



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, January 13, 2025
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting 6:55 PM with the following members present: Ammar Husain, Jay Picha, Kent Robbins, Ray Huber, Tom Vonhof, Donna Hentges and Lee Watson.

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; Tom Wolf – County Board Commissioner, Kate Sedlacek - Environmental Services, Jon Rudolph – Engineer.

II. APPROVAL OF DECEMBER 9, 2024 PLANNING ADVISORY COMMISSION MINUTES

Chair Vonhof called for a motion to approve the minutes. Motion by Commissioner Robbins; second by Commissioner Huber to approve the minutes of December 9, 2024, Planning Advisory meeting. The motion carried unanimously, Chair Vonhof abstaining.

III. CONSENT AGENDA

Chair Vonhof presented the Consent Agenda and asked Commissioners and members of the audience if anyone wished to remove this item from the Consent Agenda and be heard as a Public Hearing item.

No motions were made.

3.1 PUBLIC HEARING 6:55 PM: REZONING & PRELIMINARY PLAT OF RIESGRAF FARM NO. 2 MEADOWS (PL#2024-068)

- A. Rezoning 18.48 Acres from Agricultural Preservation Density, A-3, to Transition Reserve Cluster, TR-C.
- B. Preliminary Plat of Riesgraf Farm No. 2 Consisting of One Lot and Two Outlots on 18.48 Acres.
- C. Final Plat of Riesgraf Farm No. 2 Consisting of One Lot and Two Outlots on 18.48 Acres.

Location: Section 15
Township: Sand Creek
Current Zoning: Agricultural Preservation Density

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

Motion by Commissioner Huber; second by Commissioner Robbins to approve the Consent Agenda. The motion carried unanimously.

Commissioner Huber noting Town Board approval.

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 lot and outlots have frontage and driveway access to 180th Street West, a gravel 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 Transition 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.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:57 PM: PRELIMINARY PLAT & CONDITIONAL USE PERMIT OF DEM-CON HZI BIOENERGY, LLC., (PL#2024-004)

- A. Request for Preliminary Plat of Red Rock Industrial Park Consisting of 2 Lots on 30 Acres.
- B. Request for a Conditional Use Permit to Operate an Anerobic Digester.

Location:	Section 28
Township:	Louisville
Current Zoning:	I-2 Heavy Industrial District

Greg Wagner presented the staff report for this application and introduced Mark Paul, owner of Dem-Con for further presentation. Planning Advisory Commission packets, staff reports, video recording and approved minutes are available for download at the Scott County Website link: [January 13, 2025 Planning Advisory Commission](#) or by visiting www.scottcountymn.gov/pacreports and selecting the current date.

Commissioner Comments and Questions

Commissioner Robbins asked for clarification if the inputs would be organic food scrap leftovers and if this will be serving the metro area.

Mr. Paul confirmed the inputs, or feed stock, for this project would come from residential properties in communities that collect food waste, and back-of-house food wastes from schools, grocery stores, restaurants and other similar places, and they will take feedstock from the metro and surrounding area.

Commissioner Robbins questioned how many employees there will be on site and how many trucks will be going in and out of the business.

Mr. Paul explained there will be a total of 12 employees running the site on a 24/7 basis. Mr. Paul further commented between Monday through Saturday there will be a daily amount of 20-30 inbound/outbound feedstock or biochar trucks coming in, and 10-30 trips for employees and tours.

Commissioner Husain questioned the air quality safety for the employees and if they will have air safety protection and if there are any health concerns with the air quality.

Mr. Paul explained the air is constantly monitored and there is a flow of fresh air coming in hourly and no risk of air safety concerns for the employees as the main concern within the structure would be odor.

Commissioner Huber questioned the digester pond and infiltration pond and the connection with any stormwater management.

Mr. Paul responded that the digester and infiltration pond are one in the same. They were different names throughout the process but ultimately it is the stormwater holding pond.

Commissioner Picha questioned how Dem Con will connect their collected gas to any pipeline and what would the pipeline consist of.

Mr. Paul explained CenterPoint Energy is still in the process of their final engineer plans as CenterPoint intends to connect along the northwest corner of the site along Red Rock Drive. CenterPoint is going through their own process for adding an additional 6 miles of natural gas pipeline in the area, which would connect to this site.

Commissioner Picha commented on a test well Bryan Rock used for their fracking project.

Mr. Paul responded confirmed there a test well still on the property which is no longer in use and will be decommissioned as the site is mined.

Commissioner Huber commented that the mining may occur down to the aquifer, but the site will re-engineer up to grade for future use.

Mr. Paul confirmed this will occur.

Commissioner Hentges questioned the number of bio-char trucks leaving the project site.

Mr. Paul responded 10% of the incoming feedstock trucks would equate to the biochar trucks leaving.

Commissioner Husain questioned the 15-foot smokestack height and why they went with the minimal amount.

Mr. Paul commented the height was what was established by the MPCA through their Air Permit and reviews.

Commissioner Watson asked about any concern with the flame from the stack shooting out.

Mr. Paul clarified the flame will be contained inside the stack and no one will see the actual flame.

Chair Vonhof questioned on the Sweden site visitation and if there were concerns.

Mr. Paul commented that Sweden's weather is similar to Minnesota's, with fluctuating temperatures, and that site was operating effectively during the spurts of cold weather.

Chair Vonhof opened the public hearing at 7:43 pm.

Public Comments and Questions at the Podium:

No one approached the podium.

Chair Vonhof 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 Preliminary Plat of Red Rock Industrial Park and the Conditional Use Permit for Dem-Con HZI BioEnergy LLC, to construct and operate an anerobic digester, noting that this recommendation is subject to the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration.

And noting Town Board approval.

Commissioner Robbins commented on the consideration and dedication to the amount of detail Dem Con has put into this project.

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 prior to County Board consideration.
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 property utilizes a private access, which is the vacated 145th Street West roadway, off of Red Rock Drive, a paved Louisville 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 Industrial Area goals and policies contained in the 2040 Comprehensive Plan.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as the property will utilize an existing township road for access, which was designed to accommodate industrial traffic.
7. *Consistency with the Minnesota Environmental Quality Board's Policies*- the proposed plat did not require 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.

Criteria for CUP Approval (Chapter 2-6-1):

1. The proposed use does not create an excessive burden on public facilities. The site is currently an aggregate mine utilizing existing public roads as haul routes. The proposed digester use proposes less vehicle traffic than the existing mining operation.
2. The proposed use is compatible with industrial uses on adjacent lots. To the north is a demolition landfill, to the south is a yard waste recycling facility, to the east is US Hwy 169 with smaller industrial uses, and to the west is the US Fish and Wildlife Refuge.
3. The anerobic digester will have industrial buildings designed to similar style as other Dem-Con facilities located north of this property. The buildings will be slightly depressed below surrounding grade elevations of adjacent public roads and screened.
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.
6. Adequate measures have been taken to provide ingress and egress, access to public roads and on-site parking via the existing public roadways.

7. Adequate water supply, sewage treatment systems, erosion control and storm water facilities will be approved by County staff for conformance with County Ordinance requirements.
8. All buildings need to meet the requirements of the State Building Codes as outlined by Scott County Building Inspections.

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 compliant 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 issued to Dem-Con HZI BioEnergy LLC, applicant, for the operation of an anerobic digester with gasification and biochar technology, approved as a Solid Waste Processing Facility and Recycling Center, described in the application narrative dated November 1, 2024 (as may be amended prior to County Board consideration).
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 application narrative and project plans (as may be amended prior to County Board consideration) prepared by Burns & McDonnell Engineering; any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and by the Louisville Town Board.
7. Operation of the anerobic digester shall comply with the approved Minnesota Pollution Control Agency (MPCA) Air Permit issued on September 24, 2024. Failure to maintain the MPCA permit would be grounds for termination of the CUP.
8. Dem-Con HZI BioEnergy LLC shall obtain and maintain all required State of Minnesota, Metropolitan Council, and Scott County permits and licenses listed in Items #85-93 of the MPCA Findings of Fact and Conclusions of Law and Order dated September 23, 2024.
8. Dem-Con HZI BioEnergy LLC shall obtain and operate according to the approved Scott County Solid Waste License and shall obtain a Hazardous Waste License from Scott County Environmental Services prior to commencement of operations.
11. The property shall be maintained in a neat and orderly manner. Dem-Con HZI BioEnergy LLC shall comply with the MPCA Air Permit for emissions and maintain all equipment for proper handling of organic wastes and odor as outlined in the CUP narrative. Noise from facility equipment and vehicles shall be in compliance with state regulations.
12. Landscaping and screening shall be installed according to the approved project plans. All plantings shall be maintained, and any diseased or dead plants shall be replaced as required by County Zoning regulations.

V. TABLED ITEM

5.1 TABLED ITEM 7:46 PM: COMPREHENSIVE PLAN AMENDMENT OF SPRING LAKE TOWNSHIP (PL#2024-051)

- A. Request to Re-Guide Ten Parcels from Transition Area to rural Business Reserve in the Lydia Hamlet Area.

Brad Davis presented the staff report for this application and introduced Jennifer Haskamp from Swanson Haskamp Consulting and Tim Arvidson of Stonebrooke Engineering. Planning Advisory Commission packets, staff reports, video recording and approved minutes are available for download at the Scott County Website link: [January 13, 2025 Planning Advisory Commission](#) or by visiting www.scottcountymn.gov/pacreports and selecting the current date.

Commissioner Comments and Questions:

Commissioner Hentges asked how FEMA, the Township and property owner were working on this floodplain issue in 2021 and yet the public and the Planning Commission only started hearing of this amendment in 2024.

Mr. Arvidson explained the property owner was looking at other development options back in 2021 and had been working with FEMA to determine the boundaries of the flood plains and, in doing so, it takes time.

Chair Vonhof asked for any public comment at 8:21 pm.

Public Comments and Questions at the Podium:

Jeff Miller, Spring Lake Township Supervisor, expressed his support for the amendment while also understanding the concerns of Lydia residents. Mr. Miller read a letter from former Supervisor Glen Kelly expressing his support for the amendment.

Steve Niosi commented on his support for the amendment and a need for a solid tax base for Spring Lake Township.

Jim Larson, owner of land that was developed as Fieldstone rural industrial park in New Market Township, expressed his support for the amendment and the importance of small businesses in the area and how this development in Lydia could increase the tax base for Spring Lake and Scott County.

Ernie Moen, Spring Lake Township resident, made comment that he is associated with the church located across the street from the proposed development and is opposed to the amendment. Mr. Moen would like to see this land developed as residential or stay used as farmland.

Doug Fontaine, Spring Lake Township resident, stated that Lydia was supposed to be the 'county seat' for Scott County at one time. He stated that Lydia has been in decline since the railroad left. Change is going to happen. He suggested that the residents work with the Township on how they want Lydia to develop as this is their opportunity. He preferred that business be concentrated in well planned and engineered areas rather than being scattered throughout the Township. An Industrial base reduces everyone's property taxes, groups individual business and promotes positive community.

Bob Erkel, Spring Lake Township resident, expressed that there is a need for an industrial park in the Township. He stated that there is no perfect spot for one, someone will always be opposed. At the same time this is an important piece of the Township's growth and tax base.

Bobby Harnist, Spring Lake Township resident, expressed his support for the amendment and said he would like to see this type of development in the township so his children will have a place to prosper in the future.

Jesse Dotseth, Spring Lake Township resident, commented the only people who are supporting this development are people who moved away from the city and people who don't even live in Lydia. He is opposed to the amendment.

Doug Johnson, Spring Lake Township business owner on Dairy Lane, commented that he is a business owner who has bi-yearly inspections of his property, and the County would do the same to any business that develops on the proposed area. He supports the amendment.

Andy Jensen, Spring Lake Township resident, presented a Petition with 67 signatures from Lydia and surrounding Spring Lake Township residents stating they do not want an industrial park in Lydia and oppose the amendment. Mr. Jensen further commented the proposed development has changed multiple times and the people supporting this do not even live in the area.

Ted Kowalski, Spring Lake Township Supervisor, stated that the Town Board applied for this amendment, not the property owners. He stated that the Township is permanently rural residential with fixed boundaries and the town board needs to look out for future residents of Spring Lake and the future tax base of the township.

Mariah Olinger, Spring Lake Township resident, commented her disapproval of the amendment as she lives adjacent to the proposed Industrial area.

Josiah Kasten, Spring Lake Township resident, commented that the Spring Lake Town Board is not listening to the residents because the residents are all saying "no". He opposes the amendment

Chair Vonhof informed the audience that no more comments will be taken. He asked for a motion or discussion.

Commissioner Hentges commented that this is clearly a proposal the surrounding residents are not in agreement with. She has difficulty supporting this land use change because Lydia residents did not plan or expect this area to change from transition to rural business. She will not support the amendment.

Commissioner Robbins noted that residents can come to this Board and voice their approvals or disapprovals on a proposal, and the Board does take these comments into consideration. He stated that while he hears and understands the resident's concerns, this land use change is just a step in the development process.

Commissioner Watson commented that some of the land is already zoned within the hamlet overlay to where a business can go in there, just depends on the type of business. He finds that business parks next to residential properties can work if properly sited and screened.

Motion by Commissioner Watson; second by Commissioner Robins, based on the criteria for approval listed in the staff report, I support this land use plan amendment requested by Spring Lake Township for the Lydia hamlet area, and advancing the request to the County Board for preliminary action.

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: Nay
Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes, 1 Nay.

VI. ELECTION OF 2025 PLANNING ADVISORY COMMISSION OFFICERS

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

Commissioner Robbins nominated Commissioner Tom Vonhof.

Chair Vonhof called for any further nominations 3 times.

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

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

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

Commissioner Robbins nominated Commissioner Lee Watson

Chair Vonhof called for any further nominations 3 times.

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

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

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

Commissioner Watson nominated Commissioner Robbins; second by Commissioner Picha.

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: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

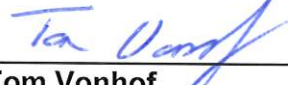
Commissioner Watson: Absent

The motion passed unanimously with 7 Ayes.

VII. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VIII. GENERAL & ADJOURN

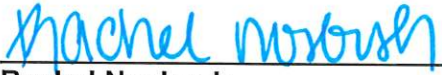
Motion by Commissioner Robbins; second by Commissioner Huber to adjourn the meeting at 9:32 PM. The motion carried unanimously.



Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date