Scott County
Planning Advisory Commission
May 13, 2019
6:45 PM

Scott County Government Center
County Board Room
200 Fourth Avenue West
Shakopee, MN
Scott County  
April 08, 2019  
Planning Advisory Commission Meeting

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AGENDA

I. ROLL CALL AND INTRODUCTIONS

II. APPROVAL OF APRIL 8, 2019 PAC MEETING MINUTES

III. PUBLIC HEARING – 6:45 PM ADAM AND CRYSTAL BOETTCHER (PL#2019-014)
   A. Request for an Interim Use Permit to Construct a Detached Accessory Dwelling Unit
      Location: Section 32
      Township: Cedar Lake
      Current Zoning: RR-1

IV. PLANNING MANAGER UPDATE

V. WORKSHOP-RECAP OF TOWNSHIP MEETINGS

VI. GENERAL & ADJOURN
I. ROLL CALL AND INTRODUCTIONS

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

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; and Barb Simonson, Deputy Clerk to the Board.

II. APPROVAL OF MARCH 11, 2019 MINUTES

Motion by Commissioner Johnson; second by Commissioner Watson to approve the minutes of March 11, 2019 Planning Advisory meeting. The motion carried on 6 ayes. Commissioner Vonhof abstained from voting due to absence from the March 2019 meeting.

III. CONSENT AGENDA

3.1 PUBLIC HEARING 6:30 PM: TARA FARMS (PL#2017-114)

   A. Request to Approve Final Plat for 26 lots and 3 outlots on 251.02 (PL#2017-114)

   Location: Section 29
   Township: Credit River
   Current Zoning: RR-2

   Motion by Commissioner Huber; second by Commissioner Hrabe to approve the consent agenda. The motion carried unanimously.

Criteria for Approval (Chapters 42 & 70):

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

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

3. Adequate Roads or Highways to Serve the Subdivision – The proposed lots will have frontage and access off of the new Township roads, specifically a northern extension of Nevada Avenue, and future township roads as shown on the project plans.
4. **Adequate Waste Disposal Systems** – the proposed lots will meet all requirements of the individual sewage treatment system ordinance prior to County Board consideration.

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

6. **Public Service Capacity** – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize the existing Township road for access. The Township and Developer are discussing improvements to Nevada Avenue and 210th Street East.

7. **Consistency with the Minnesota Environmental Quality Board’s Policies** – the property is part of the Credit River Alternative Urban Areawide Review (AUAR). The AUAR covered developable parcels in the southern area of Credit River Township for analysis of development impacts (roads, stormwater, environmental). The County updated the AUAR in 2010 following adoption of the 2030 Comprehensive Plan but has not updated the AUAR due to the lack of development since that time. Updates to the AUAR would include compliance with any updated transportation plans and County Ordinances, which would include the aspects of the development reviewed as part of the plat.

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

And noting that Credit River Township recommended approval of this request at their April 2019 monthly meeting.

**IV. PUBLIC HEARING 6:30 PM HICKORY HILLS 3\textsuperscript{RD} ADDITION (PL#2019-013)**

A. Request for Rezoning of 13.07 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 3\textsuperscript{rd} Addition Consisting of 3 Lots on 13.07 Acres.

- **Location:** Section 35
- **Township:** Spring Lake
- **Current Zoning:** RR-1

Staff Nathan Hall presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website link, [April 8, 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:**

Commissioner Huber asked about the location of the hoop building on the west side of the property and whether it will be removed due to the easement. In addition, asked for clarification of the driveway access and related easement. **Mr. Hall reported that owners will be removing the hoop building and they have provided an easement document for the driveway access.**

Commissioner Watson asked if Spring Lake Township has approved the 2 new driveways that will access the township road as it relates to safety issues and the number of accesses on to the roads. **Mr. Hall reported that the Township will be addressing this matter once the building permits applications have been submitted for the 2 new properties.**
Commissioner Johnson further clarified the Township, as the road authority, has several requirements that will need to be met through the driveway permit process by the future builder such as need and payment for a culvert. She noted the road in front of the subject property is an interior u-shaped road with lower traffic levels.

Commissioner Hartmann asked if a shared driveway with one access was an option. Mr. Hall replied that the Township would need to make this determination.

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

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

Motion by Commissioner Watson; second by Commissioner Hrabe based on the criteria for approval listed in the staff report, to recommend approval of the rezoning, preliminary plat and final plat of Hickory Hills Third Addition, consisting of 3 lots on 13.07 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. The motion carried unanimously.

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 (Chapter 42):
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 two additional lots.

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

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

Noting Spring Lake Town Board has recommended approval of this request.

V. **PLANNING MANAGER UPDATE REPORT**-Presented by Brad Davis

VI. **WORKSHOP**-Presented by Brad Davis

VII. **GENERAL & ADJOURN**

Motion by Commissioner Hartmann; second by Commissioner Hrabe to adjourn the meeting at 7:45 PM. The motion carried unanimously.

____________________________________  ____________________________________________
Tom Vonhoff                                      Date
Chair, Planning Advisory Commission

____________________________________
Barbara Simonson
Deputy Clerk to the Board
Interim Use Permit for Adam & Crystal Boettcher

Request:
Interim Use Permit for Adam & Crystal Boettcher to add a detached Accessory Dwelling Unit (ADU) in the Rural Residential Reserve (RR-1) Zoning District.

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

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Adam &amp; Crystal Boettcher</th>
<th>Site Location:</th>
<th>27290 Vergus Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owners:</td>
<td>Adam &amp; Crystal Boettcher</td>
<td>Township:</td>
<td>Cedar Lake, Section 32</td>
</tr>
<tr>
<td>Public Hearing Date</td>
<td>May 13, 2019</td>
<td>Action Deadline:</td>
<td>June 22, 2019 (60 day)</td>
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Zoning/Comprehensive Plan Information:

<table>
<thead>
<tr>
<th>Zoning District:</th>
<th>RR-1, Rural Residential Reserve</th>
<th>Comprehensive Land Use Plan:</th>
<th>Rural Residential Reserve</th>
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<tr>
<td>Overlay Zoning District:</td>
<td>None</td>
<td>School District:</td>
<td>New Prague District 721</td>
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<tr>
<td>Watershed District:</td>
<td>Scott WMO</td>
<td>Fire District:</td>
<td>New Prague</td>
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<tr>
<td>Ordinance Sections:</td>
<td>Chapters 2, 7 &amp; 40</td>
<td>Ambulance:</td>
<td>North Memorial</td>
</tr>
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Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Application Narrative
4. Applicants’ Site Plan
5. Building Elevations & Floor Plan
6. Cedar Lake Township meeting Minutes – July 10, 2018 (New Business item #3)
Request- An Interim Use Permit (IUP) for Adam and Crystal Boettcher to add a detached Accessory Dwelling Unit (ADU) in the Rural Residential Reserve (RR-1) Zoning District.

Comprehensive Plan- The proposed use is in conformance with the general goals and policies for the Rural Residential Reserve Area identified in the 2030 Comprehensive Plan.

Adjacent Land Use/Zoning- North – 80 acre farmstead parcel, zoned RR-1  
South – 5 & 10 acre residential parcels, zoned RR-1  
East – 10 acre residential parcels, zoned RR-1  
West – 112 acre undeveloped parcel, zoned UTR-C

Existing Conditions- The 10.16 acre parcel has an existing home, detached garage (800 sq. ft.) and detached barn structure on the northeast portion of the property. Much of the property is open animal pasture land. The northwest corner is a small wetland, and there is a wood line around the north and west sides of the property.

Existing Roads- The property fronts and has driveway access onto Vergus Avenue, a gravel Cedar Lake Township road.

Road Improvements- No road improvements are proposed.

Public Notice- Required public hearing notices were sent to all property owners within one-quarter (¼) mile.

Photos:

[Image of aerial view with labeled locations: Proposed ADU building location and Applicants Home]
Background:
Adam and Crystal Boettcher are requesting an Interim Use Permit (IUP) to add a detached Accessory Dwelling Unit to their property located at 27290 Vergus Avenue. Their parcel is 10.16 acres located in section 22, Cedar Lake Township, zoned Rural Residential Reserve (RR-1). An Accessory Dwelling Unit (ADU) is a secondary living unit that can be located on a parcel for a family member. The applicants are requesting the ADU as a retirement living space for their parents and into the future it would be an option for one of their seven children.

The Accessory Dwelling Unit regulations were adopted in the 2010 Zoning Ordinance update after research, discussion, and workshops with the 11 townships and the Planning Advisory Commission. Residents had requested some alternative living arrangements both for elderly parents and for their newly graduated children that may have financial constraints on other living arrangements. The ADU options allow for family living options through an Administrative Permit (staff and Township review) for an attached ADU or an Interim Use Permit (IUP) for a detached ADU (public hearing).

The RR-1 zoning district allows detached ADU’s through issuance of an IUP provided that the ADU meets the performance standards listed in Chapter 7-4-4 of the Zoning Ordinance. ADU’s are limited to 800 sq. ft. of habitable living space, which includes the spaces for living, sleeping, eating, or cooking. Bathrooms, closets, halls, storage, or utility areas are not considered habitable spaces. The detached ADU must also be on a parcel 5 acres or larger, must be located in a rear or side yard, and must be within 150 feet of the main home.

Analysis:
The Boettchers are proposing to replace an existing barn structure with a 32' x 80' (3,200 sq. ft.) accessory building, which would house the ADU and also be used for personal storage. The main home is the first structure when entering the property along the driveway, and then there is also a 800 sq. ft. detached garage. 10 acre parcels are allowed 4,000 sq. ft. of detached accessory building area so this site would comply with the maximum allowed. The ADU portion of the new pole barn would be a 22'x40' (880 sq. ft.) section on the front end of the building, which would be 120 feet from the main home. This structure is located within the rear yard and would maintain a similar style as other rural accessory buildings.

As proposed the ADU portion of the accessory building meets the requirements of Chapter 7-4-4 in regards to size (800 sq. ft. or less) when the bathrooms, closets, and utility areas are removed. They are proposing a kitchen, master bedroom and bathroom, office in lieu of a 2nd bedroom, living room, but have requested a 2nd restroom (powder room) due to some health concerns. Staff is agreeable to this as the ADU functions as one living area, which is the intent, and the County has approved other detached ADU’s on farm properties with a mudroom/restroom. This is something that will likely be modified in the 2019 Zoning Ordinance update.

Scott County Environmental Health has reviewed the request and indicated they have no issues with the proposed IUP as the septic system was designed for a 5 bedroom home, and the existing home is only a 3 bedroom home. Scott County Building staff has no concerns with the proposed ADU and will review the structure when the building permit is submitted.
Township Recommendation:
The applicants attended the July 10, 2018 Cedar Lake Township Board meeting. The Town Board indicated no issues with the request (based on meeting minutes). Staff has forwarded the staff report to the Township and will provide any new Township comment.

Staff Recommendation:
Based on the information submitted by the applicants and subject to the conditions of approval, the proposed Interim Use Permit conforms to the Zoning Ordinance; therefore, staff recommends approval of the Interim Use Permit based on the six criteria for approval listed below:

Criteria for Approval:

1. The use will not create a burden on public facilities and utilities, which serve or are proposed to serve the area.

   The proposed use will not have a significant impact to the public facilities that serve the property and the surrounding area.

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 applicants are constructing an accessory building that will have a similar style to a rural pole barn. The building location is also screened by woodlands on the property’s north and west sides, and is located behind the home.

3. If improvements are made, they shall be so designated and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

   As indicated the structure will be designed with a pole style so as to fit with the rural character of the surrounding properties and within the RR-1 zoning district in Cedar Lake Township.

4. 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 on-site parking.

   The property will continue to use the existing shared driveway to Vergus Avenue.

5. Adequate water supply, Individual Sewage Treatment System facilities, erosion control, and stormwater management are provided in accordance with applicable standards.

   Adequate water supply and sewage treatment are available on site. The ADU will be connected to the existing well and existing septic drainfield system as required by the MN Department of Health and Scott County Environmental Services.
6. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*

A building permit is required for the construction of the accessory building. The building will be constructed to all state and county codes.

**Conditions of Approval:**

1. This IUP is issued to Adam and Crystal Boettcher for a detached Accessory Dwelling Unit (ADU) to be added to their property. This ADU shall only be occupied by a family member related by blood, marriage, or adoption.

2. The applicants are 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 this Interim Use Permit. This shall include an annual verification that the persons living in the ADU are family members.

3. This IUP may be annually reviewed by the Township at a time and in a manner as prescribed by the Cedar Lake Township Board.

4. The applicants shall pay an annual inspection fee for the IUP, if and when the County adopts an inspection fee ordinance.

5. The ADU shall be connected to a compliant septic drain field system as required by County Ordinance and Scott County Environmental Health.

6. The structure utilized for the ADU shall meet the requirements of the Scott County Building Official and the State Building Code.

7. The IUP shall be reviewed for termination when the property is sold, further subdivided, rezoned, or upon notification that the ADU is no longer occupied by a family member as outlined in condition #1 above.

**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 Interim Use Permit for Adam and Crystal Boettcher to add a detached Accessory Dwelling Unit.
Accessory dwelling unit

With aging parents we were looking at putting up an accessory dwelling unit on our property, but wanted to maintain the rural look. We started looking at ways to do this so we could provide a space for our parents that would be close enough for us to help care for them as they get older, while still allowing them to maintain independent living.

We wanted to maintain the way our property looked and with an old barn that is disrepair we decided the best option would be to take down the old barn and put up a new building. This would allow the property to maintain its rural look while providing a space for our parents to live and giving us the building we need to have warm and cold storage.

The building would be 40'x80'. The first part of the building, which would be 22'x40', would be where the accessory dwelling unit would exist in the building. The accessory dwelling unit would provide them with a bedroom and office space, living room, kitchen, laundry, half bath and powder room. They are in need of the extra toilet as there are often times they are both needing to use the bathroom at the same time due to irritable bowel syndrome.
There would also be a 10 x 40 area that would be warm storage and an area for mechanical's. The remainder of the building would be cold storage.

We are a family of 7 so even after our parents pass on, we would likely have one of our five children use the space to live in while they work or go to college. If for any reason a family member would not be using it, we would simply convert it to a shop/art studio by removing the walls to the rooms and taking out the half bath.

Thank you for your time and consideration.

With best regards,

Adam & Crystal Boettcher
27290 Vergus Ave
New Prague, MN 56071
CEDAR LAKE TOWNSHIP
Monthly Meeting Minutes
Tuesday, July 10, 2018

Chairman, Joe Lambrecht called meeting to order: 7:00PM
Pledge of Allegiance:
Roll Call:

Cedar Lake Township Officers Present:
Chairman, Joe Lambrecht  Supervisor, Rob Puncochar  Supervisor, Joe Capaul
Clerk, Lorie Speltz  Treasurer, Karen Tupy

Also Present: Adam & Crystal Boettcher, Steve, Math T. Sirek Jr. Norman Sticha, Rick Jones, Paula Anderson

Minutes Approval: For June 5, 2018 monthly meeting were approved by a motion Supervisor, Joe Capaul and Supervisor, Rob Puncochar second all in favor, (3-0) motion carried.

Treasurer’s Report: Total Book Balance June $321,308.55, was given by Treasurer Karen Tupy. With no further discussion/questions Supervisor, Rob Puncochar made motion to approve the treasurer report, Supervisor, Joe Capaul second all in favor, (3-0) motion carried.

Informational:
Sheriff Report: Duane Jirik reported nothing out of the ordinary they received 51 calls for the month of May
County Commissioner Report: Tom Wolf, working on Roundabout 46 & 86

New Business:
• Issued Driveway Refund to Darin Pavek Permit #437 and Paul Hanzel Permit #426
• Quotation from Newman Sign (1 Special Sign and 10 Cedar Lake Township)
• Crystal Boettcher is all good with the township board in regards to an accessory dwelling unit.
• Roman Kubes has plugged Culvert on 270th and Vergus, Rick Jones will take care of plugged culvert
• Review Utilities Application; Motion to approve updated Utilities Permit: Change to Double permit fee for not obtaining a right-a-way; move to on-going business.
• Signature approved for Utilities Permit UO 109 MVEC Country Hollows
• Deferred Property Lot 2, Block 1 Grandpas Haven 2013 230th Street Assessment payoff balance due with any other terms; yes, use compound interest - work with county to confirm.
• Scott County is asking if Townships are wanting to sign off on Solar System install (Roof/Ground Mounts) applications before Scott County Building Dept. issues application; Township board has no interest at this time.
• Scott County City View Township Permit Report for June 2018

On Going Business
Great River Energy Escrow: Greg Halling to follow up on project for refund wants it in writing from Great River Energy
THW 13 Turn Lane Project SP 7001-120 Greg Halling (Supervisor, Rob Puncochar has email on erosion.
Follow up with Helena Township Meeting June 21st regarding Town Line Road Maintenance Agreement for Jeff Krocak Tree Removal needed on Baseline Ave, may hold off until late fall/ winter, will meet with Helena township.

Business from the Floor
Steve inquiring of 24X30 Cross Traffic sign
Glen Neuburger would like to take a survey from other township lot fee - (2040 Plan)
PAC

WORKSHOP

INFORMATION
Memo

Date: May 1, 2019
To: Planning Advisory Commission
From: Brad Davis, Planning Manager
Subject: 2019 Zoning and Subdivision Ordinance Revisions

The Scott County 2040 Comprehensive Plan was submitted to the Metropolitan Council for formal review earlier this year. The Met Council’s Community Development Committee will review the County’s draft plan on May 20 to make a recommendation to the full council. The full council will review the plan on June 12 to make final determination if the County’s 2040 plan is a.) in conformance with regional system plans, b.) consistent with Council policies, and c.) compatible with plans of affected jurisdictions.

Once the 2040 Plan is adopted by the County Board in June, the County will have nine (9) months to update its zoning ordinance, zoning map, and subdivision ordinance to be consistent with the 2040 Plan. Staff plans to hold a series of workshops with the Planning Commission throughout 2019 and early 2020 to discuss ordinance revisions.

At our May 13 meeting, staff would like to report back on what we have heard on a variety of zoning topics from the 10 town boards during meetings held over the past month. Attached to this cover memo is the packet that was sent out to all 10 townships and used during the meetings to solicit their feedback. We received valuable feedback and direction from these meetings, and will share this with you at our workshop along with next steps.

We look forward to a good discussion. Thank you.
Memo

Date: April 10, 2019
To: Township Supervisors and Clerks
From: Brad Davis, Planning Manager
Subject: Ordinance Revisions | Meeting #1

Attached is the agenda and review packet for our first Township Planning Area meeting to discuss some comprehensive revisions to the Scott County zoning ordinance.

The meeting will begin with a brief overview of the ordinance revision process, timeline and scope. Staff will be presenting major topics or chapter updates with the townships throughout 2019. Any final adoption of the County’s revised ordinances and zoning map will not occur until the end of 2019 or early 2020.

For the third agenda item, based on recommendations coming out of the approved 2040 Comprehensive Plan, staff will present three (3) new draft zoning districts for review and initial feedback:

- Chapter 51: RBR, Rural Business Reserve District
- Chapter 61: I-2, Heavy Industrial 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 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. Staff will discuss where these new zoning districts will be mapped in your township. These zoning districts are still a work in progress, and will surely evolve as we get your feedback.

For the fourth agenda item, staff is interested in your feedback on three emerging zoning topics that came out of the comprehensive planning process, or from increasing inquiries from property owners.

- **ADUs.** The County zoning ordinance permits Accessory Dwelling Units 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 (or
stand-alone) ADUs are an interim use in all of the agricultural and residential zoning districts. (Of the five ADU permits issued since 2014, only one permit was a detached unit).

During the 2040 planning process, staff heard from some residents and township officials a desire to study the possibility of opening up ADUs for non-family members. Currently, the 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. Staff would like to get your input on this occupancy question.

- **Home extended businesses**: The County zoning ordinance regulates home extended businesses in residential areas to allow property owners to generate income from their homestead property while ensuring these uses are reasonably compatible with the neighborhood. Common home extended businesses include landscape contractors, trucking operations, cabinet shops, and auto/small engine repair. Staff heard from some residents and townships officials during the planning process a desire to revisit some of the performance standards; in particular the minimum lot size, number of non-resident employees, number of business-associated vehicles, accessory structure size, and paved access requirements. Attached to this memo is Chapter 8 with the list of home extended business zoning standards. Staff will come to the meeting with how these standards compare to other counties in the region and look for your feedback on any desired revisions.

- **Pole-frame style homes**: In recent years, staff has heard more and more interest from property owners who wish to build a pole-frame style structure that serves as a dwelling unit and expansive garage, storage space or even horse stables. Attached are photos of these types of pole-frame structures that provide both living space and storage space. At issue is our current zoning ordinance rule that does not allow attached garages or storage space to exceed the footprint of the living area. Staff will come to the meeting with research on how other counties in the region are regulating these types of single family home pole-frame structures.

- **Accessory sheds**: The zoning ordinance exempts one small accessory structure per parcel of up to 120 square feet. Two years ago the State Building Code changed to not require a permit for small structures up to 200 sq. ft. (it had previously also been 120 sq. ft.). This has created a small gap from the ordinance exemption (120 sq. ft.) to the Building Code (200 sq. ft.). The County has created a Small Structure Permit for structures in the 120-200 sq. ft. gap. Should the zoning ordinance exemption be increased to match the Building Code?

- **Animal shelter structures**: Currently an open sided animal shelter (most common for horses) counts against the property's detached accessory building area. Should animal shelters be exempted from the maximum detached accessory building area similar to agricultural buildings?

For the fifth agenda item, staff is interested in your feedback on a couple of lot standard topics:

- **Lot area**. Currently for parcels less than 10 acres the County road right-of-way is included in minimum lot area calculations; however, the Township road right-of-way is excluded from the minimum lot area. An example of this issue is a 10 acre parcel in a 1 dwelling per 2.5 acre zoning district. The zoning would allow up to 4 lots but any dedication of Township right-of-way would not allow for 4 lots.
Lot frontage: Currently the zoning ordinance requires all lots to abut upon a publicly maintained road. This must be physical lot frontage so an easement does not count. Should the ordinance also require the lot to take access from the public road from where legal frontage is obtained? Should the ordinance require that the main driveway for the home take access from the legal frontage?

At the end of the agenda is an open forum to discuss any zoning or subdivision ordinance issues you want to see addressed as part of this update process. Please come to the meeting with other topics impacting your township.

Thank you in advance for taking time to review this material and attend the meeting to get this year's ordinance revision process underway. I look forward to our discussions.

If you have any questions, contact me by phone at (952) 496-8654 or by email at bdavis@co.scott.mn.us. 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 (EXACT SAME AS C-1 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. Platting 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 five (5) acres (double the size in I-1).

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. Three hundred fifty (300) feet (double the length in I-1) from an existing rural residential, residential suburban, or urban expansion district.

6. Rear Yard Setback Minimum, All Structures. Thirty (30) feet. Three hundred (300) 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 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 (rename vet clinic)
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.
2. Lot Size, Width and Depth (Goodhue Co. standard). 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. (Goodhue Co. standard) 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. (Dane Co. = 10 ft.; Goodhue Co. = 8 ft.)

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. (Dane Co. = 60%; Goodhue Co. = 80%)

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


10. Site Screening and Landscaping. Requirements as listed in Section 4-4 of this Ordinance

11. Exterior Lighting. Requirements as listed in Section 4-5 of this Ordinance.

12. Commercial Development Standards (Goodhue Co. standard)

   a. The size of a commercial or office building shall be determined during the conditional use permit review process based upon the following criteria: amount of available site area, structure sizes located on nearby properties, and compatibility of design of
proposed structure with other structures located within the hamlet.

b. The commercial building design requirements shall conform with Section 4-3-5 of this Ordinance
<table>
<thead>
<tr>
<th>C-3 Commercial Zoning District</th>
<th>RB Rural Business Zoning District (PROPOSED)</th>
<th>I-1 Industrial Zoning District</th>
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<tr>
<td>Typical Land Uses Permitted by Right or Administrative Permit</td>
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</tr>
</tbody>
</table>

| Typical Land Uses Permitted by Conditional Use |
| 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 |
| Animal shelter, flea market, auto/truck/RV sales, nursery, greenhouse, gas station, convenience store, public facility, utility, lumber yard, landscape supply, gas dealership, restaurant, bar, school, truck stop, properties with more than one principal building, wind turbines, contractor yard, warehousing, wholesaling |
| Auto/truck body shop, billboards, commercial bulk liquid storage, concrete mixing plants, contractor yard, public facility, utility, faigrounds, freight terminal, grain terminal, lumber yard, landscape supply, auto repair, recycling center, salvage yard, landfill, sexually oriented business, solid waste facility, yard composting facility |
| Auto/truck body shop, billboards, commercial bulk liquid storage, concrete mixing plants, contractor yard, public facility, utility, faigrounds, freight terminal, grain terminal, lumber yard, landscape supply, auto repair, recycling center, salvage yard, landfill, sexually oriented business, solid waste facility, yard composting facility |

| Typical Land Uses Permitted by Interim Use |
| Community solar garden, large assemblies, mining, private campground, day park |
| Community solar garden, large assemblies, mining, private campground, day park, home extended business |
| Community solar garden, mining |
| Community solar garden, mining |
CHAPTER 8: HOME OCCUPATIONS AND HOME EXTENDED BUSINESSES

8-1 HOME OCCUPATIONS

8-1-1 Purpose

The purpose of this Section is to provide a means through the establishment of specific standards and procedures by which home occupations may be conducted in residential and agricultural areas without jeopardizing land use harmony and compatibility, and the health, safety, and general welfare of the surrounding neighborhood.

8-1-2 Permit

In addition to general procedures, standards and criteria provided in this Ordinance, home occupations may be allowed in applicable zoning districts provided they are consistent with the performance standards outlined in Section 8-1-3.

8-1-3 Performance Standards

Home occupations shall be allowed if the following standards are met:

1. The business shall be located within the principal structure of the property of the business owner.

2. Not more than twenty-five percent (25%) of the gross floor area of the residence shall be used for the home occupation.

3. No stock-in-trade shall be displayed so as to be visible from any street.

4. No person shall be employed other than a member of the household residing on the premises.

5. Noise levels which constitute a nuisance shall be prohibited as regulated in the Minnesota Pollution Control Agency’s Noise Pollution Control Rules (NPCR).

6. The home occupation shall not generate more than three (3) client/customer vehicles at any one time and all parking shall be provided on-site.

7. The home occupation shall not require alterations to the exterior of the residence or change the residential character.
8. One business sign shall be permitted, no larger than twelve (12) square feet in area per surface. Signs shall not be constructed to have more than two (2) surfaces and shall not be illuminated.

9. No outside storage shall be permitted.

10. An individual sewage treatment system shall be designed and sized to accommodate both the residential use and the home occupation in accordance with Scott County Individual Sewage Treatment System Ordinance No. 4, as amended.

11. The home occupation shall comply with all county, state and federal regulations.

8-2 HOME EXTENDED BUSINESSES

8-2-1 Purpose

The purpose of this Section is to establish standards for home extended businesses to ensure that these uses are reasonably compatible with their surrounding environment.

8-2-2 Exceptions

The following uses shall not be classified as a home extended business:

1. Property owners who park or store one (1) vehicle used for any business use and one (1) trailer with associated equipment parked on the trailer, either indoors or outdoors, provided that it is not used for transporting hazardous, flammable, or biological materials may be permitted in all zoning districts except for lots less than ten (10) acres in the Rural Residential Reserve Cluster, Rural Residential Single Family, Residential Suburban, Urban Transition Reserve Cluster and Urban Expansion Reserve Cluster Districts. The property owner must be the only employee of the business.

Property owners of lots less than ten (10) acres in the Rural Residential Reserve Cluster, Rural Residential Single Family, Residential Suburban, Urban Transition Reserve Cluster and Urban Expansion Reserve Cluster Districts may be permitted to park or store one (1) business associated vehicle not exceeding one (1) ton and one (1) trailer with associated equipment on the trailer, either indoors or outdoors, provided that it is not used for transporting hazardous, or flammable materials. The property owner must be the only employee of the business. Storage of business associated supplies must be kept indoors.
2. Any on-site outdoor storage of commercial or agricultural equipment or vehicles associated with an active farming operation.

8-2-3 Permit

In addition to general procedures, standards and criteria provided in this Ordinance, home extended businesses may be allowed in the applicable zoning district provided consistency with the standards outlined in Sections 8-2-4, 8-2-5, and 8-2-6.

8-2-4 General Performance Standards

The following standards apply to home extended businesses in all applicable zoning districts:

1. The business shall be located on the homestead property of the business owner.

2. There shall be no more than one non-resident employee working on-site.

3. The property on which the home extended business is located shall be at least five (5) acres in size, unless the specific zoning district requires a larger minimum lot size.

4. All buildings used in conjunction with the home extended business shall meet the requirements of the State Building Code.

5. All on-site production, assembly, sales, and service shall be conducted within a building approved for the extended home business.

6. All equipment and vehicles shall be stored within an enclosed structure, except in agricultural districts where outdoor storage may be allowed under Section 8-2-5 of this Ordinance.

7. A landscape plan may be required that illustrates screening from adjacent public right-of-way and adjacent residential uses.

8. On-site parking shall be provided.

9. Noise levels which constitute a nuisance shall be prohibited as regulated in the Minnesota Pollution Control Agency’s Noise Pollution Control Rules (NPCR).

10. No liquid, gaseous and solid wastes resulting from the use shall be discharged into the soil, water or air until the specific methods and means of discharge have been reviewed and approved by the appropriate county, state or federal agency.
11. The operator shall provide evidence of a contract for the removal of all solid wastes by a licensed hauler to an approved site.

12. The use shall comply with the Scott County Hazardous Waste Management Ordinance.

13. The use shall comply with Minnesota Statutes if the property is enrolled in the Agricultural Preserve Program.

14. The site access shall be from a hard surface road unless access via a gravel road is approved by the road authority.

15. One business sign shall be permitted, no larger than twelve (12) square feet in area per surface. Signs shall not be constructed to have more than two (2) surfaces and shall not be illuminated.

16. An Individual Sewage Treatment System shall be provided for the home extended business in accordance with the Scott County Individual Sewage Treatment System Ordinance No. 4.

17. The use shall comply with all applicable county, state and federal regulations.

18. If the site conditions or nature of the activity generates excessive dust, appropriate control measures may be required.

19. The home extended business shall be limited to three (3) business associated vehicles.

20. On-site working hours may be set by the County.

21. For parcels less than fifteen (15) acres in size, the accessory structure use for home extended businesses shall not exceed zoning district standards for non-agricultural accessory building floor area.

22. For parcels fifteen (15) acres and larger in size, the size of accessory structure use for home extended businesses can be increased up to six thousand (6,000) square feet provided the following conditions are met:

   a. Accessory structures that exceed zoning district standards must be setback at least one hundred (100) feet from all property lines, in addition to all other applicable setbacks.
23. Additional conditions may be imposed by the Planning Advisory Commission and County Board to ensure that the proposed use is compatible with the surrounding land uses.

8-2-5 Performance Standards – Agricultural Zoning Districts

The following standards apply to home extended businesses within Agricultural zoning districts, in addition to the general performance standards.

1. Outdoor storage may be allowed for home extended businesses in agricultural zoning districts provided the following conditions are met:

   a. The outdoor area shall not exceed three thousand (3,000) square feet in area.
   
   b. The outdoor storage area is delineated by fence.
   
   c. The outdoor storage area is located at least one hundred (100) feet from adjoining property lines.
   
   d. The outdoor storage is screened from the view of adjoining residential uses and public right-of-way.
   
   e. The height of storage materials shall not exceed the height of screening provided.

8-2-6 Performance Standards – Rural Residential and Urban Reserve Zoning Districts

The following standards apply to home extended businesses within Rural Residential and Urban Reserve Zoning Districts, in addition to the general performance standards:

1. Outdoor storage of equipment, supplies, or products is prohibited.

8-2-7 Termination and Expiration of Home Extended Businesses or Interim Use Permits

1. Termination. The County Board may terminate any home extended business interim use permit if the use in question violates any of the standards of this Ordinance, or other conditions placed on the permit by the County Board.

2. Expiration. Any home extended business interim use permits will expire upon the occurrence of any of the following events:

   a. Re-subdivision of the property.
b. Rezoning of the property.
c. Changes or amendments to the Comprehensive Plan that affect the property on which a home extended business exists.