Scott County
April 08, 2019
Planning Advisory Commission Meeting

Table of Contents
Planning Advisory Cover and Agenda 1
Draft of 03/11/19 PAC Minutes for Approval 2
Consent Agenda 3
   Tara Farms Final Plat Approval 3.1
Timed Agenda 4
   PUBLIC HEARING: Hickory Hills 3rd Addition (PL#2019-013)
Workshop 5
AGENDA

I. ROLL CALL AND INTRODUCTIONS

II. APPROVAL OF MARCH 11, 2019 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 6:30 PM – TARA FARMS FINAL PLAT (PL#2017-114)
A. Request to Approve Final Plat for 26 lots and 3 outlots on 251 acres.
   Location: Sections 20 & 29
   Township: Credit River
   Current Zoning: RR-2

IV. PUBLIC HEARING – 6:30 PM HICKORY HILLS 3rd ADDITION (PL#2019-013)
A. Request to Rezone 13 acres from RR-1, Rural Residential Reserve, to RR-2, Rural Residential Single Family
B. Request for Approval of Preliminary Plat and Final Plat of Hickory Hills 3rd Addition consisting of 3 lots on 13 acres.
   Location: Section 35
   Township: Spring Lake
   Current Zoning: RR-1

V. PLANNING MANAGER UPDATE

VI. WORKSHOP – 2019 ORDINANCE REVISIONS

VII. GENERAL & ADJOURN
SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, March 11, 2019
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

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

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

II. APPROVAL OF FEBRUARY 11, 2019 MINUTES

Motion by Commissioner Huber; second by Commissioner Hentges to approve the minutes of February 11, 2019 Planning Advisory meeting. The motion carried on 5 ayes. Commissioner Hartman abstained from voting due to absence from the February 2019 meeting.

III. CONSENT AGENDA

3.1 PUBLIC HEARING 6:30 PM: PAUL DOUCETTE (PL#2019-009 & PL#2019-011)

A. Request for Conditional Use Permit Amendment to add approximately 3 acres to the existing parcel for insider and outside storage. (PL2019-009)

B. Request for Preliminary Plat and Final Plat of Doucette 2nd Addition consisting of 1 lot on 11.5 acres. (PL2019-011)

Location: Section 28
Township: Louisville
Current Zoning: I-1

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

Criteria for Approval (Chapters 2 & 60):

1. The use will not create an excessive burden on public facilities and utilities that serve or are proposed to serve the area. The proposed operation utilizes US 169 for access. When the frontage road is complete later this year the site access to US 169 will be removed and all access will be from the frontage road.

2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses. The use is located in Industrial zone adjacent to US 169. Adjacent land uses are generally industrial or vacant land. The closest home to the use is about 2,000' away. The applicants will install landscaping and screening as required by the Scott County Zoning Ordinance.
3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed. The site development is consistent with industrial development in the area and will not hinder the orderly and harmonious development in the area.

4. The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use. The use is consistent with the uses allowed as a CUP in the I-1, Rural Industrial District.

5. The use is not in conflict with the Comprehensive Plan of Scott County. The Comprehensive Plan guides this property as Commercial/Industrial Area so the proposed use is allowed within this area.

6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking. The proposed operation utilizes US 169 for access. When the frontage road is complete later this year the site access to US 169 will be removed and all access will be from the frontage road.

7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards. The proposed business will utilize an individual well and private sewage treatment system, as well as stormwater infiltration areas.

8. All buildings/structures must meet the intent of the State Building Code and/or fire codes. The proposed building will require building permits and review by the Scott County Building Department for conformance to the State Building Code.

Amended CUP Conditions of Approval: (new conditions are underlined and deletion are shown in strikethrough)

1. The applicant is to file a statement with the Scott County Planning Office in January of each year indicating that they are in compliance with the conditions of the Conditional Use Permit. Failure to do so may be a basis for revocation of the Conditional Use Permit.

2. If ownership of the building changes, the new owner shall contact the Township Board and the County Planning Office to review the conditions of the Conditional Use Permit.

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

4. Adequate parking shall be provided on site.

5. Only domestic sewage may be discharged to the septic tank/drain field. All wastewater from commercial industrial floor drains and non-domestic sink sources shall be pumped to a holding tank unless otherwise approved in writing by the Scott County Environmental Health Office.

6. The property shall be maintained in a neat and orderly manner.

7. Signage shall conform to the Scott County Sign Ordinance and within 6 months of approval of the amended CUP the existing advertising sign shall be improved in compliance with the sign plans (exhibit A).

8. The operation shall be conducted according to the applicants revised site plan, Resource Management Plan dated January 29, 2019, and Landscaping plan.

9. All solid waste shall be managed according to the Scott County Solid Waste Ordinance.

10. Outside storage shall be screened from Highway 169 and the frontage road. The site must be maintained to control weeds.

11. All berms shall be graded to a slope of three to one or flatter and will be maintained.

12. All street sweepings must be stored within the area designated on the site plan as street sweepings.
13. No salvage vehicles can be stored on the site and no trailers can be used for storage equipment or other items.

14. Eighty (80) feet of road right-of-way will be required to be preserved on the southern boundary of this property for a possible future frontage/backage road for Highway 169.

15. Building inspections staff will verify the flammable waste traps are functioning at the time a tenant applies to occupy the building.

16. Estimated additional water use by the prospective tenant will be reviewed by the Environmental Health Department before that tenant would be allowed to occupy the building.

17. If an occupancy category change is proposed by a tenant, building codes in effect at the time which the occupancy category changes will need to be met prior to approval of the occupancy category change.

18. A 60’ radius turnaround is required for emergency vehicles and said vehicles must be able to access all sides of the existing buildings.

19. The office area in the building shall be removed prior to the a tenant leasing the building.

20. At any time when prospective tenants are applying to occupy the building, the applicant, Mr. Doucette, will be required to meet with Planning Department, Building Inspections Department, Environmental Health Department and Louisville Township to make sure the proposed use of the building and site by the tenant is compatible with the structure, CUP, service capacity, and zoning requirements applicable to the property.

21. All exterior lighting shall conform to the Scott County lighting standards.

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

23. The Louisville Town Board may conduct an annual review of the business to ensure that they are in compliance with the conditions of the CUP.

24. The consignment lot shall be removed within 4 months of approval of the amended CUP.

And noting that Louisville Township recommended approval of this request at their March 2019 monthly meeting.

IV. PUBLIC HEARING 6:30 PM THOMAS ACRES 2ND ADDITION (PL#2018-111)

A. Request for Preliminary Plat and Final Plate of Thomas Acres 2nd Addition consisting of 5 lots on 77.54 acres.

| Location: | Section 05 |
| Township: | New Market |
| Current Zoning: | RR-1 |

Marty Schmitz 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, March 11, 2019 Planning Advisory Commission Agenda Packet.

For the Staff report please click on the download arrow and click on Agenda, then Save and then Open. Please open the bookmark at the top of the page and click on the specific project name.

The public hearing was opened for public comment, however no one approached the podium to comment.

Motion by Commissioner Hartmann to close the public hearing; second by Commissioner Hrabe to close the public hearing. The motion carried unanimously.
Motion by Commissioner Huber; second by Commissioner Watson based on the criteria for approval listed in the staff report, to recommend approval of the preliminary plat and final plat of Thomas Acres 2nd Addition, consisting of 5 lots on 77.54 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. Also noting the Township of New Market recommended approval of the application. The motion carried unanimously.

Criteria for Approval (Chapter 6 & 40):

1. **Adequate Drainage** — the proposed plat will meet all stormwater drainage requirements as identified in Chapter 6 of the zoning ordinance prior to County Board consideration.

2. **Adequate Potable Water Supply** — the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.

3. **Adequate Roads or Highways to Serve the Subdivision** — the property and lots have frontage on 230th Street East, a New Market Township gravel road. The Detailed Area Plan study identifies a future Township collector Road through the middle of the parcel from 230th Street East going north. A 66 foot wide future road corridor (Thomas Way) is proposed to be dedicated to facilitate this future road corridor. The applicant is dedicating 75 feet of right-of-way along County Road 27 to address future transportation needs along this corridor.

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

6. **Public Service Capacity** — the proposed development does not adversely impact the public service capacity of local service providers.

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

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

Conditions to be Satisfied Prior to County Board Consideration:

1. Any conditions stated in the Scott County Natural Resources Department review of the Resource Management Plan.

2. Any conditions listed in the New Market Town Board recommendation.

3. If necessary, a Three-way Development Agreement is prepared to address any required infrastructure improvements.

4. The County Recorder and Surveyor review and approve the plat.

5. Submittal of Title Commitment and approval by the County Attorney.
6. Payment of all New Market Township and Scott County Final Plat Fees.

V. PUBLIC HEARING 6:35 PM PETERSON FARM WINERY (PL#2019-010)

A. Request for Conditional Use Permit.

Location: Section 01
Township: New Market
Current Zoning: RR-1

Greg Wagner 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, March 11, 2019 Planning Advisory Commission Agenda Packet.

For the Staff report please click on the download arrow and click on Agenda, then Save and then Open. Please open the bookmark at the top of the page and click on the specific project name.

Commissioner Comments and Questions on Peterson Winery:

Commissioner Johnson asked if it was wise to not have any hours of operation listed in the conditions as is proposed. Mr. Wagner replied the County has generally followed the hours listed in the application narrative for that type of standard and cited the typical hours the applicant is expecting to be open which is mostly Friday and Saturday evenings and afternoons but not going late into the night. The applicant will have a sound system for ambient music and will have noise restrictions for the music as well. Mr. Wagner noted should there be issues with noise that matter can be brought back before the board.

Commissioner Hartmann asked of New Market Township will do a yearly review of the Conditional Use Permit. Mr. Wagner reported the CUP does include a condition that allows the township to do yearly inspections and reviews of the CUP’s. In addition, the County has a Code Enforcement Officer to monitor and review CUP’s.

Commissioner Hentges asked about the usage of the surrounding properties. Mr. Wagner presented the area map of the project on the screen describing the residential and agricultural areas surrounding the 25 acres of the proposed project.

Commissioner Hentges asked about possible night time noise issues that may arise since the property is only 25 acres. She gave examples such as a sound system, fireworks or drone activity that may accompany the types of proposed activities at the site. Mr. Wagner deferred to the applicant and asked the applicant to the podium to better answer this question.

Applicant Greg Peterson stated he will not be having any fireworks on the property. He does not expect to operate after 10:00PM on Friday and Saturday nights or past 8:00PM on Sundays. He said this can be subject to feelings and feedback in the neighborhood. As a former police officer he is aware extra traffic through a neighborhood can be an issue and is planning on a 20 car maximum and 50 person maximum for events. He said he will be sensitive to the noise issue.

Commissioner Johnson inquired as to the types of tree coverage on the property and where would the applicant remove trees to make additional space for the vineyard in order meet the 5 acres condition.

Applicant Greg Peterson pointed out the tree lines on the property on the map and described the types of trees. He pointed out the space that would need to be altered with removal of trees in order to expand the vineyard to 5 acres. He cited the oak trees are large and have been around for a long time therefore providing good coverage from neighboring properties and would create a drastic change if removed. Mr. Peterson also noted he is requesting an exception to the 5-acre minimum as part of the CUP.
Commissioner Hentges requested clarification from staff Greg Wagner on the exception to the 5 acres rule. Mr. Wagner reported that the exception to the 5-acre rule is the reason the farm winery will be private and not open to the public, which is part of the CUP limitations. Should the applicant decide in the future to plant the other acres and clear more trees in order to become public, he would need to request an amendment to the CUP which would come before the Township and Planning Commission for a public hearing.

Commissioner Hartmann commented on his own visit to the site and described what he observed. He said his understanding is the applicant was injured in the line of duty and works the vineyard on his own. If he was to grow the business, he would have to hire as he would not be able to do it on his own.

Commissioner Watson asked about where parking will take place and recommended grass parking be limited.

Applicant Greg Peterson described parking will be on both grass and pavement.

Commissioner Watson asked if any neighbors had come forward with concerns about traffic through the neighborhood.

Applicant Greg Peterson responded stating he had reached out to about a dozen neighbors and had no concerns expressed to him. When he brought up the concern of traffic, neighbors have acknowledged it could be a concern. He noted a concern comment he saw on social media but will attempt to speak with that person.

Acting Chair Johnson opened the hearing to public comment. Two residents made comments.

Resident Anka Schrader, 23081 Woodland, is concerned with:
- Noise levels from the property
- Increase traffic on the roads noting there are special needs children in the neighborhood
- Possibility of drunk driving on their roads

Elizabeth Ennenga, 23130 Woodland Ridge Dr, is concerned with:
- Primarily about the increase in traffic, the danger of the curved roads and blind turns, drunk driving
- Noise amplification

Applicant Greg Peterson responded and said when he learned about children with special needs in the neighborhood, he contacted that parent directly to see if they would be concerned. He stated he has an email from the parent saying she has no concerns. As far as noise, he uses a portable radio on his golf cart when out in the winery but has no complaints about noise in the 16 years he has lived there.

Commissioner Hrabe inquired about what seasons with the winery be in operation, noting that during the summer, school buses would most likely not be an issue instead of individual cars.

Applicant Greg Peterson reported the operating seasons will be spring, summer and fall. He explained that buses are one way in which a group of customers may come together to his venue.

Commissioner Johnson asked if applicant was aware of the conditions the county has placed on the permit.

Applicant Greg Peterson responded he was aware of the conditions.

Commissioner Johnson asked if the New Market Township representatives who may be present would like to comment noting the Town Board had recommended approval. No one from New Market came forward to comment on this matter.
Motion by Commissioner Hrabe to close the public hearing; second by Commissioner Hartmann to close the public hearing. The motion carried unanimously.

Commissioner Hentges requested to ask one more question of Staff before proceeding further. She asked Mr. Wagner if he had heard any new information or concerns in the public testimony that would change his recommendation for approval. Mr. Wagner replied he had not but did cite criteria number nine in the CUP that addresses verified complaints on noise, traffic or other disruptions to surrounding properties and that if needed the CUP shall be reviewed by the Township, Scott County Planning and if needed the Planning Advisory Commission.

Commissioner Hartmann asked about parking concerns and if applicant could put gravel down next to the blacktop already present. Mr. Wagner responded stating due to seasonal use, they are not requiring the applicant to pave any new parking area beyond the existing paved area. If the applicant chooses to have some parking on the grass that is allowed, provided any handicapped parking is on paved area. The parking can better be evaluated after a season of operations to determine if any changes are necessary. The applicant has a long, paved driveway so there should be no issues with debris brought onto the township road.

Staff Brad Davis commented that the Commission could consider adding criteria to address specific hours of operation as discussed in previous comments.

Applicant Greg Peterson verbally indicated to Staff Greg Wagner he would be agreeable to adding the criteria for limited hours of operation as discussed to which Mr. Wagner reported to the Commissioners at the podium.

Commissioner Watson offered a friendly amendment to the criteria to include limited hours of operation on Friday and Saturday until 10:00PM and Sundays until 8PM.

Motion by Commissioner Hartmann; second by Commissioner Watson based on the criteria for approval listed in the staff report, to recommend approval of the Conditional Use Permit for Greg Peterson Winery with the amendment of limited hours of operation of for Friday and Saturdays not past 10:00PM and Sundays not past 8:00PM. Also noting the Township of New Market recommended approval of the application with no parking on public roads. The motion carried unanimously.

Criteria for CUP Approval (Chapter 6 & 40):

1. The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.
   The proposed use will not have any impact on public facilities that serving the property as it is using paved roads for access.

2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.
   As proposed, the location of the farm winery facilities exceeds the required property line setbacks. The site is generally screened from all directions by woodlands and wetland areas, and most of the surrounding parcels are already developed into residential lots.

3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
   The winery structures currently exist on the site and are designed of materials that are not unsightly in appearance, and are typical of rural accessory buildings. The applicant has hired a consultant to
provide required architectural analysis of the buildings for conversion from agricultural use to public assembly.

4. The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
The proposed farm winery is consistent with the intentions of Chapter 16 of the Zoning Ordinance and with uses allowed on 20 acre parcels in the RR-1 zoning district. Since the applicant does not have 5 acres in fruit or agricultural production, as required by Chapter 16, he is requesting that this be considered a Private Farm Winery with no public hours of operation.

5. The use is not in conflict with the Scott County 2030 Comprehensive Plan.
The Scott County Comprehensive Plan allows for certain rural and agricultural uses that meet the intent and rural character, and that do not negatively impact adjacent rural development.

6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking. Adequate measures have been taken to provide ingress and egress, access to public roads and on-site parking. Access will be via the existing residential driveway access to Woodland Road, a paved New Market Township road. Both Woodland Road and Plateau Drive, also a paved road, provide access to the proposed winery property.

7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
Any water would be obtained via a private well; wells are permitted by the MN Department of Health. Portable restrooms will be used seasonally.

8. All building/structures meet the intent of the State Building Code and/or fire codes.
Building permits will be required for the change of occupancy. County Staff will review the building permit application to verify that the structure complies with all applicable regulations of the State Building and Fire Codes

Conditions of Approval:

1. The applicant is to file with the Scott County Planning Office in January of each year a statement indicating that they are in compliance with the conditions of the Conditional Use Permit (CUP).
2. The New Market Town Board may conduct an annual review of the CUP to ensure that the applicants are in compliance with the conditions of the CUP.
3. The applicants shall pay an annual CUP inspection fee, if and when the County adopts an inspection fee ordinance.
4. If ownership changes, the new owner shall contact the New Market Town Board and Scott County Zoning Administration to review the conditions of the CUP.
5. This CUP is for a Private Farm Winery since the site does not have the required 5 acres of fruit or agricultural products produced on the property. There shall be no public hours of operation unless the on-site production is increased to 5 acres and the CUP amended to become a public farm winery.
6. All events on the site shall be for private groups by reservation and shall be limited to a maximum of 50 people. No special events shall be allowed (County Zoning Ordinance allows up to 10 special events annually for up to 150 people) unless the CUP is amended to become a public farm winery.
7. The CUP shall be regulated according to the County Zoning Ordinance standards for Farm Wineries and the application narrative and site exhibits provided by the applicant and attached to the CUP.
8. Parking shall be provided on-site in the paved area and within the grass area identified on the site plan. No parking shall be allowed on any public road.
9. Hours of operation shall end at 10pm on Friday and Saturday nights, and 8pm on Sunday nights. If there are verified complaints on noise, traffic or other disruptions to surrounding properties the CUP
shall be reviewed by the Township, Scott County Zoning Administration, and, if necessary, the Planning Advisory Commission to consider operational changes or limitations on hours and days of use.

10. Any signage shall be on-site and shall be in accordance with the Scott County Zoning Ordinance.

11. The applicant shall provide Scott County Environmental Services with a septic compliance inspection and information on disposal of waste produced as part of the wine making process before issuance of any building permits.

12. As a seasonal use, portable restrooms are allowed. No food preparation is allowed since there is no commercial kitchen area proposed; all food shall be catered. Any changes to the operations would be reviewed as part of a CUP amendment application.

13. Building permits are required for the change in occupancy. The applicant shall apply for and receive a change in occupancy permit for all structures used by the Farm Winery. All required changes/improvements shall be completed prior to these structures being used for any winery events. These and any future structural improvements shall meet all requirements of the State Building Code and all applicable codes as required by the Scott County Building Official.

VI. PUBLIC HEARING 6:35 PM YMCA DAY PARK CUP (PL#2018-090)

A. Request for Conditional Use Permit to operate a private day camp.

<table>
<thead>
<tr>
<th>Location:</th>
<th>Section 09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Township:</td>
<td>New Market</td>
</tr>
<tr>
<td>Current Zoning:</td>
<td>RR-1</td>
</tr>
</tbody>
</table>

Acting Chair Johnson noted the project has generated a lot of interest with a large number of attendees. She reminded the audience of the ground rules for decorum and participating in the discussion and noted comments should be limited to 3 minutes, so all interested parties have a chance to speak.

Greg Wagner presented the staff report for this application. Greg Hanks, Acting Director of the South YMCA and Betsy Vos from the Studio BV, architect for the YMCA, presented the YMCA camp overview. The specific details within the both reports and a video of the meeting are available on the Scott County Website link, March 11, 2019 Planning Advisory Commission Agenda Packet.

Or YMCA Full Report

For the Staff report and the YMCA report please click on the download arrow and click on Agenda, then Save and then Open. Please open the bookmark at the top of the page and click on the particular project name.

Greg Wagner reviewed the New Market Township’s resolution recommending the denial of the Conditional Use Permit for the YMCA including township proposed conditions should Scott County proceed with CUP approval. Noting the resolution was received from the Township on the prior Wednesday and subsequently forwarded to the planning Commissioners and Commissioner Wolf. Additionally, Mr. Wagner presented an online petition from the public addressed to Commissioner Tom Wolf and Mr. Wagner titled Stop the YMCA in New Market Township, also forwarded to the planning Commissioners along with a few additional e-mails. All documents and e-mails received ahead of the meeting have been entered in the public record. Mr. Wagner clarified the land is currently zoned RR-1 and a private day park is an allowed use in the RR-1 district through a Conditional Use Permit thus a rezoning is not required. Mr. Wagner noted all the project information that was published on the county website for public viewing with both the staff report and the full YMCA submittal available.

Mr. Wagner explained the criteria and conditions for approval have been modified following receipt and review of the Township’s resolution which included proposed alternate criteria and conditions should the CUP be recommended for approval by the Planning Commission. County Staff reviewed the Township conditions and did modify or incorporate some of those alternative conditions offered by the Township into the already existing criteria and conditions in the staff report. Township conditions that were not included or used to modify the proposed conditions were either already addressed by another condition, addressed by language in the County Zoning Ordinance, or after review with the County Attorney's Office were not a condition that the County could
recommend or require in a CUP. Mr. Wagner outlined and explained in detail the modifications made to the criteria and conditions including additions, removals and other modifications and displayed the items on the projector for the audience as well.

Commissioner comments and questions:

Commissioner Johnson commented on a correction that needed to be made in the list of criteria regarding a strikethrough change. Mr. Wagner acknowledged the correction needed.

Commissioner Watson asked whether the new document listing the changes to the criteria overrides the original Township recommendation and would he suggest the Township is in agreement with the new document. Mr. Wagner responded that Staff incorporated some Townships recommended conditions that staff felt were most appropriate to include or replace, in order to update the original document with some of the Townships concerns. Mr. Wagner referred the Commissioner to the Township with regards to their position on the updated condition and criteria, or their recommendation.

Commissioner Huber asked about future residential land use on the property with the possibility of up to 70 homes allowed on the property. He cited statistics on the current road capacity for traffic on the nearby road and how the additional traffic would affect this. He referenced the right turn lane situation as it relates to the traffic counts. He also asked about the concerns over water usage on the site. Mr. Wagner reported that the county plan would allow for a cluster development on the property of about 27 homes. Density requirements vary slightly in the area depending the township and location and can change in a future Comprehensive Plan update as well, which could significantly increase the number of homes on the property. Mr. Wagner explained the county does require the creation of the right turn lane for large developments or where there may be a major turning movement, even though a private traffic engineer may not think it is necessary at this time. In this situation, most of the traffic will be coming from the east and therefore the County is requiring a right turn lane. In response to the water usage concerns, Mr. Wagner said the concern they have heard is the filling of the pool which will need 92,000 gallons over a day and a half. Mr. Wagner explained the county environmental and natural resources personnel and the DNR Area Hydrologist have studied the impact of the water usage. They reported the impact of the water draw down would be minimal and did not report any concerns, though a DNR Water Appropriations Permit will be required based on the water volume and time indicated to fill the pool.

Commissioner Hartmann commented on the DNR water permit that will be required for the YMCA in comparison to a housing development of many homes whose water usage would not be monitored. Mr. Wagner confirmed a water permit is required by the DNR for usage of 10,000 gallons or more per day. He researched area pools and estimated their water usage based on their permits. He did a comparison of water usage from 3-4 residential pools and the YMCA’s usage for their pool citing it would be about the same amount.

Commissioner Johnson had several questions for the YMCA staff as follows.
What is the Staff and Child ratio at the camp?
YMCA response: 1:10 average but does vary with age.
Are the horses specially trained for special needs children?
YMCA response: No specially trained horses for special needs but they have special needs children on horses and have aides that come in and work with the program
How would staff get from the north side to the south side of camp if there is no through road planned?
YMCA response: With the use golf carts or other similar ATV vehicles and there will be a natural trail that can be traveled on although not paved
What type of mosquito control plan do you have?
YMCA response: Will use the county mosquito control process
Why do you have to drain the pool completely each year?
YMCA response: For upkeep, cleaning and sanitary purposes
Supports the farm to table concept and if all goes well, encouraged implementation of this concept.
YMCA response: They will remember this and have community gardens on current sites
Commissioner Hartmann asked if the majority of the children will be gone by 5:00pm and for clarification on the evening hours open to the public. He commented on the positive aspect of agreeing to pave part of 230\textsuperscript{th} when they only have a few cars using it.

Commissioner Johnson commented on her personal visit to the area and asked how the access road will be positioned to the camp.

Amanda Novak from the YMCA came forward to explain how the access road will be designed using Zane Avenue as well as displaying the map of the area on the projector.

Commissioner Hrabe asked about access throughout property for emergency vehicles such as a situation at the pool. How would people get down there and will there be trained people who know what to do.

Betsy Vos, the YMCA architect, responded by reporting there are no planned service roads through the camp. There will be natural trails. The campers are supervised at all times by staff and there will be 2 first aid stations located on the grounds.

Greg Hanks from the YMCA reported that the camp staff is well trained and the camps as a whole is certified by ACA which means the camp must meet high standards and many of those are safety related.

Commissioner Johnson asked if the Township wanted to make any comments prior to opening the meeting to public comment.

Doug Quast, Chair from New Market Township, came forward and commented that the resolution they submitted was complete and a lot of time was spent on it. They would like the county to consider every point made in the resolution as they are all important to the Township and the residents.

Acting Chair Johnson opened the meeting to the public. Several citizens approached the podium for comment:

Chris Sellner, 7387 240\textsuperscript{th} St, is concerned about:
- Increase traffic, hours of operations, safety and noise and location
- Financial impact on the area in years to come
- Researched CUP’s in the area and CUP’s in general
- The size of the camp

Andy Barron, 8430 230\textsuperscript{th} St, is concerned about:
- YMCA is a corporation not a property owner and giving a CUP to a corporation
- No benefit to the local residents and will be a tax burden, lowering property values
- Not really a day camp but a 7 day week recreation center to make money
- Effect on the quality of the rural residential life, surrounding residents have opposed it

Mike Huntington, 8456 230\textsuperscript{th} St., Township board member, is concerned about:
- Negative responses have been universal throughout the township
- Definition of a day camp by the applicant and county and the extended hours
- Commercial nature of the camp usage
- Bituminous improvements and safety as it relates to 230\textsuperscript{th}

Harry Anderson, 22871 Platuea Dr, Township board member, is concerned about:
- The area is a rural setting which is why he moved out there
- A large business coming into the middle of a township changes the landscape

Teddy Bagley, 23720 Zane Ave, is concerned about:
- Presented a handout to the Commission
- Lives right next to the camp entrance, has lived there for 30 years
- Devaluation of her property with a commercial property next door
- Water flow and flooding onto her property
Ken Duray, 23656 Zane Ave, is concerned about:
- Lives right next to the property entrance
- Lack of screening for his view of the property
- Property values decreasing
- Drainage on to his property

John Macho, 8591 230th St, is concerned about:
- Lives directly next to the property
- The commercial use in a residential area
- Feels he was not notified properly
- Not a tax paying entity, would welcome tax paying homestead
- Submitted written statement to the board

Kim Popp, 8591 230th St, is commented on:
- The adjacent property the YMCA could use for same community purposes

Joe Friedges, 8600 235th St, is concerned about:
- Lives just east of the property
- The need for right and left turn lanes
- Costs of future road upgrades

Ken Duray, 23656 Zane Ave is concerned about
- Wetland area behind his property
- The illegal road and culverts in the wetland area from many years ago
- Consideration of the surrounding neighbors

Amy Nugent, 25550 Xerxes Ave, commented:
- In favor of the project due to wanting green space preserved
- Believes traffic may be less than a full housing development
- Understood why they have not purchased land prior to approval of CUP

Joe Friedges, 8600 235th St, is commented about:
- Where the prior speaker lives in relation to the property

Dawn Boland, 9051 Glauca Mora Cir, is concerned about:
- Increase in traffic, values the current way of life they enjoy
- The reason she moved out to the country was for the peace and quiet
- Increase and speed of traffic is a concern related to this request

Bob Monio, 24020 Natchez Ave, is concerned about:
- Traffic volume and safety on County Rd 62
- Commercial business moving in the area once this use is operating

No addition citizens approached the podium for further comment.

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

Acting Chair Johnson requested Planner Greg Wagner address questions and comments from public and Commissioners.

Commissioner Johnson requested Mr. Wagner and Mr. Ott (Assistant County Attorney) address question on CUP usage and zoning.  Mr. Wagner reported that the area is zoned as rural residential and explained the tax assessments statements list different types of classifications which may cause some confusion. He explained how different zones have various uses potentially allowed within each zoning district. This information is found in the county zoning ordinances and outlined in a uses chart showing zones and uses potentially allowed in each district. He provided several examples in Scott County of conditional uses such as a paintball range, golf courses and gun clubs, noting a day park is similar to one of those types of large area land uses.
Attorney Steve Ott commented further on the zoning ordinance charts and importance of referring to the charts for direction and information on potential allowed uses.

Planning Manager Brad Davis requested further explanation on who enforces the CUP and how it is reviewed. Mr. Wagner provided a brief overview of the current CUP levels in Scott County. The county has one Code Enforcement Officer who monitors and reviews the permits, some of which may require review more often than others, such as a commercial industrial uses. Some situations, such as a home-based business or a golf course require less frequent reviews. The Code Enforcement Officer does respond to and investigate complaints. Some Townships have also asked for the ability to review the CUP's and this condition has become part of the standard CUP conditions.

Commissioner Johnson asked if the YMCA will not be paying taxes as stated in one of the public comments noting it is not part of the Commission duty to review the tax status of a request. Mr. Wagner reported that the YMCA is registered as a non-profit entity but he does not know the details of how that distinction works as it is done through state statute. As a result the county does not take tax-exempt status into consideration.

Attorney Steve Ott commented on the importance of the criteria required for the permit and recommended the commission focus on the criteria and applying those criteria. Deviating from the criteria listed in the staff report could make a denial difficult to defend. Balancing properties rights is a difficult decision.

Commissioner Johnson asked about the hours of operation for the day camp and bituminous that will be added by the YMCA. Mr. Wagner reported the definition of a day camp including hours is not well defined as to what this encompasses or what limitations may be placed on it. This will be clarified as they update ordinances for the future. A YMCA representative answered the question about the bituminous area to be added.

Commissioner Johnson asked about the drainage concerns of the two residents who live on Zane Avenue. Mr. Wagner replied the county water resource engineer and the township engineer have reviewed and communicated on this matter. Both engineers are working to ensure, as with any development in Scott County, the development will not increase the rate of water running off the property, and will need to control volume. The YMCA will be required to control water volume and rate so it will not negatively impact adjacent residences.

Commissioner Johnson asked about the sunken oil tanks that were mentioned by a resident. Mr. Wagner replied they will let the Environmental Health Department know. The county had previously made the YMCA aware of possible buried materials from a previous owner that may or may not have all been located or cleaned up.

Commissioner Johnson asked about screening and effect of lighting for the closest property to the parking lot which was a concern expressed by the owner of the Zane Avenue property. Mr. Wagner deferred to the YMCA architect. Betsy Vos came forward and reported lighting will be minimal. They will take screening and buffers into consideration when they develop the landscape plan. She noted there are no plans to change to the very back portion of the property due to the wetness.

Commissioner Johnson asked for clarification on the left and right turn lane addressed in the criteria. Mr. Wagner pointed out the requirement of the right turn lane only at this time due to the traffic engineer’s determination that a left turn lane is not needed. However, the CUP does allow for reconsideration of this should issues occur. The county engineer has the ability to come back under the conditions of the CUP and require additional improvements.

Commissioner Johnson asked if this would require the YMCA to provide and escrow. Mr. Wagner explained the YMCA is required to provide financial security for the required improvements such as a letter of credit or performance bond to the township for township road improvements and to the county for county improvements.
Commissioner Watson requested to review the Townships recommended denial and specifically the additional conditions the Township wanted should the county approve the CUP. He asked if the YMCA and others were aware of the added conditions and if they agreed with them. A YMCA representative came forward and reported they had reviewed the conditions with their attorney. Together they considered the conditions that were reasonable and legal to request of them and worked with the county to incorporate those conditions. Mr. Wagner came forward with additional information about the incorporation of the additional conditions and the timeline and process that took place to redraft the conditions to include the additions and modifications. He also stated there were some of the Townships conditions that could not be directly required or addressed as they had written.

Commissioner Watson requested the Township Chair come forward and comment on the Townships involvement in modifying their request for additional conditions. Doug Quast from New Market Township reported they were not involved in the negotiations to modify their conditions that were added to the CUP’s conditions. They had met previously with the YMCA about the added conditions and said they were agreeable to most of them, such as the escrow funds. The Township engineer came up with the lifecycle cost of maintaining the roads which were shared with the YMCA.

Commissioner Watson commented on the escrow amount sought by the Township for road maintenance of $25,000 per year was a reasonable amount. Additionally, he commented on the presentation of the Township’s resolutions and the modified conditions to him by County staff, just prior to the meeting, was short of expectations.

Commissioner Hentges explained her different take on the matter stating that the Township presented their denial along with conditions should the County approve it. However, what should have been done was to approve it with the added conditions. They denied it and then told the Commissioner what to do. She called staff and had a discussion with staff through the week about the conditions and the process. She is aware of the extra time and consideration that has gone into the decisions that have been made. She thinks they went the extra mile to figure out what needed to be done and what did not and in many cases used the Township’s exact language for the conditions.

Planning Manager Brad Davis commented staff did review all of the Township’s recommended conditions. Some of the townships recommendations may not be legally defendable, which is a position the County is in that the Township is not. The applicant was treated like all other applicants that come before the County.

Commissioner Hartmann commented in response to an earlier question, it will be the YMCA who is paying for the infrastructure. He cited the work and time given to the 2040 Comprehensive plan over the last two years and to the future of our county. He is bringing this up due to projected growth in population in the next 30 years as it relates to where these people are going live. Change and growth are coming. This particular beautiful property will be enjoyed and be an asset to the area. He will be voting for approval.

Commissioner Johnson asked Commissioner Hentges if the amount of horses that will be on the property would be of concern. Commissioner Hentges, who has raised horses for over 30 years, replied it depends on the situation. Horses used in a camp situation are not kept totally on pasture; they are fed hay and grain because they are working. The YMCA is experienced and knows what they are doing. She also commented on the challenge of these types of situations and described her own property situation as it relates to the current discussion. She empathized with the differing points of view. She thinks there has been a lot of give and take and the conditions address the issues. The burden will fall to the county to ensure the YMCA meets the conditions.

Commissioner Johnson provided a reminder to the group that the Planning Commission is a recommending body and the County Board will have the final decision. A County Board Commissioner is present and has been present at some of the other public meetings as well so information can be relayed up to the County Board on the matter.
Motion by Commissioner Hrabe; second by Commissioner Hartmann based on the criteria for approval listed in the staff report, to recommend approval of the Conditional Use Permit for the YMCA of the Greater Twin Cities to operate a private day park, noting that this recommendation is subject to the conditions listed in staff report that must satisfactorily be addressed prior to County Board consideration of the CUP and that would encompass what was received at the meeting. Also noting the Township of New Market recommended denial of the application.

Acting Chair Johnson called for a roll call vote:

Commissioner Hartmann voted Aye
Commissioner Hentges voted Aye
Commissioner Hrabe voted Aye
Commissioner Huber voted Abstained
Commissioner Johnson voted Aye
Commissioner Watson voted Nay

The motion passed with 4 Ayes, 1 Nay and 1 Abstained vote.

Conditions to be Satisfied Prior to County Board Consideration:

1. Any requirements in the Scott County Transportation Department review of the Conditional Use Permit, including the approval of plans by the County Engineer for a right turn lane on County Road 62 designed to County specifications. A County Transportation Permit is required prior to any site work, and if required, a financial guarantee shall be provided to Scott County Transportation to ensure the turn lane is constructed to County specifications.

2. Any conditions stated in the Scott County Natural Resources Department review of the CUP, project Resource Management Plan, and site development plans.

3. Any conditions stated in the Scott County Environmental Services review of the CUP, project wastewater treatment, pool operations, and septic drain field locations.

4. Any conditions listed in the New Market Township and the Scott Soil & Water Conservation District review of the wetland delineation report to ensure compliance with the State Wetland Conservation Act.

5. The applicant shall provide the County with a $5,000 financial guarantee to ensure compliance the Scott County Zoning Ordinance regulations for the site improvements proposed in the Resource Management Plan and all site grading/storm water management facilities.

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

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

   The majority of the site will be maintained in an undeveloped state, except for trails and other amenities that will serve recreational use of the property. As a largely seasonal day camp there is not a great demand on traditional utilities that would normally be required for more intensive development of the property, such as for a residential development.
2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses. The site is largely wooded throughout much of the north and central areas of the property and those areas that are more open generally have a tree line along the site's property lines (south and east). Much of the land to the west is wetland or agricultural land that would not be hindered by a day park. Adjacent property owners will have very limited visibility into the site.

3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed. The YMCA proposes to repurpose the existing home as a staff office/meeting center, the existing accessory buildings for storage or the S.T.E.A.M program, and the cabin as a caretaker dwelling. The newer buildings will include a horse barn, open air pavilions, and multi-purpose storage buildings as well as a pool locker room building. These will all need to meet the Zoning Ordinance performance standards for building exteriors.

4. The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use. A day park is a conditional use in the RR-1 zoning district, which also allows similar outdoor recreational type uses under a CUP.

5. The use is not in conflict with the Comprehensive Plan of Scott County. The Comprehensive Plan guides this property as Rural Residential Area, and the proposed use is allowed within this area.

6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking. The YMCA will be upgrading Zane Avenue, a New Market Township road, to a paved road that will serve as the main public entrance to the day park. Zane Avenue intersects with 240th Street East (County Road 62) where a right-turn lane will be installed to facilitate the main turning movement onto Zane Avenue. 230th Street East, which is a gravel road serving the property's main home, cabin and accessory buildings, will serve as a secondary staff and service entrance. New Market Township has not provided any information on road requirements for 230th Street East.

7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards. The proposed day park will utilize three existing wells for water usage. Erosion Control will be reviewed at time of road construction, building construction, and any other permitted land disturbance. Restrooms on the property will be connected to a septic drain field, which will require a County septic permit.

8. All buildings/structures must meet the intent of the State Building Code and/or fire codes. Building permits will be required for the change of occupancy of all buildings. County Building Inspections will review the building permit applications to verify that any change in occupancy or any new structures comply with all applicable regulations of the State Building and Fire Codes.

Conditions of Approval:

1. This CUP is issued to the Young Men's Christian Association (YMCA) of the Greater Twin Cities, Applicant, as a private day park for the operation of a YMCA Day Camp as outlined in the Conditional Use Permit (CUP) Application: Submission Materials Package dated February 6, 2019. (Date subject to modification prior to County Board)

2. The applicant is to notify the Scott County Zoning Administration Department in January of each year, stating they are in compliance with the conditions of the Conditional Use Permit (CUP). Any operational changes, site improvements, or building expansion shall be reviewed by the New Market Township Board and Scott County to determine compliance with the CUP.
3. The Conditional Use Permit for the Day Park shall be expressly limited to those listed in the CUP application narrative for YMCA Buffalo Run to include the day camp, horse riding, swimming (pool, splash pad & slides), canoeing/kayaking, fishing, hiking, vertical adventures, survival skills, open playfields, S.T.E.A.M. (science, technology, engineering, art, mathematics) program, amphitheater/singing hill, entry (camp store, parking, drop-off), lake front (swimming beach), staff office/retreat/first aid/training center, caretaker house, storage facilities, restrooms, and horse barns.

4. The expansion set forth in the Applicant's originally proposed "Phase 2", including the construction of multiple new structures, expanded parking, expanded use by vehicles and patrons, the use of land for overnight tent camping, and the construction of camper cabins and yurts, shall not be allowed. No expansion of the Proposed Use is allowed except upon the grant of a new or amended conditional use permit.

5. The hours of day park shall be:
   - 7:30am to 5:00 pm, Monday through Friday for the seasonal day camp
   - 4:30pm to 7:30pm Monday through Friday for programmed community use & family nights
   - 10:00am-6pm on Saturdays and Sundays for programmed community use

6. The applicant/owner shall, upon reasonable advanced notice, provide the Township and County staff and/or its agents with access to the property for inspection for determining compliance with this conditional use permit.

7. The CUP holder shall pay an annual CUP inspection fee, if and when Scott County adopts an inspection fee ordinance.

8. If property ownership changes or a new applicant/operator is proposed, the applicant/operator shall contact the New Market Township Board and the County Zoning Administration Department to review the conditions of the CUP, and any proposed operation changes. The applicant/owner shall obtain a CUP Transfer or amend the CUP if significant operational changes are proposed.

9. The property shall be developed in substantial compliance with the approved project plans (currently 2/6/19 as may be amended prior to County Board action) and according to the performance standards listed in the Scott County Zoning Ordinance. Any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and the New Market Town Board. To the extent there are any conflicts between either the plans or the narrative and this permit, the conditions of the permit shall control.

10. Site grading and construction shall be consistent with the approved Resource Management Plan and approved project plans dated (currently dated 12/21/18 as may be amended prior to County Board action).

11. Oil, solvents, pool chemicals, and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance. A Hazardous Waste Inspection shall be scheduled with Scott County Environmental Services to determine the level of Hazardous Waste License required, if any.

12. The property shall be maintained in a neat and orderly manner. The Applicant shall promptly remove all garbage, trash, and all other nonessential or nonfunctional materials from the property. Waste receptacles used on the Property shall be totally screened from eye-level view from all neighboring uses and any public right-of-way.

13. All parking for all activities allowed shall be provided on site and in accordance with the site plan. No parking for activities on the site shall be allowed on public roads. All bus drop-off or individual drop-off traffic shall utilize the Zane Avenue main access as shown on the site plan. The 230th Street East access shall only be used for YMCA staff, local service providers, and emergency service vehicles.

14. Building permits are required for the change in occupancy of all buildings to be converted from residential or agricultural to a public occupancy use. The applicant shall apply for and receive a change in occupancy permit for all structures used by the Day Park. All required changes/improvements shall be completed prior to these structures being used for any camp events. These and any future building improvements shall meet all requirements of the State Building Code, Fire Code, and all applicable codes as determined by the Scott County Building Official or the local fire department.
15. A septic permit is required for installation of the any sewage treatment system. The septic sites identified on the project plans shall be protected from any disturbance, grading, or compaction, and shall be fenced prior to construction.

16. A MN Department of Natural Resources Water Appropriations Permit is required based on the amount and time proposed to fill the swimming pool. There shall be no discharge of pool or other chemically treated wastewater onto any adjacent property or into any public water wetland, stream, or drainage area.

17. All signage shall comply with the Scott County Sign Ordinance.

18. All lighting shall comply with the Scott County Zoning Ordinance.

19. The Applicant shall maintain existing fencing and natural buffers where necessary to insure neighboring property is protected.

20. There shall be no amplified noise sound on the Property. In the event complaints are received about amplified noise emanating from the property, Scott County may require the permit holder to prepare a noise control plan as described and required in Section 4-6 of the Zoning Ordinance.

21. Issuance of the CUP is not a substitute for any other permit required in conjunction with the Project, including but not limited to building permits, electrical permits, and road permits.

22. Applicant shall construct and operate the Project in full compliance with the approved application narrative, approved project plans and in full compliance with all federal, state, and local laws, rules, ordinances, and regulations.

23. The applicant shall obtain any necessary permits from the MN Department of Natural Resources for the use of or any construction, alterations, or disturbances to any protected water wetland on the property.

24. The applicant shall at all times comply with the approved Horse Management Plan (dated February 6, 2019) for operations pertaining to camp horse riding activities. This includes proper manure management, stockpiling, and removal as well as pasture management to avoid feedlot conditions. The number of horses shall be limited to 10 on a year round basis, 20 in May, September, and October, and an additional 62 during the seasonal summer camp in June, July, and August. The applicants shall work with the Scott Soil & Water Conservation District to stay in compliance with the management plan, CUP, and MN Pollution Control Agency feedlot permits.

25. The primary access to the entrance of the Applicant’s day camp will be located off Zane Avenue (“Primary Access”). A right-turn lane shall be constructed at the intersection of 240th Street/CSAH 62 and Zane Avenue for traffic traveling westbound on 240th Street/CSAH 62. Zane Avenue shall be improved by paving with bituminous pavement in accordance with the Town’s Standard for Development and Construction and Standard Specifications and Detail Plates. The Applicant shall be responsible for any and all costs related to the improvements to 240th Street and Zane Avenue. All work shall be completed according to the approved civil plans as approved by the Township Engineer and County Transportation. Permits are required for any work within the County Road right-of-way. If there is validated traffic control, safety, or operational issues on the County Road resulting from day park operations, these shall be reviewed by the Scott County Engineer. The County Engineer can require a Traffic Impact Study and can require additional safety improvements for current or future operations to alleviate identified issues or increases in day park usage.

26. The secondary access to the Applicant’s day camp will be located off 230th Street as identified in the Applicant’s CUP application ("Secondary Access"). This access is the easternmost access on 230th Street East to the subject property. The Secondary Access will consist of only one access off 230th Street as identified in the CUP application, and shall not include the access located to the west of the Secondary Access. 230th Street shall be improved by paving with bituminous pavement in accordance with the Town’s Standard for Development and Construction and Standard Specifications and Detail Plates, commencing at the westerly end of the currently paved portion of 230th Street and proceeding west through the Secondary Access identified in the Applicant’s CUP application (approximately 700 feet). The Applicant shall be responsible for any and all costs related to the improvements to 230th Street.

27. The layout of all new roads, driveways, and cul-de-sacs that may need to be used by emergency response vehicles shall be wide enough to accommodate those vehicles.
28. The Applicant shall work with the Scott County Sheriff's Office emergency response department to develop a coordinated Emergency Evacuation Plan.

29. The Applicant shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances and shall obtain any additional permits or permissions that may be required for the Proposed Use. Construction of the proposed improvements may not begin unless all required permits are obtained. A copy of any federal, state or county approvals or renewals to such approvals shall be sent to the Town within 30 days of receipt by the Applicant. The revocation of any required federal, state or county approval must be reported to the Town within 10 days of revocation.

30. A development agreement must be entered into between the Town, County and the Applicant in a form acceptable to the Town Board. The agreement shall address the work to be done on the Town’s roads, the right turn lane, storm water infrastructure improvement, and include a requirement that the Applicant submit a development escrow and administrative escrow covering associated costs incurred by the Town related to the review and development of this project. No demolition or construction on the Property may begin, and no permits will be issued, until the development agreement is in a form acceptable to the Town, the required escrows as set forth in the development agreement are provided, and the agreement is fully executed.

31. The YMCA Day Camp shall at all times be in compliance with the conditions of this CUP. Upon written notice of any violation the CUP holder shall promptly remedy the violation within the time period specified. Any violation not remedied or addressed shall be subject to CUP review and may be basis for CUP termination.

VII. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis

VIII. GENERAL & ADJOURN

Motion by Commissioner Hentges; second by Commissioner Watson to adjourn the meeting at 10:30 PM. The motion carried unanimously.

_____________________________  __________________________
Barbara Johnson               Date
Acting Chair, Planning Advisory Commission

_____________________________
Barbara Simonson
Deputy Clerk to the Board
Final Plat of Tara Farm

A) Final Plat of Tara Farm consisting of 26 lots and 3 outlots on 251.02 acres

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

General Information:

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Site Location:</th>
<th>Township:</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Site Marketing</td>
<td>6991 Bridle Path</td>
<td>Section 29, Credit River</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Owners:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Site Marketing</td>
<td></td>
</tr>
</tbody>
</table>

Zoning/Comprehensive Plan Information:

<table>
<thead>
<tr>
<th>Zoning District:</th>
<th>Comprehensive Land Use Plan:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential</td>
<td>Rural Residential Growth</td>
</tr>
<tr>
<td>Single Family, RR-2</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overlay Zoning District:</th>
<th>School District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shoreland</td>
<td>Lakeville #194. Prior Lake-Savage #719</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Watershed District:</th>
<th>Fire District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scott WMO</td>
<td>Prior Lake</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ordinance Sections:</th>
<th>Ambulance District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 42 &amp; 70</td>
<td>Allina</td>
</tr>
</tbody>
</table>

Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Final Plat

Background & Analysis:
The Preliminary Plat of Tara Farm consisting of 56 lots on 251.02 acres was approved on September 4, 2018 by the Scott County Board of Commissioners. The time between preliminary plat approval and the final plat allowed On-Site Marketing, the developer, and Credit River Township to work through road improvement decisions pertaining to off-site roads leading to the development. Credit River Township will be improving 210th Street East and Nevada Avenue, currently gravel township roads, to paved roads with cost participation from the developers. Nevada Avenue will be the main development access to Tara Farm until all phases of the project are platted and other road connections are made to adjacent properties and roads.
On-Site Marketing is proposing to phase the platting and construction of Tara Farm due to the size of the development. The first phase will consist of 26 lots and 3 outlots on the 251.02 acres. The outlots would be future phases of the approved preliminary plat. Under the Scott County Subdivision Ordinance the developer would have 5 years under to final plat and construct all phases of the approved preliminary plat. An extension on the project phasing can be granted by the land use authority, which would likely be Credit River Township upon their assumption of land use controls from Scott County.

The Credit River Township Attorney is drafting a three-way (developer, township, county) development agreement for Tara Farm that will memorialize the approved project plan dates, required project improvements (road and stormwater infrastructure), project phasing plan, and financial sureties required to the Township and County. The Township will hold a financial security to ensure all township infrastructure improvements are completed according to the township specifications, and the County will hold a smaller financial security to ensure all is constructed according to the approved plans as required by Ordinance.

**Township Recommendation:**
The Credit River Town Board will be making a recommendation on this request at their April 8, 2019 monthly meeting. This meeting was moved from April 1 due to a Township conflict so the recommendation will be forwarded to the County Board. In reviewing the application with the Township Attorney and Engineer, they have indicated they will be recommending the Town Board approve the final plat, development agreement, and project phasing.

**Staff Recommendation:**
Based on the project information submitted by the applicant and subject to the conditions of approval, the proposed final plat conforms to the Zoning and Subdivision Ordinances; therefore, staff recommends approval of the Final Plat.

**Conditions to be Satisfied Prior to County Board Consideration of the Final Plat:**
1. A development agreement is drafted to summarize all requirements and infrastructure improvements, as well as project phasing for the Tara Farm development.

2. The County Surveyor and Recorder review and sign the plat.

3. County Attorney review and approval of the Commitment for Title Insurance.

4. Payment of all Credit River Township and Scott County final plat fees.

**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 final plat for Tara Farm, consisting of 26 lots and 3 outlots on 251.02 acres, noting this recommendation is subject to the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration.
TARA FARM

The South Half of the Northeast Quarter and the West Half of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter, all in Section 25, Township 194, Range 25, Scott County, Minnesota. Also the parcel in the northeast corner of the Northwest Quarter of the Southwest Quarter located as follows:
Beginning at the southeast corner of the Northwest Quarter of the Southwest Quarter, thence running East 161.81 chains, thence South 10 degrees West 0.00 chains, thence North of 10 degrees West 0.00 chains, thence North to the point of beginning.

As a part of the Northwest Quarter of the Northwest Quarter of Section 25, Township 191, Range 25, Scott County, Minnesota described as follows:
Beginning at a point 55 feet East of the southeast corner of the Northwest Quarter of the Northwest Quarter, thence North 10 degrees East 150 feet, thence South 10 degrees East 150 feet, thence South 10 degrees West 150 feet, thence West 150 feet to the point of beginning.

That part of the Southwest Quarter of Section 25, Township 194, Range 25, Scott County, Minnesota (the north and east limits of the following described land) the southwest corner of and described as follows:
Beginning at the southwest corner of said Southwest Quarter; thence South 42 degrees 45 minutes 20 seconds East a distance of 1023.40 feet; thence South 10 degrees 25 minutes 16 seconds East a distance of 1376.27 feet then thence along a line parallel to the north having a radius of 1376.27 feet, a central angle of 10 degrees 25 minutes 16 seconds East a distance of 1376.27 feet then thence along a line parallel to the north having a radius of 1376.27 feet to the point.

In witness whereof said Co. - Site Marketing Co., a Minnesota corporation, has caused these presents to be signed by its proper officers this day of __________, 20__.

Dated: __________, 20__

[Signature]

Gerry S. Tipp, President

STATE OF MINNESOTA
COUNTY OF __________

The foregoing instrument was acknowledged before me this day of __________, 20__, by Gerry S. Tipp, President of Site Marketing Co., a Minnesota corporation, or behalf of the corporation.

Notary Public

____________________________________

My Commission Expires

I hereby certify that I have examined and plotted the property described on the plat of TARAFARM that this plat is a correct representation of the survey but all dimensions are exactly shown on the plat in feet and tenths instead of feet that all measurements have been accurately placed in the ground as shown or will be correctly placed in the ground as designated that the evidences surveyed hereon are correctly designated on the plat and that there are no errors, as defined in K.S. 503.01, State, or public highways to be designated other than as shown on the plat.

Robert H. Clark, Legal Surveyor

State of Minnesota, County of __________

The foregoing surveyor's certificate was acknowledged before me this day of __________, 20__, by Robert H. Clark, Licensed Legal Surveyor.

Notary Public

____________________________________

My Commission Expires

TOWN BOARD, CREDIT RIVER TOWNSHIP

This plat of TARAFARM was approved and accepted by the Town Board of Credit River Township, the ___ day of __________, 20__. The written concurrence and recommendations of the County Highway Engineer have been received by the Township and pursuant to Minnesota Statutes Section 553.23, Subdivision 2, we are in conformity.

By: __________________________________

Chairman

SCOTT COUNTY ADMINISTRATOR

Pursuant to Minnesota Statutes, Chapter 303B, Subdivision 1, this plat has been reviewed and approved the ___ day of __________, 20__.

Scott County Zoning Administrator/Engineer

SCOTT COUNTY ATTORNEY

I hereby certify that I have examined the abstract of title of this plat and the hereby recommended plat for approvals to form this plat on the ___ day of __________, 20__.

Scott County Attorney

SCOTT COUNTY SURVEYOR

Pursuant to Minnesota Statutes, Chapter 303B, Subdivision 1, as amended, this plat has been reviewed and approved the ___ day of __________, 20__.

James L. Hagen, Scott County Surveyor

SCOTT COUNTY AULTERNATE SURVEYOR

I hereby certify that the correct and described boundaries are as described in the plat and the survey is in line with the advice of the Surveyor.

Scott County Auditor

Scott County Treasurer

Scott County Register of Titles

SCOTT COUNTY RESIDENT OF TITLES

I hereby certify that this plat was filed for record in the office of the County Register of Titles for record on this ___ day of __________, 20__. Attached hereto is a copy of the Plat for record as Document No. __________.

Scott County Register of Titles
Rezoning, Preliminary Plat and Final Plat of Hickory Hills Third Addition

Request:

A) Rezoning of 13.07 acres from Rural Residential Reserve (RR-1) to Rural Residential Single Family (RR-2).
B) Preliminary Plat of Hickory Hills Third Addition consisting of three lots on 13.07 acres.
C) Final Plat of Hickory Hills Third Addition consisting of three lots on 13.07 acres.

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

General Information:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Site Location:</th>
<th>4652 Hickory Hills Trail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owners:</td>
<td>Site Location:</td>
<td>4652 Hickory Hills Trail</td>
</tr>
<tr>
<td>Public Hearing Date:</td>
<td>Township:</td>
<td>Section 35, Spring Lake</td>
</tr>
<tr>
<td></td>
<td>Action Deadline:</td>
<td>April 27, 2019 (60 Day)</td>
</tr>
</tbody>
</table>

Zoning/Comprehensive Plan Information:

<table>
<thead>
<tr>
<th>Zoning District:</th>
<th>Comprehensive Land Use Plan:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential Single Family, RR-1</td>
<td>Rural Residential Growth Staged</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overlay Zoning District:</th>
<th>School District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Prior Lake - Savage #719</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Watershed District:</th>
<th>Fire District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scott WMO</td>
<td>Prior Lake</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ordinance Sections:</th>
<th>Ambulance District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapters 42</td>
<td>Allina</td>
</tr>
</tbody>
</table>

Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Preliminary Plat
4. Final Plat
5. Environmental Health Department Memo dated March 12, 2019
6. Natural Resources Department Memo dated March 8, 2019
7. Spring Lake Township Recommendation
Comprehensive Plan- The proposal is in conformance with the goals and policies identified in the Scott County 2030 Comprehensive Plan for land use and development in the Rural Residential Growth Staged Area.

Adjacent Land Use/Zoning- North – 10 acre residential parcels, zoned RR-1
South – 2.5 – 8.0 acre residential parcels, zoned RR-2
West – 10 acre residential parcel, zoned RR-1
East – 13.9 acre residential parcel, zoned RR-1

Existing Conditions- The approximately 13 acre parcel contains a single family home, small accessory structures, wetland, and open land. The existing home is accessed from Hickory Hills Trail through a neighboring property.

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

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

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

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

Proposed Development- Density – 1 dwelling unit per 4.36 acres.

Lot Size – Proposed lot sizes are 2.55 acres to 7.97 acres.

Lot Width – The minimum lot width proposed is 150 feet

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

Existing Roads- The parcels have frontage on Hickory Hills Trail, a paved Spring Lake Township road.

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

Public Hearing Notice- Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.
Background/Zoning:
Thomas Kortuem is proposing to subdivide an approximately 13 acre parcel located in Section 35, Spring Lake Township. The property is zoned Rural Residential Reserve (RR-1). The 2030 Comprehensive Plan guides this area of Spring Lake Township Rural Residential Growth Staged, which allows parcels to rezone to the Rural Residential Single Family District (RR-2). Lots may be platted to a 2.5 acre minimum lot size under the RR-2 density, which is 1 dwelling unit per 2.5 gross acres. Mr. Kortuem is requesting the rezoning along with the proposed subdivision.

The 13 acre parcel is surrounded by other residential parcels both greater than and less than 10 acres. The parcel includes agricultural land and wetland areas and an existing dwelling in the far west of the parcel. Mr. Kortuem is proposing to create an approximately 7.97 acre lot to accommodate the existing home and two other lots, approximately 2.55 acres, on the eastern portion of the parcel that would meet the minimum lot size and width requirements for the RR-2 District.

There is an existing 20x30 hoop building in far northwest of the parent parcel that infringes on the existing drainage easement. The applicant has stated that they will remove the structure.

Access/Road Analysis:
The existing and proposed parcels will have lot frontage on Hickory Hills Trail, a paved Spring Lake Township road. The subdivision proposes 2 new driveway accesses from the township road. These driveways will require a permit from the township. The existing home will continue to be accessed through a driveway easement on a neighboring property.

Environmental/Natural Resources Analysis:
Primary and alternate septic sites have been identified for all three lots. The Scott County Environmental Services staff has reviewed the application and requested
additional information regarding the soil observations and site conditions. Any requirements of Scott County Environmental Services will need to be addressed prior to County Board consideration.

No grading is proposed as part of the proposed plat; the driveway and home grading will occur after driveway and building permit approval. Wetland boundaries were delineated for and submitted to the Scott Soil and Water Conservation District and County Natural Resources for review. The approval of the wetland delineation by the Soil and Water Conservation District has been placed as a condition of plat approval. County regulations require conservation easements over wetland areas on lots less than 10 acres. These conservation easements will be required to be filed with the final plat.

The Scott County Natural Resources Department has reviewed the application and provided an attached memo. The review determines that an Erosion and Sediment Control Plan is required, additional spot elevations are needed on the grading plan, and conservation easements must be identified. Any requirements of Spring Lake Township or Scott County Natural Resources have been placed as conditions of plat approval to be satisfied prior to County Board consideration.

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

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

**Conditions to be Satisfied Prior to County Board Consideration:**

1. Approval of the wetland delineation by Scott Soil and Water Conservation District, and dedication of a conservation easement over the delineated wetland.

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

3. Any conditions stated in the Scott County Environmental Services Department review of the plat and the proposed septic drain field sites.

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

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

**Criteria for Approval:**

1. *Adequate Drainage* – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance.

2. *Adequate Potable Water Supply* – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. **Adequate Roads or Highways to Serve the Subdivision** – the proposed lots have frontage and driveway access to Hickory Hills Trail, 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 2030 Comprehensive Plan for the development in the Rural Residential Growth Staged Area.

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

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

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

**Planning Advisory Commission/Township Alternatives:**

1. Approve the request as recommended by Planning Staff with the specified conditions.

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

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

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

Based on the criteria for approval listed in the staff report, I recommend approval of the rezoning, preliminary plat and final plat of Hickory Hills Third Addition, consisting of 3 lots on 13 acres, noting that this recommendation is subject to approval of the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the project.
SPRING LAKE TOWNSHIP
SECTION 35
THOMAS KORTUEM
REQUEST FOR REZONING
& PRELIMINARY PLAT
Date: 3/8/19
To: Marty Schmitz, Zoning Administrator
From: Megan Tasca, P.E., Natural Resources Department
Subject: PL2018-109 Hickory Hills 3rd Addition

The Scott County Natural Resources Department has completed a review of a Preliminary Plat dated 2/22/19, Resource Management Plan dated 2/22/19, and Culver Sizing Calculations dated 2/22/19 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. Total disturbed area is shown as 1.8 acres and therefore an Erosion and Sediment Control Plan meeting all the requirements of Section 6A-3-2 is required.
2. Add spot elevations indicating the EOF elevations for the proposed driveway culverts to the grading plan.
3. Conservation easements over the wetland buffer areas are required. Signage location must be shown at each intersection with a property boundary, major changes in direction, and every 200’ otherwise. Signage is available from the Scott County Natural Resources Office at 952-496-8881.

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) 496-8881.

Cc: Greg Wagner, Planning
    Nathan Hall, Planning
Memo

Date: March 12, 2019  
To: Nathan Hall, Zoning Department  
From: Mary VonEschen, Environmental Services Department  
Subject: PL2018-0109 Hickory Hills 3rd Addition

The Scott County Environmental Services Department has completed a review of the septic system locations and soil boring information for the above project. The septic system information and soil information provided (dated 11/16/2018) appears to be in conformance with the Scott County Subsurface Sewage Treatment System Ordinance #4 and Minn. Rules Chapter 7080. We have some additional questions and requirements that need to be met:

1. The soil boring logs are missing what type of soil observation was performed. (Soil pits dug and/or soil borings?) Each log must be updated.

2. Is there any farm/field drainage tile located in this proposed project area? (Yes/No)

3. All septic sites must be protected/fenced and clearly marked prior to any grading activity on the lots.

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

On March 14, 2019, the Town Board of Spring Lake Township met with Tommy Kortuem to discuss a request to rezone 4652 Hickory Hills Trail from RR-1 to RR-2 and support the preliminary and final plat of Hickory Hills 3rd (2 new plats).

PROJECT DESCRIPTION

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

☑ Recommends approval of the request as presented
☐ Recommends approval of the request with the following conditions:
☐ Recommends disapproval of the request for the following reasons:

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

Affirmation of Board Action

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

Stipulations

I hereby attest that the information provided above is an accurate account of the actions taken by the Spring Lake Town Board on March 14, 2019.

Melissa Hanson, Town Clerk

03/14/2019 Date
Memo

Date: March 27, 2019
To: Planning Advisory Commission
From: Brad Davis, Planning Manager
       Nathan Hall, Associate Planner
Subject: 2019 Ordinance Workshops – New Zoning Districts, Accessory Dwelling Units

At our April 8 meeting, staff would like to hold a workshop with the Planning Commission to discuss some proposed revisions to the Scott County Zoning Ordinance.

New Proposed Zoning Districts:
Based on recommendations coming out of the approved 2040 Comprehensive Plan, staff will present four (4) new draft zoning districts for review and initial feedback:

☐ Chapter 51: RBR, Rural Business Reserve District
☐ Chapter 61: I-2, Heavy Industrial District
☐ Chapter 62: CLR, Closed Landfill Restricted District
☐ Chapter 82: HMU, Hamlet Mixed Use District

As you will see in the attachments to this cover memo, staff has drafted up for each of these new zoning districts the overall purpose, allowed uses and performance standards (such as lot sizes and dimensions, setbacks, impervious surface coverages, structure heights and other requirements). Included with this memo is a chart comparing how the proposed RBR and I-2 zoning districts treat permitted, conditional and interim land uses with our existing C-1 and I-1 districts. There are placeholders in the draft HMU district where more research and feedback is needed. These zoning district drafts are still a work in progress, and will surely evolve as we get feedback from the Planning Commission and all of the township boards this spring. Staff will provide background on how these districts were born out of the 2040 planning process and where these new districts will apply on an updated zoning map.

Accessory Dwelling Units:

Background: Section 7-4 of the Scott County Zoning Ordinance regulates Accessory Dwelling Units (ADUs). The intent of the Ordinance is to allow additional housing opportunities for large or extended families, family members infirmed or with disabilities, and/or elderly family members with a need for semi-independent living situations. The primary residence must be owner occupied and a number of performance standards related to size and appearance apply to the structure.
Attached ADUs are an administrative use in all of the agricultural and residential zoning districts. Detached ADUs are an interim use all of the agricultural and residential zoning districts. Of the five permits issued for ADUs since 2014, only one permit was issued for a detached unit. [A mobile home for farmhand housing or infirmed family members is an interim use in the agricultural districts and some residential districts. Farmhands cannot occupy an ADU unless related to the owner occupant.]

2040 Plan: During the 2040 comprehensive planning process, we heard from some residents and township officials a desire to study the possibility of opening up ADUs for non-family members. Currently, the Scott County Zoning Ordinance limits ADU occupancy to family members only and therefore prevents the dwelling from being occupied by a farmhand, caregiver, and other staff or non-related guest. If a legal ADU becomes unoccupied the kitchen appliances and/or plumbing equipment must be removed. The dwelling cannot become a rental unit, unoccupied by a family member.

Preliminary Research: In examining the zoning regulations of several other counties in the Southern Minnesota, a variety of responses to rural housing needs were revealed. Washington County was the only county surveyed that specifically addressed ADUs, allowing an attached accessory apartment (for non-family) through a certificate of compliance in the Shoreland Management Overlay District. However, a number of counties permit secondary family or farmhand dwellings on agricultural parcels (Olmstead, Sibley, Sherburne, Carver, Blue Earth) either by-right or as a conditional use. A common (Carver, Sherburne, Olmstead) control on secondary farm dwellings is requiring the density maximum to be maintained or only allowing the dwellings on larger parcels. Occasionally, multiple-family dwellings are allowed in a mixed-use district (Rice, Olmstead). It is common for other counties to have similar temporary housing options for farm labor or infirmed family members.

For Discussion at the Workshop:

☐ Option A: Maintain all the requirements of Chapter 7 of the Zoning Ordinance.

☐ Option B: Remove all restrictions on ADU occupancy and allow ADUs to be occupied by employees and guests or rented to the general public, while maintaining all other ADU requirements.

☐ Option C: Expand the definition of an eligible occupant of an ADU to include caregivers and those employed on the premises.

Staff is eager to get your initial feedback on these proposed ordinance revisions before we present them to all of the town boards in late April and early May. A reminder that final adoption of these revisions will not occur until the end of 2019 or early 2020.

We look forward to a good discussion. Thank you.
CHAPTER 51: RBR, RURAL BUSINESS RESERVE DISTRICT

51-1 PURPOSE

The purpose of this district is to reserve land for rural commercial uses when suitable road access and on-site septic, water and storm water utilities or infrastructure can be provided in locations specifically guided by the Comprehensive Plan.

51-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the RBR, Rural Business Reserve District.

51-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in a RBR, Rural Business Reserve District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Plating Required. No building or structure shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings. Plating will be deemed premature as established under Section 2-4 of Land Subdivision Ordinance No.7 if suitable road access and on-site septic, water and storm water utilities or infrastructure is not provided to serve the use.

2. Lot Size Minimum. A minimum of two and one-half (2.5) acres.

3. Lot Width Minimum. A minimum of two hundred (200) feet at the minimum front yard setback line and extending to the location of the principal structure.

4. Front Yard Setback Minimum, All Structures. One hundred fifty (150) feet from the centerline of a State or County road or one hundred (100) feet from the State or County road right-of-way, whichever is greater. One hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater.
5. Side Yard Setback Minimum, All Structures. Twenty (20) feet, or on corner lot, see Front Yard Setback. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.

6. Rear Yard Setback Minimum, All Structures. Thirty (30) feet. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.

7. No structure shall be located within an easement.

8. Impervious Surface Lot Coverage. No more than seventy-five (75) percent of the lot.


10. Service Streets. Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.
CHAPTER 61: I-2, HEAVY INDUSTRIAL DISTRICT

61-1 PURPOSE

This district is intended to allow industrial uses that could pose potential odor, vibration, dust, noise, or heavy equipment traffic nuisances for adjacent land uses, but in areas having access to arterial roadways and/or rail transportation in locations specifically guided by the Comprehensive Plan.

61-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses in the I-2, Heavy Industrial District:

61-3 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an I-2, Heavy Industrial District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required. No building or structure shall be constructed on unplatted, I-2 zoned property, except for the addition of accessory structures or additions to existing buildings.

2. Lot Size Minimum. A minimum of two and one-half (2.5) acres.

3. Lot Width Minimum. Two hundred (200) feet at the minimum front yard setback line and extending to the location of the principal structure.

4. Front Yard Setback Minimum, All Structures. One hundred fifty (150) feet from the centerline of a State or County road or one hundred (100) feet from the State or County road right-of-way whichever is greater. One hundred (100) feet from the centerline of a local public street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater.

5. Side Yard Setback Minimum, All Structures. Twenty (20) feet or the height of the building, whichever is greater, or on corner lot, see front yard
setback. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.

6. Rear Yard Setback Minimum, All Structures. Thirty (30) feet. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.

7. No structure shall be located within an easement.

8. Impervious Surface Lot Coverage. No more than seventy-five (75) percent of the lot.


10. Service Streets. Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.
CHAPTER 62: CLR, CLOSED LANDFILL RESTRICTED DISTRICT

62-1 PURPOSE

This district is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of the district is to limit land uses within the closed landfill, both actively filled and related lands in order to protect the land from human activity. This district shall only apply to the closed landfill’s Land Management Area, the limits of which are defined by the MPCA.

62-2 PERMITTED, CONDITIONAL AND ACCESSORY USES

Permitted Uses:

1. Closed Landfill management and natural area management as identified in the Closed Landfill Use Plan – Louisville Landfill report dated May 15, 2013 or as amended by the MPCA

2. Agricultural uses

Conditional Uses:

3. Essential Services – Transmission/Utilities/Substations

4. Community Solar Gardens

Accessory Uses:

5. Accessory uses permitted in this district include outdoor equipment or small buildings used in concert with gas extraction systems, other response action systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring and improvement systems. Fences and gates are permitted accessory uses.

62-3 DISTRICT PERFORMANCE STANDARDS

Performance standards related to the use of property in this district are those specified by the District Performance Standards of the I-1, Rural Industrial District and those standards related to the specific permitted, conditional or accessory use as specified in this Ordinance.

Scott County
Zoning Ordinance
CHAPTER 82: HMU, HAMLET MIXED USE DISTRICT

82-1 PURPOSE

The purpose of this overlay district is to allow a mix of residential, public and small-scale commercial land uses to co-exist within the same zoning district. This overlay district is intended to be applied to "historic" crossroad hamlets in the rural areas of Scott County where homes, churches, public uses and non-residential uses are currently present. This district establishes regulations that better recognize the mix of land uses that have historically co-existed in the hamlets. It is not the intent of this district to create new areas to be developed as hamlets where rural settlement does not currently exist. Properties eligible for this overlay zoning district are identified in the Comprehensive Plan.

82-2 PERMITTED, CONDITIONAL, INTERIM, ADMINISTRATIVE, AND ACCESSORY USES

Refer to Table 20-4 for a list of permitted, conditional, interim, administrative, and accessory uses for a property's base zoning designation. The following Conditional Uses are allowed in this overlay district:

1. Animal hospital
2. Convenience store – gas sales station
3. Daycare center
4. Offices and professional buildings
5. Open outdoor sales, rental or display area
6. Restaurant including fast food and drinking establishment
7. Retail commercial establishment
8. Schools and facilities serving less than 150 students
9. Temporary outdoor promotional events and sales

82-3 DISTRICT PERFORMANCE STANDARDS

For any conditional use allowed in the overlay district as specified in Section 82-2, the following performance standards shall be observed, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required. No building or structure for a permitted conditional use shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings, or for temporary uses.

Scott County
Zoning Ordinance
2. Lot Size, Width and Depth. Lot must demonstrate sufficient size to accommodate two (2) individual sewage treatment systems. Lot depth and width shall be determined during the conditional use permit review process and shall be based on the following criteria:

   a. Relationship to the size and width of nearby properties
   b. Ability to meet parking, access, open space and storm water management needs or requirements

3. Front Yard Setback Minimum, All Structures. One hundred fifty (150) feet from the centerline of a State or County road or one hundred (100) feet from the State or County road right-of-way, whichever is greater. Twenty-five (25) feet from the centerline of a local public street. In situations where the setbacks of structures on abutting properties and/or on the same block are less than the above referenced standards for local public streets, the front yard setback may be determined based upon an average setback distance as determined by the Zoning Administrator.

4. Side Yard Setback Minimum, All Structures. Eight (8) feet, or on corner lot, see Front Yard Setback.

5. Rear Yard Setback Minimum, All Structures. Eight (8) feet

6. No structure shall be located within an easement.

7. Impervious Surface Lot Coverage. No more than seventy-five (75) percent of the lot.

8. Structure Height Maximum. Thirty-five (35) feet

9. Parking

10. Commercial Development Standards
<table>
<thead>
<tr>
<th>C-1 Commercial Zoning District</th>
<th>RB Rural Business Zoning District (PROPOSED)</th>
<th>I-1 Industrial Zoning District</th>
<th>H-1 Heavy Industrial Zoning District (PROPOSED)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Typical Land Uses Permitted by Right or Administrative Permit</strong></td>
<td><strong>Typical Land Uses Permitted by Conditional Use</strong></td>
<td><strong>Typical Land Uses Permitted by Interim Use</strong></td>
<td><strong>Typical Land Uses Permitted by Interim Use</strong></td>
</tr>
<tr>
<td>agriculture, animal hospital, daycare center, drainage, public infrastructure, feed mills, grading, indoor commercial, mini-storage, large assemblies, office buildings, outdoor sales, park n rides, retail stores, temporary uses and structures, wind turbines, cell towers</td>
<td>animal shelter, flea market, auto/truck/RV sales, nursery, greenhouse, gas station, convenience store, public facility, utility, lumber yard, landscape supply, car dealership, restaurant, bar, school, truck stop, properties with more than one principal building, wind turbines</td>
<td>community solar garden, large assemblies, mining, private campground, day park</td>
<td>community solar garden, mining</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>community solar garden, mining</td>
</tr>
</tbody>
</table>