



Scott County
Planning Advisory Commission
March 9, 2020
6:30PM

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



Scott County
March 9, 2020
Planning Advisory Commission Meeting

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**SCOTT COUNTY
PLANNING ADVISORY COMMISSION
AGENDA**

**Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota**

**Monday, March 9, 2020
County Board Room at 6:30 PM**

I. ROLL CALL AND INTRODUCTIONS

II. APPROVAL OF JANUARY 13, 2020 PAC MEETING MINUTES

III. CONSENT AGENDA

(All items listed are considered by the Planning Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Planning Commission Board member or public member so requests, in which event the item will be removed from the Consent Agenda to be considered separately.)

3.1 PUBLIC HEARING 6:35 PM – MIK’S ACRES (PL#2020-005)

- A. Request for Preliminary & Final Plat of Mik’s Acres 2nd Addition consisting of 1 Lot on 11.74 Acres

Location: Section 33
Township: Cedar Lake
Current Zoning: RR-1

3.2 PUBLIC HEARING 6:35 PM – HIRMAN ADDITION (PL#2020-003)

- A. Request for Preliminary and Final Plat of Hirman Addition consisting of 2 Lots on 30 Acres

Location: Section 22
Township: Cedar Lake
Current Zoning: RR-1

IV. PUBLIC HEARING – 6:40 PM FINAL GRADE (PL#2020-007)

- A. Request for Conditional Use Permit Amendment to Expand Outside Storage and Recycle Concrete Material.

Location: Section 4
Township: Sand Creek
Current Zoning: I-1

V. PLANNING MANAGER UPDATE

VI. GENERAL & ADJOURN

VII. WORKSHOP ON ORDINANCE REVISIONS



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, January 13, 2020
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

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

County Staff Present: Brad Davis, Planning Manager; Marty Schmitz, Zoning Administrator; Greg Wagner, Senior Planner, Nathan Hall, Associate Planner, Deb Brazil, Administration; Tom Wolf, County Board Commissioner; and Barb Simonson, Deputy Clerk to the Board.

II. APPROVAL OF DECEMBER 9, 2019 MINUTES

Motion by Commissioner Johnson; second by Commissioner Huber to approve the minutes of December 9, 2019 Planning Advisory Commission Meeting. The motion carried with 5 Ayes and with Commissioners Vonhof and Hartmann abstaining due to not being present at the December 9, 2019 PAC meeting.

III. PUBLIC HEARING 6:30 PM: LEGACY ADDITION (PL#2019-021)

- A. Request to Rezone 29.52 Acres From Rural Residential Reserve (RR-1) to Rural Residential Single Family (RR-2).
- B. Request to Approve the Preliminary Plat and Final Plat of Legacy Addition Consisting of 5 Lots on 29.52 Acres.

Location: Section 13

Township: Spring Lake

Current Zoning: RR-1

Associate Planner, Nathan Hall presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website link: [January 13, 2020 Planning Advisory Commission Agenda Packet](#). (To view the staff report on the county website using the link, click on the download arrow, then click on Agenda, then Save and then Open. Next, open the bookmark at the top of the page and click on the Legacy Addition project name.)

Commissioner Questions and Comments:

Commissioner Johnson asked why there was no grading proposed for the plat approval. *Mr. Hall reported that the grading as part of the plat. The applicants for each individual lot site will need to apply for grading permits at the time of construction on the lot and home site.*

Commissioner Johnson inquired about any tree preservation requirements from the Town Board due to the amount of woodland on the property. She further asked about whether future property owners could clear cut any number of trees if they wanted to do so. *Mr. Hall explained there are no limitations on tree removal at this site if they are not intruding into surrounding protected features such as a protected lake.*

Zoning Administrator, Marty Schmitz approached the podium to further add to the tree preservation response. He explained the county ordinance structure as it relates to tree preservation, conservation areas and the developer's responsibility. He pointed out that in this case, the proposed plat does not meet those thresholds, therefore a tree preservation plan is not required as part of the plat. Each individual lot owner will have the ability to do grading and site prep to accommodate the house and driveway with the liberty to remove trees. He also noted that when people purchase these types of wooded lots, they are typically very interested in keeping as many trees as possible which is why they chose a wooded lot.

Commissioner Huber stated agreement with Mr. Schmitz comments on the desire of property owners to keep trees on wooded lots.

Commissioner Johnson noted the past example of the Savannah Oaks development where tree protection was included in the process. *Zoning Administrator, Marty Schmitz explained the subject property did not meet the thresholds to require tree preservation as it is not in a conservation area as delineated in the public values mapping. In addition, the developer is not proposing any grading or tree removal in the creation of the lots, all the grading will be done as the individual lots develop.*

Chair Vonhof asked if there was any delineation as to what may be significant and/or scrub trees on the property. *Mr. Schmitz reported the applicant was not asked to provide this information as part of the plat as it was not required.*

Commissioner Vonhof inquired about the three residences off one driveway and noted the township's approval of this design as it is off a township road. *Mr. Hall confirmed the roadway is indeed a township road and the proposed driveways have been reviewed and approved by the Town Board.*

The public hearing was opened for public comment:

Gary Tupy, who is assisting the developers and representing them at the meeting, reported originally the property was platted to have a through road with 9 lots. This plat would have had significant environmental impacts on such features like the wetlands. The owners eventually moved forward with fewer but bigger lots. He expects zero tree removal will be required due to the modification. The trees follow the wetland boarders as the land's useable acreage was farmed for many years. He has walked all the lots extensively and notes there are a few heritage trees, but the majority are dead fallen woods. The environmental impact will be very little if any. Mr. Tupy stated he was present at the Town Board meeting and they were supportive of the three residences off one driveway plan and it being a private matter between the future owners.

With no further public comment there was a motion to close the public hearing. Motion by Commissioner Watson; second by Commissioner Hartmann to close the public hearing. The motion carried unanimously

Motion by Commissioner Watson; second by Commissioner Huber based on the criteria for approval listed in the staff report, to recommend approval of the rezoning, preliminary plat, final plat of Legacy Addition, consisting of 5 lots on 29.52 acres, noting that this recommendation is subject to the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the project. The motion carried unanimously.

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 Revere Avenue, a paved 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 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 five additional lots.
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.

And noting that Spring Lake Town Board recommended approval of this request at their December 2019 monthly meeting.

IV. ELECTIONS OF OFFICERS FOR 2020 PLANNING ADVISORY COMMISSION

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

Commissioner Johnson nominated Commissioner Tom Vonhof; second by Commissioner Huber.

Chair Vonhof called for any further nominations 3 times.

Motion by Commissioner Hartmann; second by Commissioner Johnson to close the nominations. The motion carried unanimously.

Chair Vonhoff called for a vote on Chair nomination of Tom Vonhof. The vote carried unanimously for Tom Vonhof.

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

Commissioner Watson nominated Commissioner Barbara Johnson; second by Commissioner Huber.

Chair Vonhof called for any further nominations 3 times.

Motion by Commissioner Hrabe; second by Commissioner Hartmann to close the nominations. The motion carried unanimously.

Chair Vonhoff called for a vote on Vice Chair nomination of Barbara Johnson. The vote carried unanimously for Barbara Johnson.

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

Commissioner Johnson nominated Commissioner Lee Watson for Secretary; second by Commissioner Hentges.

Chair Vonhof called for any further nominations 3 times.

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

Chair Vonhoff called for a vote on the Secretary nomination of Lee Watson. The vote carried unanimously for Lee Watson.

Chair Vonhof read the officer vote results on the record as voted above.

V. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis

VI. GENERAL & ADJOURN

Motion by Commissioner Hartmann; second by Commissioner Huber, to adjourn the meeting at 6:59 PM. The motion carried unanimously.

VII. ORDINANCE WORKSHOP FOR COMMISSIONERS FOLLOWING ADJOURNMENT

Tom Vonhof
Chair, Planning Advisory Commission

Date

Barbara Simonson
Deputy Clerk to the Board

Date



STAFF REPORT PREPARED FOR TOWNSHIPS & COUNTY PLANNING ADVISORY COMMISSION

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952)496-8653 · Fax (952)496-8496 · Web scottcountymn.gov

Preliminary & Final Plat of Mik's Acres Second Addition

Request:

- A) Preliminary Plat of Mik's Acres Second Addition consisting of 1 lot on 11.74 acres.
- B) Final Plat of Mik's Acres Second Addition consisting of 1 lot on 11.74 acres.

Greg Wagner, Principal Planner, is the project manager and is available for questions at 952-496-8653.

General Information:

Applicant:	Randy & Lisa Kubes	Site Location:	South of 270 th Street East and East of Vergus Avenue
Property Owners:	Randy & Chris Kubes	Township:	Section 33, Cedar Lake
Public Hearing Date:	March 9, 2020	Action Deadline:	March 27, 2020 (120 Day)

Zoning/Comprehensive Plan Information:

Zoning District:	Rural Residential Reserve, RR-1	Comprehensive Land Use Plan:	Rural Residential Reserve
Overlay Zoning District:	None	School District:	New Prague #721
Watershed District:	Scott WMO	Fire District:	New Prague Fire
Ordinance Sections:	Chapters 40	Ambulance District:	North Memorial

Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Preliminary Plat
4. Final Plat
5. Scott County Environmental Services memo dated February 7, 2020
6. Cedar Lake Township Land Use Permit Review Form

- Comprehensive Plan-** The proposal is in conformance with the goals and policies identified in the Scott County 2040 Comprehensive Plan for land use and development in the Rural Residential Reserve Area.
- Adjacent Land Use/Zoning-** North – 17 acre residential parcel, zoned RR-1
South – 10 acre residential parcel, zoned RR-1
West – 80 acre farmstead parcel, zoned RR-1
East – 20 acre residential parcel, zoned RR-1
- Existing Conditions-** Approximately 5 acres is agricultural cropland. The remaining 6 acres is a mixture of woodland and wetland.
- Ordinance Requirements-** Density – 1 dwelling unit per 10 acres.
Lot Size – 10 acres with 1 acre of non-hydric soil to accommodate two (2) individual sewage treatment drain field sites.
Lot Width – 300 feet from the front setback line maintained to the primary building site.
- Structure Setbacks:
Front Yard: 100 feet from centerline of the Township road
Side Yard: 30 feet
Rear Yard: 60 feet
- Proposed Development-** Density – 1 dwelling unit per 11.74 acres
Lot Size – 11.74 acres
Lot Width – 495.53 feet
- Setbacks – The proposed home location meets required setbacks
- Existing Roads-** The property has frontage on Vergus Avenue, a gravel Cedar Lake Township road.
- Proposed Roads-** No new roads are proposed. .
- Public Hearing Notice-** Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.

Site Photo: View looking north at the subject parcel.



Background/Zoning:

Randy and Chris Kubes are proposing to re-plat an 11.74 acre parcel located in section 33, Cedar Lake Township, zoned Rural Residential Reserve, RR-1. In 2015 the property was platted as Outlot A of Mik's Acres, which also created the three (3) adjacent residential parcels to the northeast. At that time the development density allowed was 1 dwelling unit per 10 acres of non-wetland land. This required wetland acreage to be subtracted out of the gross parcel acres before calculating the number of possible lots from the remaining non-wetland acreage. The intent of the non-wetland provision was to encourage the cluster development option that required preservation of larger tracts of agricultural land or other natural open space.

During the 2040 Comprehensive Plan update process a large number of Cedar Lake Township residents attended County open house events and spoke at their township meetings regarding the density allowed in Cedar Lake. The majority of residents involved in the process supported eliminating the cluster development option in Cedar Lake Township and also supported removing the non-wetland provision in favor of RR-1 development at a straight 1 dwelling per 10 acre density. The non-wetland density provision was removed from the Rural Residential Area in the adopted 2040 Comprehensive Plan, which was approved in June 2019.

When Mr. Kubes platted Mik's Acres in 2015 the project was 1 acre of non-wetland land short of allowing the subject parcel from being created as a buildable lot at that time. They chose to plat it as an outlot, which is a non-buildable parcel, in hopes that the non-wetland provision would be eliminated. As this regulation has now changed they are proposing to re-plat Outlot A as Lot 1, Block 1 Mik's Acres Second Addition so it can be utilized as a residential parcel. As proposed the parcel meets all County requirements for lot size, area, and required setbacks. It has required frontage and proposes a driveway access off of Vergus Avenue, a gravel township road. This access will require a township access permit at time of building permit for a single family home.

Environmental:

Scott County Environmental Services has reviewed the plat and submitted soils information and has approved the septic drainfield locations. Two sites were identified for the new lot that meet County septic ordinance requirements.

A wetland delineation was done with the 2015 plat and easements were dedicated over the wetland areas and drainage-ways. The Mik's Acres property consists of upland agricultural land and then the lots drop 40-50 feet from north to south down to a large wetland complex that is under the previously dedicated easement. The main drainage-way is on Lot 3 of Mik's Acres; this subject property has a flatter slope and no wetland areas around the proposed building site. Grading and erosion control will be reviewed at time of building permit.

Township Recommendation:

The Cedar Lake Town Board has provided the attached Land Use Permit Review Form indicating that they will be making recommendations only on projects that may impact a township roadway.

As the land use authority Scott County has provided land use application information and staff reports to the 11 townships as a courtesy to inform township supervisors of possible development and use permits within their jurisdictions. Townships are the local road authority, are often the regulatory wetland authority, and are responsible for stormwater management infrastructure in platted developments. They are typically most knowledgeable of rural issues that can be affected by land use decisions.

Scott County elected and appointed officials have always valued township input and look for township recommendations and associated comments when making land use decisions. This has been occurring for many years and has worked well. Scott County staff will continue to share application information with and prepare staff reports for all township boards and welcome any recommendation or input provided.

Staff Recommendation:

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

Conditions to be Satisfied Prior to County Board Consideration:

1. The County Recorder and Surveyor review and sign the plat.
2. Review and approval of the submitted Commitment for Title Insurance by the County Attorney's Office.
3. Payment of all Cedar 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 proposed driveway access on Vergus Avenue, a gravel town road.
4. *Adequate Waste Disposal Systems* – the proposed lot meets all requirements of the individual sewage treatment system ordinance.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Rural Residential Reserve 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 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.

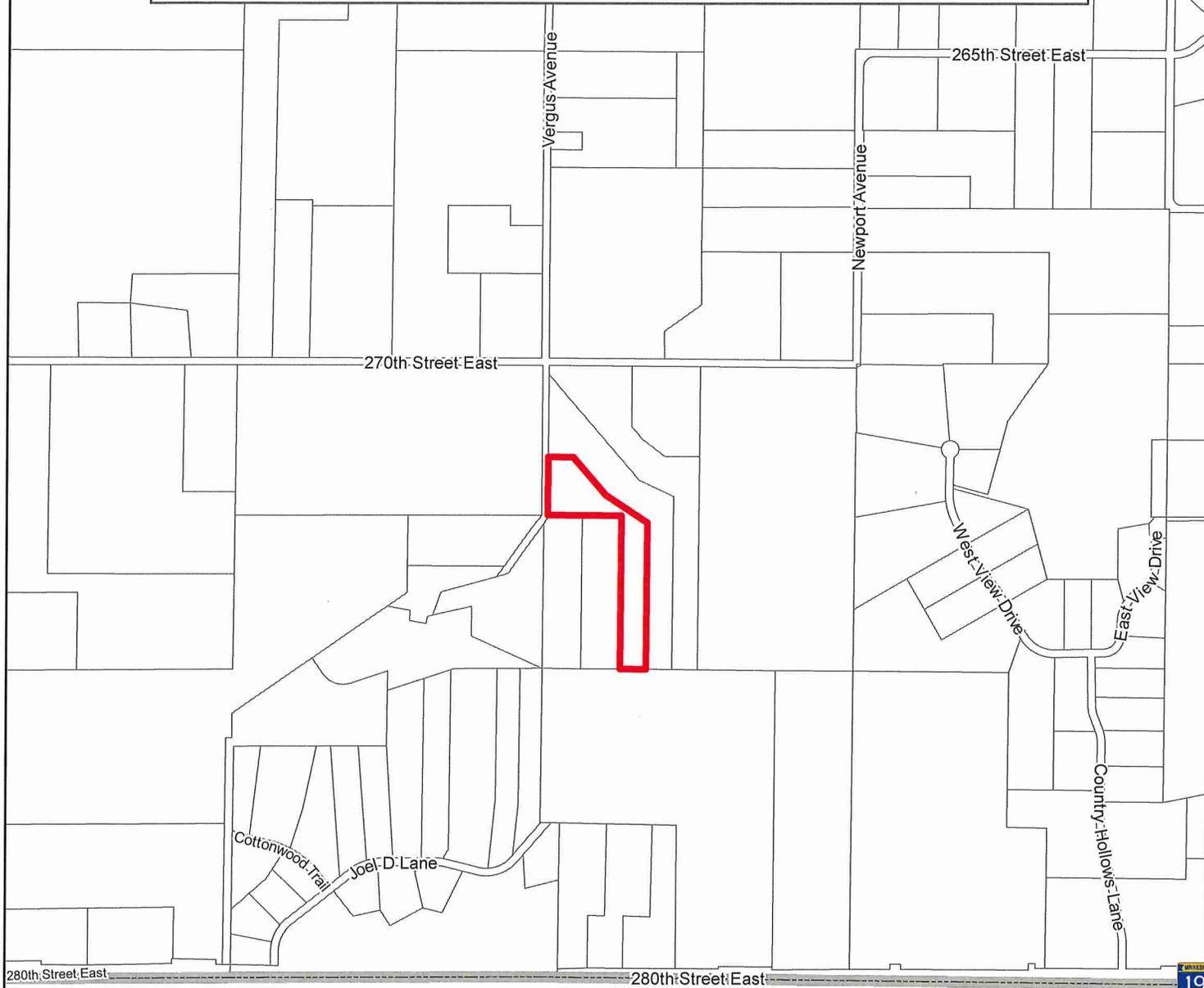
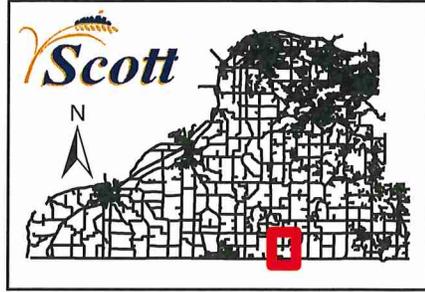
Planning Advisory Commission/Township Alternatives:

1. Approve the request as recommended by 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.

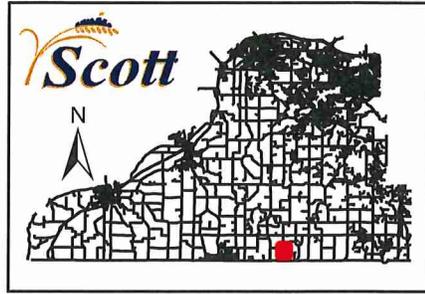
Suggested Motion for Planning Advisory Commission or Township Board:

Based on the criteria for approval listed in the staff report, I recommend approval of the Preliminary Plat and Final Plat of Mik's Acres Second Addition, consisting of 1 lot on 11.74 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.

**CEDAR LAKE TOWNSHIP
SECTION 33
RANDY & CHRIS KUBES
REQUEST FOR PRELIMINARY PLAT**

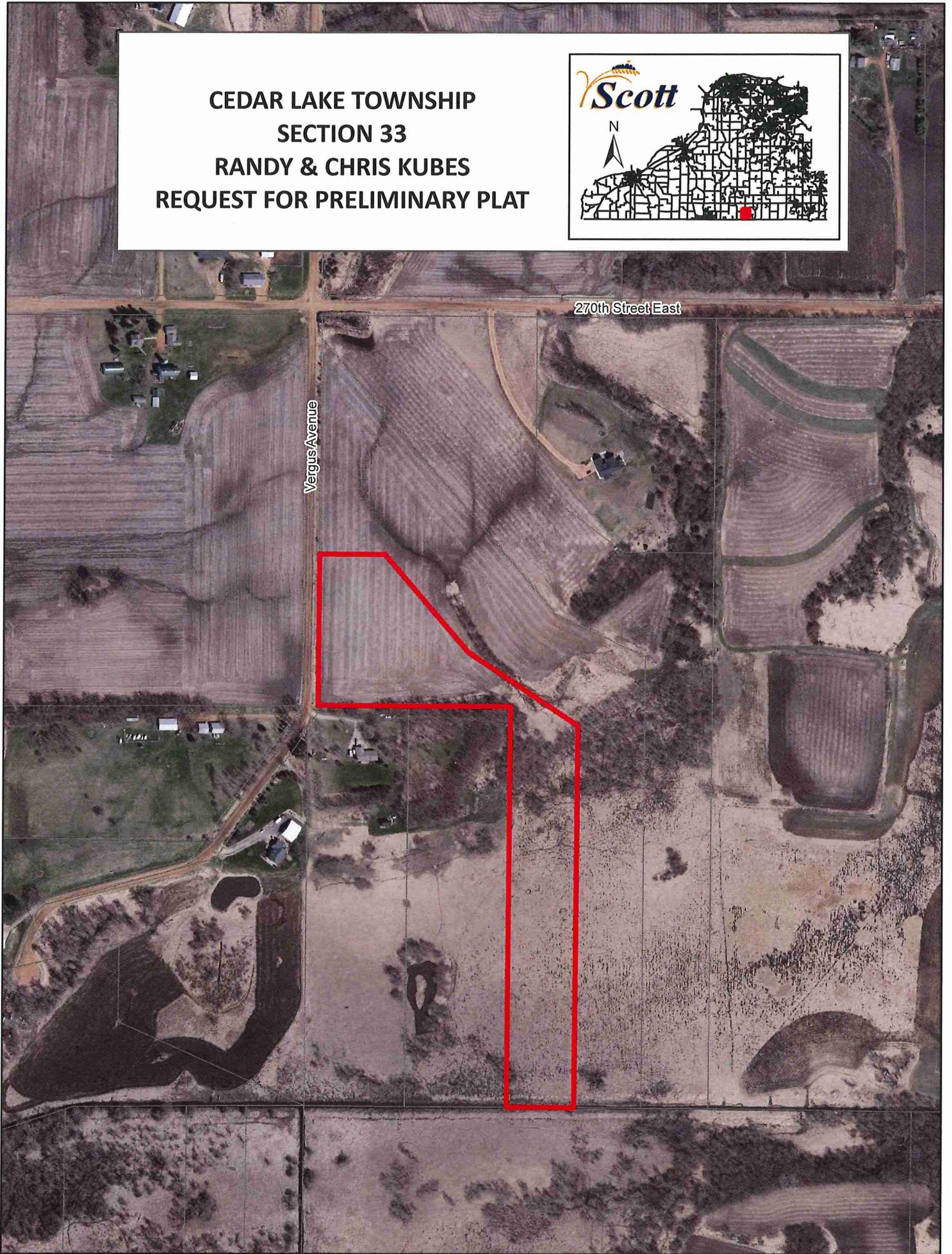


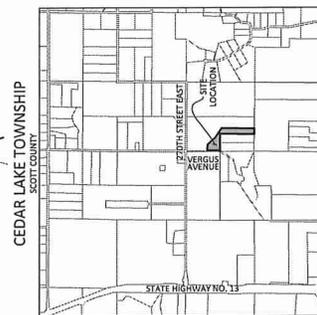
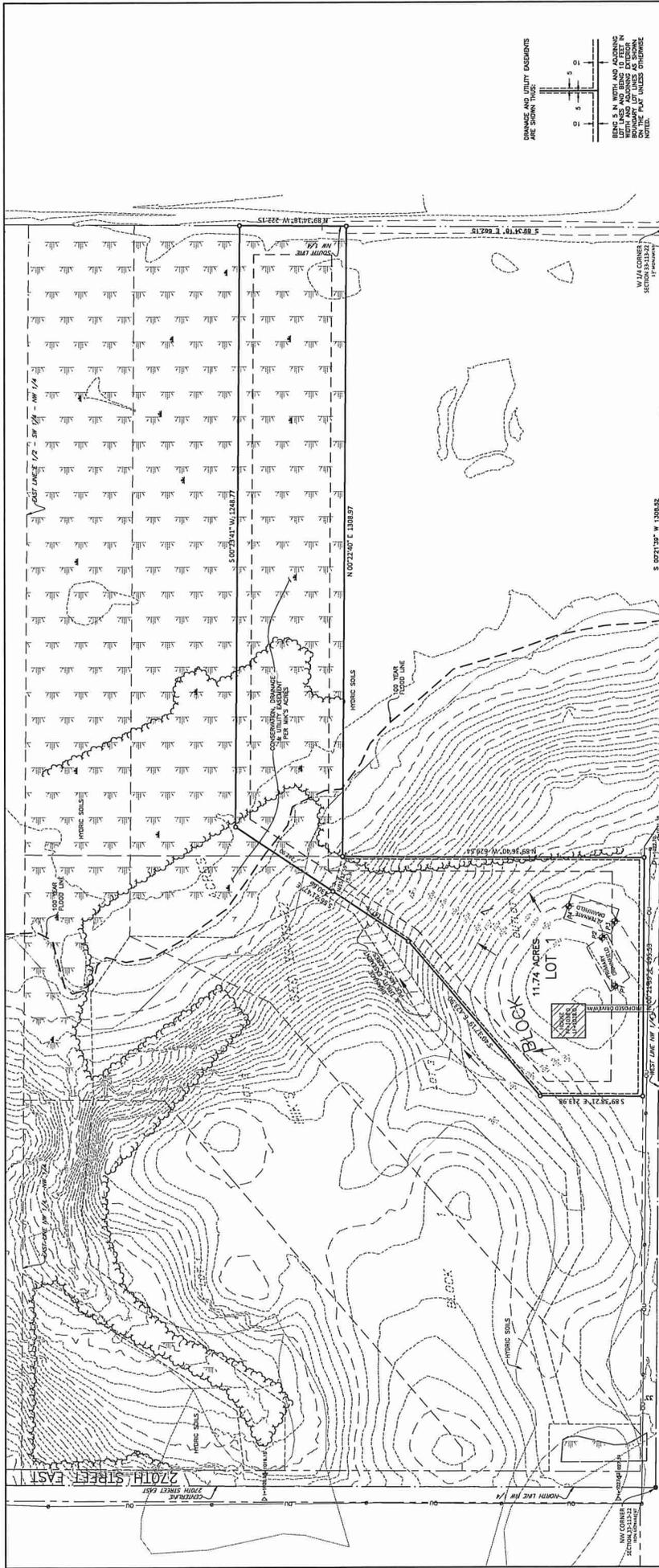
**CEDAR LAKE TOWNSHIP
SECTION 33
RANDY & CHRIS KUBES
REQUEST FOR PRELIMINARY PLAT**



270th Street East

Vergus Avenue





MIK'S ACRES SECOND ADDITION PRELIMINARY PLAT

UTILITY & SITE DATA

ZONING: RR4, Rural Residential Reserve District

SETBACKS: 150' Centerline of County/State Road or 100' County/State Road Right-Of-Way, whichever is greater.

Front: 100' Centerline of Local Public Street or 67' Local Public Street Right-Of-Way, whichever is greater.

Left: Under 2 Acres

35' from Local Street Right-Of-Way, 100' from the Right-Of-Way on other public roads.

Side: 30' Use of record less than 2 acres, 15' On corner lots, the side yard abutting a road shall be the same as the front yard setback.

Rear: 60' Use of record less than 2 acres, 30'

MINIMUM LOT AREA

10 acres with at least 1 acre of non-hydric soils and area to accommodate 2 septic drainfield sites.

LEGAL DESCRIPTION

County, Minnesota.

Section 31, Township 113 North, Range 22 West, Scott

County, Minnesota.

Block 1, Mik's Acres of Section 31, Township 113 North, Range 22 West, Scott

County, Minnesota.

Lot 1, Mik's Acres of Section 31, Township 113 North, Range 22 West, Scott

County, Minnesota.

11.74 Acres of Section 31, Township 113 North, Range 22 West, Scott

County, Minnesota.

Lot 1, Mik's Acres of Section 31, Township 113 North, Range 22 West, Scott

County, Minnesota.

11.74 Acres of Section 31, Township 113 North, Range 22 West, Scott

County, Minnesota.

LEGEND

- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- SOIL BORING
- WETLAND
- DRAINAGE DIRECTION
- HYDRIC SOILS

SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed and in good standing under the laws of the State of Minnesota.

Robert J. Mendenhall
Surveyor Number: 0799 Date: 01/06/2020

OWNER/DEVELOPER

CEDAR LAKE TOWNSHIP
1322 East 4th Avenue
Shakopee, MN 55379

Horizontal Datum: Scott County, Classification System
NAD83, UTM, Adjustment

Vertical Datum: NAD 83

BOLTON & MENK
PRELIMINARY PLAT
SCOTT COUNTY, MINNESOTA
1600 REARVIEW DRIVE
MANKATO, MINNESOTA 56001
(507) 704-9111
FOR: RUSSELL HEATY

JOB NUMBER: M3132020 FIELD BOOK: SEE FILE DRAWN BY: JA

DRAINAGE AND UTILITY DIAGRAMS

SEE SHEET 113-222-13

SEE SHEET 113-222-14

SEE SHEET 113-222-15

SEE SHEET 113-222-16

SEE SHEET 113-222-17

SEE SHEET 113-222-18

SEE SHEET 113-222-19

SEE SHEET 113-222-20

SEE SHEET 113-222-21

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SEE SHEET 113-222-47

SEE SHEET 113-222-48

SEE SHEET 113-222-49

SEE SHEET 113-222-50

HYDRIC SOILS AREAS

HYDRIC
6.50 ACRES
NON-HYDRIC
5.24 ACRES

UTILITY & SITE DATA

ZONING: RR4, Rural Residential Reserve District

SETBACKS: 150' Centerline of County/State Road or 100' County/State Road Right-Of-Way, whichever is greater.

Front: 100' Centerline of Local Public Street or 67' Local Public Street Right-Of-Way, whichever is greater.

Left: Under 2 Acres

35' from Local Street Right-Of-Way, 100' from the Right-Of-Way on other public roads.

Side: 30' Use of record less than 2 acres, 15' On corner lots, the side yard abutting a road shall be the same as the front yard setback.

Rear: 60' Use of record less than 2 acres, 30'

MINIMUM LOT AREA

10 acres with at least 1 acre of non-hydric soils and area to accommodate 2 septic drainfield sites.

LEGAL DESCRIPTION

County, Minnesota.

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Lot 1, Mik's Acres of Section 31, Township 113 North, Range 22 West, Scott

County, Minnesota.

11.74 Acres of Section 31, Township 113 North, Range 22 West, Scott

County, Minnesota.

LEGEND

- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- SOIL BORING
- WETLAND
- DRAINAGE DIRECTION
- HYDRIC SOILS

SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed and in good standing under the laws of the State of Minnesota.

Robert J. Mendenhall
Surveyor Number: 0799 Date: 01/06/2020

OWNER/DEVELOPER

CEDAR LAKE TOWNSHIP
1322 East 4th Avenue
Shakopee, MN 55379

Horizontal Datum: Scott County, Classification System
NAD83, UTM, Adjustment

Vertical Datum: NAD 83

BOLTON & MENK
PRELIMINARY PLAT
SCOTT COUNTY, MINNESOTA
1600 REARVIEW DRIVE
MANKATO, MINNESOTA 56001
(507) 704-9111
FOR: RUSSELL HEATY

JOB NUMBER: M3132020 FIELD BOOK: SEE FILE DRAWN BY: JA



SCOTT COUNTY
Environmental Services

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952) 496-8177 · Fax (952) 496-8496 · Web www.scottcountymn.gov

Memo

Date: February 7, 2020
To: Greg Wagner , Zoning Department
From: Mary VonEschen, Environmental Services Department
Subject: PL2020-0005 Mik's Acres Second Addition

The Scott County Environmental Services Department has completed a review of the septic system locations and soil boring information for the project located at PID# 030880040 in Cedar Lake Township. The septic system information and soil information provided (dated 11/14/2019) appears to be in conformance with the Scott County Subsurface Sewage Treatment System Ordinance #4 and Minn. Rules Chapter 7080.

Please Note:

- Both septic sites must be clearly marked and fenced prior to any grading activity on this lot.

If you have any questions, please contact me at (952) 496-8344

2/3/2020 Township mtg
Chris Kubus - Mik's outlot
(612-759-783)

Scott County Land Use Permit Review Form

Scott County required "Land Use" permits to be communicated to Cedar Lake Township Board

Cedar Lake Township is the road (ROW) authority for approximately 45 miles of Township roads in Cedar Lake TWP.

- 1) Cedar Lake Township receives tax dollars for Township roads and fire protection.
- 2) Board members receive annual training in respect to road maintenance.

Scott County requires communication to the Townships on P&Z activities regardless of the activity. The County does this for two reason:

- 1) Communicates the County P&Z activity to Township board.
- 2) If the P&Z activity impacts the Township (ROW) roads (for example a developer is planning to develop land with 10 driveways onto a Township road, The Township has guidelines that limit the number and distance apart for each driveway onto the Township road.)

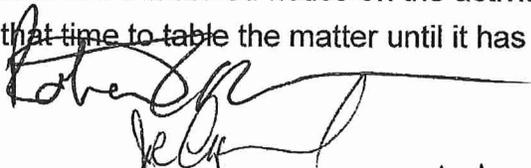
The Planning & zoning "Land Use" authority for Cedar Lake Township is Scott County.

- 1) Cedar Lake Township receives zero dollars and zero training hours in respect to planning and zoning matters.
- 2) For this reason the Township board will not comment or approve matters that have no bearing on Township roads.
- 3) Cedar Lake Township will not comment, address, or sign off on matters that are not related to or do not impacts Township roads.
- 4) Communicating to the Township Board as per requested by Scott County does not warrant any approval from the Township on any P&Z activities in Cedar Lake Township.

The requested P&Z activity will not impact Township roads, this issues is solely a Scott County planing decision. No Written correspondence or approval will be issued by Cedar Lake Township on this matter.

The requested P&Z activity will impact Cedar Lake Township roads. The board will plan to attend Scott County's schedule meeting on the matter to hear from others who have received notice on the activity before commenting. The board may elect at that time to table the matter until it has been reviewed by the Township attorney.

Date :



2/3/2020

Clerk: 



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

Preliminary Plat and Final Plat of Hirman Addition

Request:

- A) Preliminary Plat of Hirman Addition consisting of two lots on 29.71 acres.
- B) Final Plat of Hirman Addition consisting of two lots on 29.71 acres.

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

General Information:

Applicant:	Dennis Hirman	Site Location:	SE¼ of SE¼ Section 22 except N 330 feet
Property Owners:	Dennis Hirman	Township:	Section 22, Cedar Lake
Public Hearing Date:	March 9, 2020	Action Deadline:	March 15, 2020 (60 Day)

Zoning/Comprehensive Plan Information:

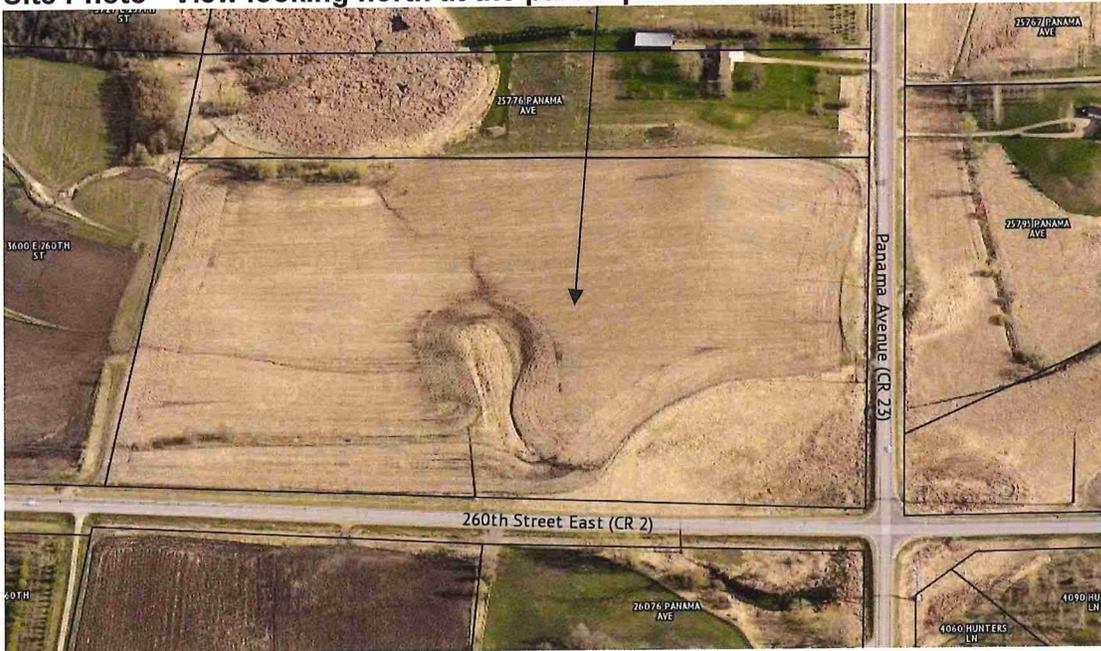
Zoning District:	Rural Residential Reserve, RR-1	Comprehensive Land Use Plan:	Rural Residential Reserve
Overlay Zoning District:	N/A	School District:	New Prague #721
Watershed District:	Scott WMO	Fire District:	New Prague
Ordinance Sections:	Chapters 2 & 40	Ambulance District:	North Ambulance

Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Preliminary Plat
4. Final Plat
5. Environmental Health Department Memo dated February 14, 2020

- Comprehensive Plan-** The proposal is in conformance with the goals and policies identified in the Scott County 2040 Comprehensive Plan for land use and development in the Rural Residential Reserve Area.
- Adjacent Land Use/Zoning-** North – 10 acre residential parcel, zoned RR-1
South – County Highway 2, 10 acre residential parcel & 10 acre agricultural parcel, zoned RR-1
West – 40 acre agricultural parcel with residence, zoned RR-1
East – County Highway 23, 14 acre residential parcel & 40 acre agricultural parcel, zoned RR-1
- Existing Conditions-** The 29.71 acre parcel is located at the intersection of County Highway 23 and County Highway 2. The property is primarily productive acreage with wetland areas throughout.
- Ordinance Requirements-** Density – 1 dwelling unit per 10 acres.
Lot Size – 10 acres with 1 acre of non-hydric soil to accommodate two (2) individual sewage treatment sites.
Lot Width – 300 feet from the front setback line maintained to the primary building site.
Structure Setbacks:
Front Yard: 100 feet from County road right-of-way;
Side Yard: 30 feet
Rear Yard: 60 feet
DNR Wetland: 75 feet to structure and 50 feet to septic
- Proposed Development-** Density – 1 dwelling unit per 14.855 acres.
Lot Size – Proposed lot sizes are 10 acres to 19.71 acres.
Lot Width – The minimum lot width proposed is 450.51 feet
Setbacks – The proposed home locations meet required road and property line setbacks.
- Existing Roads-** The parcels have frontage on Highway 2 and Panama Avenue, paved County Highways.
- 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.

Site Photo - View looking north at the parent parcel.



Background/Zoning:

The applicants are proposing to subdivide an approximately 29.71 acre parcel located in Section 22, Cedar Lake Township. The property is zoned Rural Residential Reserve (RR-1). The 2040 Comprehensive Plan guides this area of Cedar Lake Township Rural Residential Reserve. Lots may be platted to a 10 acre minimum lot size under the RR-1 density, which is 1 dwelling unit per 10 gross acres.

The 29.71 acre parcel is bordered by two arterial roadways. Other nearby parcels include agricultural and residential properties between 2.5 and 40 acres. The applicants are proposing to create two residential lots at 10 and 19.71 acres. Multiple wetlands are contained within the subdivision and a DNR Protected Wetland is located on the Northwest corner of the plat.

Access/Road Analysis:

The proposed parcels will have lot frontage on Panama Avenue, a paved County road, and 260th Street E, a paved County road. The subdivision proposes two new driveway accesses, one from each of the adjacent arterial roadways and at ¼ mile access spacing. Additional right-of-way dedication is proposed with the plat. It is proposed that any condition stated in the Highway Department review of the plat be added as a condition of the recommendation.

Environmental/Natural Resources Analysis:

Primary and alternate septic sites have been identified for both lots. However, the percolation test and soil boring information is not marked or labeled on the preliminary plat map. The Scott County Environmental Services staff has reviewed the application and found several items that need to be addressed before the application will be in compliance with the Scott County SSTS Ordinance, including the appropriate identification of building pads, boring locations, and flood elevations on the preliminary plat map. For additional notes, a Scott County Environmental Services memo is attached to this report.

No grading is proposed as part of the proposed plat; the driveway and home grading will occur after driveway and building permit approval. It has been proposed less than 1 acre of land would be disturbed by future driveways and home sites, thereby eliminating the requirement to incorporate stormwater volume control practices in the design. Wetland boundaries were delineated for and submitted to the Scott Soil and Water Conservation District and County Natural Resources for review. The proposal is being reviewed by the local government unit, Cedar Lake Township, for compliance with the Wetland Conservation Act. County regulations require conservation easements over wetland areas. These conservation easements will be required to be filed with the final plat. The Scott County Natural Resources Department is reviewing the application and is requiring that the 100-year floodplain elevations be provided.

Township Recommendation:

The Cedar Lake Town Board will review the proposal at their March, 2020 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 and subject to the conditions of approval, the proposed plat conforms to the Zoning and Subdivision Ordinances; therefore, staff recommends approval of the Preliminary Plat and Final Plat 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 Natural Resources Department review of the preliminary plat. Conservation Easements shall be dedicated in conjunction with the Final Plat.
2. Any conditions stated in the Environmental Services Department review of the preliminary plat.
3. Any conditions stated in the Highway Department review of the plat.
4. Confirmation that proposed plat is in compliance with Wetland Conservation Act requirements.
5. Submission of up-to-date title insurance or opinion as required for review by the County Attorney's Office.
6. County Surveyor, Attorney and Recorder review and signing of the plat Mylars.
7. Payment of all Cedar 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 260th Street E. and Panama Avenue, paved County Roads.
4. *Adequate Waste Disposal Systems* – the proposed lots will meet all requirements of the individual sewage treatment system ordinance prior to County Board approval.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Rural Residential Reserve 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.

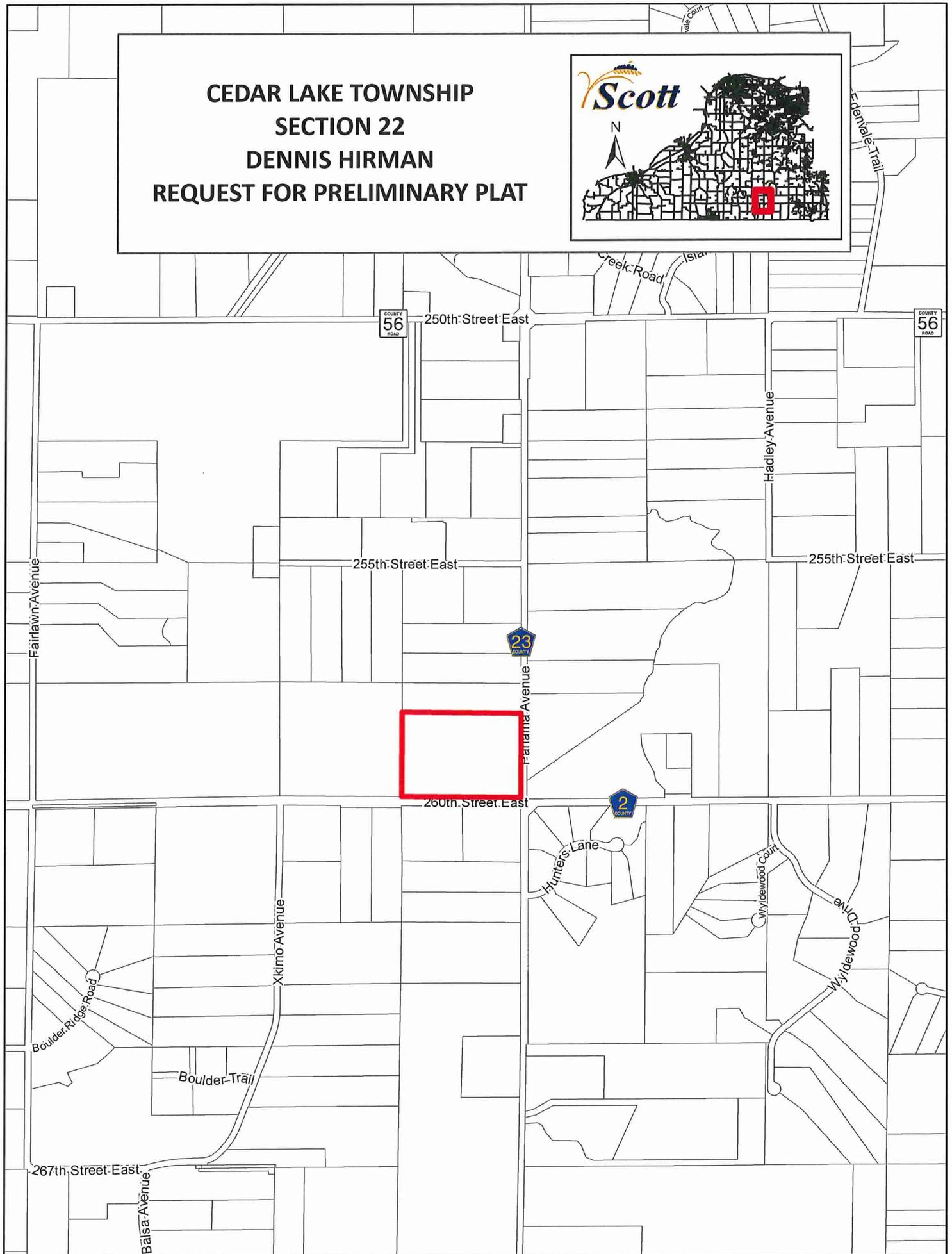
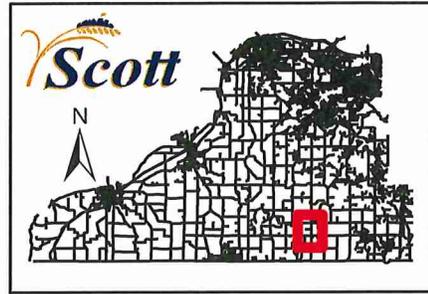
Planning Advisory Commission/Township Alternatives:

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.

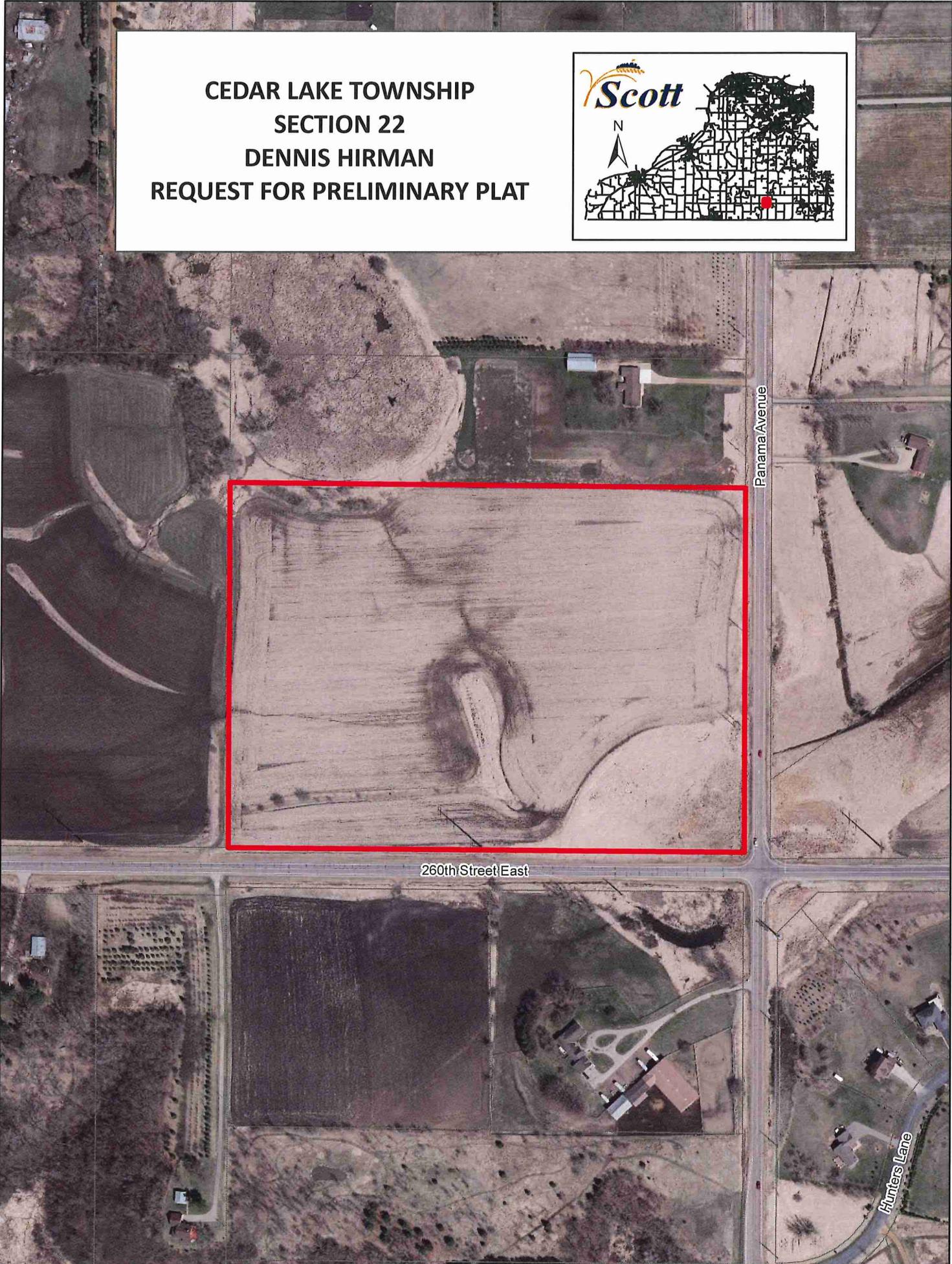
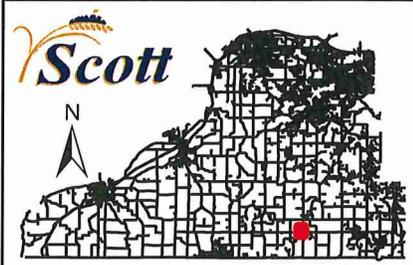
Suggested Motion for Planning Advisory Commission or Township Board:

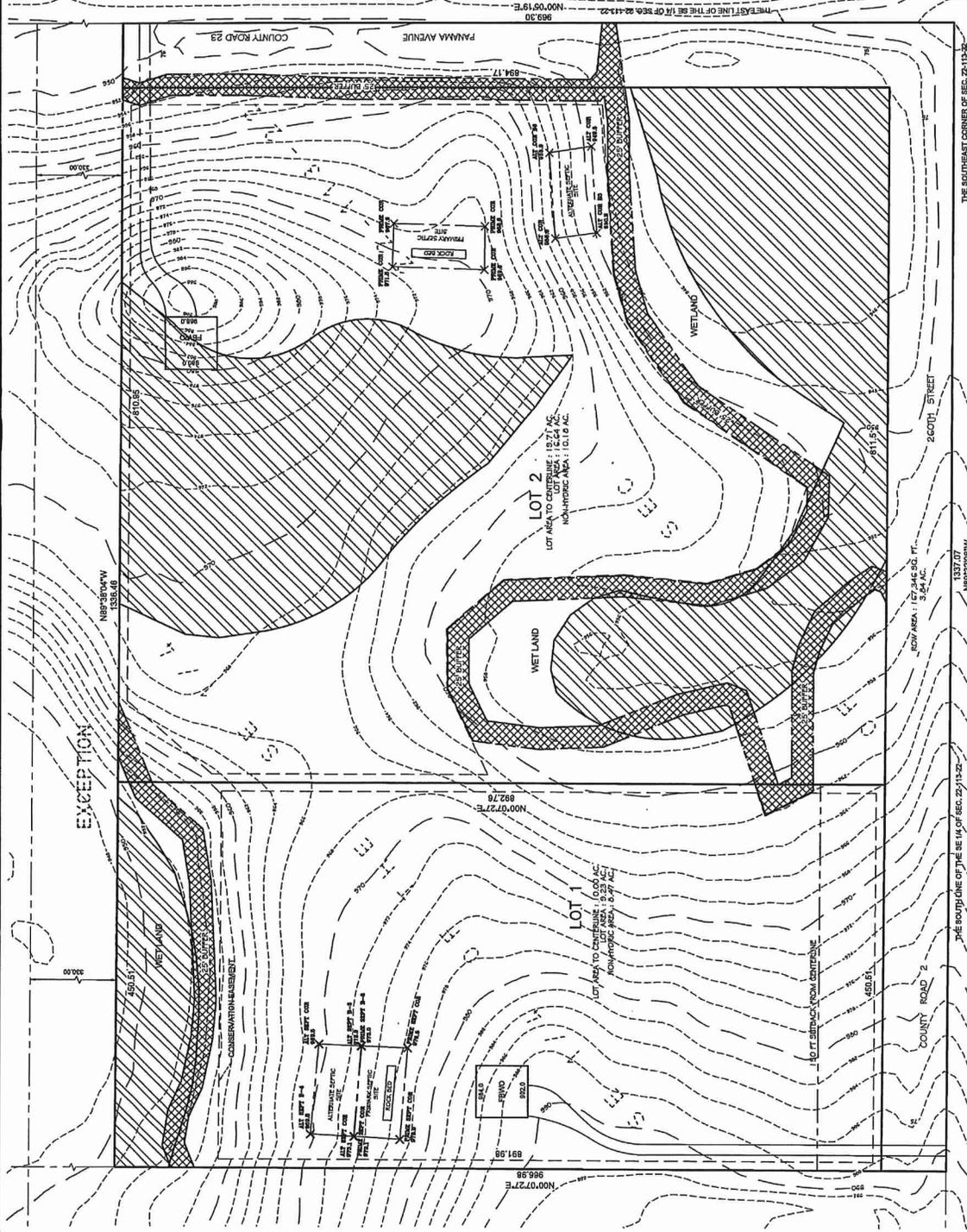
Based on the criteria for approval listed in the staff report, I recommend approval of the rezoning, preliminary plat and final plat of Hirman Addition, consisting of 2 lots on 29.71 acres, noting that this recommendation is subject to approval of the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the project.

**CEDAR LAKE TOWNSHIP
SECTION 22
DENNIS HIRMAN
REQUEST FOR PRELIMINARY PLAT**



**CEDAR LAKE TOWNSHIP
SECTION 22
DENNIS HIRMAN
REQUEST FOR PRELIMINARY PLAT**





Legal Description:
 THE SE 1/4 OF THE SE 1/4 OF
 SEC. 22, T. 132 N., R. 22 W.,
 NORTH 150 FEET THEREOF
 SCOTT COUNTY, MINNESOTA

-  DENOTES SCOTT COUNTY HYDRIC SOILS
-  DENOTES WETLAND BUFFER
 (TO BE CONTAINED IN CONSERVATION EASEMENTS)
-  DENOTES WETLAND PER WENCK AND ASSOCIATES

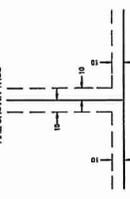
SITE AREA: 23.71 ACRES
 CURRENT ZONING: RR-1
 SETBACKS: FRONT 150' FROM CENTERLINE
 SIDE 150' FROM CENTERLINE
 REAR YARD = 60'

CEDAR LAKE TOWNSHIP
 WATERSHED: SCOTT WMO
 SCHOOL DISTRICT: ISD 0721 NEW PRAGUE



THE SOUTH LINE OF THE SE 1/4 OF SECTION 22
 HAS AN ASSUMED BEARING OF N87°32'00"W

DRAINAGE AND UTILITY EASEMENTS
 ARE SHOWN THIS



DEVELOPER: ALG ENTERPRISES, LLC
 ADDRESS: 2620 KEOKUK AVE., SUITE 50
 LAKEVILLE, MN 55044
 CONTACT: GARY HIRMAN
 ADDRESS: 1000 EAST 146TH STREET
 BURNSVILLE, MN 55337

DENNIS HIRMAN PROPERTY

PREPARED FOR:
ALG ENTERPRISES, LLC
 2620 KEOKUK AVE., SUITE 50
 LAKEVILLE, MN 55044

REVISIONS

I HEREBY CERTIFY THAT THE PLAN WAS PREPARED
 BY ME OR UNDER MY DIRECT SUPERVISION AND
 THAT I AM A LICENSED PROFESSIONAL SURVEYOR
 IN THE STATE OF MINNESOTA.

**PROBE ENGINEERING
 COMPANY, INC.**
 CONSULTING ENGINEERS,
 PLANNERS AND LAND SURVEYORS
 1000 EAST 146TH STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000

DATE	BY	REVISION

SHEET	1	OF	1
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MINNESOTA

CEDAR LAKE TOWNSHIP



SCOTT COUNTY
Environmental Services

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

Memo

Date: 2/14/2020
To: Greg Wagner, Zoning Administrator
From: David Guenther, Environmental Services Department
Subject: PL2020-0003 Hirman Addition

The Scott County Environmental Services Department has completed a review of the project plans dated 1/14/2020 for conformance with the regulations of the Scott County Subsurface Sewage Treatment System Ordinance (SSTS) #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 not less than 1" inch = 100' feet.
2. The proposed building pad shall be sized at a minimum of 5000 sq. ft. They are currently showed on the plat plans as 3600 sq. ft.
3. The percolation test and soil boring locations must be surveyed and marked and labeled on the site plan. The soil observation locations for both primary sites are missing from the plat plan.
4. 100-year flood elevation(s) for the wetland(s) must be indicated and shown on the plat plan. All septic sites must be located above the 100-year flood elevation(s).
5. Efforts must be made to locate all existing tile lines on the property. The applicant must either show any tile line found on the plat plan, or otherwise note that there is no tile on the property. Please contact Natural Resources Conservation Service (NRCS) at (952) 492-2636 to research existing tile lines (this must be done by the owner because the information is considered private).
6. All proposed grading for roads, house pads, and drainage must be included on the final draft of the preliminary plat plan.

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

Amend Conditional Use Permit for RJ Property Holdings, LLC.

Request:

Amend Conditional Use Permit (CUP) for RJ Property Holdings for the operation of an excavating company - Final Grade, Inc., to expand the outside storage area and permit recycling of concrete and asphalt material in the I-1 Zoning District

Marty Schmitz, Zoning Administrator, is the project manager and is available for questions at 952-496-8349.

General Information:

Applicant:	RJ Property Holdings, LLC	Site Location:	3441 Bluff Drive
Property Owner:	RJ Property Holdings, LLC	Township:	Sand Creek, Section 4
Public Hearing Date:	March 9, 2020	Action Deadline:	March 29, 2020 (60-day)

Zoning/Comprehensive Plan Information:

Zoning District:	I-1, Rural Industrial District	Comprehensive Land Use Plan:	Industrial Area
Overlay Zoning District:	N/A	School District:	Jordan
Watershed District:	Sand Creek Watershed	Fire District:	Jordan
Ordinance Sections:	Chapter 60	Ambulance District:	Allina Ambulance Service
Orderly Annexation Area:	N/A	Police District:	Scott County Sheriff

Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Site Plan dated 4/2/2019
4. Grading & Erosion Control Plan dated 4/2/2019
5. Stormwater Pollution Prevention Plan dated 4/2/2019
6. Scott County Natural Resources Memo dated 2/25/2020
7. Scott County Environmental Services Memo dated 2/12/2020

Request- Amend Conditional Use Permit (CUP) for RJ Property Holdings, LLC for the operation of an excavating company- Final Grade, Inc., to expand the outside storage area and permit recycling of concrete and asphalt material in the I-1 Zoning District.

Comprehensive Plan- The proposal to operate an excavating company and recycle material conforms with the goals and policies of the Industrial Area identified in the 2040 Scott County Comprehensive Plan.

Adjacent Land Use/Zoning- North – Shakopee Sand, silc sand mine (45.43 acres) Zoned I-1.
South – Herman Landscape operations including material storage and maintenance of equipment (10.03 acres) zoned I-1.
East – Utility parcels owned by AT&T Corp and MN Valley Electric and US Highway 169.
West – Interlock Concrete a concrete block manufacture (10.45 acres) zoned I-1.

Existing Conditions- The parcel is approximately 11 acres in size and includes an existing industrial building, parking and storage for Final Grade.

Ordinance Requirements- Lot Size – minimum lot size is 2.5 acres
Lot Width – minimum lot width is 200 feet
Impervious Surface Area – 75% maximum
Structure Setbacks:

Front Yard: 100' from the road right-of-way of state Highway 169.
67' from the road right-of-way Bluff Drive

Side Yard: 20 feet or height of building, whichever is greater
Rear Yard: 30 feet

Proposed Development- Lot Size – 10.85 acres

Lot Width – Exceeds ordinance requirements

Impervious Surface Area – Approximately 60%

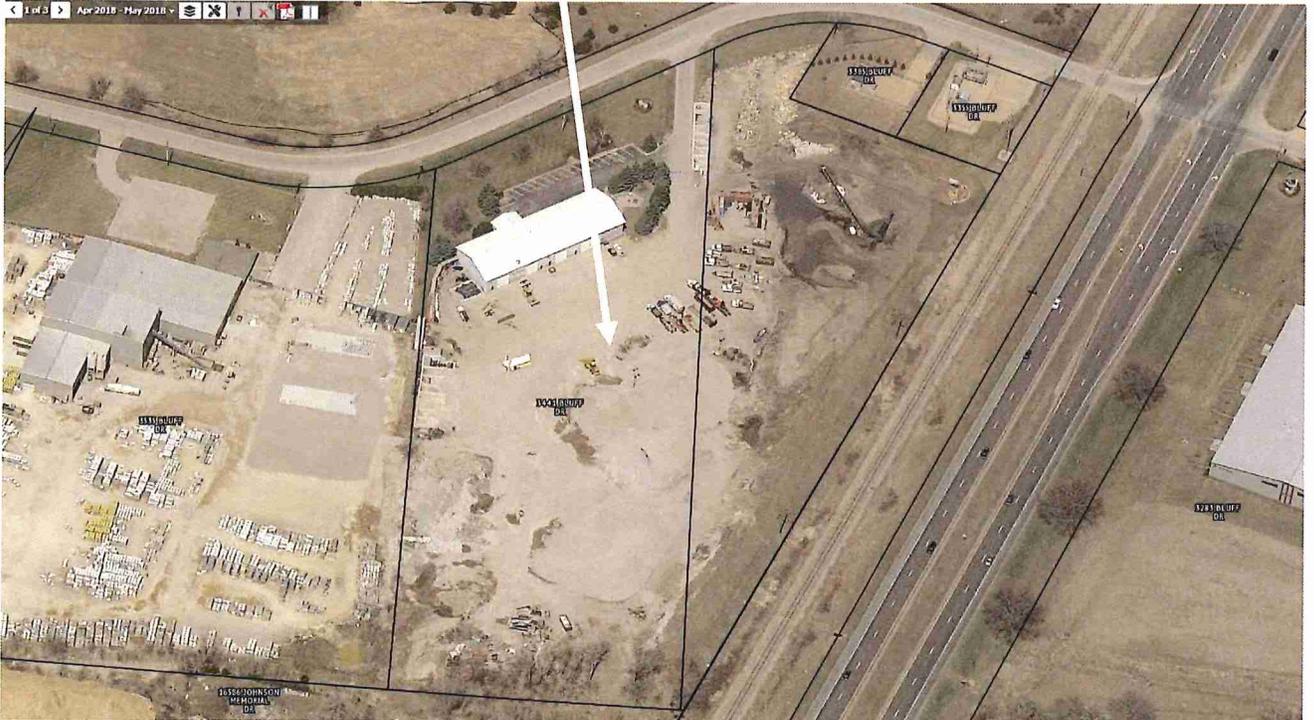
Setbacks – The existing structure conform to the required setbacks.

Existing Roads- The site is served by a driveway from Bluff Drive, which is a Sand Creek Township Road. Bluff Drive connects just east of the property with Highway 169.

Road Improvements- No road improvements are proposed as part of this request.

Site Photos-

Final Grade Parcel



Analysis:

RJ Property Holdings, LLC (Final Grade) is requesting to amend their CUP to expand the outside storage area and permit recycling of concrete and asphalt material at their facility at 3441 Bluff Drive in the I-1 Zoning District. Final Grade is currently utilizing the site for the operation of an excavating business. This site includes an office, shop area and outside storage of equipment and materials used to operate the business.

Final Grade received their CUP in 2005. In addition to the site being utilized for Final Grade, the CUP allows them to lease office/shop space to other industrial users. The leasing of space to other industrial uses is common in many properties throughout the County and is allowed, provided the tenant meets the conditions of the existing CUP, and their use is deemed compatible through a formal Certificate of Compliance process. Currently there are no additional tenants on the property.

Final Grade has grown over the years driving the need for the additional outside storage. As Final Grade expanded their outside storage area stormwater was not being managed to the requirements in county ordinance. In addition to the outdoor storage expansion, Final Grade began stockpiling and recycling concrete and asphalt material on site.

Much of the recycle material is rejects from Interlock Concrete Product located on an adjacent parcel. This process consists of piling concrete and asphalt chunks until a large enough pile accumulates for crushing. Once a large enough pile has accumulated, a mobile crusher is brought in to size the material for reuse. It is anticipated that recycled material will not exceed 30,000 tons. A Scott County Solid Waste License is required for concrete and asphalt recycling facilities. Conditions may be placed on the license limiting volumes, stockpile height, stockpile location, or any other conditions the County or Township considers necessary to protect the interest and views of the surrounding area and roads.

One of the significant planning issues with this expansion is managing stormwater in compliance with County requirements for water quality, rate and volume control. Otto and Associates has prepared a Stormwater Pollution Prevention Plan that includes ponds and infiltration areas to manage water. Scott County Natural Resources staff has conducted a review of the project stormwater and grading plan and has issued a review memo attached. None of the items in the memo are significant concerns that cannot be addressed prior to action on the CUP by the County Board. All requirements listed in County staff review have been listed as conditions of approval to be satisfied prior to County Board consideration.

As the outdoor storage area has expanded Final Grade constructed a berm on the east side of the property that significantly screens the outside storage from Hwy 169. The applicant intends to construct a retaining wall along the east and south sides of the property to maintain the screening berm and accommodate the stormwater ponds and infiltration basins. Portions of the retaining wall are in a utility easement so the applicant will need to obtain permission from the utility company prior to construction of the retaining wall. Receiving approval from the utility company for the construction of the retaining wall has been listed as a condition of approval to be satisfied prior to County Board consideration.

Scott County Environmental Health has reviewed the request and determined that the septic system location and size are acceptable for the use. The system is sized for 33 employees or 500 gallons per day. Final Grade currently employees 26 people. A Scott County Solid Waste license is required for the recycling of concrete and asphalt material.

Township Recommendation:

The Sand Creek Town Board will be making a recommendation at their March monthly meeting. A copy of their recommendation will be provided at the public hearing.

Staff Recommendation:

Subject to the conditions of approval, the CUP conforms to the Zoning Ordinance; therefore, staff recommends approval of the CUP amendment based on the criteria for approval listed below and the following 17 conditions:

Conditions to be Satisfied Prior to County Board Consideration:

1. The applicant shall receive documentation of approval for the construction of the retaining wall within the existing utility easement prior to County Board consideration.
2. Any conditions and/or comments in the Natural Resources review memo dated 2/25/20 shall be satisfied prior to County Board action.

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

1. The proposed use will not create an excessive burden on public facilities.
2. The proposed use is compatible with industrial uses on adjacent lots.
3. The existing structure is designed of materials that are not unsightly in appearance.
4. The use is consistent with the purpose of the I-1 Zoning District.
5. The use is not in conflict with the Scott County 2020 Comprehensive Plan.
6. Adequate measures have been taken to provide ingress and egress, access to public roads and on-site parking.
7. Adequate water supply, sewage treatment systems, erosion control and storm water facilities have been approved by County Staff.
8. The existing building meets the requirements of the Building Code.

Conditions of Approval (new language underlined, removed language strikethrough):

1. The applicant is to file with the Scott County Planning Office in January of each year a statement indicating they are in compliance with the conditions of the CUP. Failure to do so may be a basis for revocation of the CUP.
2. If ownership changes, the new owner shall contact the Sand Creek Town Board and the County Planning Office to review the conditions of the CUP. The CUP is issued solely to allow the construction of a light industrial/office building addition, the operation of Final Grade Excavating, Inc., and leasing office/shop space to industrial users in the I-1 Zoning District

3. All outside storage except for material stockpiles shall be screened from Highway 169.
4. All parking shall be located on-site in areas as designated on the site plan dated 4/25/2005 4/02/19 Prepared by Otto and Associates.
5. The business and site shall be operated and maintained in accordance with the applicant's letter dated 5/2/2005.
6. All signage shall comply with the Scott County Sign Ordinance.
7. All structures utilized for conducting business shall meet the requirements of the Scott County Building Official and State Building and Fire Codes.
8. Oil, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
9. Outside storage of products and equipment shall be limited to the gravel yard ~~the areas labeled gravel staging area (existing and proposed)~~ as indicated on the site plan dated 4/25/2005 4/02/19.
10. The property shall be maintained in a neat and orderly manner.
11. At any time prospective tenants are applying to occupy the building, the applicant, RJ Property Holdings, LLC., will be required to meet the Planning Department, Building Inspections Department, Environmental Health Department and Sand Creek Township to ensure the proposed use by the tenant of the building and site is compatible with the structure, CUP, service capacity, and zoning requirements applicable to the property; upon successful review the tenant will be issued a Certificate of Compliance by Scott County.
12. Estimated additional water use and septic system impacts by prospective tenants will be reviewed by Environmental Health before that tenant will be allowed to occupy the building or portion thereof.
13. Material stockpile heights shall not exceed 30 feet and not more than 50,000 tons of any type of material may be stored on the entire property at any time.
14. A Scott County Solid Waste License is required for any concrete or asphalt recycling facilities on the site. Conditions may be placed on the license limiting volumes, stockpile height, stockpile location, or any other conditions the County or Township considers necessary to protect the interest and views of the surrounding area and roads.
15. Concrete and asphalt crushing activities shall be limited to 7am to 6 pm Monday through Saturday
16. The Sand Creek Town Board may conduct an annual review of the business to ensure that they follow the CUP conditions.

17. The applicant shall pay an annual inspection fee for the CUP, if and when the County adopts an inspection fee ordinance.

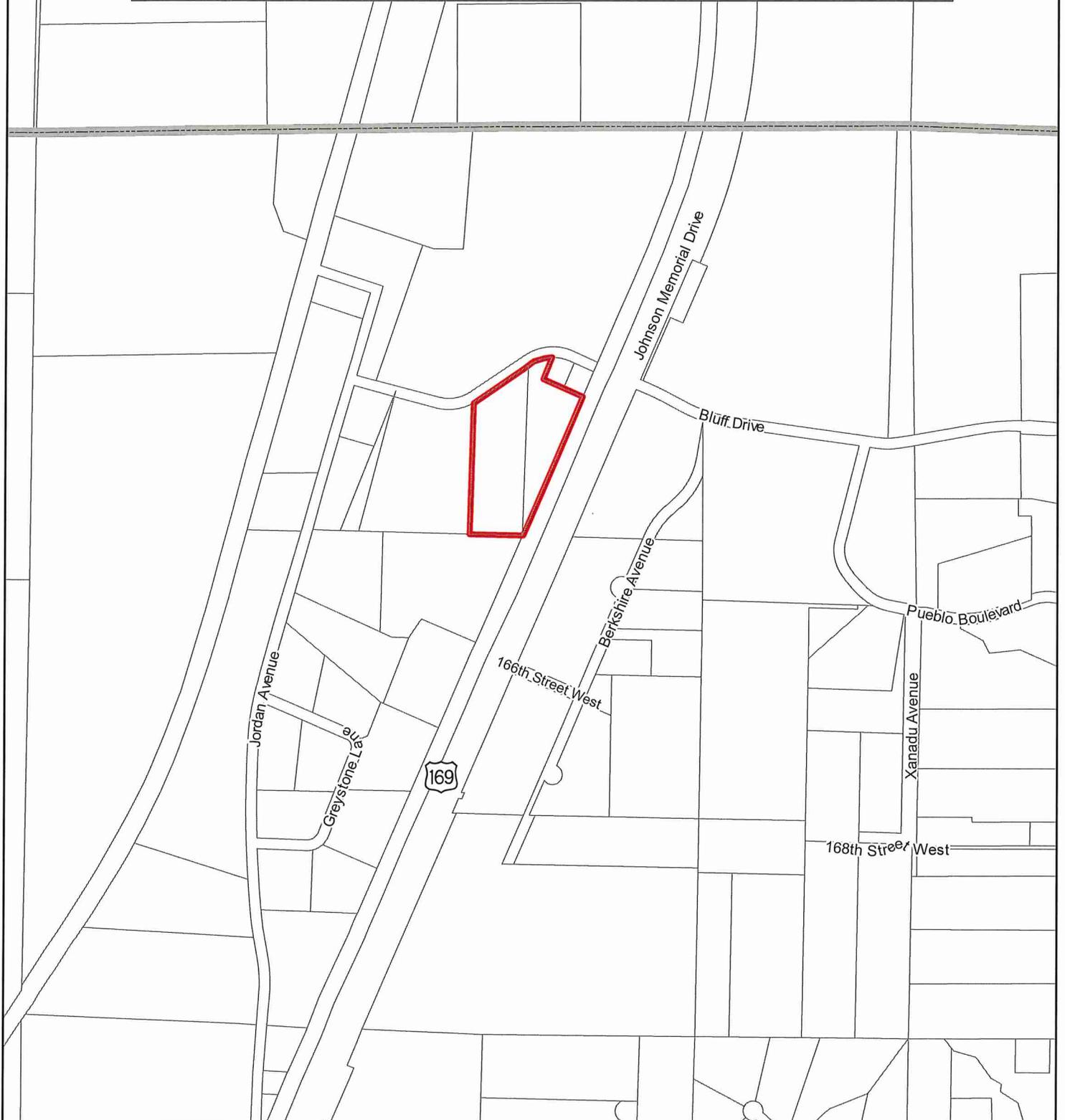
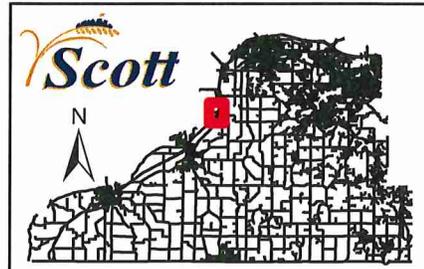
Planning Advisory Commission Alternatives:

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.

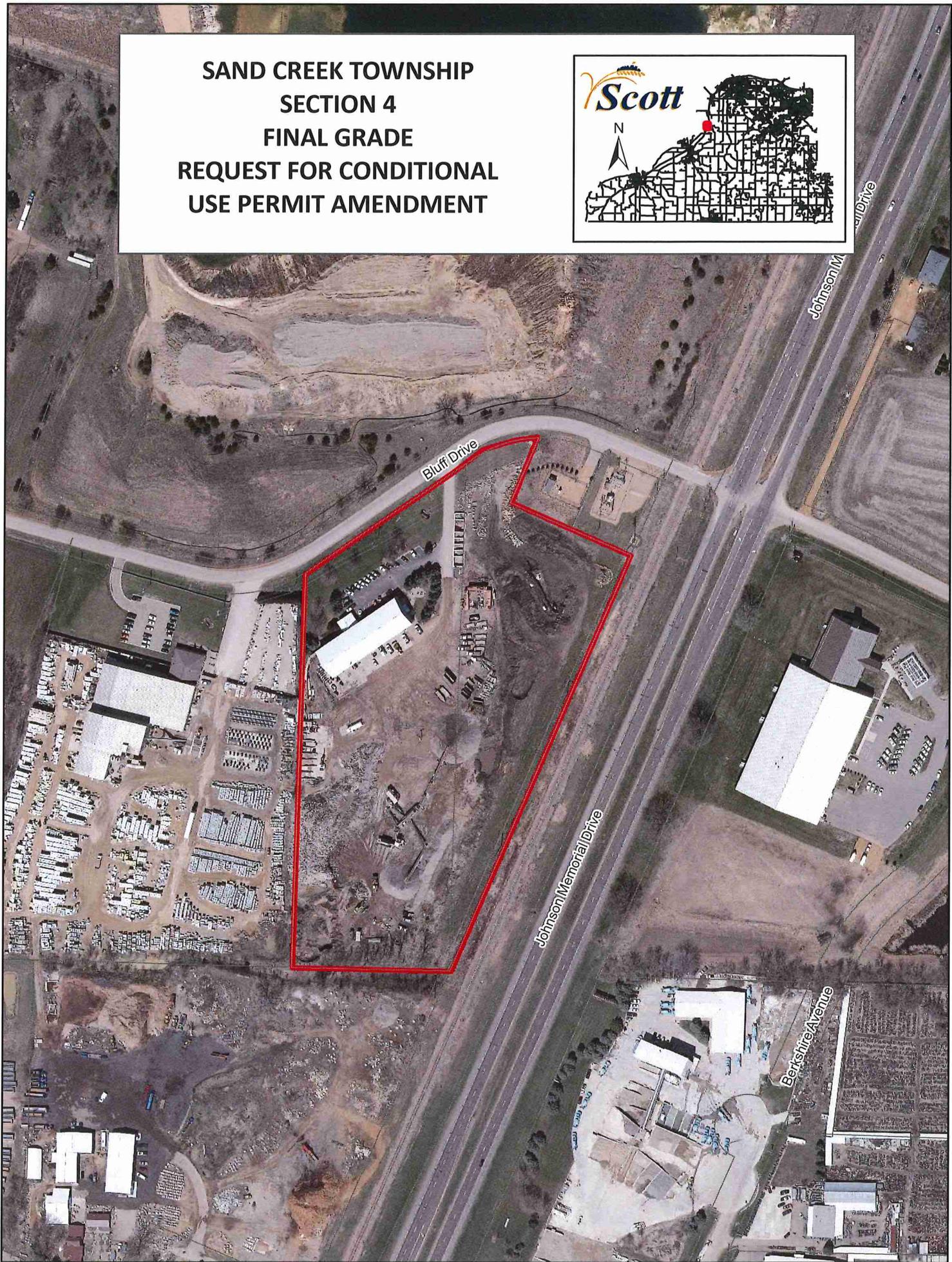
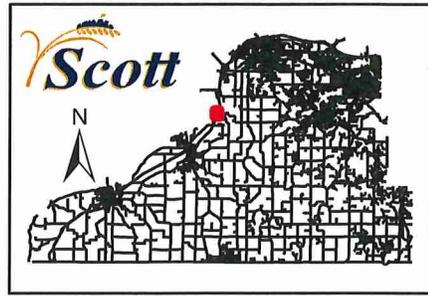
Suggested Planning Commission Motion:

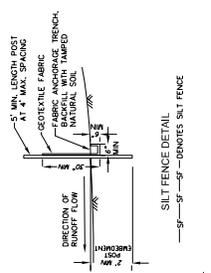
Mr. Chairman, based on the conditions and criteria for approval listed in the staff report, I recommend approval of the CUP amendment for RJ Property Holdings, LLC to operate an excavating company –Final Grade, Inc., and lease office/shop space to industrial users in the I-1 zoning district, noting that there are conditions listed above that must be satisfactorily addressed prior to County Board consideration of the project.

**SAND CREEK TOWNSHIP
SECTION 4
FINAL GRADE
REQUEST FOR CONDITIONAL
USE PERMIT AMENDMENT**

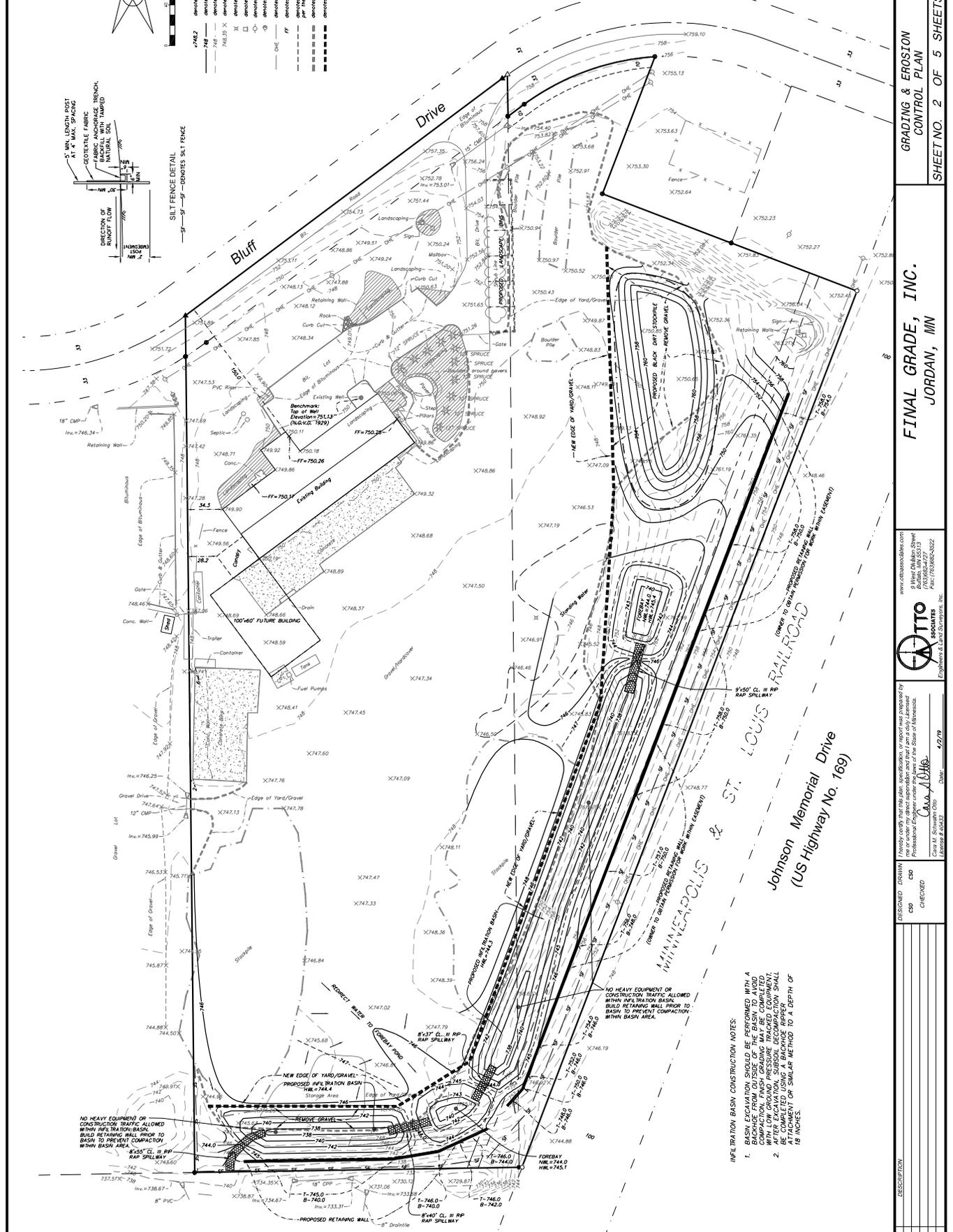


**SAND CREEK TOWNSHIP
SECTION 4
FINAL GRADE
REQUEST FOR CONDITIONAL
USE PERMIT AMENDMENT**





- 746.2** denotes Proposed Spot Elevation
746 denotes Proposed Contour
746.35 X denotes Existing Contour
746.35 denotes Existing Spot Elevation
 X denotes Spot Elevation
 O denotes Spot Elevation
 O denotes Proposed Electric Line
 FF denotes Proposed Floor Elevation
 --- denotes Proposed and (USDA) Comment per the 10/17/18 DISCOVERY
 --- denotes Existing Edge of Cover
 --- denotes New Edge of Cover



INTEGRATION BASIN CONSTRUCTION NOTES:

1. BASIN EXCAVATION SHOULD BE PERFORMED WITH A COMPACTOR. FINISH GRADING MAY BE COMPLETED WITH LOW GROUND PRESSURE TRACKED EQUIPMENT. TRACKED EQUIPMENT SHALL BE COMPLETED USING A BACKHOE RIPPER ATTACHMENT OR SIMILAR METHOD TO A DEPTH OF 18 INCHES.
2. NO HEAVY EQUIPMENT OR CONSTRUCTION TRAFFIC ALLOWED WITHIN INFILTRATION BASIN. BUILD RETAINING WALL PRIOR TO BASIN TO PREVENT COMPACTION WITHIN BASIN AREA.

FINAL GRADE, INC.
 JORDAN, MN

PROJECT NO: 16-0479
 SHEET NO. 2 OF 5 SHEETS

DATE: 4/2/19

www.ottoinc.com
 10000 Highway 101, Suite 100
 Blaine, MN 55537
 (763) 834-2277
 Fax: (763) 834-2277
 P&H: PROBLEMS@OTTO.COM

OTTO
 ENGINEERS & LAND SURVEYORS, INC.

DESIGNED: DOWN
 CSD
 CHECKED: CSD

REV.	DATE	BY	DESCRIPTION



SCOTT COUNTY
Natural Resources Department

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

Memo

Date: 2/25/2020
To: Marty Schmitz, Zoning Administrator
From: Megan Tasca, P.E. Natural Resources Department
Subject: PL2020-007 Final Grade CUP Amendment

The Scott County Natural Resources Department has completed a review of a CUP Amendment (Sheets 1-5, dated 4/2/19) and Stormwater Report dated 4/2/19 for conformance with the regulations of Scott County Zoning Ordinance #3, Chapter 6 requirements. Please complete the requested changes and modifications and resubmit for review and approval.

1. The infiltrometer results provided show high infiltration rates (average 12.5 in/hr). Infiltration basins in areas with greater than 8.3 in/hr need to have amended soils in accordance with the Minnesota Stormwater Manual.
2. Provide justification for the assumed 4 in/hr infiltration rates assumed in the calculations.
3. Update the construction schedule on sheet 5 .
4. The proposed HydroCAD model shows an offsite runoff rate of 7.56 cfs. Please update calculations to provide rate control for the 100-yr runoff event.
5. Provide a typical cross section detail for the infiltration basins.
6. Revise the HydroCAD model to model the overflow weirs as broad crested not sharp.
7. Add addition sediment control around proposed infiltration basins for protection during construction.
8. Showing seeding or plantings of infiltration basins and forebays on the SWPPP.
9. Label existing and proposed easements on the plan sheets.
10. Documentation of approval for construction within the existing utility easements will need to be provided prior to final permits being issued.
11. Drainage and utility easements will be required over the proposed stormwater management features.

Please note the review of any wetland issues and/or review comments by the Township are not included.

If you have any questions or need clarification of these comments, please feel free to contact us at (952) 496-8882.

Cc: Ron Anderson – Final Grade
Cara Otto – Otto Associates



SCOTT COUNTY
Environmental Services

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220
(952) 496-8177 • Fax (952) 496-8496 • Web www.scottcountymn.gov

Memo

Date: February 12, 2020
To: Marty Schmitz, Zoning Administrator
From: Mary VonEschen, Environmental Services Department
Subject: PL2020-0007 Final Grade CUP Amendment

The Scott County Environmental Services Department has completed a review of the septic system locations and sizing information for the business located at 3441 Bluff Dr. in Sand Creek Township. The septic system information in the file indicated that the system is sized for 33 employees or 500 gallons per day, which is over the current number of employees (26).

A Scott County Solid Waste License is required. Please contact Nick Reishus at (952) 496-8707 to obtain this license.

If you have any questions please contact me at (952) 496-8344.

Workshop Information



SCOTT COUNTY PLANNING DEPARTMENT

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

Memo

Date: February 26, 2020

To: Planning Advisory Commission

From: Brad Davis, Planning Manager

Subject: 2020 Zoning & Subdivision Ordinance Workshop

At our March 9th meeting, staff would like to hold a workshop with the Planning Commission to continue discussing revisions to the Scott County Zoning & Subdivision Ordinances.

Township Feedback:

The third and final round of Township Planning Area meetings to discuss a wide range of zoning, subdivision and septic ordinance revisions wrapped up in February. (Attached to this memo is a summary of valuable feedback received during all three rounds of meetings). At previous workshops, we have discussed the feedback we received from Round #1 and Round #2. At our March workshop, we will discuss feedback from Round #3, and reflect on the comments to see if there is any additional thoughts or direction you would like to provide staff.

Septic Ordinance Updates

Environmental health staff will be at our workshop to present an overview of proposed changes to the County's septic ordinance. Staff will share the same information presented at the Township Planning Area meetings (attached) and look for specific feedback on a proposed variance process for septic siting issues that come before the Board of Adjustment from time to time.

Hamlet Overlay Zoning Open Houses

Staff is hosting two open houses in February and March on the draft Hamlet Mixed Use Overlay Zoning District. Residents and property owners in and around Marystown, Lydia and St. Patrick were invited to the open house on February 24 at Spring Lake Town Hall. Residents and property owners in and around Blakeley and Union Hill are invited to an open house on March 12 at U4ic brewery in downtown Blakeley.

At our March workshop, staff will share some of the feedback received from the open house at Spring Lake town hall and continue to ask for you thoughts or direction on the proposed district.

Subdivision Ordinance Updates:

Most of our attention this past year in workshops and township meetings has been on proposed zoning ordinance revisions, with this last round of meetings focused on septic ordinance changes. There are, however, a few revisions recommended for the County's subdivision ordinance. These changes include:

- Clarifying and updating administrative subdivision review process
- Updating access management tables to reflect 2040 Transportation Plan policies
- Cleaning up inconsistencies on turn lane requirements and matching 2040 Transportation plan policies

Staff will preview some of these proposed revisions in more detail and will look to get your initial feedback on these topics.

Wrapping up this Process:

Staff will present a timeline to bring all the proposed revisions to the zoning, subdivision and septic ordinances through the public comment period and public hearing process. A reminder that final adoption of all zoning, subdivision and septic ordinance revisions is slated for spring or early summer of 2020.

We look forward to a good discussion. Thank you.

General direction coming out of the three
Round #3 Township Zoning meetings
(January/February 2020)



Zoning Map

- A majority of towns boards where H-I Heavy Industrial zoning is proposed support the approach where all permitted, conditional and interim uses allowed in the I-1 Rural Industrial District are also allowed in the H-I district, but with certain heavier industrial uses only allowed in the H-I district.
- In Louisville Township, supervisors prefer H-I zoning designation on the west side of TH 169, and I-1 designation on the east side of TH 169, regardless of what is currently on the properties today.
- Consider allowing "Sexually Oriented Uses" only in the H-1 zoning designation
- Consider regulating solar energy structures – separate from community solar gardens – as an accessory use in Table 20-4.

Chapter 6: Stormwater Management, Erosion Control, Wetlands

- A majority of town supervisors supported a 50-foot setback from the top of bluff for any new structure
- A majority of town supervisors supported setting a minimum shared driveway width in Chapter 6 when calculating grading extent. One township has a minimum of 28 feet for shared driveways

Accessory Bldg Size/Open Forum

- Strong support from most town supervisors that County needs to re-evaluate the amount of accessory square footage (4,000 sq. ft. max) allowed based on parcel size. Supervisors think the max should be raised for the smaller lots and increase to at least 5,000 sq. ft. for parcels below 40 acres.

General direction coming out of the three
Round #2 Township Zoning meetings
(September/October 2019)



Land Use Descriptions and Standards

- In the “Private Campgrounds” land use, drop the term “primitive” in the definition and consider a provision on storing RVs and campers over the winter months.
- Consider prohibiting “Private Campgrounds” in the RR-1, RR-1C and UER-C zoning districts. Check and see if this would result in existing private campgrounds in these zoning districts becoming legal non-conforming uses.
- In the “Hunting Club/Shooting Range” land use:
 - Separate into two different use descriptions
 - For the shooting range add provisions for rifle and pistol ranges.
 - Consider setbacks at 500 feet of a resident and from a property line of cluster residentially zoned property (RR1-C, UER-C, UTR-C)
- In the “Kennels” land use, include language for situations where people are fostering dogs
- In the Uses Table, match “day parks” and “outdoor commercial recreation” in district table
- Consider allowing “breweries” in same districts as “farm wineries”

Small Livestock Animals

- A majority of town boards representing the 4 western townships supported the keeping of small livestock animals (goats, llamas, alpacas, mini horses, potbelly pigs) on parcels less than 10 acres, but maybe not under 5 acres.
- A majority of town boards representing the 3 eastern townships supported maintaining the minimum lot size at 10 acres for the keeping of small livestock animals
- The town boards representing the 3 northern townships were mixed on allowing small livestock animals on less than 10 acres.

Mining Standards (Chapter 10)

- There should be a requirement that any mining reclamation bond be automatically renewed
- Language should be added to chapter explicitly protecting townships from any damage to infrastructure caused by the mining operation.
- Consider setting a maximum height requirement for stock piles if not located in the mine pit.
- Consider requiring a third-party consultant to monitor ground vibration and air blast data

Open Forum

- Strong opinion from 4 western townships and support from the 3 eastern townships that County needs to re-evaluate the amount of accessory square footage (4,000 sq. ft. max) allowed based on parcel size. Supervisors think the max should be raised to at least 5,000 sq. ft. for parcels below 40 acres
- Request a future meeting topic focused on septic ordinance and allowance of different types of septic systems

General direction coming out of the three
Round #1 Township Zoning meetings
(April/May 2019)



Hamlet Mixed Use

- Add “breweries and wineries” as a newly defined use in the County zoning ordinance and allow them as conditional uses in the HMU overlay district.
- Split “restaurants” and “drinking establishments” into two separate land uses in the ordinance – and in the HMU overlay
- Hold public meetings or open houses in some of the hamlets to present the draft HMU overlay district uses and performance standards and get resident and landowner input.
- Review front yard minimum setbacks for new CUP uses along County roads, particularly in places like Marystown – where there are no supporting township roads.
- Require off-street parking in the back of buildings to maintain street-scape character of existing hamlets.
- Consider allowing second-floor residential units in hamlets. Consider allowing existing sub-standard, vacant residential lots in the hamlets to develop with residential uses.
- Expand the HMU land use boundaries on the 2040 Planned Land Use Map – particularly around Marystown – to allow adjacent parcels to develop given wetlands and septic limitations.
- Consider building design standards that maintain historic architecture in the hamlet.
- Once the HMU overlay district is adopted, evaluate in 2020 if the hamlet of St. Benedict in Helena Township is a viable location for this type of overlay zoning. If so, adding this hamlet would require a Comprehensive Plan Amendment before a Zoning Map change.

Heavy Industrial

- Conduct another evaluation of where Sexually Oriented Uses could locate on I-1 zoned properties in Jackson, Louisville, Sand Creek, Spring Lake and New Market Townships; with current setback requirements (1,000 feet from any property not zoned I-1, residential home, church, cemetery, school, day care, library, government building, medical building, campground, public park, public trail, state or federal wildlife refuge, on/off sale liquor establishment. 500 feet to the right-of-way of any street with an average daily traffic count of 10,000 or more vehicles.) This evaluation will help determine if moving this use to a new Heavy Industrial district is advisable.
- Consider increasing the minimum lot size to 10 acres given deeper setbacks. Consider establishing setbacks to existing homes in the HI district.
- Once a draft zoning map shows where this new district would apply, more comments will likely be provided

Rural Business Reserve

- A majority of town boards represented at the meetings support the recommended uses and performance standards in this new district.

- Consider allowing “day parks” in this new zoning district.

Accessory Dwelling Units

- A majority of town boards represented at the meetings support revising the ADU ordinance to allow non-family members to occupy the ADU unit – at a minimum caretakers should be allowed. Support from the four western townships (Blakeley, Belle Plaine, St. Lawrence and Helena) was mixed – no clear consensus.
- Research what impact property valuations had for the 6 properties in the townships with permitted ADUs. How would rental ADUs impact homestead status?

Home Extended Businesses

- Consider revising *Chapter 8: Home Occupations and Home Extended Businesses* to better distinguish the types of common home extended businesses (e.g., contractor yards, landscape businesses) and establish performance standards (minimum lot size, gravel road access) depending on the type of business.
- Most town boards represented at the meetings support keeping the status quo of leaving it up to the township to determine if the home extended business should be accessed by a gravel or paved township road.

Pole Frame Style Homes

- A majority of town boards represented at the meetings support pole frame-style homes with larger attached garage or storage space if located on parcels 10 acres or greater. The four western townships (Blakeley, Belle Plaine, St. Lawrence and Helena) supported this style of home on larger acreage (10+ acres) but recommended setting minimum design criteria for the structures and still setting a cap to dwelling-to-garage ratio (60:40 instead of 50:50).

Sheds and Accessory Structures

- All townships support matching the building code with permitting for 200 sq ft storage shed, but such sheds should still be required to meet side and rear yard setbacks for accessory buildings.
- A majority of town boards represented at the meetings support exempting open sided animal shelters from the maximum allowed accessory square footage.

Lot Size Calculations and Standards

- A majority of town boards represented at the meetings support including town road ROW as part of the total acreage calculation when determining densities or other “acreage-size” regulations, just like we do for county road ROW.
- There was no consensus on whether or not the County should require driveway access be taken from the required lot frontage on a publically-maintained roadway.

Open Forum

- Evaluate the county’s code enforcement process to improve communication and follow-up with townships
- Evaluate the amount of accessory square footage allowed based on parcel size

Septic Systems

- Septic System Types
- Compliance Inspection
- Plats
- Ordinance update

Septic Systems

Type 1 – Mound, trench, at-grade

Type 2 – Holding tank

Type 3 – Disturbed soils or lack of topsoil

Type 4 – Reduced size or separation/Pretreatment device (registered products), High Strength Waste

Type 5 – Experimental systems(engineered)

Type 3

- Disturbed soil or less than 12" of topsoil
 - we are not sure how sewage will infiltrate into the soil
- Maintenance/Monitoring Plan
 - County monitors for at least 3 years
- Currently only allowed for replacement septic systems

Type 4

- Pretreatment to reduce the size or separation, high strengthen waste
- State Registered Device
- Designed by Licensed Advanced Designer
- Required by State to have Operating permit
 - Operating permit contains the monitoring and mitigation plan
- Yearly operating license with the County
- 5 year contract with Service Provider

Type 5

- Pretreatment to reduce the size or separation
- Does not use registered device
- Designed by Engineer
- Required by State to have Operating permit
- Operating permit contains the monitoring and mitigation plan
- Yearly operating license with the County
- 5 year contract with Service Provider

State Operating Permit

<Insert logo/address here>

Wastewater Treatment and Dispersal Operating Permit

Operating Permit No. _____
Doc Type: Agency Generated

Note: To use this form for editing for MS Word 2003 users, select the Tools Menu/Unprotect Document; for MS Word 2007 users, select the Developer Tab/Protect Document/Restrict Formatting & Editing and click on Stop Protection in lower right corner of screen. (To add Developer Tab to Ribbon, click on the icon in the upper left corner of screen, select Word Options/Popular and check Show Developer Tab.)

Facility Information

Permittee name (and business name, if applicable): _____ Phone number: _____
 Mailing address: _____ City: _____ State: _____ Zip code: _____
 Property ID number (GPS location): _____

_____ authorizes the Permittee to operate a wastewater treatment and dispersal system at the address named above in accordance with the requirements of this operating permit. The attached Management Plan is hereby incorporated as part of the requirements of this operating permit.

Issuance date: _____ Expiration date: _____
 System type: _____ Treatment level: _____
 System design flow: _____ Residential/Commercial: _____
 System components: _____

Monitoring Requirements

Parameter	Effluent limits	Frequency	Location
Design flow (gpd)			
Average flow (gpd)			
CBOD ₅ (mg/L)			
TSS (mg/L)			
O&G (mg/L)			
Fecal Coliform bacteria (#/100mL)			
Total Nitrogen, Total Phosphorus (mg/L)			
Operational Field Tests: may include: _____			
Temperature, Dissolved Oxygen and pH			
Ponding/Surface/In soil treatment			

Monitoring Requirements Comment Field

Maintenance Requirements

Maintenance requirements shall be performed as specified in the Management Plan as prepared by the system's Advanced Designer.

System component	Maintenance	Frequency
External grease interceptor		
Septic tank/Fresh tank		
Pump tank and controls		
Effluent screen		
Advanced treatment product		
UV light, disinfection device		
Soil treatment and dispersal		

Monitoring Protocol

Any sampling and laboratory testing procedures shall be performed in accordance with the proprietary treatment product's protocol. Service Provider shall provide the permittee with a copy of the protocol. The permittee shall submit monitoring information on forms as required by fill in this field with the name of the LSGU no later than sixty (60) days prior to when the permit expires, and to the proprietary treatment products manufacturer at: fill in this field with the name and address of the treatment product manufacturer.

Contingency Plan

In the event the wastewater treatment system does not meet required performance requirements as contained in this operating permit, the owner shall notify the local unit of government within thirty (30) days of receiving non-compliant information. The owner is responsible to obtain the services of a Minnesota Pollution Control Agency (MPCA)-licensed Service Provider or other qualified practitioner to complete the required corrective measures.

Authorization

This permit is effective on the issuance date identified above. This permit and the authorization to treat and disperse wastewater shall expire in _____ years. The Permittee is not authorized to discharge after the above date of expiration. The Permittee shall submit monitoring information on forms as required by fill in this field with the name of the LSGU no later than sixty (60) days prior to the above date of expiration for operating permit renewal. This permit is not transferable.

The owner is required to obtain the services of a Minnesota Pollution Control Agency (MPCA) licensed and trained: 1) Service Provider to provide design, construction, installation, start-up, and maintenance of the system; 2) Maintenance of the system's septic tanks and controls. The owner shall provide the services of fill in this field with the name of the Service Provider business prior to the issuance of this operating permit. The owner has secured the services of fill in this field with the name of the Service Provider company as the Service Provider for this system (signed Service Provider contract attached). The Service Provider is hereby authorized to provide the required monitoring data and routine maintenance service records to both: fill in this field with the name of the LSGU, and to the manufacturer of the treatment device, fill in this field with the name of the treatment product manufacturer.

[For systems that generate high strength wastewater, the following items should be added to the operating permit: "If there is a change of use within the facility (i.e., change in menu, increase in food capacity, change in water use fixtures, etc.), the permittee is required to notify the local unit of government and the Service Provider before any changes occur. Changes to the facility that could potentially impact performance of the wastewater treatment and dispersal system shall not take place until appropriate evaluation has been completed.]

I hereby certify with my signature as the Permittee that I understand the provisions of the wastewater treatment and dispersal system operating permit including maintenance and monitoring requirements. I agree to indemnify and hold fill in this field with the name of the LSGU harmless from all loss, damages, costs and charges that may be incurred by the use of the system. If I fail to comply with the provisions of this operating permit, I understand that penalties may be issued. If I sell this property during the life of the permit, I will inform the new owner(s) of the permit requirements and the need to renew the operating permit.

The Operating Permit is hereby granted to: _____

Permittee (please print): _____ Title: _____ Date: _____
 Signature: _____ Title: _____ Date: _____
 Signature: _____ Title: _____ Date: _____

State Operating Permit cont.

Instructions for Completing an Operating Permit

The following instructions provide an explanation for local units of government to complete the operating permit template. This is intended to provide guidance to local units of government and to the Service Provider. The template could be modified for holding tanks or any other system. Since the Management Plan is considered part of the operating permit, it needs to be attached to the operating permit. A signed contract, necessary arrangements to have the system maintained and monitored.

LGU Name, Department and Address – fill in the name, department and address of local unit of government at the top of the operating permit.

Wastewater Treatment and Dispersal Operating Permit No. – assign an operating permit number to be able to track the system over the years.

Permittee Name, Business Name, Telephone Number, and Address – fill in the name, address and phone number of the owner. If this is a business, fill in name of the business, too.

Property Id. Number (GPS Location) – these are simply identifiers used by local units of government in the event the property address changes over time.

Name of Local Unit of Government – fill in the name of the local unit of government. This authorizes the Permittee to operate the wastewater treatment system at the address named above, according to the operating permit, attached Management Plan and contact with the Service Provider.

Issuance Date – fill in the date the operating permit is issued. The operating permit should not be issued until all required information is submitted.

Expiration Date – fill in the date when this operating permit expires. The first time an operating permit is issued to an owner, it should be issued for one (1) year. This helps ensure the owner actually does the required maintenance and monitoring during the first year. If the owner complies, the operating permit can then be issued for a longer period of time as determined by the local unit of government (typically 3 to 5 years). However, if the owner does not comply the first year, the second operating permit could, again, be issued for a period of one (1) year.

System Type – fill in as Type IV or Type V system. Holding tanks may also be issued operating permits (Type II system).
Treatment Level – specify Treatment Level A, A2, B, B2, C, TN or TP. Treatment Level A = Carbonaceous Biochemical Oxygen Demand, five day (CBOD₅), 15 milligrams per liter (mg/L), Total Suspended Solids (TSS) 15 mg/L, Fecal Coliform Bacteria 1000 per 100 milliliter (mL); Treatment Level A2 = CBOD₅ 15 mg/L, TSS 15 mg/L; Treatment Level B = CBOD₅ 25 mg/L, TSS 30 mg/L, Fecal Coliform Bacteria 10,000 per 100 mL; Treatment Level B2 = CBOD₅ 25 mg/L, TSS 30 mg/L; Treatment Level C = CBOD₅ 125 mg/L, TSS 60 mg/L, Oil and Grease (O&G) 25 mg/L; Total Nitrogen (TN) = 20 mg/L or less, or Total Phosphorus (TP) = 2 mg/L or less.
System Design Flow – fill in the design flow specified on the construction permit for the system, along with the projected average daily flow for the system. Average daily flow is generally 60 to 70 percent of design flow.

Residential/Commercial – specify if the system is residential or commercial. You may specify additional information, such as classification of dwelling, number of bedrooms, or type of commercial establishment.

System Components – provide a brief description of the system components. An example would be the following: 600 gallon trash tank, 800 gallon Brand X, proprietary treatment device, 1 Brand Y Ultra Violet (UV) light disinfection unit, 500-gallon pump tank, pump, floats and controls, and 250-foot shallow trenches using pressure distribution.

Monitoring Requirements (Table)

The monitoring requirements specified in an operating permit are unique to the site and soil conditions of the property (its environmental sensitivity) and system complexity. The monitoring requirements include specific parameters to be monitored, target limits and the frequency and location of monitoring. The monitored parameters, at a minimum, would include: 1) wastewater flow, 2) the soil treatment system. Monitoring for CBOD₅, TSS, fecal coliform bacteria and nitrogen are unique to the site. Its receiving environment and complexity of the wastewater system. Field tests for temperature, pH and dissolved oxygen can be performed by the Service Provider to serve as general indicators of system performance.

1. **Flow** – flow to each system needs to be determined as specified in the Management Plan or as determined by the local unit of government. Flow can be determined several ways, using water meters, event counters, and running time clocks. Telemetry can also be used and has the advantage that flow can be determined continually.

The determination for the frequency of flow measurement is done on a case-by-case basis. At first, daily flow monitoring may be needed to determine average flow and peak flows to a system. After a period of time, weekly or monthly flow determination may be acceptable. Flow determinations once a year generally provide limited information.

2. **CBOD₅** – monitoring for CBOD₅ is not typically required for the majority of wastewater systems used for single-family homes generating typical domestic strength effluent. However, monitoring for CBOD₅ may be needed periodically. For example, there may be a need to audit systems as part of the product registration process in Minnesota or if the Service Provider is trying to troubleshoot a system. For commercial systems, monitoring for CBOD₅ is generally necessary to determine CBOD₅ removal efficiencies of proprietary treatment devices and/or organic loading rates to the soil's infiltrative surface.

3. **TSS** – monitoring for TSS is not typically required for most residential wastewater systems that generate typical domestic strength effluent. However, turbidity measurements may be taken in the field by Service Providers. Monitoring for TSS may be needed periodically as part of an audit process for the registration of proprietary treatment products in Minnesota. For commercial systems, monitoring for TSS may be necessary.

4. **O&G** – monitoring for Oil and Grease (O&G) is not typically required for most residential wastewater systems; however, it is an important parameter to monitor for facilities that have food preparation and service and for residences that generate high strength wastewater.

5. **Fecal Coliform Bacteria** – monitoring for fecal coliform bacteria should generally be required for systems listed as Treatment Level A and Treatment Level B systems where reduced vertical soil separation is used.

6. **Total Nitrogen and Total Phosphorus** – monitoring for Total Nitrogen (TN) may be needed in areas identified as nitrogen sensitive environments. Monitoring for Total Phosphorus (TP) may be required in phosphorus-sensitive lake environments.

7. **Operational Field Tests** – these are tests performed by the Service Provider to help monitor system performance and identify field test results. The tests are performed at the site. All field tests should be appropriate to list in the operating permit. If specified in the Management Plan or in the products' Operation and Maintenance Manual, the local unit of government will determine if the permittee is required to report field test results as part of the operating permit.

8. **Ponding/Surfacing in Soil Treatment** – all systems should be monitored periodically as specified in the Management Plan to determine extent and frequency of ponding in soil treatment systems. A check for surfacing is needed.

Maintenance Requirements (Table)
 This table lists some of the basic maintenance requirements for each major component of the wastewater system. Since you can't possibly list all the maintenance requirements in this table, it is best to reference the Management Plan. You could also reference the proprietary products Operation and Maintenance Manual.

1. **System Component** – list each system component, including the external grease interceptor, septic tank, trash tank, surge tank, effluent screen, pump tank and controls, proprietary treatment product, disinfection device, and soil treatment and dispersal system.

2. **Maintenance** – briefly identify the maintenance requirements of each major system component. For additional information, you could also reference the proprietary product documents listed on the MPCA website at <http://www.mn.pca.state.mn.us/go/programs/soils/productregistration.html>.

3. **Frequency** – briefly identify the frequency of maintenance as per the systems Management Plan and Operation and Maintenance Manual.

Monitoring Protocol – this section of the operating permit states that testing needs to be performed in accordance with approved methods and the results submitted to the: 1) local unit of government and 2) manufacturer within a specified time frame. Fill in the name and address of both entities in the spaces provided.

Contingency Plan – this briefly describes requirements if the system does not function as intended. The owner must notify the local unit of government within thirty (30) days of receiving non-compliant information. The Management Plan may identify some of the details of the contingency plan. The contingency plan should include the steps to be taken to complete the required corrective measures. More detail could be added here by the local unit of government.

Authorization – fill in the length of time of the operating permit; this is typically one to five years. Fill in the name of the local unit of government in the second blank space. Note that this permit is not transferable.

Next, fill in the name of treatment product's manufacturer; the manufacturer is required to train practitioners in servicing the registered treatment devices. Fill in the name of the Service Provider in the next space; the owner is required to identify who the MPCA-licensed Service Provider will be (in a contract). This is needed to ensure the owner has made the necessary arrangements to have the system maintained and monitored.

The Service Provider is authorized to provide monitoring data and routine maintenance service records directly to the local unit of government and to the manufacturer of the treatment product. For systems generating high strength wastewater, the following information is required: 1) flow measurement, 2) CBOD₅, TSS, fecal coliform bacteria, and nitrogen. The Service Provider (or the owner, if the permittee is a residential or commercial owner) is required to notify the local unit of government and the Service Provider before the change(s) occurs. Changes to the facility that could potentially impact performance of the wastewater treatment and dispersal system shall not take place until appropriate evaluation has been completed.

In the final paragraph, fill in the name of the local unit of government. It contains a general indemnification statement. The permittee is reminded that this permit is not transferable and that a new operating permit would be needed by a new property owner.

The Operating Permits Hereby Granted – print the name of the owner who signed the operating permit.

Signature of Permittee (and date of signature) – the owner signs and dates the operating permit.

By Order of – signatory of the permitting authority, title, and date.

See Section 3 of CI

Inspection results based on Minnesota Pollution Control Agency (MPCA) requirements and attached forms - additional local requirements may also apply. Submit completed form to Local Unit of Government (LUG) and system owner within 15 days

For local tracking purposes:

System status on date (mm/dd/yyyy): Compliant - Certificates of Compliance (Valid for 3 years from issue date, unless shorter time frame outlined in Local Ordinance) Noncompliant - Notice of Noncompliance (See Upgrade Requirements on Page 3.)

Reason(s) for noncompliance (check all applicable)
 Impact on Public Health (Compliance Component #1) - Imminent threat to public health and safety
 Other Compliance Conditions (Compliance Component #3) - Imminent threat to public health and safety
 Tank Integrity (Compliance Component #2) - Failing to protect groundwater
 Other Compliance Conditions (Compliance Component #3) - Failing to protect groundwater
 Soil Separation (Compliance Component #4) - Failing to protect groundwater
 Operating permit/monitoring plan requirements (Compliance Component #5) - Noncompliant

Property Information
 Property address: _____ Parcel ID# or Sec/Twp/Range: _____
 Owner: _____ Reason for inspection: _____
 Owner's phone: _____ Owner's phone: _____
 Representative phone: _____
 Local regulatory authority: _____ Regulatory authority phone: _____
 Brief system description: _____
 Comments or recommendations: _____

Certification
 I hereby certify that all the necessary information has been gathered to determine the compliance status of this system. No determination of future system performance has been nor can be made due to unknown conditions during system construction, possible abuse of the system, inadequate maintenance, or future water usage.
 Inspector name: _____ Certification number: _____
 Business name: _____ License number: _____
 Inspector signature: _____ Phone number: _____

Necessary or Locally Required Attachments
 Soil boring logs System/As-built drawing Forms per local ordinance
 Other information (list): _____

Property address: _____ Inspector initials: _____ Date: _____ (mm/dd/yyyy)

1. Impact on Public Health - Compliance component #1 of 5
 Compliance criteria:
 System discharges sewage to the ground surface. Yes No
 System discharges sewage to drain tile or surface waters. Yes No
 System causes sewage backup into dwelling or establishment. Yes No
 Any "yes" answer above indicates the system is an imminent threat to public health and safety.
 Comments/Explanation: _____

Verification method(s):
 Searched for surface outlet
 Searched for seeping in yard/backup in home
 Excessive ponding in soil system/D-boxes
 Homeowner testimony (See Comments/Explanation)
 "Black soil" above soil dispersal system
 System requires "emergency" pumping
 Performed dye test
 Unable to verify (See Comments/Explanation)
 Other methods not listed (See Comments/Explanation)

2. Tank Integrity - Compliance component #2 of 5
 Compliance criteria:
 System consists of a seepage pit, cesspool, drywell, or leaching pit. Yes No
 Seepage pit receiving 7000-25000 mg/lb of sewage. Yes No
 Sewage tank(s) leak below their designed operating depth. Yes No
 If yes, which sewage tank(s) leak(s): _____
 Any "yes" answer above indicates the system is failing to protect groundwater.
 Comments/Explanation: _____

Verification method(s):
 Probed tank(s) bottom
 Examined construction records
 Examined Tank Integrity Form (Alloway)
 Observed liquid level below operating depth
 Examined empty (pumped) tank(s)
 Probed outside tank(s) for "black soil"
 Unable to verify (See Comments/Explanation)
 Other methods not listed (See Comments/Explanation)

3. Other Compliance Conditions - Compliance component #3 of 5
 a. Maintenance hole covers are damaged, omitted, unsecured, or appear to be structurally unsound. Yes No Unknown
 b. Other issues (federal hazards, etc.) to immediately and adversely impact public health or safety. Yes No Unknown
 *System is an imminent threat to public health and safety.
 Explain: _____
 c. System is non-protective of ground water for other conditions as determined by inspector. Yes No
 *System is failing to protect groundwater.
 Explain: _____

See Section 3 of CI

If Type 4 and 5 do not monitor, they automatically fail a compliance inspection

Property address: _____ Inspector initials/Date: _____ (mm/dd/yyyy)

4. Soil Separation – Compliance component #4 of 5

Date of installation: _____ (mm/dd/yyyy) Unknown

Shoreland/Wellhead protection/Food beverage lodging? Yes No

Verification method(s):
 Soil observation does not expire. Previous soil observations by two independent parties are sufficient, unless site conditions have been altered or local requirements differ.

Compliance criteria:

For systems built prior to April 1, 1996, and not located in Shoreland or Wellhead Protection Area or not serving a food, beverage or lodging establishment:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Drainfield has at least a two-foot vertical separation distance from periodically saturated soil or bedrock.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Non-performance systems built April 1, 1996, or later or for non-performance systems located in Shoreland or Wellhead Protection Areas or serving a food, beverage, or lodging establishment:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Drainfield has a three-foot vertical separation distance from periodically saturated soil or bedrock.*	<input type="checkbox"/> Yes <input type="checkbox"/> No

*"Experimental", "Other", or "Performance" systems built under pre-2008 Rules: Type IV or V systems built under 2008 Rules (7080, 2350 or 7080.2400 (Advanced Inspector License required).

Drainfield meets the designed vertical separation distance from periodically saturated soil or bedrock.

Indicate depths or elevations

A. Bottom of distribution media	_____
B. Periodically saturated soil/bedrock	_____
C. System separation	_____
D. Required compliance separation*	_____

*May be reduced up to 15 percent if allowed by Local Ordinance.

Any "no" answer above indicates the system is failing to protect groundwater.

5. Operating Permit and Nitrogen BMP* – Compliance component #5 of 5 Not applicable

Is the system operated under an Operating Permit? Yes No If "yes", A below is required

Is the system required to employ a Nitrogen BMP? Yes No If "yes", B below is required

BMP = Best Management Practice(s) specified in the system design

If the answer to both questions is "no", this section does not need to be completed.

Compliance criteria

a. Operating Permit number: _____ Yes No

Have the Operating Permit requirements been met? Yes No

b. Is the required nitrogen BMP in place and properly functioning? Yes No

Any "no" answer indicates Noncompliance.

Upgrade Requirements (Minn. Stat. § 115.55) An imminent threat to public health and safety (TPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance. If the system is failing to protect ground water, the system must be upgraded, replaced, or its use discontinued within the time required by local ordinance. If an existing system is not failing as defined in law, and has at least two feet of design soil separation, then the system need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more strict. This provision does not apply to systems in shoreland areas, Wellhead Protection Areas, or those used in connection with food, beverage, and lodging establishments as defined in law.

Compliance Inspections

A compliance inspection is required:

- A. When a building permit is applied for:
 - A. a bedroom,
 - B. build a horizontal addition onto an existing structure,
 - C. build an accessory structure
- B. change in use of a property
 - i.e. residential to commercial, commercial to industrial, etc., or the addition of a business, or a change of a business type or use) including additional parking or outside storage area; or
- C. When any parcel of land is developed, subdivided, rezoned or split and there is an existing SSTS on any of the parcels.
- D. If a permit or variance is applied for to alter an existing SSTS;
- E. A Compliance Inspection is not required for property transfer

Exemptions

The compliance inspection requirement may be waived:

1. Department records indicate that the existing SSTS is not a cesspool, drywell, seepage pit, leaching pit, or other pit in an area highly susceptible to ground water contamination, is not an imminent threat to public health; and
2. There are acceptable design, construction, maintenance and location records of the SSTS; or
3. There are limited options to locate a replacement SSTS and the permit activity will not result in an increase in water usage.

Prior to approving the permit, the Inspector may require the identification of an alternate site and that the tank(s) be pumped if records show that it has been more than six years since the tank(s) was last pumped. The action proposed in the building permit application shall not encroach upon the alternate site or the existing SSTS.

Replacement Schedule

Septic Location	Imminent Threat to Public Health or Safety	Unsealed Tank, Cesspool, Drywell, Leaching Pit, Seepage Pit or other Pit.	Less than the Required Vertical Separation per Minn. Rules part 7080.1500. subpart 4, items D & E.
Areas highly susceptible to ground water contamination or in Wellhead Protection area	10 months	10 months	3 years
Areas moderately susceptible to ground water contamination or in Shoreland area*	10 months	3 years	5 years
Areas with low susceptibility to ground water contamination	10 months	5 years	10 years

State and County Requirements

1. State and County require two Type I septic system locations for new lots
2. County only allows Type 3-5 for replacement systems.
 - County responsible to ensure applicant follows the State Operating Permit
 - Annual license with the County

Plats

- Developer must locate:
 - Two Type 1 septic systems
 - 5000 square feet
 - On contour
 - Not in hydric
 - Meet all setbacks

Septic Ordinance Update

- Eliminate duplication of State Code
- Add language required by State Code
- Ensure consistent with State Code
- Clarified intent/language
- Improved Plat requirement language
- Updated the variance process language