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

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

I. ROLL CALL AND INTRODUCTIONS

II. APPROVAL OF SEPTEMBER 9, 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 PUBLIC HEARING – 6:30 PM – LAKE ESTATES (PL#2019-056)
A. Request to Approve Final Plat of Lake Estates Consisting of 16 lots and 2 outlots on 75.32 Acres.

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

3.2 PUBLIC HEARING – 6:30 PM – RICHARD MARSCHALL (PL#2019-068)
A. Request for an Interim Use Permit for a Mobile Home for Farm Employment and Infirmed Family Member.

Location: Section 11
Township: Sand Creek
Current Zoning: A-1

IV. PUBLIC HEARING – 6:35 PM VALLEY OAKS STABLE (PL#2019-073)
A. Request for an Interim Use Permit to Operate a Public Stable

Location: Section 19
Township: Credit River
Current Zoning: UER & UERC

V. PUBLIC HEARING – 6:45 PM DEM CON PROPERTIES LLC (PL#2019-070)
A. Request for a Conditional Use Permit to Construct a Multi-Tenant Facility for Office, Warehouse, and Maintenance Space and Outside Storage for Contractors and Tenants
B. Request for Approval of the Preliminary and Final Plat of Plehal First Addition Consisting of 1 lot on 10.5 Acres.

Location: Section 16
Township: Louisville
Current Zoning: I-1

VI. PUBLIC HEARING – 6:50 PM GLEN & DUANE BAUER (PL#2019-058)
A. Request for Approval of the Preliminary and Final Plat Delmar Estates Consisting of 5 Lots and 1 outlot on 96.76 Acres.

Location: Section 5
Township: Helena
Current Zoning: A-3 & UTR-C

VII. PLANNING MANAGER UPDATE

VIII. GENERAL & ADJOURN
I. ROLL CALL AND INTRODUCTIONS

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

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

II. APPROVAL OF AUGUST 12, 2019 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Watson; second by Commissioner Huber to approve the minutes of August 12, 2019 Planning Advisory meeting. The motion carried unanimously.

III. PUBLIC HEARING 6:30 PM: BARTUSEK ADU (PL#2019-059)

A. Request for Approval of an Interim Use Permit to Add an Accessory Dwelling Unit (ADU)

Location: Section 35
Township: Cedar Lake
Current Zoning: RR-1

Staff 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: September 9, 2019 Planning Advisory Commission Agenda Packet. (To view the staff report on the county website link, click on the download arrow and click on Agenda, then Save and then Open. Next open the bookmark at the top of the page and click on the Bartusek ADU project name.)

Commissioner Comments and Questions:

Commissioner Hrabe: Inquired about the 150ft distance requirement of the ADU from the main structure and whether the includes the whole unit or just a portion of it. Mr. Schmitz clarified the requirement is interpreted as any portion of the ADU, not the whole structure, needs to be within 150ft from the main structure.

Commissioner Johnson: Inquired about how the county is ensured the ADU does not become a rental unit. Mr. Schmitz stated the conditions set forth in the permit guide the use of the dwelling unit and the applicant must submit an annual statement of who is occupying the accessory dwelling unit. If it is used in a manner not allowed by the Interim Use Permit, the permit will be canceled.

Commissioner Hartmann: Inquired about the monitoring of the use of the extra spaces in the dwelling unit to ensure they are utilized within the conditions of the permit. He asked if there are inspections. Mr. Schmitz replied the county and the township do have the ability to inspect the property. For the most part, the agency
relies on the word of the applicant that they will operate the unit within the conditions of the permit and the annual reporting from the applicant.

Commissioner Hentges: Complimented the Staff on the consideration and comprise given to ADU applications especially where an existing building can be used versus building a new one. Mr. Schmitz replied that ADU ordinances were adopted in 2010 to address the growing demand for these types of structures and uses.

Commissioner Hrabe: Inquired about what happens to the approved permit use should the property sell and if new owners would have to apply for an Interim Use Permit as well in order to use the extra home as an ADU. Mr. Schmitz confirmed new owners would have to apply for an IUP as well.

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 Hentges based on the criteria for approval listed in the staff report, to recommend approval of the Interim Use Permit for Bruce and Jodi Bartusek to use the existing home as a detached Accessory Dwelling Unit noting the Town Board expressed support for the Planning Commission making a decision on the item. Chair Vonhof asked for any further discussion on the application. A voted was called. The motion carried unanimously.

Criteria for Approval (Chapters 2, 7 & 40):
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 structure has existed in this location for 100 years. The applicants are constructing a new home on the property. The building location is over ¼ mile from Panama Avenue.

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 applicants have made a number of updates to the structure including new siding, windows and roof. The structure has existed at this location for 100 years and conforms 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 driveway to Panama 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 an existing well and will be connected to the new septic drainfield system being installed for the new home on the property.
6. **All buildings/structures must meet the intent of the State Building Code and/or fire codes.**

The proposed ADU has been the primary residence on the property for the past 100 years. Any change of modifications will require building permits and be constructed to all state and county codes.

**Conditions of Approval:**

1. This IUP is issued to Bruce & Jodi Bartusek 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.
8. Upon termination of the IUP the structure shall be removed from the property or converted to a storage building.

**IV. PUBLIC HEARING 6:35 PM: BUNGERT INDOOR RIDING ARENA (PL#2019-057)**

A. Request for Approval to Construct a Private Indoor Horse Riding Arena.

**Location:** Section 17  
**Township:** New Market  
**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: [September 9, 2019 Planning Advisory Commission Agenda Packet](#). (To view the staff report on the county website link, click on the download arrow and click on Agenda, then Save and then Open. Next open the bookmark at the top of the page and click on the Bungert Riding Arena project name.)

Commissioner Comments and Questions:

Commissioner Johnson: Requested clarification on the plan drawing with regards to a large undefined space on the plan.

Applicants Wendy and Dan Bungert approached the podium and explained the open space will be used for hay storage and that a door will need to be in the area in order to bring hay into the building.

The public hearing was opened for public comment, however, no individuals approached the podium for comment.
Motion by Commissioner Watson to close the public hearing; second by Commissioner Hentges to close the public hearing. The motion carried unanimously.

Motion by Commissioner Huber; second by Commissioner Hrabe based on the criteria for approval listed in the staff report, to recommend approval of the Conditional Use Permit for Wendy and Dan Bungert to construct a private indoor riding arena and noting the New MarketTown Board has recommended approval. A voted was called. The motion carried unanimously.

Criteria for Approval (Chapters 2, 9, & 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 are serving the property.

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 indoor riding arena exceeds the required property line setbacks. The arena will be more than 60 feet from the nearest property boundary.

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 indoor riding arena is designed of materials that are not unsightly in appearance, and will be typical of a rural accessory building.

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 indoor riding arena is consistent with the intentions of Chapter 9 of the Zoning Ordinance and with uses allowed on 10 acre parcels in the RR-1 zoning district.

5. The use is not in conflict with the Scott County 2040 Comprehensive Plan.
   The proposal is in conformance with the 2040 Comprehensive Plan and the keeping and enjoyment of animals such as horses.

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.
   Access will be via the existing residential driveway access to Dakota Avenue.

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. No restroom is proposed in the building. Erosion and sediment control will be reviewed with the building permit for the arena.

8. All building/structures meet the intent of the State Building Code and/or fire codes.
   A building permit will be required for the indoor riding arena. County Staff will review the building permit application to verify that the structure meets the intent of the State Building and/or 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. The maximum number of animal units shall be limited by the productive acreage of the property. The Scott SWCD may conduct an annual review to verify that the pasture management and manure management are in compliance with the approved plan.
6. Any future improvements to the proposed private riding arena shall meet all requirements of the State Building Code and all applicable codes as required by the Scott County Building Official.
7. The riding arena shall be used only as a private horse riding arena; no commercial boarding shall be allowed. Any other use of the structure is a violation of the CUP and the Scott County Zoning Ordinance.
8. The applicant shall provide a Stormwater Pollution Prevention Plan in accordance with 6A-3-3 prior to the issuance of grading or building permits.

V. PLANNING MANAGER UPDATE-Presented by Brad Davis

VI. GENERAL & ADJOURN
   Motion by Commissioner Hartmann; second by Commissioner Johnson to adjourn the meeting at 7:51 PM. The motion carried unanimously.

VII. WORKSHOP FOR ORDINANCE TRAINING WAS HELD WITH THE COMMISSIONERS AFTER ADJOURNMENT.

____________________________________  _________________________
Tom Vonhoff                                      Date
Chair, Planning Advisory Commission

____________________________________
Barbara Simonson
Deputy Clerk to the Board
Final Plat of Lake Estates

Request:

A) Final Plat of Tara Farm consisting of 16 lots and 1 outlot on 75.32 acres

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

General Information:

Applicant: Thompson Land, LLC  Site Location: East of Broadview Drive & West of Kane Lake

Property Owners: Thompson Land, LLC  Township: Sections 19 & 30, Credit River

Zoning/Comprehensive Plan Information:

Zoning District: Rural Residential  Comprehensive Land Use Plan: Rural Residential Growth

Single Family, RR-2


Watershed District: Scott WMO  Fire District: Prior Lake

Ordinance Sections: Chapter 42 & 70  Ambulance District: Allina

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

Background & Analysis:
The Preliminary Plat of Lake Estates consisting of 16 lots and 2 outlots on 75.32 acres was approved on August 6, 2019 by the Scott County Board of Commissioners. The preliminary plat was recommended by the Planning Commission in November 2018, but due to the length of the winter many of the necessary changes could not be made until site conditions allowed additional field work. The applicant, Darrel Lake, Thompson Land Development worked with Credit River Township and Scott County staff on issues identified during the preliminary plat review, which were all corrected prior to County Board. One minor change was the elimination of a small outlot adjacent to the new
road entering the development. The Township and County concern was that this outlot would not serve a purpose so it is now incorporated into additional road right-of-way.

The applicant desired to start grading the lot areas following preliminary plat approval. The Township Attorney drafted a grading agreement, along with a County grading permit and financial security posted with the Township for the proposed work. This agreement was approved on August 6th and the grading permit issued with the security posted.

The Credit River Township Attorney drafted a three-way (developer, township, county) development agreement for Lake Estates that memorializes the approved project plan dates, required project improvements (road and storm water infrastructure), 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 October 7, 2019 monthly meeting. A copy of the recommendation will be provided at the Planning Commission meeting. In reviewing the application with the Township Attorney and Engineer, they have indicated they will be recommending the Town Board approve the final plat and development agreement.

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 memorialize all requirements and infrastructure improvements, and financial security.
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 Lake Estates, consisting of 16 lots and 1 outlot on 75.32 acres.
CREDIT RIVER TOWNSHIP
SECTIONS 19 & 30
THOMPSON LAND LLC
REQUEST FOR FINAL PLAT
LAKE ESTATES

KNOW ALL MEN BY THESE PRESENTS: That Thompson Land, LLC, a Minnesota limited liability company, owner of the following described property situated in the Township of Spring Lake, County of Scott, State of Minnesota, to-wit:

Government Lot 1, Section 39, Township 114, Range 2, Scott County, Minnesota,

and

Government Lot 1, Section 38, Township 114, Range 2, Scott County, Minnesota,

and

That part of the South Half of the Northeast Quarter of Section 39, Township 114, Range 2, Scott County, Minnesota lying south of the line 533.48 feet.

and

That part of the North Half of the Northeast Quarter of Section 39, Township 114, Range 2, Scott County, Minnesota lying north of the line 533.48 feet and north and west of the following described line:

Beginning at a point on the westerly line of the South Half of the Northeast Quarter of the South Quarter of the Northeast Quarter of the Southeast Quarter of Township 114, Range 2, Scott County, Minnesota, due south to the eastern line of said South Quarter.

and described as a strip of land 533.48 feet in width extending due north to a point near the south line of the South Half of the Northeast Quarter of Section 39, Township 114, Range 2, Scott County, Minnesota, and thence southwardly parallel with the south line of the South Half of the Northeast Quarter of Section 39, Township 114, Range 2, Scott County, Minnesota.

Has caused the same to be surveyed and platted as LAKE ESTATES and has hereby dedicated to the public for public use the public ways and the drainage and sewer easements as created by the plat.

In witness thereof, the undersigned, THOMPSON LAND, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ______ day of _______ , 2019.

THOMPSON LAND, LLC

David Laker, President

State of Minnesota

County of Scott

This instrument was acknowledged before me on ____________ , 2019, by Thomas X. Kriestman and Sarah E. Kriestman, husband and wife.

Notary Public

My Commission Expires

I, Gary C. Huber, do hereby certify that this plat was prepared by me and under my direct supervision that I am a Licensed Land Surveyor in the State of Minnesota, that I have been a resident of this county for at least five (5) continuous years and that I was personally present upon the land in this plat and that the information and facts upon which this plat was based is true and correct and that all boundaries are shown and located on this plat and all public ways are shown and located on this plat.

Date of Acknowledgement: ____________ , 2019.

Gary C. Huber, Licensed Land Surveyor

State of Minnesota

County of Scott

The foregoing instrument was acknowledged before me the ______ day of ____________ , 2019 by Gary C. Huber, Land Surveyor.

Notary Public

J. S. Knutson, Jr.

Rehder and Associates, Inc.

Sheet 1 of 3 Sheets
Interim Use Permit for Richard & Michelle Marschall

Request:
Interim Use Permit for Richard & Michelle Marschall to add a detached mobile home for full time farm employment and an infirmed family member.

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

General Information:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Richard &amp; Michelle Marschall</th>
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</thead>
<tbody>
<tr>
<td>Site Location</td>
<td>17496 Zumbro Avenue</td>
</tr>
<tr>
<td>Property Owners</td>
<td>Richard &amp; Michelle Marschall</td>
</tr>
<tr>
<td>Township</td>
<td>Sand Creek, Section 11</td>
</tr>
<tr>
<td>Public Hearing Date</td>
<td>October 14, 2019</td>
</tr>
<tr>
<td>Action Deadline</td>
<td>December 24, 2019 (120 day)</td>
</tr>
</tbody>
</table>

Zoning/Comprehensive Plan Information:

| Zoning District:       | A-1, Agricultural Preserve District |
| Comprehensive Land Use Plan: | Urban Transition Area |
| Overlay Zoning District: | None |
| School District:       | Shakopee #720                     |
| Watershed District:    | Scott WMO                         |
| Fire District:         | Jordan Fire                       |
| Ordinance Sections:    | Chapters 2, 7 & 25                |
| Ambulance:             | Allina                            |

Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Application Letter dated August 16, 2019
4. Applicants' Site Plan
5. Mobile Home Trailer exhibit
Request- An Interim Use Permit (IUP) for Richard & Michelle Marschall to add a mobile home for full time farm employment and an infirmed family member.

Comprehensive Plan- The proposed use is in conformance with the general goals and policies for the Urban Transition Area identified in the 2040 Comprehensive Plan.

Adjacent Land Use/Zoning- North – 75 acre agricultural parcel, zoned A-1
South – 76 acre farmstead parcel, zoned A-1
East – 5 to 15 acre residential parcels, zoned A-1
West – 60 to 80 acre agricultural parcels, zoned UTR

Existing Conditions- The 160 acre parcel is agricultural land except for the farmstead buildings in the middle of the L-shaped parcel.

Existing Roads- The property fronts and has driveway access onto Zumbro Avenue, a gravel township roadway.

Road Improvements- No road improvements are proposed.

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

Background & Analysis:
Richard and Michelle Marschall are requesting an Interim Use Permit (IUP) to move a mobile home onto their 160 acre farmstead parcel located at 17496 Zumbro Avenue in Section 11, Sand Creek Township. The intent of the mobile home would be for both full time farm employment and for an infirmed family member, both uses are allowed through an IUP in the A-1, Agricultural Preservation Zoning District.
The Marschall family farms the 160 acres where their dairy farm is located as well as surrounding parcels. Michelle Marschall has a medical issue that would be better served living in a single level home than their existing farm home. They plan to move into the mobile home as it would allow Richard to continue to work on the farm with his son, who would move into the farm home with his wife and children. Having both families on the farmstead would greatly assist with the daily farm work and the medical care.

The applicants met with Scott County Environmental Services to review the septic system. They plan to connect to the existing farm home septic system but will add a new septic tank and grinder pump for the mobile home. Environmental Services has reviewed this proposed design and indicated it will meet Ordinance requirements.

**Township Recommendation:**
The applicants will be attending the October monthly Sand Creek Township meeting for a recommendation. The recommendation will be provided at the public hearing.

**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 mobile home will be located adjacent to the existing farm home and farm buildings, which are over 700 feet off of the public road.

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.*

   Mobile homes are allowed both for full time farm employment and for infirm family members. The mobile home is designed to look like a small residence.

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 driveway to Zumbro 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 mobile home will be connected to an existing well and will be connected to the existing septic drainfield system with a new septic tank.

6. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*

The mobile home will require a building permit and will be reviewed by the County Building Official for State Building Code requirements.

**Conditions of Approval:**

1. This IUP is issued to Richard & Michelle Marschall for a mobile home for farm employment and an infirmed family member.

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 mobile home are working on the family farm.

3. This IUP may be annually reviewed by the Township at a time and in a manner as prescribed by the Sand Creek 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 mobile home shall be connected to a compliant septic drain field system as required by County Ordinance and Scott County Environmental Services.

6. The structure utilized for the mobile home 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 mobile home is no longer occupied by a family member as outlined in condition #1 above.

8. Upon termination of the IUP the mobile home shall be removed from the property.

**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 Richard and Michelle Marschall to move a mobile home onto their property for full time farm employment and an infirmed family member.
SAND CREEK TOWNSHIP
SECTION 11
RICHARD MARSchALL
REQUEST FOR INTERIM USE PERMIT
August 16, 2019

To whom it may concern:

Hi, My name is Rick Marschall. I am a dairy farmer in Marystown, which is located in Sand Creek Township. I own a 160 acres. I am writing this letter in concern of my wife. My wife was diagnosed with ALS on Wednesday, June 12th. I would like to put a trailer house on my property. My one son would move into the farmhouse with his wife and 3 kids and my wife and I would move into the trailer. My wife would like someone close by to help her when I am busy in the fields. The trailer would also be easier for her to go in and out of and there would be more open space to maneuver when wheelchair is needed in the near future. Soon she will be needing a lot of help so this is why I am asking to put a trailer on my property.

Thank you for taking the time to read my letter.

Sincerely,

Rick Marschall

Rick Marschall
The Millennium Park  SC28563A
3 Bedrooms, 2 Bathrooms, 1549 Square Feet
Series: Showcase (MN)
Home Type: Manufactured
Sections: Double-wide

Floor Plan
PLANNING ADVISORY COMMISSION REPORT

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

Valley Oaks Stable IUP

Request:

Interim Use Permit (IUP) for Leon Carrick to operate a public stable.

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

General Information:

<table>
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<th>Applicant:</th>
<th>Leon Carrick / John Behnke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Location:</td>
<td>18000 Natchez Avenue</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>Penny Eckert &amp; Robert Eckert</td>
</tr>
<tr>
<td>Township:</td>
<td>Section 16, Credit River</td>
</tr>
<tr>
<td>Public Hearing Date:</td>
<td>October 14, 2019</td>
</tr>
</tbody>
</table>

Zoning/Comprehensive Plan Information:

| Zoning District:             | UER, Urban Expansion Reserve & UER-C, Urban Expansion Reserve Cluster |
| Comprehenssive Land Use Plan: | Urban Expansion Reserve Area (2030) |
| Overlay Zoning District:     | N/A |
| School District:             | Lakeville #194 |
| Watershed District:          | Scott WMO |
| Fire District:               | Prior Lake Fire |
| Ordinance Sections:          | Chapters 2, 9, 30, & 31 |
| Ambulance District:          | Allina Ambulance |

Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Application Narrative
4. Application Plans & Materials
5. Site Photographs
Request- Interim Use Permit for Leon Carrick to operate a public stable.

Comprehensive Plan- The property is guided as Urban Expansion in the Scott County 2030 Comprehensive Plan. The County is the land use authority until Credit River Township assumes land use authority.

Adjacent Land Use/Zoning- North – 2.5 - 11 acre residential parcels, zoned UER-C
South – 2 - 2.4 acre residential properties, zoned UER-C
East – Across Natchez Avenue are a 95 & 120 acre agricultural parcel, zoned UER
West – 2.5 & 2.9 acre residential parcels, zoned UER-C

Existing Conditions- The 29.27 acre parcel has an existing single family home, a clubhouse, a barn with an indoor riding arena, and an additional pole barn. The property has several existing fenced areas for the horses. There is a wetland area on the west of the property.

Ordinance Requirements- Structure Setbacks: All structures, park lots, and storage areas shall be kept 100' from any property line and 200' from adjacent residence or well.

Proposed Development- Setbacks – The principal public stable structure is approximately 200 feet from the nearest neighboring property lines and the manure storage area is proposed at 100 feet from a neighboring property.

Existing Roads- The property has driveway access onto Natchez Avenue, a paved township road.

Road Improvements- No road improvements are proposed.

Public Notice- Public hearing notices were sent to all property owners within ¼ mile of the property.
Site Photo-

Looking north at the four parcels that comprise the 29.27 acre public stable property

Analysis:

Leon Carrick, the applicant, and John Behnke, his agent, are requesting an Interim Use Permit (IUP) to operate a public stable horse facility. The public stable facility is located on four parcels with a total acreage of 29.27 acres located in Section 17 of Credit River Township. The properties are zoned Urban Expansion Reserve, UER, and Urban Expansion Reserve Cluster, UER-C, which permits public stables as an IUP. The property has operated as a public stable since the early 1970s but there is not an active IUP on the property. The applicant is purchasing the property and would like to pursue official approval for the use of the property. The applicant is not proposing any new structures on the site.

Mr. Carrick, Mr. Behnke, and the proposed operator, Corey James, met with Credit River Township and Scott County staff at a Development Review Team (DRT) meeting to discuss the continuation of the stable operation. The public stable will be operated by Corey James according to the attached IUP application narrative. Mr. James has a degree in Horse Science and has noted his equestrian training and experience in the application materials. The site currently includes a single family home, a clubhouse, a 5,000 square foot pole building, and a 26,400 square foot barn with 56 box stalls and an indoor riding arena. The property has six outdoor paddocks and two outdoor arenas with minimal pasture area.

The applicant is proposing to have up to 66 horses, which is allowed by County Ordinance through an IUP. They are proposing greater use of the clubhouse for hosting events up to twenty-five people. Mr. Carrick is also proposing the construction of a
caretaker unit in the basement of the clubhouse, a use that will require administrative permits.

**Site Management:**
As a condition of the IUP, the applicants are required to have an approved facility/pasture/manure management plan approved by the County and the Scott Soil & Water Conservation District (SWCD). The applicants met with Scott Schneider, SWCD Conservationist, at the site in September, 2019. The SWCD determined that productive acreage alone is not adequate to allow for the proposed horses but the facility does have adequate indoor housing to increase the density and serve 66 horses. Mr. Schneider emphasized that the use will require careful consideration of manure management. The current manure storage location must be relocated further from neighboring property lines to meet standards and be constructed to prevent water pollution. Scott County SWCD will aid the applicant in updating the facility registration with the Minnesota Pollution Control Agency when the property changes ownership.

**Wastewater:** Scott County Environmental Services department has provided information regarding the septic requirements and their review memorandum is attached to this report. There are currently two septic systems that serve the property and both are required to be replaced by May 20th, 2020. The applicants have been asked to provide additional information about the business operations and use of the facility by the public. New system designs have not been provided at the time of this report.

**Access/Parking:**
The applicants plan to utilize the existing gravel driveway for access to the stable facility. The applicants have identified existing parking areas onsite and do not plan to improve the layout or surfacing of the parking areas. Eighteen (18) client parking spaces and twenty-six (26) trailer parking locations have been identified.

**Building:**
The Scott County Building Official has reviewed the property history and has provided the attached determination regarding the existing structures. Based on Ms. Neiber’s review, events for up to 25 people can be held in the clubhouse as intended. However, the stable/arena was built as an agricultural building and therefore can only be used for boarding horses and is limited by Minnesota Statute to owners, lessees, sub-lessees and immediate family, and employees and delivery persons.

**Township Recommendation:**
The Credit River Town Board will be making a recommendation at their October monthly board meeting. A copy of this recommendation will be provided at the Planning Commission meeting.

**Staff Recommendation:**
Subject to the conditions of approval, the proposed public stable conforms to the Zoning Ordinance; therefore, staff recommends approval of the Interim Use Permit based on the criteria for approval listed below:

**Conditions to be satisfied prior to County Board Consideration:**
1. The applicant shall provide a detailed pasture and manure management plan to the County and Scott Soil & Water Conservation District for review and approval.
2. Any conditions stated in the Scott Soil & Water Conservation District IUP review, including approval of the pasture/manure management plan.

3. Any conditions stated in the Scott County Environmental Services Department review of the Interim Use Permit and onsite sewage treatment system.

4. Approval of septic designs and permits by the Scott County Environmental Services Department for the replacement of both onsite sewage treatment systems.

5. Any conditions stated in the Credit River Town Board Recommendation.

Conditions of Approval:
1. The applicant is to file with the Scott County Zoning Administration Office in January of each year a statement indicating that they are in compliance with the conditions of the Interim Use Permit (IUP).

2. This IUP shall be annually reviewed by the Township at a time and in a manner as prescribed by the Credit River Township Board.

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

4. The IUP shall be for a public boarding stable for up to 66 horses as outlined in the application narrative. The number of horses shall be subject to Township and County review and may be modified if there are issues with the site and/or management practices as required under this permit.

5. Any operational changes, specifically hosting of large public events or the addition of other site facilities, shall be reviewed by Credit River Township and County staff to determine compliance with the intent of the IUP.

6. The public stable shall adequately and properly dispose of all animal waste according to the standards and practices recommended by the Scott Soil & Water Conservation District (SWCD) and the approved manure management plan.

7. Horse numbers and horse paddock and confinement areas shall be managed according to the IUP management plan approved by the County and SWCD.

8. The IUP shall operate in accordance with the Scott County Individual Sewage Treatment Systems (ISTS) Ordinance. A water meter shall be installed and readings provided to the Environmental Health Department as required.

9. The proposed riding arena and public stable facility shall meet all requirements of the State Building Code for the proposed use and all applicable codes as required by the Scott County Building Official.
10. Prior to the use of the clubhouse for living quarters, an administrative permit for a caretakers unit shall be required and a building permit must be issued for the conversion and change of occupancy.

11. The IUP shall be reviewed for continuation by the County and the Township when the property is further subdivided or incorporated into a municipality.

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 create a burden on public facilities which serve the property.

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 existing riding arena and stable are 200 feet or more from all of the property lines. The surrounding properties are generally agricultural in nature or large lot residential.

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.*

   The existing stable facility has been designed in a similar style to other rural accessory buildings.

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 site has driveway access to Natchez Avenue, a paved township road. No existing concerns with site access have been raised.

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

   The property utilizes individual wells for water. The proposed IUP will need to meet County Ordinance regulations for onsite sewage treatment and stormwater management.

6. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*

   All stable facilities shall meet the requirements of the State Building Code.
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 Commission or Township Board:
Based on the criteria for approval listed in the staff report, I recommend approval of the Interim Use Permit for Leon Carrick for a public stable, 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.
Detailed Plan:

The property being sold is 29.27 acres and has currently has a horse barn that houses 66 horses and two dwellings on the property. One dwelling is a single family home and the other dwelling is being used as a clubhouse. Upon the sale of the property, the new owner plans to convert the basement of the clubhouse into living quarters for an onsite manager / farm hand. The operations are planned to be as similar as possible to what the business has been over the past 40 years.

Please see attached Site, Parking, Barn floor plan, Manure handling -Well and septic, Fence and pastures, Survey, Pictures of building elevations, and Advertised listing printout to help communicate the details of this proposal. The existing structures, parking lots, and structures are all setback 100' feet or more with the exception of the manure pile which is planned to be moved in the spring of 2020 to meet this requirement. There are no plans for further expansion at this time. The productive acreage determination is being conducted by Scott Schneider from SWCD.

Since the property is less than 40 acres, there are further requirements for clarification. This is an in-house operation with all 66 horse stalls that are 10'x12'. The 60'x176' indoor area and the 6 paddocks be used year round for daily exercise and the 2 other outdoor arenas are used weather permitting. Please see attached Barn Floor Plan and Pasture Plan for details. The horses are exercised daily for 6 hours each day at minimum in one of these aforementioned areas.

Horse stalls are cleaned daily and riding trail to the park will be cleaned weekly. The paddocks are cleaned 4 times per year during the summer months. The manure is then stored onsite until it has sufficiently decomposed and is used for mix with black dirt for a compost product. This manure removal is currently being handled by Riedges Landscaping in Lakeville. Decomposed manure will be removed from the site during alternating summer months (May, July, September, and November). Some manure is spread onsite for pastures at agronomic rates. The new owner plans to continue with this manure management plan with the manure bunker to be relocated to meet the 100' setback requirement. Upon the sale of the property, the Minnesota Pollution Control Agency Feedlot Permit will be updated and transferred into the buyer’s name with the help of the Scott SWCD.

Valley Oaks Stable will continue to make efforts to minimize the impact of its effect on the neighborhood and environment. Existing tree cover and frequent cleaning of the paddocks helps to prevent odors. Disposal of dead animals is rare, however it is promptly handled by the rendering service of the client’s discretion. Runoff from the feedlot has been analyzed onsite by Scott Schneider from the SWCD and has been determined that paddock cleanings performed in May, July, Sept, November will maintain compliance with the existing fencing conditions.

As the new owner transitions into his new role, he will be listening to the clients concerns about the current operation and how it could be better. Since the property has not yet transferred, the buyer has not had the opportunity to address these improvements to business. However, the plan is to make the site more appealing to the family and friends of the clients. This is planned to be done by encouraging the boarders to host small private events of their own of up to 25 people in the clubhouse. In addition, the new owners plan to host larger events twice/year as marketing events for the facility such as an open house or horse expo that would allow horses to be trailered in for the day.

Horse boarding is a new venture for the new owner. However, he has recruited a lifelong equestrian, Corey James, who has operated a similar facility like this in the past. Corey is excited at the opportunity. Both parties look forward to maintaining and sprucing up the property!
I hereby certify that this is a correct representation of a survey of:

Lot 2, Block 2, Valley Oaks, Section 9, Township 111 South, Range 4 West, Scott County, Minnesota, described as follows: Beginning at the northwest corner of the 30 feet of said section; thence north, 180° 00' 00"; thence east, 180° 00' 00"; thence south, 180° 00' 00"; thence west, 180° 00' 00"; to the point of beginning.

Also Lot 1 and Lot 2 of Block 2, Valley Oaks, Section 9, Township 111 South, Range 4 West, Scott County, Minnesota, according to the plat thereof on file and of record.

Signed by:

[Signature]

Dated this 1st day of December, 1978.
Parking Plan:

- Outdoor Equipment Parking
- 50'x100' Shed
- Trailer Parking (12)
- Clubhouse
- Single Family Home
- Trailer Parking (8)
- Trailer Parking (6)
- Trailer Parking (8)
- Client Parking (6)
- Client Parking (4)
- Client Parking (8)
Manure Handling- Well and Septic (Manure is stored onsite and then hauled away by Frieges Contracting to be mixed with black dirt.) The current manure pile is too close to the property line and will be relocated as shown below to meet the 100 setback requirement.
Corey James  
Mcfarland, W  
Jamescorey7764@gmail.com  
320.296.5528

OBJECTIVE

SKILLS AND ABILITIES

WORK HISTORY

Professional Equine Business Consultant  
2000 – 2019  
Broke and trained horses to compete at the international show level  
Produced numerous top fives, top tens, World and Reserve Champion horses and riders

Texas Environmental  
Justin, Texas  
Interstate Highway System maintenance  
April 2018 – October 2018

Sandstone Arabians  
Sanger, Texas  
April 2017-January 2018
Professional Horse Trainer  
Specialized in all aspects of Arabian horsemanship including reining, western performance and western pleasure  
Provided horseback riding lessons for Novice to Expert riders  
Responsible for hauling horses to state, divisional and national championship shows  
Coordinated show schedules of up to 10 horses and riders

USIC  
Irving, Texas  
January 2017 – April 2017
Utility locator

James Wood Auto Park  
Denton Texas  
April 2016 – September 2016
Cadillac Rental Fleet Manager and Service Writer Assistant  
Provided exceptional customer service both in store and on the phone  
Charged with inventory control and maintenance of service records
Corey James
Jamescorey7764@gmail.com
320.296.5528

Lonestar Toyota
Lewisville, Texas
Business Development Center Agent
Responsible for inbound and outbound calls, appointment setting, addressing customer concerns, and meeting show and sales goals

Long Meadow Arabians
Argyle, Texas
Stable Manager, Breeding Manager, Assistant Trainer
Managed day to day activities of 35 head stable
Directed activities of three to five employees
Drove truck and trailered horses
Operated forklift

Tamar Arabians
Weatherford, Texas
Assistant Trainer
Assisted in the training and management of 150 head stable

Clearwater Equestrian Center
Annandale, Minnesota
Owner/Operator, Head Professional Trainer
Operated a 30 head stable including boarders
Generated yearly business net income of $75,000
Broke and trained championship horses

EDUCATION
Graduated 1991
Associates Degree Horse Science
University of Minnesota – Waseca
Waseca, Minnesota

Diploma Graduate
1988
Oregon High School
Oregon, Wisconsin
The Occupancy of the Clubhouse from 1990 is B-2, in keeping consistent with current codes this type of clubhouse would be designated as Assembly Occupancy, however, there is exception when the occupant load does not exceed 50 the use can be classified as B. Therefore, the use of the clubhouse for small events “up to 25” people would be consistent with the use identified for this building in 1990.

We do not have records of the riding arena and stable, which would be consistent with a building constructed under the Ag provisions MN Statute 326B.103 (formerly 16B.60). This Stable/Arena use does not support use other than by owner, lessee, sub-lessee and immediate family, employees and delivery persons – as you can see in the MN Statute.

326B.103 Subd. 3. Agricultural building. "Agricultural building" means a structure that is:
(1) on agricultural land as determined by the governing assessor for the municipality or county under section 273.13, subdivision 23;
(2) designed, constructed, and used to house farm implements, livestock, or agricultural products under section 273.13, subdivision 23; and
(3) used by the owner, lessee, and sub-lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products.

The building code does not prohibit events on the property only that they cannot be held in the structure that was identified as Agricultural. Change in use of the stable would involve structural analysis by a MN licensed structural engineer and Design by MN licensed Architect to comply with the MN Building Code or the MN Conservation Code for Existing Buildings. I have attached a brief detail on Change of Use requirements.

Please feel free to reach out to me if you have any questions.

Jami Neiber | Building Official
Scott County Community Services
200 4th Ave W Shakopee MN 55379
The Scott County Environmental Services Department has reviewed the information submitted for the public stable and our records for the septic system for the property at 18000 NATCHEZ AVE in Credit River Twp. The current septic systems for the main house and club house are required to be replaced by May 20th, 2020. Your septic designer should be made aware of events your planning on having and number of employees. How often will the boarders be hosting small events? How many employees do you plan on having (fulltime and/or part-time)?

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

To: Scott County Planning and Zoning Department

From: Scott Schneider, Resource Conservationist
Scott Soil and Water Conservation District (SWCD)

Date: September 30, 2019

Re: Valley Oaks Stable - Interim Use Permit Application Review

This memorandum is being sent to clarify some of the review aspects of the Valley Oaks Stable (VOS) Interim Use Permit (IUP) application in regard to Minnesota Pollution Control Agency (MPCA) rules and chapter nine of the Scott County Zoning Ordinance.

A productive acreage\(^1\) (PA) determination was conducted by Scott SWCD in September of 2019 to satisfy requirements of chapter nine of the Scott County Zoning Ordinance. The aerial photo investigation utilized 2018 photography coupled with a visual assessment conducted by Scott Schneider on August 28, 2019. The final determination revealed 6.6 productive acres which inferred all pastures\(^2\) were to be considered productive acres without feedlot\(^3\) condition and would qualify as areas for pasturing\(^4\) per the site plan submitted with the application. The applicant is requesting approval to maintain the current 66 horses year-round. Productive acreage is not adequate to allow for the 66 horses but with the indoor stalls measuring 120 square feet each, the operation is permitted to operate with the existing indoor housing. Although permissible through IUP acquisition, careful consideration of manure management needs to be implemented to prevent pollution to waters of the state. The key areas to consider are stockpile siting and proper manure disposal. A map of the productive acreage determination is attached for reference.

Currently the location of the manure storage area is compliant but the land sale will dictate relocation of the pile to meet setback requirements. The applicant has indicated a permanent stockpile site is to be constructed southwest of the existing pile to insure compliance with setbacks and runoff requirements.

\(^1\) Productive Acreage - An area of land used for Crop Production or Pasturing, measured in acres. Lawns and other landscaped areas may be included as Productive Acreage provided they will be used for Crop Production or Pasturing purposes, as attested to in an affidavit signed by the applicant. Lands that are not currently used for Pasturing may be included as Productive Acreage provide: a) the minimum living and residual vegetative cover requirements under the Pasturing definition is maintained, and b) the land is not enrolled in a conservation program that prohibits it from being used for cropping, grazing and/or animal waste disposal. Wetlands and areas being grazed but which do not meet the minimum living and residential vegetative cover requirements for the Pasturing definition (i.e. feedlots) shall not qualify as Productive Acreage.

\(^2\)Pastures - Areas where grass or other sod-forming vegetation is grown for the purpose of Pasturing.

\(^3\)Feedlot - A lot or building, or combination of lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.

\(^4\)Pasturing - The grazing of animals in an area of land where the residence time and concentration of animals is such that no less than 80% living or residual vegetative cover is maintained at all times, except that up to 10% of the total pasture area may have coverage less than 80% for supplemental feeding and or watering purposes. Tree and shrub canopy may be counted at a ratio of one half to one towards meeting the minimum vegetative cover requirements. Percent cover shall be determined by the Scott Soil and Water Conservation District using standard transect-line and aerial photo interpretation methodologies.
Currently the manure storage area raises some questions in regards to MPCA compliance with permanent stockpile site rules, but the questions will not be applicable once the storage location is moved and improved to insure compliance. Scott SWCD has reviewed the proposed stockpile site location from the submitted plan and had discussions with the applicant to determine compliance with state and local standards will be met if constructed and operated as planned. Storm water runoff will not be allowed to flow into the proposed stockpile enclosure from clean water areas outside the stockpile site. The base material of the stockpile site will be concrete or compacted clay to meet MPCA requirements and will be constructed to prevent clean water intrusion and contaminated water escape. The applicant indicates manure disposal will include removal offsite from a paid on call service (Friedges Landscaping of Lakeville, MN). Once the applicant takes ownership of the property, a copy of the agreement with Friedges will be provided for file inclusion.

A Minnesota Feedlot Annualized Runoff Model (MinnFARM) evaluation was conducted on the paddocks east of the stable and the site is currently in compliance with runoff standards. MinnFARM is the MPCA accepted software program for evaluating and determining feedlot runoff compliance in MN. As long as the management and stocking density of the paddocks stays the same, the paddocks will remain in compliance with MPCA runoff rules. The plan as submitted by the applicant should allow for continued compliance through all site modifications without concern for non-compliance or pollution to waters of the state.

The management narrative submitted for the IUP application addresses all the requirements necessary to receive an Interim Use Permit. The narrative includes the intent to submit a registration update for the facility with MPCA indicating change in ownership, Scott SWCD will aid the applicant in this process once the ownership change commences.

In summary, Scott SWCD recommends approval of the Valley Oaks Stable IUP to allow operation for 66 horses based on the application materials received. Scott SWCD will continue to work with the applicant to insure compliance with all state laws and local ordinances as requested by Scott County and/or the applicant.
Preliminary & Final Plat of Plehal First Addition
Conditional Use Permit for Dem-Con Properties LLC

Request:

1) Preliminary Plat of Plehal First Addition consisting of 1 lot on 10.5 acres.
2) Final Plat of Plehal First Addition consisting of 1 lot on 10.5 acres.
3) Conditional Use Permit (CUP) for Dem-Con Properties LLC to construct and operate a multi-tenant contractor yard to include office, warehouse, shop/maintenance facility and outside storage.

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

General Information:

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<th>Site Location:</th>
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<td>Mark Pahl, Dem-Con</td>
<td>13162 Johnson Memorial Drive</td>
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Zoning/Comprehensive Plan Information:

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Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Application Narrative
4. Plehal First Addition Preliminary Plat
5. Plehal First Addition Final Plat
6. Site Plan Dated September 3, 2019
7. Grading and Drainage Plan Dated September 3, 2019
8. Building Elevations and Floor Plan
9. Landscaping Plan Dated September 3, 2019
10. Photometric Plan
11. Scott County Natural Resources review memo dated September 18, 2019

Request-

Preliminary & Final Plat of Plehal First Addition consisting of 1 lot on 10.5 acres. Conditional Use Permit (CUP) for Dem-Con Properties LLC to construct and operate a multi-tenant contractor yard to include office, warehouse, shop/maintenance facility and outside storage.

Comprehensive Plan-
The 2040 Comprehensive Plan Update guides this parcel as Commercial/Industrial. The proposed use is consistent with the land use goals and policies identified in the 2040 Comprehensive Plan.

Adjacent Land Use/Zoning-
- **North** – 50 acre residential/agricultural parcel, zoned I-1
- **South** – 2.5 to 6 acres commercial parcels including Holiday station store, zoned C-1
- **East** – 129 acre parcel including a sand/gravel/limestone mining operation, zoned Urban Business Reserve UBR
- **West** – State Highway 41

Existing Conditions-
The 10.5 acre parcel is currently used for agricultural purposes.

Ordinance Requirements-
- **Front Yard Setback:** 100 feet from State Road right-of-way; 67 feet from local public street right-of-way (Dem-Con Drive & Hwy 41 Frontage Road).
- **Side Yard Setback:** 20 feet or height of building, whichever greater.
- **Rear Yard Setback:** There is no rear yard since there are two front yards.

Proposed Setbacks-
- **Front Yard Setback:** The proposed structure is meeting all required setbacks.

Existing Roads-
The site is served by Highway 41 Frontage Road, a paved Jackson Township road. To keep illegal dumping and loitering to a minimum, Dem Con is requesting to install a gate on the township road near its intersection with Dem Con Drive (see Site Plan). Dem Con has discussed this with the Township and there is general agreement on the concept that will need to be addressed through a developers agreement. There is no direct access to Highway 41.

Road Improvements-
No road improvements are proposed.
Site Photos-

View looking north at the site.

**Plat Analysis:**
Dem-Con Properties LLC, Mark Pahl, is requesting to plat 10.5 acres into Lot 1, Block 1 Pilehal First Addition in order to construct a new industrial building. The property is zoned I-1, Rural Industrial, which has a minimum lot size of 2.5 acres; Lot 1, Block 1 is proposed at 10.5 acres. A 20’ right-of-way easement is proposed along a portion of US Hwy 41 to bring the total half right-of-way to 100’ as required in the County’s Subdivision Ordinance for development along a principal arterial roadway.

Dem-Con is proposing a primary and an alternate septic drainfield on the northwest corner of the parcel; the sites have been designed to accommodate 600 gallon of waste per day. The Environmental Health Office is reviewing the submitted information to determine if enough area is set aside for the septic drainfields to accommodate the full development of the site. Scott County Natural Resources staff has conducted a review of the project stormwater and grading plan and has issued a review memo attached. None of the items in the memo are significant concerns that cannot be addressed prior to approval of the plat and CUP by the County Board. All requirements listed in County staff review of the proposed plat have been listed as conditions of approval to be satisfied prior to County Board consideration.

The site is served by Highway 41 Frontage Road, a paved Jackson Township road. To keep illegal dumping and loitering to a minimum, Dem Con is requesting to install a gate
on the township road near its intersection with Dem Con Drive (see Site Plan). Dem Con has discussed this with the Township and there is general agreement on the concept that will need to be addressed through a developers agreement. There is no access to highway 41.

**Conditional Use Permit Analysis:**

Dem-Con properties LLC is requesting a Conditional Use Permit (CUP) to construct and operate a multi-tenant contractor yard to include office, warehouse, shop/maintenance facility and outside storage on a 10.5 acre parcel located in Section 16, Louisville Township. The Rural Industrial, I-1, Zoning District allows contractor yards through a CUP. The applicants have provided a narrative, attached to this report, outlining the proposed use and how they intend to operate the facility. The primary tenant will be Plehal Blacktopping. Plehal Blacktopping is an asphalt pavement contracting company who currently is a tenant of a Dem Con owned property at 13060 Dem-Con Drive. In addition to Plehal, the property will be leased to other tenants or used by Dem-Con for storage and maintenance of trucks. Currently no other tenant has been identified for the property. A Certificate of Compliance which is reviewed by the Township and County staff will need to be approved prior to any other tenant occupying the property.

The size of the initial structure is 80' x 100' with the ability to expand the building to 100' x 200' in the future. The exterior of the building is proposed as a concrete panel with aggregate finish. About 1/3 of the structure will be used for offices with the remainder of the structure use for equipment maintenance and a wash bay. Outside storage will be located to the north and east of the building on a class 5 gravel surface. Outside storage will consist of equipment and materials associated with asphalt road driveway and parking lot construction. This includes trucks, trailers, skid steers and heavy equipment. Other materials include sand, gravel, recycled asphalt and concrete as well as drain tile, storm pipe and rolls of fabric. Staff has requested the applicant to provide parameters for the volume and height of material stockpiles for review. In addition a fuel island will be located in the storage area for the daily fueling of trucks and equipment.

Landscaping will be placed on the Hwy 41 side of the outdoor storage area. The landscaping will include white pines and Colorado blue spruce trees that will provide significant screening of the outside storage. These trees are proposed to be 10’ tall at the time of planting. Other landscaping will be provided around the customer parking lot and the side of the building facing Hwy 41. The proposed landscaping meets the county’s landscaping and screening requirements.

Lighting fixtures include four 25’ tall 4-head light poles in the outdoor storage area, one 25’ tall 4-head light poles in the parking area and on the building above entrance doors and in locations above the bay doors. All light fixtures must be downward facing and meet the requirements of the zoning Ordinance. The photometric plan provided shows the light intensity under 1 foot candle along public roads and 0.4 foot candles at the property line as required by ordinance.

An advertising sign is located on the south end of the property along Hwy 41 that the applicant is proposing to maintain. A conditional use permit was issued for the Advertising signs in 1998. As permitted by the conditional use permit the sign conforms with the requirements for an advertising sign. Staff is supportive of maintaining the advertising as the closest advertising sign is approximately 1,500 away.
Access & Parking:
The building is oriented with the truck bays/doors facing north towards the Union Pacific Railroad. The main employee/visitor parking area will be on the south side of the building along Hwy 41 and as proposed the parking area meets the required 10 foot setback and exceeds the required number of parking spaces for office and industrial parking. All spaces meet minimum sizing requirements. The applicant is providing an additional right-of-way along Hwy 41 in the form of an easement to meet the required dedication of 100' from centerline along principal arterial roadways.

Access to the site will be from Hwy 41 frontage road a paved township road. At the time this report was prepared MnDOT had not provided comments on the plat or CUP. Staff will update the Commission of any MnDOT comments at the Planning Commission meeting.

Building Standards:
In 2010 the County adopted new exterior standards for commercial/industrial buildings. These include incorporating three or more design elements into the building façade and identifying materials that can be used for building exteriors. From the building elevations provided Dem-Con is proposing to use concrete panels with an aggregate finish as the primarily exterior of the building. They will incorporate an accent band with smooth finish near the top of the structure and prefinished metal canopies over the entrances to the structure. Staff has asked the applicant to identify the 3 design elements incorporated into the building to meet the zoning ordinance requirements. Lighting will be located mainly above the door entrances and in locations above the bay doors. All lighting will be hooded and directed downward.

Landscaping:
County landscape standards are based on landscape units defined in County Ordinance as requiring one landscape unit per the greater of 1 unit per 40 feet of site perimeter or 1 unit per 500 sq. ft. of gross building area. Based on the property perimeter of 3,664 feet Dem-Con is required to install 92 landscape units. They are proposing to install 10 over story trees, 30 evergreen trees, and 53 shrubs for a total of 93 landscape units with an additional 26 ornamental grasses. The landscaping is focused on screening the outside storage from Hwy 41, the customer parking area and the front of the building. Full screening is not required since all adjacent parcels are commercial, industrial or Urban Business Reserve. There are existing trees on the south end of the property however many of these trees will be removed to make the grading on the site balance and to accommodate the structure and parking area. If possible the applicant is encouraged to preserve as many of these trees as possible.

Township Recommendation:
The Louisville Town Board will be making a recommendation at their October monthly meeting. A copy of this recommendation will be provided at the public hearing.

Staff Recommendation:
Subject to the conditions of approval, the preliminary plat, final plat, and the conditional use permit conform to the Zoning and Subdivision Ordinances; therefore, staff recommends approval of the preliminary plat, final plat, and the conditional use permit based on the criteria for approval listed below:
Conditions to be Satisfied Prior to County Board Consideration of the Preliminary Plat or the Conditional Use Permit:
1. Any conditions stated in the Scott County Environmental Health Department review of the proposed septic drainfield sites.
2. Any conditions stated in the Scott County Natural Resources Department review of the stormwater management plan, grading plan, or erosion control plan.
3. The applicant shall provide the County with a $5,000 landscaping guarantee to ensure stormwater infrastructure and landscaping is installed according the approved plans.
4. Any requirements listed in the Louisville Township recommendation or the review comments of Township staff.
5. A development agreement is drafted to ensure all required site improvements are constructed and installed according to the approved plans. This agreement will be between the Developer, Townships (Louisville & Jackson) and County.
6. Payment of any Louisville Township or Scott County Final Plat fees.
7. The County Surveyor, Recorder, and Attorney shall review and sign the final plat.

Criteria for Plat Approval:
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 an individual well, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – the property has frontage to Highway 41 Frontage Road, a paved Jackson Township road. Any existing accesses shall be removed from US Highway 41.
4. *Adequate Waste Disposal Systems* – the proposed lot 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 2040 Comprehensive Plan for development in the Commercial/Industrial 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.

Criteria for CUP Approval (Chapter 2-6-1):
1. The proposed use does not create an excessive burden on public facilities.
2. The proposed use is compatible with industrial uses on adjacent lots.
3. The proposed structures will be designed of materials that are not unsightly in appearance.
4. The use is consistent with the purpose of the I-1 Zoning District.
5. The use is not in conflict with the Scott County 2040 Comprehensive Plan.

6. Adequate measures have been taken to provide ingress and egress, access to public roads and on-site parking.

7. Adequate water supply, sewage treatment systems, erosion control and storm water facilities have been approved by County Staff.

8. The proposed buildings will need to meet all Building Code requirements.

Conditions of Approval:
1. The applicant is to file with the Scott County Planning Office in January of each year a statement stating 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. This Conditional Use Permit is specifically issued to Dem-Con properties LLC, applicant, to construct and operate a multi-tenant contractor yard to include office, warehouse, shop/maintenance facility and outside storage as described in the application narrative.

3. If the property is sold or the use changes within the structure, and/or a new user is considered said changes shall be reviewed by the Scott County Zoning Administration, Building Inspections and Environmental Health Departments and by the Louisville Town Board to determine if the Conditional use Permit needs to be updated or amended.

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

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

6. The property shall be developed according to the approved project plans; any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and by the Louisville Town Board.

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

8. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance. A hazardous waste license and a solid waste license shall be obtained as required by Scott County Environmental Health.

9. All outside storage shall be located as permitted by the Scott County Zoning Ordinance and shall be screened, fenced, or landscaped as shown on the approved plans. Any dead or dying plant shall be removed and replaced.

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

11. A Scott County Solid Waste License is required for any asphalt or concrete recycling facilities on the site. Conditions may be placed on the license limiting volumes, stockpile height, stockpile location, or any other conditions the County or Township considers necessary to protect the interest and views of the surrounding area and roads.

12. Concrete and asphalt crushing activities shall be limited to 7am to 6 pm Monday through Saturday.

13. Material stockpile heights shall be limited to ________.

14. As shown on the Site Plan, a minimum of 100 feet of right-of-way shall be provided from the centerline of Hwy 41. The right-of-way may be dedicated in easement form.
Planning Advisory Commission Alternatives:
1. Approve the request as recommended by Planning Staff with the specified conditions.

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

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

Suggested Planning Commission Motion:
Based on the criteria for approval listed in the staff report, I recommend approval of the preliminary and final plat of Plehal First Addition and approval of the Conditional Use Permit for Dem-Con Properties LLC, to operate a to construct and operate a multi-tenant contractor yard, noting that this recommendation is subject to the conditions that must be satisfactorily addressed prior to County Board consideration of the project.
LOUISVILLE TOWNSHIP
SECTION 16
DEM CON PROPERTIES
REQUEST FOR PRELIMINARY PLAT & CONDITIONAL USE PERMIT
Dem-Con Properties, LLC

Request for Conditional Use Permit for Multi-Tenant Contractor yard in Louisville Township

Overview

Dem-Con is seeking a conditional use permit for a multi-tenant facility with office, warehouse, maintenance facilities and outside storage for contractors or other tenants. Plehal Blacktopping is a local contractor who currently is a tenant of a Dem-Con owned property at 13060 Dem-Con Drive and Dem-Con is looking to relocate Plehal as an anchor tenant on the property. In addition to Plehal, the property will be either used by Dem-Con for storage and maintenance of trucks, trailers, and dumpsters or leased to another tenant.

The proposed property is owned by the Malkerson family and is part of Scott County PID 079160010. The lot has recently been split and the 10.5 acre parcel on the east side of the railroad tracks and north of MN 41 is the proposed site. The property is currently zoned I-1 where a contractor yard is allowed thru a conditional use permit.

The proposed development is a very similar layout and use to the current Dem-Con and Plehal facility located at 13020 and 13060 Dem-Con Drive in Louisville Township containing corporate offices accompanied by maintenance and storage facilities associated with the tenant's daily businesses. A detailed site plan is attached to this application detailing how the property will be developed with offices on the south side of the building accompanied by outside storage and maintenance facilities on the north side of the building. The employee and visitor parking will be located to the south of the building with gated access to the outside storage area on the east and west sides of the building.

Hours of operations

The typical hours of operations for Plehal Blacktopping are from 5am to 10pm, Monday thru Saturday. Current operational hours may extend beyond these hours for emergency and time sensitive projects. Concrete and asphalt crushing activities will be from 7am to 6pm Monday thru Saturday.

Outside storage

The anchor tenant is Plehal Blacktopping who is an asphalt pavement contracting company. The outside storage will consist of storing trucks, equipment and materials associated with asphalt road, driveway, and parking lot constructions. The outside storage of equipment will include pickups, trucks, semis, skid steers, and heavy equipment. The other materials stored at the site consist of raw product bunkers for storage of sand, gravel, recycled asphalt and concrete as well as other construction related products such as drain tile, storm pipe, rolls of fabric, etc. In addition, there will be a truck fuel island located on the property for daily fueling of trucks and equipment.

Plehal is also requesting the ability to stockpile and recycle asphalt and concrete. This process consists of piling asphalt and concrete chunks until a large enough pile accumulates for crushing. Once a large enough pile has accumulated, a mobile crusher is brought in to size the material for reuse on road, driveway, and parking lot construction. It is anticipated that crushing activities will not take place for more than six weeks out of a given year.

At the time of this application, an additional tenant for the property has not been identified. In the event that a prospective tenant is identified, Dem-Con will use the Certificate of Compliance application with the Township and County for review and approval prior to leasing.
Site Access

The site will be accessed from the existing Jackson Township road. The site plan shows two general gate locations labeled #1 and #2. In an effort to keep illegal dumping and loitering to a minimum, Dem-Con has met with the neighboring property owner to the east as well as Louisville and Jackson Townships about the proposed gate locations. Dem-Con has proposed to install a gate at location #1 and has agreed to take over routine maintenance of the Jackson Township road. There is general agreement on the terms of this concept and it is anticipated that this will be addressed in a four-way developers agreement between Dem-Con, Louisville Township, Jackson Township and Scott County.

Landscaping/Screening

The project will meet the County landscaping and screening requirements. The north side of the property is bordered by the Union Pacific Railroad and also buffered by the onsite septic system and stormwater pretreatment and infiltration facilities. The east side of the property is bordered by an active sand, gravel, and limestone mining operation. The focus of the landscaping and screening on the site will be to screen the outside storage area from Highway 41 and also to enhance the front entrance to the building. The plan shows dense plantings of evergreen trees along the west side of the outdoor storage yard.

Stormwater

The project will meet or exceed the County code requirements. A detailed Resource Management Plan is attached to this application.

ISTS

The site has been evaluated for an ISTS. The location of the primary and secondary ISTS sites are shown on northwest corner of the property on the site plan. Bohn Well Drilling investigated the site and a design report is attached to this application.

Lighting

A lighting and photometric plan is attached to this application.

Nuisance Mitigation

It is not anticipated that noise, odor, glare, dust or other nuisance issues will exist beyond the property lines. The only noise generated at the property is from truck traffic and daily equipment maintenance activities. This use is consistent with noise levels of the neighboring road, railroad, and surrounding properties. Seasonal crushing activities will produce higher noise levels but the proposed hours of crushing activities will mitigate any impact to neighboring properties. Dust suppression will be used during crushing activities to ensure that no dust leaves the property. The proposed activities will not produce any odor.

Summary

Dem-Con is looking forward to working with Scott County and Louisville Township on the project. Dem-Con is requesting approval of this project in October so site preliminary sitework can be completed for winter construction. This project will be a benefit to both the County and Township as well as the surrounding area and current and future employees.
### Fixture Schedule

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<td>James</td>
<td>SB-200W</td>
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<td>WALL MOUNT</td>
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**Sheets:**

- **E-1**
Memo

Date: 9/18/19
To: Marty Schmitz, Zoning Administrator
From: Megan Tasca, P.E., Natural Resources Department
Subject: PL2019-070 Dem-Con Properties Phehal First Addition CUP

The Scott County Natural Resources Department has completed a review project plans (sheets C1-C6, dated 9/3/19), and the Resource Management Plan (dated 9/3/19) for conformance with the regulations of the Scott County Zoning Ordinance #3, Chapter 6 requirements. The following items (in no particular order) appear to require revision or changes to comply with County Ordinance. Please complete the required changes and resubmit for review and approval.

1. The bottom of the outlet panel elevation key note on the detail on sheet C6 for the skimmer structure is incorrect.
3. Please revise note #17 under Sediment Control Practices on sheet C3 to replace Watershed with Scott County.
4. Include all estimated preliminary quantities for erosion and sediment control BMPs in the table on sheet C3.
5. Please provide a copy of the final soil boring report when available. A soil boring should be done in the location of the proposed infiltration basin to confirm design infiltration rates and depth to groundwater.
6. Show an additional method of erosion and sediment control around the proposed infiltration basin.
7. The SWPPP sheets should be signed by the SWPPP designer.
8. Show the limits of the future road on the grading and drainage plan.
9. The pretreatment pond should be modeled with a starting elevation of 743.5. Please update the modeling.
10. Use a design infiltration rate of 1.63 in/hr in accordance with the Minnesota Stormwater Manual guidance until soil borings can confirm the design rate.

Please note the review of any tree preservation, 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
Andrew Budde – Louisville Township Engineer
Kirsten Pauly, Sunde Engineering
Preliminary Plat, & Final Plat of Delmar Estates

Request:

Preliminary and Final Plat of Delmar Estates consisting of 5 lots and 1 outlot on 96.76 acres.

Marty Schmitz, Zoning Administrator, is the project manager and is available for questions at 952-496-8653.

General Information:

<table>
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<tr>
<th>Applicant</th>
<th>Randy &amp; Chris Kubes</th>
<th>Site Location:</th>
<th>East of CH 11 (Delmar Ave) &amp; North of CH 64 (230th St W)</th>
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<td>Property Owners:</td>
<td>Glen Bauer/Duane Bauer</td>
<td>Township:</td>
<td>Section 5, Helena</td>
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<tr>
<td>Public Hearing Date</td>
<td>October 14, 2019</td>
<td>Action Deadline:</td>
<td>January 1, 2020 (120 Day)</td>
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Zoning/Comprehensive Plan Information:

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<td>Overlay Zoning District:</td>
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<td>School District:</td>
<td>Jordan #717</td>
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<td>Watershed District:</td>
<td>Scott WMO</td>
<td>Fire District:</td>
<td>Jordan Fire District</td>
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<td>Ordinance Sections:</td>
<td>Chapters 2 &amp; 34</td>
<td>Ambulance District:</td>
<td>New Prague Ambulance</td>
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Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Preliminary Plat Dated 08/27/19
4. Grading and Erosion Control Plan Dated 08/27/19
5. Final Plat
6. Environmental Services Department Email dated 8/14/19
Comprehensive Plan- The proposal is in conformance with the goals and policies identified in the Scott County 2040 Comprehensive Plan for land use in the Urban Transition Area.

Adjacent Land Use/Zoning- North – Hunters Ridge Estates development, zoned A-3
South – Rural residential parcels, zoned A-2 & UERC
West – 78.97 acre agricultural parcel, zoned A-1
East – 80 & 40 acre agricultural parcels, zoned A-1

Existing Conditions- The 96.76 acres is largely agricultural land.

Ordinance Requirements- Density – 1 dwelling unit per 10 acres when 70% of the non-hydic soils or 80% of the non-wetland land is preserved on an outlot.

Lot Size – 1 acre of non-hydic soil to accommodate two (2) individual sewage treatment drain field sites.
Lot Width – 100 feet from the front setback line maintained to the primary building site.

Structure Setbacks:
Front Yard: 150' from County Road centerline or 100' from County road right-of-way, whichever greater
Side Yard: 15 feet
Rear Yard: 30 feet

Proposed Development- Density – This is the third cluster subdivision that is utilizing density from 397 acres that Glen and Duane Bauer own or have/had the building rights on. Within these three subdivisions there are a total of 23 lots. So the overall density of these plats is 1 dwelling unit per 17.26 acres. Within this 397 acre area there are 221 acres of non-hydic soils, and 174.2 acres (78.82%) of the non-hydic soils are preserved on outlots. These outlots will/are being used as agricultural outlots.

Lot Size – Lots sizes range from 2.30 – 2.74 acres, outlot A is 84.22 acres.
Lot Width – The minimum lot width proposed is over 180’
Setbacks – The applicant must demonstrate they meet the required front yard setback of 100' from the road right-of-way with 60’ of dedication along CH 11. It appears that all lots meet the required setback however the right-of-way width should be changed from 50’ to 60’ on the preliminary plat.

Existing Roads- The property has frontage on County Road 11 (Delmar Avenue) and County Road 64 (230th St. W.), both County Roads. County Road 11 is classified as a collector in the County’s Transportation Plan; County Road 64 is classified as a minor arterial.
Proposed Roads-  
No new roads are proposed for this project. The proposed building sites will access County Road 11 (Delmar Avenue).

Public Hearing Notice-  
Required public hearing notices were mailed to all adjacent property owners within ¾ mile of the project.

Analysis  
Chris and Randy Kubes are proposing to subdivide 96.76 acres in the designated Urban Transition Area in the 2040 Comprehensive Plan and zoned A-3, Agricultural Preservation Density District and UTR-C, Urban Transition Reserve Cluster District. The subdivision includes 5 parcels and one agricultural outlot. The property, owned by Glen and Duane Bauer is located east of County Road 11 (Delmar Avenue) and north of County Road 64 (230th St. W.) in Section 5 Helena Township. The applicants are proposing to create the 5 residential lots on the west side of the property. As proposed, the lots will range in size from 2.30 – 2.74 acres. The remaining acreage will be platted as an agricultural outlot for continued agricultural purposes. As required by Ordinance the applicant has provided a future concept plan on the preliminary plat showing how the outlot could be developed with urban lots in the future.

In the UTR-C zoning district the proposed plat must preserve 70% of the non-hydric soils or 80% of the non-wetland land on outlot(s). This is the third cluster subdivision that is utilizing density from 397 acres that Glen and Duane Bauer own or have/had the building rights on. Within this area Hunters Ridge (15 lots) and Nachbar Farm (3 lots) have
already been platted; Delmar Estates (5 lots proposed) will be the third. Within these three subdivisions there are a total of 23 lots. So the overall density of these plats is 1 dwelling unit per 17.26 acres. Within this 397 acre area there are 221 acres of non-hydratic soils, and 174.2 acres (78.82%) of the non-hydratic soils is preserved on outlots.

The applicants have provided a preliminary plat showing the location of future home sites, driveways, and required septic drainfield sites. As proposed, the lots meet all the lot area and width requirements. The preliminary plat is being updated to reflect the 60’ right-of-way dedication along CH 11. It appears that all structures meet the required setbacks.

Access & Roads: The existing parcel has frontage on both County Road 11 (Delmar Avenue) and County Road 64 (230th St. W.), paved County roads. The applicants dedicated 60 feet of right-of-way from road centerline on County Rd 11 and 75 feet of right-of-way from road centerline on County Road 64 on a previous plat (Nachbar Farm). All of the lots will take access from County 11. Lots 1, 2 & 3 will share an access and lots 4 & 5 will share an in place driveway to a home located south of the plat. Within the Urban Transition Area the Subdivision Ordinance allows up to 3 lots to utilize a shared driveway on a collector roadway. At the time of this report the Highway Department was reviewing the plat for compliance with access spacing requirements and sight lines at the proposed driveway locations. Any requirements related to the review of road issues and site access by County Highway has been listed as a condition of plat approval.

Septic: The Scott County Environmental Services Department has completed an initial review of the septic information as well as the proposed drain field locations. A field inspection by staff was also completed. Mary VonEschen, Environmentalist II has provided an email dated 8/14/19 (attached) with comments that must be addressed prior to final plat approval by the County Board. All requirements of the Environmental Services review have been placed as a condition of plat approval to be addressed prior to County Board consideration of the plat.

Natural Resources: The applicants have provided a wetland delineation for review. The wetland delineation identified no wetland areas within the proposed lots. The Scott County SWCD, delegated LGU within the jurisdiction of Helena Township reviewed the delineation and concurred with the findings that there are no wetlands within the proposed lots. A delineation was not completed on the agricultural outlet since this parcel will continue to be used for agricultural purposes. If and when that property is further developed the wetlands would be delineated.

At the time of this report the Scott County Natural Resources Department had not completed its review of the grading, drainage and erosion control plans. Any comments of the Natural Resources Department review have been placed as a condition of plat approval to be addressed prior to County Board consideration of the request.

Township Recommendation:
The Helena Town Board will be making a recommendation at their October 2019 monthly meeting. A copy of the recommendation will be provided at the public hearing.

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

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

1. Revised the preliminary plat to show 60' of right-of-way and relocate the home pads to meet the required setback if necessary.

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

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

4. Any conditions stated in the Scott County Highway Department review of the plat.

5. Any conditions listed in the Helena Township recommendation.

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

7. Approval of the of Title Commitment by the County Attorney.

8. Payment of all Helena Township and Scott County Final Plat Fees.

**Criteria for Approval:**

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

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

3. *Adequate Roads or Highways to Serve the Subdivision* – the property and lots have frontage and shared driveway access on County Road 11 (Delmar Avenue).

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 2040 Comprehensive Plan for the development in the Urban Transition 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.

**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 preliminary plat and final plat of Delmar Estates, consisting of 5 lots and 1 outlot on 96.76 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.
HELENA TOWNSHIP
SECTION 5
GLENN & LINDA BAUER,
& DUANE BAUER
REQUEST FOR PRELIMINARY PLAT
HELENA TOWNSHIP
SECTION 5
GLENN & LINDA BAUER,
& DUANE BAUER
REQUEST FOR PRELIMINARY PLAT
From: VonEschen, Mary
Sent: Wednesday, August 14, 2019 12:10 PM
To: rtexcavating@frontiernet.net
Subject: Bauer/Kubes 5 Lot Plat PID#050730040

Hello Randy,

The county has completed the review of your soil pits. Here is the summary of them:

- Lot 1 site 9 pit 2: restrictive layer at 14”
- Lot 1 site 9 pit 1: restrictive layer at 6”
- Lot 1 site 10 pit 4: restrictive layer at 13”
- Lot 1 site 10 pit 3: restrictive layer at 17”
- Lot 2 site 7 pit 2: restrictive layer at 14” **Swale
- Lot 2 site 7 pit 1: restrictive layer at 12” **Swale
- Lot 2 site 8 pit 4: restrictive layer at 8” **Swale
- Lot 3 site 5 pit 2: redox at 18”
- Lot 3 site 5 pit 1: redox at 12”
- Lot 3 site 6 pit 4: redox at 22” but 50% rock layer at 17-22”.
- Lot 4 site 3 pit 4: redox at 12” **Swale
- Lot 4 site 3 pit 3: all black soil no color change
- Lot 4 site 4 pit 1: redox at 9” **Swale
- Lot 4 site 4 pit 2: redox at 22”
- Lot 5 site 1 pit 1: redox at 16”
- Lot 5 site 2 pit 3: redox at 16”

For new lots to be approved there needs to be at minimum of 12” of well-drained soil, Type I system. No sites can be placed in a swale or drainage way. Please revise your septic sites for the lots that do not meet the Type I requirements. If two 5,000 sqft Type I septic site cannot be found then we cannot approve the lot for the plat. Please let me know if you have any questions. Also I have attached our boring logs.

Thank you,
Mary

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