in the electrical transmission grid to operate an indoor cultivation as cannabis growing needs light. Mr. Davis further explained in agricultural areas it is not common for security lighting and fences to be seen.

Commissioner Picha asked if there would be a concern if there was cannabis cultivation activity in a floodplain area?

Mr. Davis responded that any structures related to cannabis cultivation would not be allowed in a floodplain area, but if an applicant wishes to have outdoor grow areas in a floodplain, that would be at their risk.

Commissioner Picha asked if there would even be 13 cannabis retail sites available in Scott County with the setback restrictions.

Mr. Davis responded that based on the amount of acreage zoned for cannabis retail uses, and the amount of buildings on these zoned properties that turn over or become available for lease, staff believes there is ample enough sites to accommodate 13 cannabis retail businesses. He reminded commissioners that other components of the cannabis industry, like cultivation, warehousing, testing do not count toward the 13 sites.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

Erik Karlsen, Scott County Resident, stated that he lives on a property zoned Rural Business Reserve and his house is also on the property, how would the setbacks work in this situation if he is a person who applies for a license?

Mr. Davis said the 500-foot setback would only apply to a house on the neighboring property, not for a house that is one the same property as the proposed cannabis business.

Jose Maltos, Owner of New Oceans Logistics, made comment he has been working with Mr. Karlsen on a possible cannabis business venture and had to change directions once they found out of the proposed limited licenses in Scott County. Commissioner Robbins questioned Mr. Maltos if their intention was to build a structure as part of their cannabis business venture?

Mr. Maltos responded yes, and that Mr. Karlsen has space for individual units which could include indoor facilities for testing.

Mr. Davis pointed out that the Karlsen property raises a unique situation when it comes to the proposed setbacks to neighboring residences. As proposed, the ordinance would require 500-foot setbacks to the nearest property line of a residence, instead of the actual residence itself. This makes a big difference in some of the rural areas where homes sit on very large lots, and limits the use of many zoned properties for cannabis businesses. Mr. Davis said the planning commission may want to consider establishing the 500 foot setback to the actual residential structure, rather than the nearest property line where a residential structure exists.

Chair Vonhof commented that he recalled, as part of previous discussions, the planning commission did not want the cannabis uses or retail establishments to be on top of residential areas or right next to homes.

Commissioner Robbins asked if it would be possible to change the setback language along the lines of starting with a size of the lot and if they exceed a certain size the outcome of the setback would change?

Mr. Davis said this is something staff could look into further.

Ted Kowalski, Spring Lake Township Supervisor, asked if a cannabis business starts operating at a location, and the neighboring property owner wants to subdivide and create home sites that could be within the 500-foot setback, is that neighboring property owner prohibited from subdividing?

Mr. Davis responded that, following the state's model ordinance, the County could not prohibit an existing cannabis business from continuing to operate if a residence, church, day care or any of the other specified types of uses moves within the buffer zone; nor would the County prohibit a neighboring property owner to create homesites within the buffer zone.

Lisa Quinn, Spring Lake Township, questioned if the buffer areas apply to temporary cannabis events.
Mr. Davis confirmed that yes, the setbacks apply

Mr. Karlsen, asked if there was written permission from neighboring property owners, would he be able to hold an event on his property.

Mr. Davis explained the county does not allow written permission from neighbors as a way to permit any land uses, and cannabis uses would be treated no different.

Commissioner Robbins commented he is in favor of the new Ordinance No. 37 and if issues arise in the future there is always the possibility of having an amendment.

Chair Vonhof asked for a motion to close the hearing at 7:43 pm.

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

Chair Vonhof asked for a motion on **Item No. 4.1 PUBLIC HEARING: ADOPTION OF SCOTT COUNTY ORDINANCE NO. 37 CANNABIS RETAIL REGISTRATIONS**

Motion by Commissioner Robbins; second by Commissioner Hentges, based on the criteria for approval listed in the staff report, I recommend approval of Ordinance No. 37.

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.

Chair Vonhof asked for a motion or discussion on **Item No. 4.2 PUBLIC HEARING: AMENDMENT TO THE SCOTT COUNTY ZONING ORDINANCE TO ESTABLISH CANNABIS LAND USE REGULATIONS**

Commissioner Robbins asked what would happen if they did not act on this tonight?

Mr. Davis responded that this ordinance amendment could come back on the December agenda and still be ready for board action by the end of the year.

Commissioner Robbins commented that there seems to remain an outstanding issue of whether to measure the proposed setbacks from a residential property line or the residence itself.

Mr. Davis stated that in addition to the setback issue, another outstanding item is Spring Lake Township's request to consider outdoor cultivation as a separate land use category and allow this cannabis use in the Transition Reserve, Urban Expansion, and Rural Residential zoning districts.

Chair Vonhof commented that outdoor cultivation is a whole separate conversation as there are concerns of fencing and security, and there needs to be a deeper look into outdoor cultivation. Chair Vonhof further commented that outdoor cultivation could work well or not work well.

Commissioner Hentges agreed with Chair Vonhof's statement about the security and fencing of outdoor cultivation and if there would be individuals with ill intentions would try to get past the fencing.

Commissioner Watson asked for Spring Lake Township to make comment on the letter sent to County Staff.

Mr. Kowalski stated the town board recognizes that this cannabis use is all very new and the town board wonders if there is room for changes and improvement in the future. The town board wants to have keep their options open for future discussions and decisions regarding the township's options.

Commissioner Picha asked if this ordinance amendment a time sensitive subject?

Mr. Davis responded the intention is to have the County Board adopt the amendment at the December 17th meeting.

Commissioner Robbins asked if this does not pass tonight, what would be new information presented at the December planning commission meeting?

Mr. Davis said staff could come back with more information and recommendation on the setback question and look more into how other counties or cities propose regulating outdoor cultivation uses.

Commissioner Robbins proposed coming back to the Planning Commission on December 9th with additional information

Motion by Commissioner Robbins; second by Commissioner Hentges, based on the information given to continue this item to the December 9, 2024 Planning Advisory Commission Meeting.

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

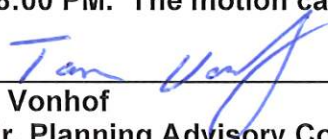
The motion passed unanimously with 7 Ayes.

Chair Vonhof wanted to make comment his appreciation for the work the County Staff has been put into this as this is a large new change for the community.

V. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VII. GENERAL & ADJOURN

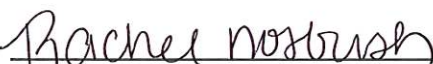
Motion by Commissioner Robbins; second by Commissioner Watson to adjourn the meeting at 8:00 PM. The motion carried unanimously.



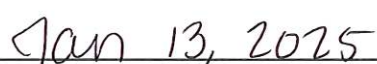
Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date