Scott County
Planning Advisory Commission
January 14, 2019
6:30PM

Scott County Government Center
County Board Room
200 Fourth Avenue West
Shakopee, MN
## Scott County

January 14, 2019
Planning Advisory Commission Meeting

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I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:30 PM with the following members present: Gary Hartmann, Donna Hentges, Ed Hrabe, Lee Watson, Barbara Johnson, Ray Huber and Tom Vonhof.

County Staff Present: Brad Davis, Planning Manager; Greg Wagner, Senior Planner; Nathan Hall, Associate Planner, Deb Brazil, Administration; Tom Wolf, County Board Commissioner; and Dianna Gerold, Deputy Clerk to the Board; Cindy Geis, Property Tax and Customer Services Manager; Barb Weckman Brekke, County Board Commissioner.

Chair Vonhof noted the Ames Construction matter on the agenda has been postponed to a future date and will not be heard at this meeting.

II. APPROVAL OF NOVEMBER 13, 2018 MINUTES

Motion by Commissioner Johnson; second by Commissioner Hrabe to approve the minutes of November 13, 2018 Planning Advisory meeting. The motion carried on 6 ayes. Commissioner Huber abstained from voting.

III. CONSENT AGENDA

3.1 PUBLIC HEARING 6:30 PM: JUDITH M. WILLIAMS TRUST (PL#2018-097)

A. Rezone 80 acres from UER, Urban Expansion Reserve to UER-C, Urban Expansion Reserve Cluster.

Location: Section 32
Township: New Market
Current Zoning: UER

Motion by Commissioner Watson; second by Commissioner Hentges to approve the consent agenda. The motion carried unanimously.

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 2030 Comprehensive Plan for preservation of land in those areas that may be compatibly integrated with future urban development.

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 existing residence has frontage on County Road 86 and the access point will not be altered. The remaining parcel will share the same access.

And noting that New Market Township recommended approval of this request at their monthly meeting.

IV. PUBLIC HEARING 6:35 PM 2040 COMPREHENSIVE PLAN/RECOMMENDING BOARD ADOPTION OF DRAFT PLAN

Planning Manager Brad Davis provided an overview of the 2040 Comprehensive Plan. Mr. Davis is seeking a recommendation from the Planning Commission, and then the 2040 Plan will be brought to the County Board for approval. After County Board approval the 2040 Comprehensive Plan can be submitted to the Metropolitan Council by the December 31, 2018 deadline. This agenda item was continued from the November Planning Commission meeting agenda due to 3 (three) outstanding issues that need to be revisited in order to receive direction from the Planning Commission. The specific details within the staff report and a video are available on the Scott County Website November 13, 2018 Planning Advisory Commission Agenda Packet

Mr. Davis began with a brief recap of the 2040 Comprehensive Plan presentation from the November meeting. Mr. Davis noted the Commission had reviewed all comments and staff’s responses to the draft plan and had received written and oral comments on the matter. It was noted that all comments and responses from the public and County staff about the 2040 Comprehensive Plan were posted on the County website and staff has taken steps to get information out to the public including articles in the Scott County Scene. The Commission supported all proposed modifications to the draft plan at the November meeting, except for the 3 (three) outstanding issues in which a 3-3 split decision was obtained due to 6 members in attendance. The Planning Commission agreed to table these 3 (three) matters until the December 10 meeting when all seven members would be present

Mr. Davis reviewed the first issue regarding cluster development in Cedar Lake Township. Option A is to continue to allow 1 per 8 density cluster and PUD cluster development options and subtract wetland acreage when determining 1 per 10 acre densities. Option B is to no longer allow 1 per 8 density cluster and PUD cluster development options and no longer subtract wetland acreage when determining 1 per 10 acre densities.

It was noted that the Cedar Lake Township Board has not given any position on either option. After the presentation several commissioners shared their views.

Commissioner Hentges comments: She expressed respect for everyone on the Commission who needs to make a recommendation on this topic. She found it interesting that the Township provided no direction. She reminded others that many Cedar Lake citizens provided responses to the plan and sought option A, but now support the compromise provided in option B, as well as County Staff recommending option B. She lives in the township and has to live with the decision. She will be voting for option B.

Commissioner Hartmann comments: He was aware that the area neighbors were rallied together to support option B but noticed the area farmers and long-time landowners were not represented until recently. He has received several phone calls to keep the status quo. He pointed out how Scott County is growth orientated and cited county projections for growth. It is important to look at the matter from a county wide perspective and what is best for the County. Landowners who may want to develop their land in clusters and keep the outlot as tillable and this is the best option for the land use. Therefore, he will be voting for option A. The farmers and landowners are outnumbered although they own the majority of the land
Commissioner Johnson comments: She described her family history of living in Scott County including the size of their parcels and her own business in Scott County. She has vested interest in this county. She felt the farmers were not vocal enough but the ones that did provide input had some really good points. She will be voting for option A.

Commissioner Watson comments: He was in favor of option B for economic reasons. He expressed concerns regarding townships having the financial resources to support clustering, safety of roads, access on to roads and driveways during continued growth without a plan in place to effectively address the next 10-20 years. From an economic standpoint, option B is the best option.

Commissioner Huber comments: He was in favor of option B. He stated that should density become an issue in the future that 10 acres parcels can be sub-divided in the future as he has seen in other areas.

Commissioner Hrabe comments: He will be supporting option A. The county wants to grow and housing will be needed and believes people are looking for parcels to build on that are manageable. People and housing will allow the county to grow.

Commissioner Vonhof comments: He noted Scott County is a very large county with different levels of density. Cedar Lake Township has clearly expressed their position and will be supporting option B.

With no further comments presented, a formal roll call vote was requested. The options were presented on the video screen for Issue #1: Cluster Development in Cedar Lake Township. Option A is for the status quo which is to continue allowing 1 per 8 density cluster and PUD cluster development options and continuing to subtract wetland acreage when determining 1 per 10 acre densities. Options B is for the staff recommended change no longer allowing 1 per 8 density cluster and PUD cluster developments options and no longer subtracting wetland acreage when determining 1 per 10 acre densities.

Commissioner Hartmann voted Option A
Commissioner Hentges voted Option B
Commissioner Huber voted Option B
Commissioner Hrabe voted Option A
Commissioner Johnson voted Option A
Commissioner Vonhof voted Option B
Commissioner Watson voted Option B

Mr. Davis stated the plan will move forward with Option B on issue #1 for staff recommended change per the roll call votes.

Mr. Davis reviewed the second issue regarding existing outlot development in Cedar Lake Township. Mr. Davis reviewed history of development in that area and how ghost plats exists for some of those set aside areas for future development should it be determined that those areas may be opened up for greater density. Staff recommends Option A to keep the status quo which is to not allow further housing development on existing cluster subdivision outlots where density for original parcel has already been utilized. Option B is to allow further housing development on existing cluster subdivision outlots to which allows density to original parcel but at a home per 10 acres or 1 per 2.5 acres. In addition, Option B if chosen then a second decision on opening the outlots to a 1 per 10 acre or 1 per 2.5 acre density will be needed. It was noted that the township board is in support of Option A. Mr. Davis opened the floor for questions from the Commissioners.

Commissioner Johnson asked about what information regarding developing the outlots had been originally told to the developers and how many have asked about developing of the outlots? Mr. Davis replied that developers were aware they had maximized density and the outlots were set aside for possible development in the future for more density depending on future comp plans. There were no promises for time frames. The
idea to include the outlot development in the new comp plan originated with the county staff and had no outlot owners come to the county to request development of an outlot area. There has been some interest from owners since the idea was presented. Commissioner Hartmann asked what were the size of the acres on the ghost plats and the size of the lots that were developed. Mr. Davis presented actual examples of ghost plats and cited they were platted for 2.5-acre lot sizes as was the developed lots that currently exist. After the presentation and question period, several commissioners shared their comments:

Commissioner Hentges comments: She would not want to see the commission support Option B at this time referencing the prior vote to not allow further cluster development in Cedar Lake Township.

Commissioner Hartmann comments: He would like to allow the development of the outlots citing the developer invested in the infrastructure and planning of their property with the goal of eventually having more 2.5 acre lots.

Commissioner Johnson comments: She supports Option B citing it was one of the purposes the owners developed their land originally.

Commissioner Huber comments: He stated the development of the outlots need to wait until it is decided the area as a whole should have more clusters or 2.5 acre lots in the future.

Commissioner Hrabe comments: He asked for clarification on when and how a vote would take place on the options and the size of the lots.

Commissioner Vonhof comments: He commented on the how the township will be affected if the 2.5 acres are allowed resulting in the doubling or more of the density. The idea of the outlots is that they would be set aside until the infrastructure is there to support the further development. The ghost plats were a new idea starting around the year 2000 to show what it might look like and where roads may go but they are not binding, they are conceptual. He does not support changing the status quo at this time.

With no further comments presented, a formal roll call vote was requested. The options were presented on the video screen for Issue #1: Option A is for the staff recommendation of keeping the status quo which is to continue not allowing housing development on existing cluster subdivision outlots as the density for the original parcel has already been utilized. Option B is for changing policy to allow further housing development on existing cluster subdivision outlots and a separate vote on lot density if further development is allowed.

Commissioner Hartmann voted Option B
Commissioner Hentges voted Option A
Commissioner Huber voted Option A
Commissioner Hrabe voted Option B
Commissioner Johnson voted Option B
Commissioner Vonhof voted Option A
Commissioner Watson voted Option A

Mr. Davis stated the plan will move forward with Option A for the status quo on issue #2 per the roll call votes.

Mr. Davis reviewed the third issue regarding guiding Automobile Nation in the comprehensive plan. Automobile Nation is an auto sales lot with direct access off Highway 169 currently guided as urban expansion in the 2040 Plan. After the Staff reviewed the City of Jordan’s long-range sewer plans and the length of time before sewer services are likely to reach this property, it was recommended the property be moved from urban expansion in the 2040 Plan to urban transition where a density of 1 home to 10 acres can be obtained. The owners of the property provided feedback through open houses and public hearing requesting the property be guided commercial as that is the current use. The request has been scaled back from 2 parcels to 1 parcel immediately around the buildings and sales lot. The Sand Creek Town Board provided a comment letter with historical information and cited an engineering study on the 169 corridor access and frontage road planning for
the future. Mr. Davis offered Option A to guide property a Transition Area land use category and Option B to
guide the property to the Commercial land use category. Mr. Davis pointed out that re-zoning the property to
Commercial would make the current use of the property a conforming use and allow the use to expand. Mr.
Davis opened the floor to the Commission for questions and comments.

Commissioner Hentges asked about the Santec report and the area of the property that was considered in the
report. Mr. Davis replied that the report did not specifically address this property but was looking at the
feasibility of putting a frontage road along the Highway 169 corridor south of 173rd Street and the bluff face.
Hentges asked if staff had a recommendation on this matter. Mr. Davis replied that Staff does not have a
recommendation on the land use of this parcel and neither does the Sand Creek Town Board.

Commissioner Hartmann requested Mr. Davis to display a December 6, 2018 memo from the Sand Creek Town
Board on the screen to review with everyone. Mr. Davis displayed the comment letter from Sand Creek and
read several points from the document out loud highlighting the portion stating the unlikeliness of the property
being served by a frontage road connection due to land disturbance to the bluff face on or near the parcel in
question. Hartmann asked about information the Auto Nation owners showed him on MNDOT purchasing land
along the highway for a future frontage road leading to the city of Jordan asking Mr. Davis if he was aware of
this plan. Mr. Davis replied that Staff is not aware of any MNDOT owned land for frontage road along the
property.

Commissioner Huber asked what the advantage would be to guiding the property to Commercial use versus
Transitional use. Mr. Davis replied explaining the current zoning district is residential. The current use is
considered legal nonconforming because it is not allowed in the residential zone. If property owner wanted to
intensify or expand the use of the property for commercial purposes they would be limited due to the
nonconforming use category. They could continue to operate as is but would be unable to expand unless they
are zoned Commercial. Huber asked about the future possibility and plans for a frontage road along the area
and noted that the long range plan is to remove as much direct access to Highway 169 as possible. Mr. Davis
replied that he was aware of the feasibility study done to extend frontage roads just past 173rd Street and
although very likely, it is possible a frontage road could extend further south where the road would encounter
the bluff face.

Commissioner Vonoff called for a roll call vote upon receiving no further comments or questions from the
Commissioners for Option A Guiding Automobile Nation to Transition Area Land Use or Option B-Guiding
Automobile Nation to Commercial Land Use.

Commissioner Hartmann voted Option A
Commissioner Hentges voted Option A
Commissioner Huber voted Option A
Commissioner Hrabe voted Option A
Commissioner Johnson voted Option A
Commissioner Vonhof voted Option A
Commissioner Watson voted Option B

Mr. Davis stated the plan will move forward with Option A to guide Automobile Nation to Transition Area Land
Use per the roll call votes.

Mr. Davis reported that he will be presenting the 2040 Comprehensive Plan, incorporating the 3 items just
decided, to the County Board the following week. Once the Plan is approved by the Board it will be submitted
to the Met Council for their review. He is expecting the Met Council will respond by March 2019 to the Plan’s
consistency and conformance with the system plans. Once approved by the Met Council it will be brought back
to the County Board for official adoption of the 2040 Comprehensive Plan. Until the 2040 Plan is adopted by
the County Board, the 2030 Comprehensive Plan will be in effect. The County will have 9 (nine) months from
the point of adoption to update zoning ordinances and maps to be consistent with the 2040 Comprehensive
Plan. Mr. Davis asked for a motion on approving Resolution #2018-002.

Motion by Commissioner Watson; second by Commissioner Huber to hereby incorporate all of the final modifications agreed upon this evening and incorporating all of the proposed modification listed in November 13 Staff report, I recommend approval of Resolution #2018-002 and ask that the chair read the entire resolution into the public record before asking for a formal roll-call vote on the resolution. The Chair read the entire resolution into the public record.

The Chair called for a roll-call vote on Resolution #2018-002.

Commissioner Hartmann voted nay
Commissioner Hentges voted aye
Commissioner Huber voted aye
Commissioner Hrabe voted aye
Commissioner Johnson voted nay
Commissioner Vonhof voted aye
Commissioner Watson voted aye

The motion carried with 5 ayes and 2 nays.

For the Staff report please click on the download arrow and click on Agenda, Save and Open. Please open the bookmark at the top of the page and click on the 2040 Comprehensive Plan.

V. PUBLIC HEARING 6:40 PM: THOMPSON LAND, LLC (PL#2018-056)

A. Preliminary Plat of 16 lots and 1 outlot on 75.32 acres.

Location: Section 19 & 30
Township: Credit River
Current Zoning: RR-2

Greg Wagner presented the staff report for this application and noted Staff recommends approval of the request. The specific details within the staff report and a video are available on the Scott County Website December 10, 2018 Planning Advisory Agenda Packet

For the Staff report, please click on the download arrow and click on <Agenda>,<Save> and <Open>. Please open the bookmark at the top of the page and click on the Thompson Land LLC title.

After the presentation the Chair opened the floor to Commissioner’s questions and comments:

Commissioner Watson question:
- He asked when does the bypass lane come in to play and is it a part of the construction process and what is the staff satisfaction with the emergency service access description as it is listed in the report. He noted that it is important for this type of access in a long cul-de-sac. Mr. Wagner replied reporting the right turn lane was constructed with the Grey Fox development, and the township collects a lot turn lane fee to help fund other road improvements. County Transportation is recommending that the applicant, township and county work to install a bypass lane within 2 years as part of the County Transportation Improvement Program (TIP). With regards to an emergency service access, staff would support the township’s recommendation to add language requiring a road connection be made if adjacent parcels and development have
not occurred within a certain timeframe. This would be an emergency service gravel drive.

Commissioner Vonof question:
- He asked about the turn arounds that will be at the end of the streets noting they will become through street eventually but what is the plan until then. Mr. Wagner described the current bulb cul-de-sacs and how future turn arounds would be similar and in accordance with township specifications for temporary cul-de-sac turn arounds.

Commissioner Johnson question:
- She asked about a unique shore area on lot 2 and how it will be protected and monitored. Mr. Wagner explained that Kane Lake is a DNR protected lake which has particular county and DNR setbacks and specifications for structures, septic systems or other modifications. Following these specifications are required of the land owner in order to protect what is considered the 75 feet of the shore impact zone. This area is measured and includes the inlet for setbacks.

Commissioner Hartmann question:
- He inquired about the typical path size owners may create on their property to gain access to an environmental lake and cited a related ordinance he is aware of in Cass County. Mr. Wagner replied he is not aware of a Scott County ordinance that defines the width of an access path to a lake on a private property, however noted that the DNR may have specifications for path access. The county will usually attempt to keep the mature canopy trees along the lakeshore to preserve the view of the lake. They are generally fine with smaller saplings being removed but want the larger canopy trees kept in place. Should an owner want to make such a modification that may affect the trees or shoreline, the county and DNR would want to first review the plan. Both organizations want to work with owners to ensure the shoreline is not destabilized.

The public hearing was opened up to the public; Two individuals approached the podium for comment:

Resident Tim Larkin comment:
- He informed the Commissioners that he was a resident of the neighboring Broadview Drive neighborhood. He expressed concerns about the amount of traffic already going up and down Broadview Drive and now will be adding more traffic. There is only one access for police, fire and even construction vehicles. The present plan indicates is that eventually there might be second access and it might be gravel but thinks there should more talk about doing the second access up front. He thinks there should be second access to Texas Avenue for the residents in order for the preliminary plat being presented to make sense, noting it will result in 2 (two) very long cul-de-sacs. He wanted his concerns to be heard about the additional access as things will change quickly and does not believe a dirt road is really access.

Commissioner Watson comment:
- He responded by stating he has brought up concerns about safety and traffic which are issues when an area expands and builds more homes. He is concerned about having one inlet and one outlet in a residential area.

Resident Mike Moes comment:
- He stated he has similar concerns, having lived in the area for 14-15 years, about having only one outlet for the Broadview Drive neighborhood. He stated the original plans had an outlet going south leading to the county road allowing for two access points to Grey Fox and Darrel Lakes property, should it be developed. He asked what will happen to the shape and grading of the current bulb cul-de-sacs and if any work needs to be done on the street to accommodate more traffic. Mr. Wagner replied the current street was constructed to township standards for local roads and the addition of more residential traffic should not impact the road. Typically, existing roads do not have to be upgraded to handle more traffic in these types of situations. With regards to the existing bulb cul-de-sacs, they will be modified through regrading and shaping to make them a straight street which will include restoration of the adjacent yards. He noted the roads were
designed with future connections in mind if and when further development would occur to adjacent properties. This will rely on those properties to subdivide to make those connections. There is no other planned access to County Road 27 and pointed out where the possible future connecting roads are designed to be built when the time comes.

Commissioner Johnson question:
- She asked Mr. Wagner if Credit River will become its own city in a couple of years. 
  
  Mr. Wagner replied that potentially in 2019 Credit River would take over land use jurisdiction.

No additional speakers approached the podium for comment. Commissioner Vonhof asked for a motion to close the public hearing.

  Motion by Commissioner Johnson to close the public hearing; second by Commission Huber to close the public hearing. The motion carried unanimously

Commissioner Vonhof asked for a motion on the application for Thompson Land, LLC (PL#2018-056).

  Motion by Commissioner Huber; second by Commission Johnson based on the criteria for approval listed in the staff report, to recommend approval of the Preliminary Plat of Lake Estates consisting of 16 lots and 2 outlots of 75.32 acres, zoned RR-2 noting the recommendation is subject to the conditions listed and must be satisfactorily addressed prior to County Board consideration of the preliminary plat and noted the Township of Credit River recommended approval of the application. The motion carried unanimously.

Criteria for 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 proposed lots will have frontage and access off of the Broadview Drive extension through the plat, and off of the new Lake Drive temporary cul-de-sac. Both will be paved Township roads. County Transportation is requiring the developer and Township install a bypass lane on Texas Avenue (County Road 27) within 2 years of final plat approval.

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 2030 Comprehensive Plan for the development in the Rural Residential Growth Area.

6. **Public Service Capacity** – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize the existing Township road for access, and a bypass lane is required on Texas Avenue, an A Minor Arterial roadway.

7. **Consistency with the Minnesota Environmental Quality Board's Policies**- the property is below the 80 acres of changed land use that would require an Environmental Assessment Worksheet (EAW) be completed.

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.

VIII. GENERAL & ADJOURN

Motion by Commissioner Hentges; second by Commission Hrabe to adjourn the meeting at 8:05 PM. The motion carried unanimously.

Tom Vonhof
Chair, Planning Advisory Commission

Deputy Clerk to the Board

Date
Rezoning, Preliminary Plat and Final Plat of Country View

Request:
A) Rezoning of 10 acres from Rural Residential Reserve (RR-1) to Rural Residential Single Family (RR-2).
B) Preliminary Plat of Country View consisting of three lots on 10 acres.
C) Final Plat of Country View consisting of three lots on 10 acres.

Nathan Hall, Associate Planner, is the project manager and is available for questions at 952-496-8892.

General Information:

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<td>Property Owners</td>
<td>Township</td>
<td>Section 26, Spring Lake</td>
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<td>Public Hearing Date</td>
<td>Action Deadline</td>
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Zoning/Comprehensive Plan Information:

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Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Preliminary Plat
4. Final Plat
5. Environmental Health Department Memo dated December 10, 2018
6. Spring Lake Township Recommendation
Comprehensive Plan- The proposal is in conformance with the goals and policies identified in the Scott County 2030 Comprehensive Plan for land use and development in the Rural Residential Growth Staged Area.

Adjacent Land Use/Zoning- North – 10 acre residential parcel, zoned RR-1
South – 10 acre residential parcel, zoned RR-1
West – 10 acre residential parcel, zoned RR-1
East – 10 acre residential parcel, zoned RR-1

Existing Conditions- The 10 acre parcel contains a single family home, pole barn, wetland, and open land along 208th Street East.

Ordinance Requirements- Density – 1 dwelling unit per 2.5 acres

Lot Size – 2.5 acres with 1 acre of non-hydric soil to accommodate two (2) individual sewage treatment sites.

Lot Width – 150 feet from the front setback line maintained to the primary building site.

Structure Setbacks:
Front Yard: 67 feet from Township road right-of-way;
Side Yard: 30 feet
Rear Yard: 60 feet

Proposed Development- Density – 1 dwelling unit per 3.18 acres.

Lot Size – Proposed lot sizes are 2.52 acres to 4.85 acres.
0.47 acres will be dedicated as road right-of-way.

Lot Width – The minimum lot width proposed is 155.01 feet

Setbacks – The existing building and proposed home locations meet required road and property line setbacks.

Existing Roads- The parcels have frontage on 208th Street East, a paved Spring Lake Township road.

Proposed Roads- No new roadways are proposed as part of this plat.

Public Hearing Notice- Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.
Background/Zoning:
Jamie Michael is proposing to subdivide a 10 acre parcel located in Section 26, Spring Lake Township. The property is zoned Rural Residential Reserve (RR-1). The 2030 Comprehensive Plan guides this area of Spring Lake Township Rural Residential Growth Staged, which allows parcels to rezone to the Rural Residential Single Family District (RR-2). Lots may be platted to a 2.5 acre minimum lot size under the RR-2 density, which is 1 dwelling unit per 2.5 gross acres. Mr. Michael is requesting the rezoning along with the proposed subdivision.

The 10 acre parcel is located amongst other 10 acre residential parcels. The parcel includes agricultural land and wetland areas surrounding an existing dwelling. Mr. Michael is proposing to create an approximately 4.62 acre lot surrounding the existing home and two other lots, approximately 2.50 acres, on the eastern portion of the parcel that would meet the minimum lot size and width requirements for the RR-2 District.

The existing building on Lot 1 does not meet the required 30 foot side yard setback due to a lean-to addition along the east side of the structure. The main building would meet the required setback and total lot area requirement if the lean-to is removed, and the applicant has indicated a willingness to remove the addition; however, he has requested that the addition be allowed to remain, realizing that the structure would be classified as non-conforming. There have been numerous occasions where farmsteads have been split and the county has allowed accessory buildings to remain knowing that the total floor area exceeded the maximum allowed on the size of parcel. However, very few circumstances have been allowed to occur where the setbacks were not met due to a subdivision. Staff recommends that the lean-to structure be removed. Spring Lake Township is also reviewing the building – Property line issue and staff will provide an update at the public hearing.
Access/Road Analysis:
The existing and proposed parcels will have lot frontage on 208th Street East, a paved Spring Lake Township road. The subdivision proposes 2 new driveway accesses from the township road. These driveways will require a permit from the township.

Environmental/Natural Resources Analysis:
Primary and alternate septic sites have been identified for all three lots; all sites are located outside of hydric soil areas. The existing home’s mound system is located on what would become Lot 2. The existing home will be installing a new system and the current mound system will be used for the new home on Lot 2. The Environmental Services staff completed a review of the proposed development and recommends approval of the plat with the condition that a septic permit for the existing dwelling on Lot 1 be applied for and approved prior to the new house permit on Lot 2 being approved. The recommendation of Scott County Environmental Services has been placed as a condition of plat approval prior to County Board consideration.

No grading is proposed as part of the proposed plat; the driveway and home grading will occur after driveway and building permit approval. Wetland boundaries were delineated for and submitted to the Township and County Natural Resources for review. County regulations require conservation easements over wetland areas on lots less than 10 acres. These conservation easements will be required to be filed with the final plat. Any requirements of Spring Lake Township or Scott County Natural Resources have been placed as conditions of plat approval to be satisfied prior to County Board consideration.

Township Recommendation:
The Spring Lake Town Board has recommended approval of the rezoning and plat request.

Staff Recommendation:
Based on the project information submitted by the applicant and subject to the conditions of approval, the proposed rezoning and plat conforms to the Zoning and Subdivision Ordinances; therefore, staff recommends approval of the Rezoning, Preliminary Plat and Final Plat based on the criteria for approval listed below.

Conditions to be Satisfied Prior to County Board Consideration:

1. Approval of the wetland delineation by Spring Lake Township, and dedication of a conservation easement over the delineated wetland.

2. County Surveyor, Attorney and Recorder review and signing of the plat Mylars.

3. Payment of all Spring Lake Township and Scott County Final Plat fees.

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 have frontage and driveway access to 208th Street East, a paved Township Road.
4. **Adequate Waste Disposal Systems** – the proposed lots meet all requirements of the individual sewage treatment system ordinance. A septic permit for the existing dwelling must be applied for on Lot 1 before a new house permit on Lot 2 can be approved.

5. **Consistency with the Comprehensive Plan** – the proposed plat conforms to the goals and policies contained in the 2030 Comprehensive Plan for the development in the Rural Residential Growth Staged Area.

6. **Public Service Capacity** – the proposed development does not adversely impact the public service capacity of local service providers as it is adding one additional lot.

7. **Consistency with the Minnesota Environmental Quality Board’s Policies** – the proposal does not require any environmental review and is therefore consistent with the policies of the Minnesota Environmental Quality Board.

8. **Consistency with Capital Improvement Plans** – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County’s capital improvement plan.

**Planning Advisory Commission/Township Alternatives:**
1. Approve the request as recommended by Planning Staff with the specified conditions.

2. Approve the request as recommended by the Planning Staff with amendments to the conditions.

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

**Suggested Motion for Planning Advisory Commission or Township Board:**
Based on the criteria for approval listed in the staff report, I recommend approval of the rezoning, preliminary plat and final plat of Country View, consisting of 3 lots on 10 acres, noting that this recommendation is subject to approval of the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the project.
SPRING LAKE TOWNSHIP
SECTION 26
JAMES MICHAEL
REQUEST FOR REZONING & PRELIMINARY PLAT
SPRING LAKE TOWNSHIP
SECTION 26
JAMES MICHAEL
REQUEST FOR REZONING
& PRELIMINARY PLAT
Memo

Date: 12/10/2018
To: Nathan Hall, Zoning Administrator
From: David Guenther, Environmental Services
Subject: PL2018-092  Country View Plat

The Scott County Environmental Services Department has completed a review of the septic system locations and soil boring information for the above project. The septic system information and soil information provided (dated 11/29/2018) appears to be in conformance with the Scott County Subsurface Sewage Treatment System Ordinance #4 and Minn. Rules Chapter 7080.

The Environmental Services department recommends approval of the preliminary plat/final plat with the condition that a septic permit for the existing dwelling on Lot 1 is applied for and approved before the new house permit on Lot 2 is approved.

If you have any questions, please contact me at (952) 496-8354

Cc: Greg Wagner, Planning
    Kate Sedlacek, Environmental Services
TOWNSHIP RECOMMENDATION

REQUEST FOR SUPPORT

On December 13, 2018, the Town Board of Spring Lake Township met with Jamie Michael to discuss a request to rezone 10 acres from RR-1 to RR-2 and support the preliminary and final plat of County View, 4800 208th Street E. (PID 119260014)

PROJECT DESCRIPTION

After reviewing the Request, the Town Board made the following recommendation:

☐ Recommends approval of the request as presented

☐ Recommends approval of the request with the following conditions:

☐ Recommends disapproval of the request for the following reasons:

☐ Has no recommendation, but will forward the request to the Planning Commission or Board of Adjustment:

Affirmation of Board Action

<table>
<thead>
<tr>
<th></th>
<th>In favor</th>
<th>Opposed</th>
<th>Abstained</th>
<th>Absent</th>
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<tbody>
<tr>
<td>Doug Berens</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glenn Kelley</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Ted Kowalski</td>
<td>✔</td>
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Stipulations

I hereby attest that the information provided above is an accurate account of the actions taken by the Spring Lake Town Board on December 13, 2018.

Melissa Hanson, Town Clerk

Date: 12/13/18
STAFF REPORT PREPARED FOR TOWNSHIPS &
COUNTY PLANNING ADVISORY COMMISSION

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952)496-8475 · Fax (952)496-8496 · Web www.co.scott.mn.us

Rezoning, Preliminary Plat, &
Final Plat of Buffalo Ridge 2nd Addition

Request:

A) Rezoning of 129.83 acres from Rural Residential Reserve District (RR-1) to Rural Residential Single Family District (RR-2)
B) Preliminary Plat of Buffalo Ridge Second Addition consisting of 7 lots and 1 outlot on 129.83 acres.
C) Final Plat of Buffalo Ridge Second Addition consisting of 7 lots and 1 outlot on 129.83 acres.

Greg Wagner, Senior Planner, is the project manager and is available for questions at 952-496-8360.

General Information:

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Site Location:</th>
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<tbody>
<tr>
<td>Steven Geis</td>
<td>Raven Point Rd &amp; Flag Trail</td>
</tr>
<tr>
<td>Property Owners:</td>
<td>Township:</td>
</tr>
<tr>
<td>Scenic Estates, LLC</td>
<td>Section 36, Spring Lake</td>
</tr>
<tr>
<td>Public Hearing Date:</td>
<td>Action Deadline:</td>
</tr>
<tr>
<td>January 14, 2019</td>
<td>April 5, 2019 (120 Day)</td>
</tr>
</tbody>
</table>

Zoning/Comprehensive Plan Information:

| Zoning District:       | Comprehensive Land Use Plan:                       |
| RR-2, Rural Residential Single Family | Rural Residential Growth Staged |
| Overlay Zoning District: | School District:                     |
| Shoreland              | Lakeville #194                                 |
| Watershed District:    | Fire District:                                 |
| Scott WMO              | Prior Lake Fire                                |
| Ordinance Sections:    | Ambulance District:                            |
| Chapters 6, 42 & 70    | Allina Ambulance                               |
| Orderly Annexation Area: | Police District:        |
| NA                     | Scott County Sheriff                          |

Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Boundary Survey
4. Preliminary Plat & Preliminary Grading Plan
5. Final Plat
6. Scott County Environmental Services review memo dated December 21, 2018
Request-
Rezoning of 129.83 acres from Rural Residential Reserve District (RR-1) to Rural Residential Single Family District (RR-2) and Preliminary Plat and Final Plat of Buffalo Ridge Second Addition consisting of 7 lots and 1 outlot on 129.83 acres.

Comprehensive Plan-
The proposal is in conformance with the goals and policies for development in the Rural Residential Growth Staged Area identified in the Scott County 2030 Comprehensive Plan.

Adjacent Land Use/Zoning- *North* – 4.51 acre to 4.99 acre residential parcels, zoned RR-2

*South* – 2.4 to 5.09 acre residential parcels, zoned RR-1 & McMahon Lake, DNR Natural Environment Lake

*East* – 26.62 acre to 108.6 acre residential parcels, zoned RR-1

*West* – 2.5 acre to 13.99 acre residential parcels, zoned RR-2

Existing Conditions-
The 129.83 acre property primarily includes wooded, open and wetland areas. The site is bordered by a DNR Natural Environment Lake the south. There are existing residential developments to the north and west.

Ordinance Requirements-
*Density* – 1 dwelling unit per 2.5 acres.

*Lot Size* – The required minimum lot size is 2.5 acres with 1 acre of non-hydric land to locate the principle dwelling, any accessory structures and two (2) individual sewage treatment systems.

*Lot Width* – 150 feet shall be maintained from the front setback line to the primary building site.

*Structure Setbacks:*
Front Yard: 100 feet from centerline or 67 feet from right-of-way of a local township road.
Side Yard: 30 feet
Rear Yard: 60 feet
Shoreland: 150 feet from DNR Natural Environment Lake for both structures and septic drainfield locations.

Proposed Development-
*Density* – 1 dwelling unit per 18.55 acres.

*Lot Sizes* – Lot sizes range from 2.86 acres to 5.73 acres.

*Lot Width* – All lots exceed the County 150’ lot width requirement.

Existing Roads-
The parcel has frontage on Raven Point Road, a paved township road, and Flag Trail, an unpaved township road. The project proposes lot access from Raven Point Road, a Spring Lake Township road that currently terminates in a temporary cul-de-sac.

Proposed Roads-
The development concept does not propose road construction as part of Phase 1. A future phase would create an internal roadway.

Public Notice-
Required public hearing notices were sent to property owners within a half-mile of the site.
Background & Zoning Analysis:
Steven Geis is proposing to rezone a 129.83 acre parcel and subdivide the property into 7 residential lots and 1 outlot. The property is located in Section 36 of Spring Lake Township and is zoned Rural Residential Reserve. RR-1, which allows a 1 dwelling unit per 10 acre non-wetland density, with a 10 acre minimum lot size. The rezoning is to RR-2, which allows development at 1 dwelling unit per 2.5 acre gross density, with a 2.5 acre minimum lot size. This rezoning is supported under the 2030 Comprehensive Plan, approved in 2009, that allows parcels in eastern Spring Lake Township to rezone and develop at 2.5 acre densities.

The Geis family platted the Buffalo Ridge development in 2001, which created 8 lots on the north side of Raven Point Road and the 129.83 acre lot on the south side. They built Raven Point Road as part of the development, and are now looking to create the 7 lots on the south side. As proposed the 7 residential lots range from 2.86 to 5.73 acres and all have over 1 acre of non-hydric soils to accommodate a building pad and two septic drainfield locations. The proposed building pads meet required road and property line setbacks.

Site Photo- View of the three Geis parcels proposed for development

Roads & Access:
The Buffalo Ridge Second Addition proposes that all seven lots front on and have access from Raven Point Road, which is a paved Spring Lake Township road. Flag Trail abuts the property on the east, which is the binder of Spring Lake and Credit River townships. Adjacent to the Geis property heading to the south and west Flag Trail is within Spring Lake Township and a gravel road; Flag Trail to the east and north extends into Credit River Township where it eventually transitions to a paved road. The townships share maintenance of Flag Trail.

The preliminary plat includes a ghost plat concept on Outlot A showing a future road through the property from Raven Point Road to Flag Trail. This future road would be dedicated and constructed to township standards, and would also require improvements to Flag Trail. Long term transportation plans have the Flag Trail road connection to County Road 8, a principal arterial, being eliminated and the in-place access of Harvest Hills Drive as the main access to land areas north of County Road 8 and west of Texas Avenue (County Road 27). Scott County Transportation has reviewed the plat and has no comments on this application.
Natural Resources/Stormwater Management:
The applicant submitted a Resource Management Plan (RMP) as required by County Ordinance for developments having 5 or more lots. The RMP reviews stormwater management for new impervious surface areas created with the development. This development proposes two infiltration basins to address the stormwater volume created by new homes and driveways. These infiltration areas will be dedicated within drainage & utility easements on the final plat. Review and approval of the RMP by the County and Township Engineers is a condition of plat approval to be satisfied prior to County Board consideration.

A wetland delineation report and MnRAM analysis were prepared to identify wetland boundaries and quality ranking. The Scott Soil & Water Conservation District (SWCD) is reviewing the wetland report and will make a final determination on the boundaries. No wetland impacts are proposed. In addition to dedication of drainage easements a conservation easement will be dedicated to the Scott Watershed Management Organization (WMO) over the wetlands based on the MnRAM analysis. Dedication of easements is a condition of plat approval.

The MN Department of Natural Resources has reviewed the plat and has no concerns with the proposed development as the lots do not abut the Natural Environment Lake and no grading or other impacts are proposed adjacent to the DNR protected water.

Environmental & Septic:
Scott County Environmental Services staff spent several days on site last fall with the project septic evaluators conducting soils verifications. This site work helps identify problem areas so the lots can be adjusted to accommodate the two 5,000 sq. ft. septic sites required on each lot. Environmental Services staff has reviewed the submitted plat and has provided a review memo attached to this report. A main concern is two unsealed wells adjacent to the proposed septic sites believed to have been used for previous agricultural purposes. These wells will be capped by Bohn Well Drilling in the next few weeks. The other concern is an alternate septic site requiring a utility crossing of a proposed easement area. This easement crossing will need to be approved by the Township as the easement holder. Any requirements of Scott County Environmental Services will need to be addressed prior to County Board consideration.

Township Recommendation:
The Spring Lake Town Board will be hearing these requests at their January 10, 2019 monthly meeting. A copy of the recommendation will be provided at the public hearing.

Staff Recommendation:
Based on the project information submitted by the applicant, the proposed rezoning, preliminary plat, and final plat conform to the Zoning and Subdivision Ordinances. Therefore, staff recommends approval of the applications based on the criteria for approval listed below:

Conditions to be Satisfied Prior to County Board Consideration:
1. Any conditions stated in the Scott County Environmental Services Department review of the plat and the proposed septic drain field sites. This includes capping of the open wells and approval of an easement drain crossing by the Township, or modification to the septic drainfield on Lot 2, Block 1.

2. Any conditions stated in the Scott County Natural Resources Department review of the preliminary plat, grading, resource management plan. Conservation Easements shall be dedicated in conjunction with the Final Plat.

3. Any conditions listed in the Spring Lake Township recommendation, including any comments listed in the Township Engineer’s review of the plat and project plans.
4. The Scott County Surveyor, Attorney, and Recorder shall review and sign the plat.

5. Payment of all Spring Lake Township and Scott County Final Plat Fees.

Criteria for 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 proposed lots will have frontage and access off of Raven Point Road, a paved Spring Lake Township road.

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 2030 Comprehensive Plan for the development in the Rural Residential Growth Staged Area.

6. **Public Service Capacity** – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize the existing Township road for access.

7. **Consistency with the Minnesota Environmental Quality Board’s Policies** - the property is below the 80 acres of changed land use that would required an Environmental Assessment Worksheet (EAW) be completed.

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.

Planning Advisory Commission/Township Alternatives:

1. Approve the request as recommended by Zoning staff with the specified conditions.

2. Approve the request as recommended by the Zoning staff with amendments to the conditions.

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

**Suggested Motion for Planning Advisory Commission or Township Board:**

Based on the criteria for approval listed in the staff report, I recommend approval of the rezoning, preliminary plat, and final plat of Buffalo Ridge 2nd Addition consisting of 7 lots and 1 outlot on 129.83 acres noting that this recommendation is subject to the conditions listed that must be satisfactorily addressed prior to County Board consideration.
LEGAL DESCRIPTION

PARCEL 1:

LOT 1, BLOCK 2, BUFFALO RIDGE, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTRAR OF TITLES, SCOTT COUNTY, MINNESOTA.

SUBJECT TO THE PROPRIETARY AND SOVEREIGN RIGHTS OF THE STATE OF MINNESOTA IN ALL THAT PORTION OF THE LAND LYING BELOW THE NATURAL, ORDINARY HIGH WATER MARK THEREOF, NOT INTENDING, HOWEVER, TO DEPRIVE THE FEE OWNERS OF THE USUAL, PERMANENT RIGHTS THAT ATTACH TO THE LAND REFERRED TO A NAVIGABLE PUBLIC BODY OF WATER INCIDENT TO THE OWNERSHIP THEREOF. (REVISED PER DOC. NO. 89488).

PARCEL 2:

OUTLOT A, BUFFALO RIDGE, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF REGISTRAR OF TITLES, SCOTT COUNTY, MINNESOTA.
LEGAL DESCRIPTION:

PARCEL 1:
LOT 1, BLOCK 2, BUFFALO RIDGE, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTRAR OF TITLES, SCOTT COUNTY, MINNESOTA.

SUBJECT TO THE PROPRIETARY AND SOVEREIGN RIGHTS OF THE STATE OF MINNESOTA IN ALL THAT PORTION OF THE LAND LAYING BELOW THE NATURAL OR ORDINARY HIGH WATER MARK THEREOF; NOT INTENDING, HOWEVER, TO OBLIGE THE OWNERS OF THE LAND ATTACHED TO THE LAND APPURtenant TO A NAVIGABLE PUBLIC BODY OF WATER, INCIDENT TO THE OWNERSHIP THEREOF. (REVISED PER DOC. NO. 6466).

PARCEL 2:
OUTLOT A, BUFFALO RIDGE, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTRAR OF TITLES, SCOTT COUNTY, MINNESOTA.

TOTAL NUMBER OF LOTS = 7 + OUTLOT 0.273 LOTS PER ACRE WITHOUT OUTLOT AVERAGE LOT SIZE = 3.85 AC (1.59 AC NON-FORESTED)

EXISTING ZONING: RN-2

SEATING:
FROM - 100 FEET FROM CENTERLINE
SIDE STREET - 100 FEET FROM CENTERLINE
SIDE YARD - 20 FEET
REAR YARD - 20 FEET

Developer: STEVE GEIS
Address: 4550 Scenic Lane
Woodbury, MN 55129

Owner: STEVEN & KATHLEEN GEIS

Consultant: PROE ENGINEERING, INC.
Address: 1303 E. 56th St.
Burrville, MN 55377

PROE ENGINEERING COMPANY, INC.
CONSULTING ENGINEERS, PLANNERS AND LAND SURVEYSORS
1090 EAST 14TH STREET, BURRIDGE, MINNESOTA 55377 PH (805)492-3000

PRELIMINARY PLAT / TITLE
BUFFALO RIDGE SECOND ADDITION
SCOTT COUNTY
MINNESOTA
The Scott County Environmental Services Department has completed a review of the project plans dated 12/4/2018 for conformance with the regulations of the Scott County Subsurface Sewage Treatment System Ordinance (SSTSO) #4 and Minn. Rules Chapter 7080. We find this application to be incomplete. Please request that the applicant complete the required changes and resubmit the changes to us for review and approval.

1. The preliminary plat plan must be submitted using a scale 1" inch = 100' feet.

2. Lot 2, Block 1: A letter from the easement holder granting permission to cross the drainage and utility easement with a sewage discharge line must be submitted to us. A proposed plan for crossing the easement must also be submitted.

3. Lot 3, Block 2: Existing wells within the development are within 50' to the proposed septic sites. All shallow wells must be greater than 100' from proposed septic sites. The wells appear to be shallow wells and must be sealed, or new septic sites must be found.

To ensure accuracy of information, the developer should review and coordinate changes made with the septic designer and surveyor.

The Environmental Services staff will not make a recommendation regarding the adequacy of the preliminary plat application until this information is received by us and approved. If you have any questions, please call me at 952-496-8354.

Please Note: Any revised plans submitted that are incomplete will be not be reviewed. Therefore, do not submit any project plans until all items above are completed.

Cc: Greg Wagner, Planning
    Kate Sedlacek, Environmental Services
STAFF REPORT PREPARED FOR TOWNSHIPS &
COUNTY PLANNING ADVISORY COMMISSION
GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220
(952)496-8475 • Fax (952)496-8496 • Web www.co.scott.mn.us

Interim Use Permit for Ames Construction to
Operate a Mining Facility

Request:
Interim Use Permit (PL20180000100) for Ames Construction to operate a mining facility.
Marty Schmitz, Zoning Administrator, is the project manager and is available for questions at 952-496-8349.

General Information:

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<th>Applicant:</th>
<th>Ames Construction</th>
<th>Site Location:</th>
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<tr>
<td>Property Owner:</td>
<td>Jess Moeding/Joseph Card</td>
<td>Township:</td>
<td>Section 21, Louisville Township</td>
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<td>January 14, 2019</td>
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<td>February 27, 2019 (120-day)</td>
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Zoning/Comprehensive Plan Information:

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<th>Comprehensive Land Use Plan:</th>
<th>Commercial/Industrial Area</th>
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<td>Scott WMO</td>
<td>Fire District:</td>
<td>Shakopee Fire Department</td>
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<td>Ordinance Sections:</td>
<td>Chapters 2, 10 &amp; 50</td>
<td>Ambulance:</td>
<td>Alina Ambulance</td>
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Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Application Narrative dated December 19, 2018
4. Project Plans Prepared by Ames Construction dated December 18, 2018
5. Natural Resources Preliminary Review Memo dated December 26, 2018

Request- Interim Use Permit (PL20180000100) for Ames Construction to operate a mining facility.

Comprehensive Plan- The 2030 Comprehensive Plan Update guides this parcel as a Commercial/Industrial Area. The proposed use is
consistent with the land use goals and policies identified in the 2030 Comprehensive Plan for mining operations.

Adjacent Land Use/Zoning-
- **North** – 14 acre vacant parcel, zoned C-1
- **South** – 2 -11 acre parcels including businesses and a residence, zoned C-1 & I-1
- **East** – Residential subdivision of August Sky, zoned UERC
- **West** – Hwy 169 & Bryan Rock quarry zoned I-1

Existing Conditions-
The 27 acre site includes a mix of grasses, trees and agricultural land. The elevation of the site varies from elevation 800 along Hwy 169 to elevation 880 adjacent to the August Sky development. The mining is proposed to be conducted in the northern and central portion of the site adjacent to a storm water facility being constructed as part of the 169/41/78 interchange and frontage road project. At the conclusion of mining the site will be seeded and portions of the site may be used for agricultural purposes. The land owner has proposed to plat the property into commercial lots when the frontage road through the site is completed next year.

Ordinance Requirements-
- **Front Yard Mining Setback:** 30’ from the future frontage road currently under construction.
- **Side Yard Mining Setback:** 30’ on the north and south property lines. 200’ from the residential development of August sky on the east side of the parcel.

Proposed Development-
- **Front Yard Setback:** 120’ from the future frontage road
- **Side Yard Setback:** Grading is maintaining a 100’ setback from the north and south lines. The plan also shows grading maintaining the required 200’ setback to the residential development of August Sky.

Existing Roads-
The site is served by access to Highway 169. Because material extracted will be used solely for the 169/41/78 interchange and frontage road project haul trucks would use the frontage road being constructed by Ames Construction. The frontage road is adjacent to the mine site. County Roads 14 & 78 may also be used depending on where the material in needed.

Road Improvements-
The material extracted from this site will be used solely for the 169/41/78 interchange and frontage road project.
**Background:**
Ames Construction has requested an Interim Use Permit to mine 80,000 -100,000 cubic yards of granular borrow material. The material would be used solely for the 169/41/78 interchange and frontage road project located adjacent to the mine site. Mining activities would commence as soon as possible and the site is estimated to be fully reclaimed by November 2020. The site is zoned C-1, General Commercial District. Mining operations are allowed in the C-1 district as an Interim Use.

The 27 acre site includes a mix of grasses, trees and agricultural land. The elevation of the site varies from elevation 800 along Hwy 169 to elevation 880 adjacent to the August Sky development. Portions of the mine may be located within a bluff area as defined in the Zoning Ordinance; however, mining is permitted within the bluff with appropriate erosion control. The mining is proposed to be conducted in the northern and central portion of the site adjacent to a storm water facility being constructed as part of the 169/41/78 interchange and frontage road project. Topsoil will be stripped and stockpiled on the east side of the mine to divert drainage around the mine to limit erosion and for use during reclamation.

Equipment used in the operation of the facility includes 4 scrapers, backhoe, road grader, bulldozer, 8-15 Tractor and side dump trailers and water truck and sweeper as need for dust control. The trucks would be used daily to transport material to the 169/41/78 interchange and frontage road project. The applicant expects that as many as 200 to 360 loads of material will leave the site daily. Some days would see heavy hauling and other days no material may leave the mine. Trucks entering and leaving the mine to/from the north and south will utilize the frontage road under construction.
adjacent to the mine. The roadway will be utilized during construction of the road including and after the base course bituminous is paved; however no material hauling from the mine will occur once the final bituminous lift (wear course) is applied. The applicant has indicated that the wear course will be applied no sooner than one year after the base course to allow for a freeze thaw cycle and to fix any areas damaged by settlement. County Roads 14 & 78 and State Highway 169 may also be used depending on where the material is needed.

Storm water enters the mine area from the north and east and exits the mine site into a large storm water facility under construction by the applicant to the south and west of the mine area. Because the mine site contains steep slopes the applicant will need to provide necessary erosion control to stabilize the site when mining is complete. County Natural Resources staff reviewed the plans for drainage and erosion control and provided comments (memo attached). Any requirements from the Natural Resources review must be addressed prior to County Board consideration of the IUP. Staff will update the Planning Commission on the status of the drainage and erosion control plans at the Planning Commission meeting.

Upon completion of the mining, slopes will be generally restored to a maximum 5 to 1 or less as required in the Zoning Ordinance. Steeper slopes will be necessary on some portions of the site to match into existing steep slopes currently adjacent to the mining area limits. Ames Construction is in the process of amending some of the cross section to make them consistent with the grading shown on the Reclamation Plan (Sheet 6.20). They are also revising/cleaning up the cross section ratios and percent slope to make them easier to read. Six inches of topsoil will be placed on the slopes and vegetation established. At the conclusion of mining the site will be seeded and portions of the site may be used for agricultural purposes. The land owner has proposed to plat the property into commercial lots when the frontage road through the site is completed next year.

Ames Construction is requesting material extraction and truck hours of 7 a.m. to 7 p.m. Monday through Saturday. They are also proposing staging activities on the site one hour before and one hour after the extraction and trucking hours. (6 a.m. – 7 a.m. and 7 p.m. – 8 p.m. Monday through Friday and if necessary on Saturday). Staging activities include routine equipment maintenance, employee and safety meetings, warming of equipment and lining up of haul trucks. No crushing or blasting activities will take place on site. Staff has reviewed the hours of operation permitted to other mining IUP’s. In the other permits 7 a.m. to 7 p.m. Monday through Friday is quite common. Saturday hours often begin at 7:00 a.m. but end sooner than 7:00 p.m. usually around 5:00 p.m. At the DRT meeting for this project, Louisville Township indicated that non-noise generating activities such as employee and safety meetings and fueling of equipment would be acceptable during the staging hour but noise generating activities including warming up of equipment and lining up of haul trucks should be avoided due to the homes located nearby.

Township Recommendation:
Louisville Township will hear the request at their January 3rd monthly meeting. Staff will provide the Planning Commission the Township’s recommendation at the public hearing.
**Staff Recommendation:**
Subject to the cross section revisions the plans conform to county requirements and subject to the conditions of approval, the interim use permit conforms to the Zoning Ordinance; therefore, staff recommends approval of the interim use permit based on the eight criteria for approval listed below:

**Conditions to be satisfied prior to County Board Consideration:**

1. Any conditions stated in the Scott County Natural Resources Department review of the storm water management and erosion control plans for the project.
2. Any condition stated in the Louisville Township review of the project.
3. Any condition stated in Scott County Public Works Department review of the project.
4. Revise the cross sections to make them consistent with the Reclamation Plan (Sheet 6.20).

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

1. The proposed use does not create an excessive burden on public facilities.
   *The proposed operation utilizes the frontage road under construction as part of the 169/41/78 interchange and frontage road project and County Roads 14 & 78 and State Highway 169 as haul road. Truck hauling & stop signs will be installed as required by Scott County. Ames Construction is responsible for any damage they cause to County or Township Roads.*

2. The proposed use is compatible with uses on adjacent lots.
   *The Borrow site will be open for approximately 2 years to provide material solely for the 169/41/78 interchange and frontage road project. The applicant will maintain the required 200’ setback to the residential zoned lot in the August Sky Development.*

3. The proposed structures will be designed of materials that are not unsightly in appearance.
   *No buildings are proposed for this temporary mining operation.*

4. The use is consistent with the purpose of the C-1 Zoning District.
   *The General Commercial district allows mining through Interim Use Permits.*

5. The use is not in conflict with the Scott County 2030 Comprehensive Plan.
   *The Comprehensive Plan encourages extraction of aggregate resources prior to more intensive land use or development.*

6. Adequate measures have been taken to provide ingress and egress, access to public roads and on-site parking.
   *The proposed operation utilizes the frontage road under construction as part of the 169/41/78 interchange and frontage road project and County Roads 14 & 78 and State Highway 169 as haul road. Truck hauling & stop signs will be installed as required by Scott County. Ames Construction is responsible for any damage they cause to County or Township Roads.*

7. The proposed buildings will need to meet all Building Code requirements.
No buildings are proposed for this temporary mining operation.

Conditions of Approval:

1. The permit shall be operated in compliance with the applicant’s plans dated December 18, 2018 (as may be amended to address outstanding Erosion Control and Stormwater Management items) prepared by Ames Construction and narrative dated December 19, 2018.

2. The borrow site shall be used solely to provide material for the 169/41/78 interchange and frontage road project.

3. Hours of operation for the mine shall be:
   - Mining/Truck loading/ hauling: 7:00 a.m. to 7:00 p.m. Monday-Friday & Saturday if necessary
   - Staging/Start up: One hour before and one hour after the mining and trucking hours (this includes non-noise generating activities such as employee meetings, safety meetings, and fueling of equipment)
   - Equipment Maintenance: Permitted during daylight hours
   - No work on Sundays

4. Haul roads shall be limited to the frontage road under construction adjacent to the mine and County Roads 14 & 78, and State Highway 169.

5. The Operator shall water the haul roads and processing areas of the mine as needed to minimize dust.

6. 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.

7. The Operator shall comply with all rules, regulations, requirements, and standards of the Minnesota Pollution Control Agency (MPCA) and other regulations and standards applicable to the mining operation.

8. The applicant shall provide to the Scott County Auditor’s Office appropriate payment due for gravel tax in accordance with State and County regulations.

9. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.

10. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.

11. The property shall be maintained in a neat and orderly manner. Noxious vegetation shall be controlled in compliance with County Ordinances.

12. No crushing or blasting activities shall be allowed.

13. There shall be no overnight camping of employees of the company on the site.

14. The applicant shall comply with all requirements of the Scott County Highway Department for needed traffic control signs and obtaining any required access permits.

15. The applicant shall be responsible for cleaning CR’s 14 & 78, and State Highway 169 as required by the Project Engineer.

16. As required by the Scott County Traffic Engineer the applicant will be responsible for installing signage along the haul route.

17. The applicant shall provide Scott County with a $50,000.00 Letter of Credit to insure the Erosion Control Plan and Reclamation Plan are followed and that no damage is done to township, county, or state roads as a result of the project.
19. When mining is completed, a registered engineer shall certify to the County that the site has been restored in accordance with the end use plan.
20. Ames Construction shall be responsible for any damage to public roads caused by the hauling of material.

**Planning Advisory Commission Alternatives:**
1. Approve the request as recommended by Zoning Administration Staff with the specified conditions.
2. Approve the request as recommended by the Zoning Administration Staff with amendments to the conditions.
3. Table the request for a specific reason.
4. Deny the request for a specific reason.

**Suggested Planning Commission Motion:**
Based on the criteria for approval listed in the staff report, I recommend approval of the Interim Use Permit for Ames Construction to operate a borrow pit for the 169/41/78 interchange and frontage road project, noting that the Louisville Town Board has recommended ______ of this request.
LOUISVILLE TOWNSHIP
SECTION 21
AMES CONSTRUCTION
REQUEST FOR INTERIM USE PERMIT
Interim Use Operations
Proposed Borrow Extraction Site
T.H. 169/T.H. 41 D.D.I. Project
KTLM Holdings, LLC Property
Louisville Township, Minnesota
December 19, 2018

Applicant / Operator:
Ames Construction, Inc.
2000 Ames Drive
Burnsville, MN 55306

Property Owner:
Jess Moeding
13727 Johnson Memorial Drive
Shakopee, MN 55379

Property Identification Number:
079210030

Legal Description:
The Northeast Corner of the Southeast Quarter of Section 21, Township 115, Range 23
+/- 27 Acres

Approximate acres of extraction:
We would like to propose an extraction site that encompasses approximately 6.5 acres of a 27
acre parcel. The materials extracted would be solely used for the T.H.169 / T.H. 41 Interchange
Project in Shakopee which is adjacent to the proposed extraction site.

Site Runoff Drainage
Site drainage will remain consistent with the existing drainage patterns during extraction
operations and upon completion of the reclamation activities. However a diversion berm as
depicted on plan sheet 4.10 will be in place during extraction activities diverting runoff around
the perimeter of the active borrow area. Please refer to plan sheets 3.00, 4.00, 4.10.

Estimated type and quantity of material to be extracted
Approximately 80,000 – 100,000 cubic yards of granular borrow material. The proposed
extraction site is located on the western portion of the property adjacent to the storm water
facility being constructed as part of the 41/169 project.

Site Reclamation
Upon completion of extraction activities, reclamation activities will commence. The final
reclamation grades are depicted on plan sheet 6.10. The reclaimed area will not exceed the max
allowed slope of 5:1. The onsite black dirt will be respread over the reclaimed site once the
reclamation subgrade elevations have been achieved and the property will be utilized for agricultural purposes until another use is proposed.

**Timeframe of extraction activities**
Weather permitting, extraction activities would commence upon the required local government material extraction permit approvals and the site is estimated to be fully reclaimed by November of 2020.

**Hours of Operation**
We would like to propose material extraction operations from 7 a.m. to 7 p.m. Monday through Saturday. Additionally, we would like to propose staging activities on the site one hour before and one hour after normal hours of operation. *(6am – 7am and 7pm to 8pm Monday through Friday and an occasional Saturday)* Staging activities include routine equipment maintenance, employee and safety meetings, warming of equipment and lining up equipment. Operation of equipment for onsite mineral extraction will be only occur from 7am- 7pm.

**Description of vehicles and equipment to be used in operation of facility**
4 Tractors and Pans
1 “345” Excavator
1 “140” Motor Grader as needed
1 “D8” Dozer
1 Sweeper as need
1 water truck as needed for dust
8 - 15 Tractor and Side dump trailers

**Estimated average daily number of vehicles accessing the facility**
There will be 4-5 employee pickup trucks parked on site daily and 8-15 side - dump trucks will be used daily to export common borrow material to the project. A range 200 – 360 loads of borrow will be hauled daily.

**Description of haul roads**
Loaded and empty trucks will utilize the new Louisville Road, which is being constructed by Ames as part of the project and is adjacent to the extraction site, heading both northbound and southbound and utilizing County Roads 14 and 78 depending where they are going on the project. The roadway will be utilized by Ames for hauling of material during construction of the road including after the base course bituminous is paved; however, no material hauling from the extraction site will occur once the final bituminous lift (wear course) is paved. The wear course will be paved no sooner than one year after from the date of the base course being paved to allow for a freeze thaw and to fix any areas in case of settlement. Ames has to haul legal loads when hauling on any county road. Access at the borrow site is proposed at the new field drive entrance off Louisville Road.
Description of soil, vegetation and mineral content
The proposed extraction site is a small grain farm field which consists of topsoil and borrow material.

Description of the plan to mitigate potential impacts resulting from material extraction
All black dirt will be striped and stockpiled prior to extraction activities. Upon completion of extraction activities, the top soil will be re-spread evenly over the reclamation area.

A water truck will be utilized as needed for dust control.

Erosion control practices will meet the MPCA requirements. We will follow the Storm Water Prevention Plan as required by the MPCA.

Upon reclamation of the extraction area, farming activities will be able to resume or the site may be developed depending on what the owner wants at the time.

Method in which complaints about any aspect of the facility operation or off site transportation are to be received and the method in which complaints are to be resolved.
All complaints can be directed to the Ames project engineer/manager. The number for Ames is (952) 435 – 7106.

Backhauling
There will be no back hauling to the proposed extraction site.

Explosives
There will be no explosives used

Weed control
Ames will be responsible for weed control within the extraction site.

Setbacks
West- in excess of 30 feet from the west property line

East- in excess of 200 feet from the east property line

North- 30 feet from the north property line

South – in excess of 30 feet from the property line
Date: 12/26/2018
To: Marty Schmitz, Zoning Administrator
From: Megan Tasca, P.E., Natural Resources Department
Subject: Ames Borrow Pit

The Scott County Natural Resources Department has completed a preliminary review of a project plans for a Mining IUP (Sheets 1.00-6.30, dated 12/18/18) for conformance with the regulations of the Scott County Zoning Ordinance #3, Chapter 6 requirements. Please complete the required changes and resubmit for review and approval.

1. Provide a Resource Management Plan (RMP) for review. RMP requirements are found in section 6A-3-1 of the Zoning Ordinance. Most of the information required for the RMP has been provided but please include discussion on stormwater management, and signed final plans for review.
2. Show fencing to protect the potential septic areas.
3. Revise the proposed seed mix for the diversion berms on sheet 4.10. Seed mix #250 is outdated.
4. The northern property line is shown bending to the north and not connecting to the west property line. Please revise.
5. Note that a minimum of 6” of topsoil is required for reclamation of the site.

If you have any questions or need clarification of these comments, please feel free to contact us at (952) 496-8881.
ELECTION OF OFFICERS

Board of Adjustment 2019

Election of officers will proceed as follows:

**Gary Hartman – Board of Adjustment Meeting**

- Open nominations for Chair of Board of Adjustment
- Nominate
- Ask three (3) times “are there any other nominations”
- Motion to close nominations
- Close nominations for Chair of Board of Adjustment
- Vote on nominations for Chair of Board of Adjustment
- Announce new Chair and vote count

- Open nominations for Vice-Chair of Board of Adjustment
- Nominate
- Ask three (3) times “are there any other nominations”
- Motion to close nominations
- Close nominations for Vice-Chair of Board of Adjustment
- Vote on nominations for Vice-Chair of Board of Adjustment
- Announce new Vice-Chair and vote count

- Open nominations for Secretary of Board of Adjustment
- Nominate
- Ask three (3) times “are there any other nominations”
- Motion to close nominations
- Close nominations for Secretary of Board of Adjustment
- Vote on nominations for Secretary of Board of Adjustment
- Announce new Secretary and vote count

Planning Advisory Commission meeting follows.
ELECTION OF OFFICERS
Planning Advisory Commission 2018

Election of officers will proceed as follows:

Tom Vonhof – Planning Commission Meeting

- Open nominations for Chair of Planning Advisory Commission
- Nominate
- Ask three (3) times “are there any other nominations”
- Motion to close nominations
- Close nominations for Chair of Planning Advisory Commission
- Vote on nominations for Chair of Planning Advisory Commission
- Announce new Chair of Planning Advisory Commission and vote count

- Open nominations for Vice-Chair of Planning Advisory Commission
- Nominate
- Ask three (3) times “are there any other nominations”
- Motion to close nominations
- Close nominations for Vice-Chair of Planning Advisory Commission
- Vote on nominations for Vice-Chair of Planning Advisory Commission
- Announce new Vice-Chair of Planning Advisory Commission and vote count

- Open nominations for Secretary of Planning Advisory Commission
- Nominate
- Ask three (3) times “are there any other nominations”
- Motion to close nominations
- Close nominations for Secretary of Planning Advisory Commission
- Vote on nominations for Secretary of Planning Advisory Commission
- Announce new Secretary of Planning Advisory Commission and vote count

Adjournment follows