### Scott County
November 12, 2019
Planning Advisory Commission Meeting

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I. ROLL CALL AND INTRODUCTIONS

II. APPROVAL OF OCTOBER 14, 2019 PAC MEETING MINUTES

III. PUBLIC HEARING 6:35 PM – NORDLING WOODS ADDITION (PL#2019-081)
   A. Request to Rezone 10.02 Acres from Rural Residential Reserve District (RR-1) to Rural Residential Single Family District (RR-2).
   B. Request for Approval of Preliminary Plat and Final Plat of Nordling Woods Addition Consisting of 2 lots on 10.02 Acres.

   Location: Section 14
   Township: New Market
   Current Zoning: RR-1

IV. PUBLIC HEARING 6:40 PM – MULLENMEISTER ADDITION (PL#2019-079)
   A. Request for Approval of Preliminary Plat and Final Plat of Mullenmeister Addition Consisting of 2 Lots on 6.17 Acres.

   Location: Section 9
   Township: Spring Lake
   Current Zoning: RR-2

V. PLANNING MANAGER UPDATE

VI. GENERAL & ADJOURN

VII. WORKSHOP FOR COMMISSIONERS - ORDINANCE PROVISIONS
I. ROLL CALL AND INTRODUCTIONS

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

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

II. APPROVAL OF SEPTEMBER 9, 2019 MINUTES

Motion by Commissioner Watson; second by Commissioner Hrabe to approve the minutes of September 9, 2019 Planning Advisory Commission meeting. The motion carried unanimously.

III. CONSENT AGENDA

3.1 PUBLIC HEARING 6:30 PM: LAKE ESTATES (PL#2018-056)

A. Request to Approve Final Plat for of Lake Estates Consisting of 16 Lots and 1 Outlot on 75.32 Acres.

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

Criteria for Approval:

1. Adequate Drainage – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance.
2. Adequate Potable Water Supply – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. Adequate Roads or Highways to Serve the Subdivision – The proposed lots will have frontage and access off of the new Township roads, specifically a northern extension of Nevada Avenue, and future township roads as shown on the project plans.
4. Adequate Waste Disposal Systems – the proposed lots meet all requirements of the individual sewage treatment system ordinance.
5. Consistency with the Comprehensive Plan – the proposed plat conforms to the goals and policies in the 2040 Comprehensive Plan for the development in the Rural Residential Growth Area.
6. Public Service Capacity – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize the existing Township road for access. The
Township and Developer are proposing improvements to Nevada Avenue and 210th Street East.

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

8. Consistency with Capital Improvement Plans – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County’s capital improvement plan. The County and Township will be working on road safety improvements for Texas Avenue (County Road 27), which would be done through a separate agreement.

Noting that Credit River Township recommended approval of the request at their October 7, 2019 monthly meeting.

3.2 PUBLIC HEARING 6:30 PM: RICHARD MARSchALL (PL#2019-068)

A. Request to Approve Interim Use Permit to add a detached mobile home for full time farm employment and an infirmed family member.

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

Criteria for Approval (Chapter 2, 7 & 25):

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 infirmed 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.

And noting the Sand Creek Town Board recommended approval of the project at their October 2019 meeting.

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

IV. PUBLIC HEARING 6:35 PM VALLEY OAKS PUBLIC 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

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: October 14, 2019 Planning Advisory Commission Agenda Packet.

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

Commissioner Huber inquired as to why the 2 existing septic systems are being required to be replaced. *Mr. Hall replied he did not have the exact reason the systems are in need of replacement and deferred to the applicant if need be.*

Commissioner Hentges inquired if this will be the same type of operation as it has been in the past, primarily a boarding facility? *Mr. Hall reported it is the applicants stated intent to operate the facility in the same manner.*

Commissioner Hentges inquired about the recommended condition from Credit River township regarding the 10 year limit on the permit, whereby the IUP would be terminated. The Commissioner noted she had not seen such a limit before and that the provisions of the other criteria and conditions for approval would provide for adequate monitoring of the permitted use. In addition, she noted that going through the application process and coming before the board is not an experience most applicants would choose to repeat given the choice. The permit will be looked at annually and the property will be subject to inspections, and Scott County has the authority to take action if needed if they are not in compliance with the conditions of the permit. The 10 year limit feels redundant with regards to managing the property and perhaps even punitive if someone wants to sell their land. *Mr. Hall replied agreeing that it is usual for the County to set a 10 year termination date on an IUP. Most IUP’s do not have a specific 5 or 10 year limitation but instead have other events that can trigger the termination of a permit such as the sale or subdivision of the property. In addition, he noted within a year it is expected that Credit River Township will be establishing their own Zoning Authority thus taking over the enforcement of the IUP. Mr. Hall deferred the matter further to the Credit River Township representative who was present at the meeting.*

Chris Kostik, Credit River Town Board Chair, approached the podium and explained Credit River will most likely be taking over zoning authority within the next year and the town board wanted to ensure that if something was not going correctly with the permit in the future they would have the opportunity to make changes after the ten year period. Mr. Kostik said the applicant was present at the town board meeting when this limit was discussed and thought everyone there was comfortable with the 10 year termination. Mr. Kostik noted that interim use permits are not intended to be permanent like a conditional use permit. Mr. Kostik said the recommended 10-year limit was not intended to be punitive.

Commissioner Vonhof inquired about the transfer process that will occur as Credit River takes over zoning authority and jurisdiction of these interim use permits, commenting that it is new territory for the Planning Commission and others involved in these procedures. *Planning Manager Brad Davis explained that Credit River Township will become responsible for enforcing all active conditional and interim use permits that have been issued by the County over the past 40 years. All respective files will be handed over to the Township. This type of jurisdiction transfer is more common than one would like, citing an example of when property is annexed into a city and, because the permit runs with the land, the city becomes responsible.*

Commissioner Hentges asked if the county has issued other interim use permits with an automatic termination date like the one being proposed by Credit River Township. *Planning Manager Davis replied it has not been the practice of Scott County to put a sunset date on a permit but instead to have specific events terminate the interim use permit like the sale of the property or subdivision of the property, usually triggered by a landowners decision. Mr. Davis said state statues do allow the County to put an automatic termination date on an interim use permit so it’s not a violation of the law. However; it has not been the County’s practice.*

Commissioner Hartmann inquired about stormwater runoff issues with regards to the wetlands on the property. *Mr. Hall explained they are not proposing any new structures or grading that would require a grading permit. The manure storage site is planned to be moved and this will need to be done in accordance with the Soil and Water Conservation District requirements. The applicants is aware of these requirements and are working closely with the Soil and Water District representative on the matter.*

Commissioner Hartmann asked for additional information and clarification on the use of the clubhouse and what time of events are expected to be held and have noise, safety and patrol concerns been addressed. *Mr. Hall reported the applicant has explained their intent with the clubhouse to be used by boarders leasing space on the property to bring small groups of family or friends to the site and deferred to the applicant to explain further.*
John Behnke, Real Estate Representative for the Applicant came to the podium. He reported the intended use of the clubhouse would be for private events like a birthday party for grandchildren of a boarder and similar events, which is why there is a limitation of 25 attendees. He noted this was addressed with the building official and it is noted on that report.

Commissioner Watson asked for more detail on the manure stockpile. Mr. Behnke has met on-site with Scott Schneider from Soil & Water who assisted with design work and the plan is to begin work on this in the spring of next year based on his recommendations and direction.

Mr. Behnke went on to address Township’s recommended ten-year termination clause. It is his understanding that the reason the Township recommended this clause is because the property is zoned for urban expansion and that someday the Township may not want a horse farm in the middle of a city. Mr. Behnke requested the IUP termination be triggered by the sale of the property instead of the automatic 10 year time frame.

Commissioner Hartmann requested Credit River Township come forward again to address the request of the applicant’s representative to eliminate the automatic 10 year limit on the IUP.

Chris Kostik from Credit River Township approached the podium and clarified the Township’s position and reasoning for wanting the automatic 10 year limit on the permit.

Chair Vonhof opened up the floor to public comment. The following citizens approached the podium.

Resident Arlo Dervel from Burnsville and 10 year boarder at the Valley Oaks stable commented on:
  - She has had small birthday parties in the clubhouse with no loud music
  - The neighbors love us and they patrol the park and report trouble when riding it in
  - The value of the horse manure and sees no trouble getting rid of it

Resident Dan Schellhammer, next door neighbor to the south of the stable commented on:
  - Glad to see a new owner that plans to make improvements to the property
  - Proper manure spreading in the pasture that is next to his property line
  - Over fertilization of the pasture, noting is has not been mowed much this season

Evonna Hofvet, 18 year boarder at Valley Oaks stable commented on:
  - Glad to see Credit River does not want to get rid of the stable as she believes the stable and its boarders are an asset to the area and cited several examples
  - Testified that the clubhouse gatherings are small and quiet
  - The pasture has not been mowed recently due to the wetness and rain
  - Remembers the owner commenting at the township meeting that he would like the limit to be 20 years. She thinks this means he intends to stay for a long time.

Penny Eckert, current owner of Valley Oaks for past 40 years commented on:
  - They have never had the police out to their property and is not aware of any complaints registered against their operation
  - Thinks they have been good neighbors this whole time and have kept the property in good repair
  - Assured that the manure is mostly composted by the time it is spread on the pasture
  - Many farmers come to get the manure to take home to their gardens
  - Friedges Landscaping removes the manure pile once a year
  - The reason the horses cannot go onto the pasture when it is too wet is that it would look like the dry lots, running them on wet grass would tear it up
  - Would not want the 10 year limit on the IUP to deter the buyers as they intend to spend some money on property improvements and they need to know there is some security in their investment
Laura Lundberg, neighbor to Valley Oaks for 29 years commented on:
- Has never seen or heard any police presence or loud music
- Never noticed any problem with the manure and uses it in her garden
- Would like to see it stay 29 more years. Knows Penny and would like the stable to stay

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

Chair Vonhof requested any further Commission discussion on the matter:
Commissioner Hentges stated she would like see the Commission eliminate the automatic 10 year termination date in the IUP. She said it could prejudice the sale of the property, and this Commission has not set a limit like this before. She said the permit itself has processes built in it to address any issue with not meeting conditions.

Commissioner Huber noted since Credit River Township will be taking over zoning jurisdiction in the future thus he supports going with what the Township recommends, that being the 10 year limit on the IUP.

Commissioner Watson stated he does not support the 10 year limit; however the long term responsibility of enforcing this IUP will reside with the Credit River so thinks the county should defer the matter to them.

Commissioner Vonhof commented that in his 24 years serving on county and local planning commissions, has never seen a time limit on an Interim Use Permit and noted that there are two other conditions triggering the termination of the IUP the township is recommending that he would support. He has visited the site and drove around the neighboring properties. His main concern is that the manure management is done right. He said our job on the planning commission is to ensure the permit requires the property be managed well so it continues to be an asset to the area.

Commissioner Hentges pointed out the Planning Commission has had other IUP requests come before the board for hearing with large groups of citizens opposing a permit and in this case, there is no one here opposing this property or permit. She said she would vote in favor of this permit with its criteria and conditions listed in the staff report; however, without the 10 year limit condition.

Commissioner Watson said he also visited the site and neighborhood. What he has heard at the meeting is that the neighborhood is in favor of the stable. He would vote to support the proposal in front of the board.

Commissioner Huber noted he agrees with the proposal as is and has no issue with the 10 year limit proposed by Credit River town board.

Commissioner Hrabe supports the proposal but would not want the 10 year limit to be a deal breaker for the sale of the property.

Chair Vonhof requested motion

Motion by Commissioner Huber; second by Commissioner Watson, based on the criteria for approval listed in the staff report, to 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.

Chair Vonhof asked of there was any further discussion.
Commissioner Hentges asked if the current motion eliminated the 10 year limit condition from the township.

Commissioner Huber clarified his motion by responding it did not eliminate the 10 year limit.

Commissioner Hentges requested a vote on the 10 year limit separately before a vote is taken on the IUP as a whole.

Chair Vonhof stated that procedurally a motion that has been made and is currently on the floor unless Commissioner Huber wants to withdraw his motion. Commission Huber indicated he did not wish to withdraw.

Chair Vonhof called for a roll call vote on the current motion offered by Commissioner Huber and Watson.

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<tr>
<td>Donna Hentges</td>
<td>Nay</td>
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<tr>
<td>Gary Hartmann</td>
<td>Aye</td>
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<tr>
<td>Ray Huber</td>
<td>Aye</td>
</tr>
<tr>
<td>Ed Hrabe</td>
<td>Nay</td>
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<tr>
<td>Barbara Johnson</td>
<td>Absent</td>
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<tr>
<td>Tom Vonhof</td>
<td>Nay</td>
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<tr>
<td>Lee Watson</td>
<td>Aye</td>
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The vote on the original motion was a tie 3-3.

Chair Vonhof reported the motion failed due to the tie and asked if there was any new motion.

Motion by Commissioner Hentges; second by Commissioner Hrabe, to 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 and motioned to eliminate condition #1A as listed in the Credit River Township recommendation which would place a 10 year limit on the Interim Use Permit. The Township’s additional conditions #1B, #1C and conditions #2, #3 and #4 would remain as is on their recommendation form.

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<tr>
<td>Donna Hentges</td>
<td>Aye</td>
</tr>
<tr>
<td>Gary Hartmann</td>
<td>Abstain</td>
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<tr>
<td>Ray Huber</td>
<td>Nay</td>
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<tr>
<td>Ed Hrabe</td>
<td>Aye</td>
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<tr>
<td>Barbara Johnson</td>
<td>Absent</td>
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<td>Tom Vonhof</td>
<td>Aye</td>
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<td>Lee Watson</td>
<td>Nay</td>
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The motion passed with 3 Ayes, 2 Nays and 1 Abstention.
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 700 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 submitted building elevation shows a stable facility that has been designed of 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 State Highway 282 (Country Trail West). Project plans have been submitted to MnDOT showing the existing site access as well as erosion control and project drainage.
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.

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 Sand Creek 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 stable offering private lessons and riding activities as outlined in the application narrative. The addition of a caretaker unit may be completed through an Administrative Permit approved by Sand Creek Township and County staff.
5. Any operational changes, specifically hosting of large public events or the addition of other site facilities, shall be reviewed by Sand Creek 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 pasture 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 and all applicable codes as required by the Scott County Building Official.

10. The IUP shall be reviewed for continuation by the County and the Township when the property is further subdivided. The IUP shall become void upon annexation into a City.

Additional Credit River Township Conditions listed in their Recommendation as voted on in the above motion:

1) This Interim Use Permit shall terminate upon any of the following dates or following:
   b) Upon an approval to subdivide the property
   c) Upon the sale of any portion of the property

2) Manure shall be removed completely from the site at least four times per year, in approximately May, July, September and November. Record, pictures and other documentation to verify the removal of the manure shall be submitted with the statement filed annually per Condition #1. The manure pile shall not be located within 100 feet of any property line, and not less than 25 feet from any wetland on-site. A 25-foot unmowed vegetated buffer shall be maintained between the manure pile and any wetland edge.

3) All parking shall be accommodated on-site in locations as shown in the site plan submitted with the application. Parking is not permitted on Natchez Avenue or any other Credit River Townships streets.

4) Amplification of sound or music is not permitted.

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

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

Staff Marty Schimtz 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: October 14, 2019 Planning Advisory Commission Agenda Packet.

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

Commissioners Comments and Questions:

Commissioner Hentges requested clarification of the “clear zone” note by the MNDOT input on the project as presented in the staff report. Mr. Schmitz explained it was not a familiar term and after discussion with county highway personnel, determined it involves an area of a curve or intersection where a portion of the area needs to be kept clear of hazards should a vehicle leave the road. It is believed the proposed plan meets those requirements and has been resubmitted back to MNDOT for review.

Chair Vonhof opened the meeting to the public.
Applicant Mark Pahl approached the podium to further comment on and described the project and offered an opportunity for any questions. There were no questions presented to the applicant.

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

**Motion by Commissioner Hartmann; second by Commissioner Hrabe based on the criteria for approval listed in the staff report, to 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 construct and operate a multi-tenant contractor yard, noting that this recommendation is subject to approval of the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the project. The motion carried unanimously.**

**Conditions to be Satisfied Prior to County Board Consideration 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 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 1-1 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 CUP 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 30 feet and not more than 50,000 total tons of any type of material may be stored on the entire property at any time.
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.

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.

And noting the Louisville and Jackson Town Boards recommended approval of the project at their October 2019 meeting.

**VI. PUBLIC HEARING 6:50 PM GLEN & DUANE BAUER (PL#2019-058)**

A. Request for Approval of the Preliminary and Final Plat of Delmar Estates Consisting of 5 lots and 1 outlot on 96.76 Acres.

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

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: [October 14, 2019 Planning Advisory Commission Agenda Packet](#).

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

**Commissioner Comments and Questions:**

Commissioner Hartmann requested the planner provide additional information on the applicants other land to the north sold by the applicants. *Mr. Schmitz described the property and explained the Soil & Water Conservation District has purchased a portion of the land for the purpose of establishing a wetland.*

Commissioner Huber inquired about the driveway accesses and whether they should be off of County Rd 11. *Mr. Schmitz explained County Road 11 is a collector roadway and the county prefers the access come off of County Rd 11 rather than County Rd 64 to the south as it is expected that 64 will become a more significant traveled road in the future.*

Chair Vonhof opened the meeting for public comment. No one approached the podium.

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

And noting the Helena Township Board recommended approval of the project at their October 2019 meeting.
VII. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis

VIII. GENERAL & ADJOURN

Motion by Commissioner Hrabe; second by Commissioner Watson to adjourn the meeting at 7:54 PM. The motion carried unanimously.

____________________________________  _______________________
Tom Vonhoff  Date
Chair, Planning Advisory Commission

____________________________________  _______________________
Barbara Simonson  Date
Deputy Clerk to the Board
Rezoning, Preliminary & Final Plat of Nordling Woods

Request:

A) Rezoning of 10.02 acres from RR-1, Rural Residential Reserve District, to RR-2, Rural Residential Single Family District
B) Preliminary Plat of Nordling Woods consisting of 2 lots on 10.02 acres.
C) Final Plat of Nordling Woods consisting of 2 lots on 10.02 acres.

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

General Information:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Site Location</th>
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<tr>
<td>Andrea Nordling</td>
<td>24904 Logan Avenue</td>
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<td>Greg Nordling</td>
<td>Section 14, New Market</td>
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<td>December 23, 2019 (60 Day)</td>
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Zoning/Comprehensive Plan Information:

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<th>Ordinance Sections</th>
<th>Ambulance District</th>
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<td>Chapters 42, &amp; 70</td>
<td>Allina Transportation</td>
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</table>

Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Preliminary Plat
4. Final Plat
5. Scott County Environmental Services memo dated Oct 28, 2019
6. New Market Township Recommendation
Comprehensive Plan- The proposal is in conformance with the goals and policies identified in the Scott County 2040 Comprehensive Plan for land use and development in the Rural Residential Growth Area.

Adjacent Land Use/Zoning-
- North – 1-3 acre residential parcels, zoned RR-2
- South – Undeveloped 160 acre parcel, zoned RR-1
- West – 10 acre residential parcel, zoned RR-1
- East – 10 acre residential parcel, zoned UER

Existing Conditions- The 10.02 acre parcel consists of woodlands and a large pond and two smaller wetlands, mainly on the south end of the property. The existing home is centrally located between the two wetland basins.

Ordinance Requirements-
- Density – 1 dwelling unit per 2.5 acres
- Lot Size – 2.5 acres with 1 acre of non-hydric soil to accommodate two (2) individual sewage treatment drain field sites.
- Lot Width – 150 feet from the front setback line maintained to the primary building site.

Structure Setbacks:
- Front Yard: 150 feet from centerline of the Township road
- Side Yard: 30 feet
- Rear Yard: 60 feet

Proposed Development-
- Density – 1 dwelling unit per 5.01 acres
- Lot Size – The proposed lots range are 2.60 and 6.35 acres with 1.07 acres dedicated as road right-of-way.
- Lot Width – The minimum lot width proposed is 317.90 feet

Setbacks – The existing home and structures on Lot 1 meet required road and property line setbacks. Lot 2 identifies the building setback lines and should have adequate room for a home pad but this location needs to be shown on the preliminary plat.

Existing Roads- The property has frontage on Logan Avenue and 250th Street East, both gravel New Market Township roads.

Proposed Roads- No new roads are proposed. Access is off of Logan Ave.

Public Hearing Notice- Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.
Site Photo: View looking north at the Nordling parcel.

Background/Zoning/Roads:
Andrea and Greg Nordling are proposing to rezone and subdivide their 10.02 acre parcel located in section 14, New Market Township, currently zoned Rural Residential Reserve, RR-1. The parcel is guided as Rural Residential Growth Area in the 2040 Scott County Comprehensive Plan, which allows rezoning to Rural Residential Single Family, RR-2, where development is permitted at 1 dwelling unit per 2.5 acres with a 2.5 acre minimum lot size with 1 acre non-hydrick soils to accommodate 2 septic drain field locations.

The Nordling property is 10.02 acres bordered by Logan Avenue on the east and 250th Street East on the south, both being gravel New Market Township roads. The property is wooded on the north end and consists of a large pond and two smaller wetland areas on the southern half. As proposed the property would be split just north of the home and existing detached garage into a 6.35 acre parcel and a 2.60 acre new parcel, both with driveway access on Logan Avenue.

Environmental:
Scott County Environmental Services has reviewed the plat and submitted soils information and has provided a review memorandum outlining information or corrections that need to be provided to ensure the plat meets County Ordinance and MPCA requirements for wastewater treatment. The existing home septic system was installed when the home was built in 1982 and based on the age and available information requires a compliance inspection. If it passes compliance they will need to identify an alternate septic site on Lot 1; however, a failing compliance inspection would require a replacement septic site and a future alternate site as this area of Scott County is not planned for municipal sewer and water services.

The applicants have identified two septic drainfield locations on Lot 2. Environmental Services staff has identified additional information and changes that are needed to Lot 2 to show that the sites will work. Mainly, the both septic sites needs to be located on contour, and percolation test locations need to be shown on the plat, as well as hydric soils to ensure the septic sites are located outside of hydric areas. Any requirements of the Scott County Environmental Services have been placed as a condition to be satisfactorily addressed prior to County Board consideration of the plat.
Natural Resources:
Scott County Natural Resources has reviewed the plat and is concerned about the driveway location adjacent to the wetland buffer easement. A wetland delineation was submitted to the Scott Soil & Water Conservation District (SWCD) for boundary review as required by the Wetland Conservation Act. There are no wetland impacts proposed, but wetland buffer easements are required and grading cannot go into the easement areas. The plat did not have a scale so this will need to be added, as well as proposed grading limits to ensure that the wetland easement is not impacted. If the alternate septic site is relocated this will allow the driveway to shift away from the wetland.

Any requirements of Scott County Natural Resources or the Scott SWCD have been added as conditions of plat approval that must be satisfactorily addressed prior to County Board consideration of the plat application.

Township Recommendation:
The New Market Town Board recommended approval of the rezoning, preliminary and final plat at their July 2, 2019 monthly meeting. A copy of the recommendation is attached. This staff report has been forwarded to the Township for their review.

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

Conditions to be Satisfied Prior to County Board Consideration:
1. The preliminary plat shall be updated to show hydric soils (Scott County GIS mapped) as well as the proposed driveway grading adjacent wetlands and wetland easement areas to ensure there is no impact from construction.

2. Any conditions stated in the Scott County Environmental Services review of the plat and septic drain field locations. A compliance inspection shall be conducted on the existing home septic system. The plat must show that the lots meet all requirements of the Scott County Wastewater Treatment System Ordinance.

3. Any requirements of the Scott County Natural Resources review of the plat including site grading and conservation easements over wetland areas.

4. Acceptance of the wetland delineation boundaries by the Scott SWCD in accordance with State WCA regulations. Easements shall be dedicated around the wetland areas based on wetland quality assessment.

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

6. Review and approval of the submitted Commitment for Title Insurance by the County Attorney’s Office.

7. Payment of all New Market 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.

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

3. **Adequate Roads or Highways to Serve the Subdivision** – The proposed lots will have frontage and driveway access on Logan Avenue, a local township road.

4. **Adequate Waste Disposal Systems** – the proposed lots will meet all requirements of the individual sewage treatment system ordinance prior to County Board action.

5. **Consistency with the Comprehensive Plan** – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Rural Residential Growth Area.

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

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

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

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

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

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

Suggested Motion for Planning Advisory Commission or Township Board:
Based on the criteria for approval listed in the staff report, I recommend approval of the Rezoning, Preliminary Plat and Final Plat of Nordling Woods, consisting of 2 lots on 10.02 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.
NEW MARKET TOWNSHIP
SECTION 14
ANDREA & GREG NORDLING
REQUEST FOR REZONING & PRELIMINARY PLAT
OFFICIAL PLAT

NORDLING WOODS ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That Greg L. Nordling, and Andrea Nordling, husband and wife, owners and propietors of the following described property situated in the County of Scott, State of Minnesota, to-wit:

That part of the West one-half (W 1/2) of the Southeast Quarter (SE 1/4), Section 14, Township 111, Range 23, Scott County, Minnesota, described as follows, to-wit: Commencing at the Southeast corner of said West one-half of the Southeast Quarter; thence North along the East line thereof 963.92 feet; thence West parallel with the South line of said Southeast Quarter 279.39 feet; thence South parallel with the West line of said Southeast Quarter 143.93 feet; thence West parallel with the South line of said Southeast Quarter 212.42 feet; thence South parallel with the East line of said West one-half of Southeast Quarter 820.42 feet; thence East on the South line of Southeast Quarter 486 feet to the point of beginning. Subject to Township roads over and across the South and East 30 feet thereof.

Have caused the same to be surveyed and plotted as NORDLING WOODS ADDITION, and do hereby dedicate to the public for public use the Green and also dedicate easements as shown on this plat for drainage and utility purposes only as created by this plat.

In witness whereof said Greg L. Nordling, and Andrea Nordling, husband and wife, have hereunto set their hands this ___ day of __________, 20___.

Signed: ________________________
Greg L. Nordling
and
Andrea Nordling
STATE OF MINNESOTA
COUNTY OF __________

This foregoing instrument was acknowledged before me on this ___ day of __________, 20___, by Greg L. Nordling, and Andrea Nordling, husband and wife.

_________________________
Notary Public,
My Commission Expires:

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and plotted the property described on this plat as NORDLING WOODS ADDITION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground as designated; that the outside boundaries lines are correctly designated on the plat and that there are no wet lands, as defined in MN 505.20, Subd. 2, or public highways to be designated other than shown on the plat.

_________________________
Michael H. Brandt, Land Surveyor
Minnesota License No. 43905

STATE OF MINNESOTA
COUNTY OF SCOTT

The foregoing Surveyor's Certificate was acknowledged before me on this ___ day of __________, 20___, by Michael H. Brandt, Licensed Land Surveyor.

_________________________
Marlene F. Brandt, Notary Public, Scott County, Minnesota

TOWN BOARD, NEW MARKET TOWNSHIP

This plat of NORDLING WOODS ADDITION was approved and accepted by the Town Board of New Market Township, this ___ day of __________, 20___.

By: ________________________
Att: ________________________
Chairman/ Clerk

SCOTT COUNTY ADMINISTRATOR

Pursuant to Minnesota Statutes, Chapter 555.65, Subdivision 1, this plat has been reviewed and approved this ___ day of __________, 20___ by:

_________________________
Scott County Zoning Administrator/Designee

SCOTT COUNTY ATTORNEY

I hereby certify that I have examined the abstract of title of this plat and do hereby recommend this plat for approval as to form this ___ day of __________, 20___.

_________________________
Scott County Attorney

SCOTT COUNTY SURVEYOR

Pursuant to Minnesota Statutes, Section 338.09, Subd. 1, as amended, this plat has been reviewed and approved this ___ day of __________, 20___.

_________________________
Scott County Surveyor

SCOTT COUNTY AUDITOR AND TREASURER

I hereby certify that the current and delinquent taxes on the land described herein are paid and the transferor is entered this ___ day of __________, 20___.

_________________________
Scot County Auditor
_________________________
Scot County Treasurer

SCOTT COUNTY RECORDER

I hereby certify that this plat was recorded in the County Recorder on this ___ day of __________, 20___ at __________ o'clock __________ AM as Document No. __________.

_________________________
Scott County Recorder

BRANDT
SURVEYING & ASSOCIATES

Sheet 1 of 2 Sheets
Memo

Date: 10/28/2019
To: Greg Wagner, Planning
From: Jesse Krzenski, Environmental Services
Subject: PL2019-0081 Nordling Woods

The Scott County Environmental Services Department has completed a review of the project plans dated 10/24/2019 for conformance with the regulations of the Scott County Subsurface Sewage Treatment System Ordinance (SSTS) #4 and Minn. Rules Chapter 7080. Please request that the applicant complete the required changes and resubmit the changes to us for review and approval.

1. A compliance inspection for the existing house must be completed to ensure the septic system is to code. If the compliance inspection fails, two Type I septic locations must be found. If the compliance inspection passes, then only a single Type I alternate septic location must be found.

2. Any grading plans associated with the driveway construction must be included to ensure adequate separation from proposed septic sites.

3. Percolation tests for the primary site should be submitted and location shown on the plat, as the soil logs denote borings were completed, not pits.

4. Both septic sites must be located on contour. The alternate site does not appear to follow the contour lines.

5. The Scott County GIS Hydric soil locations must be included on the plat.

Please Note: Any revised plans submitted that are incomplete will be not be reviewed. Therefore, do not submit any project plans until all items above are completed. Also, the County soil verification displayed redoximorphic features at 24 inches resulting in 12 inches of credit due to redox features existing directly underneath topsoil and this will be the soils of record until the County and the septic designer can meet on location to address the soil discrepancy.

Cc: Kate Sedlacek, Environmental Services
TOWNSHIP RECOMMENDATION FORM

On July 2nd, 2019, the Town Board of New Market discussed with Greg Nording, the request to split a 10 acre parcel into a 7 1/2 acre and a 2 1/2 acre parcel.

After reviewing the Request, the Town Board:

☑ RECOMMENDS APPROVAL
WITH THE FOLLOWING CONDITIONS: Meets all county zoning and regulations

☐ RECOMMENDS DISAPPROVAL
FOR THE FOLLOWING REASONS: ____________________________

☐ HAS NO RECOMMENDATION, BUT WILL FORWARD THE REQUEST TO THE PLANNING COMMISSION OR BOARD OF ADJUSTMENT.

SIGNED:

CLERK

SUPERVISOR

SUPERVISOR

White—County          Yellow—Township Copy          Pink—Applicant’s Copy
Preliminary & Final Plat of Mullenmeister Addition

Request:

A) Preliminary Plat of Mullenmeister Addition consisting of 2 lots on 6.34 acres.
B) Final Plat of Mullenmeister Addition consisting of 2 lots on 6.34 acres.

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

General Information:

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<th>Site Location</th>
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<tr>
<td>Daniel &amp; Catherine Mullenmeister</td>
<td>2770 180th Street East</td>
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<td>Property Owners:</td>
<td>Township:</td>
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<tr>
<td>John &amp; Patricia Mullenmeister</td>
<td>Section 9, Spring Lake</td>
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<td>Public Hearing Date:</td>
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<td>November 25, 2019 (60 Day)</td>
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Zoning/Comprehensive Plan Information:

| Zoning District:           | Comprehensive Land Use Plan: |
| Rural Residential          | Rural Residential Growth    |
| Single Family, RR-2        |                                  |
| Overlay Zoning District:   | School District:             |
| Shoreland                  | Prior Lake-Savage #719       |
| Watershed District:        | Fire District:               |
| Prior Lake-Spring Lake     | Prior Lake                  |
| Ordinance Sections:        | Ambulance District:          |
| Chapters 42, & 70          | Allina Transportation        |

Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Preliminary Plat
4. Final Plat
5. Scott County Environmental Services memo dated Oct 21, 2019
6. Spring Lake Township Recommendation
Comprehensive Plan- The proposal is in conformance with the goals and policies identified in the Scott County 2040 Comprehensive Plan for land use and development in the Rural Residential Growth Area.

Adjacent Land Use/Zoning- *North* – 2.5-10 acre residential parcels, zoned RR-2
*North* – 2 & 4 acre residential parcels, zoned RR-2
*West* – 3 & 6 acre residential parcels, zoned RR-2
*East* – 7 acre residential parcel, zoned RR-2

Existing Conditions- The 6.34 acre parcel is wooded with the existing home and small accessory buildings on the north end of the property. The parcel fronts on State Highway 13 on the north, and also on 180th Street East on the south. A DNR Natural Environment Lake is across Hwy 13.

Ordinance Requirements- *Density* – 1 dwelling unit per 2.5 acres.
*Lot Size* – 2.5 acres with 1 acre of non-hydric soil to accommodate two (2) individual sewage treatment drain field sites.
*Lot Width* – 150 feet from the front setback line maintained to the primary building site.

*Structure Setbacks:*
Front Yard: 100 feet from State road right-of-way; 67 feet from the Township road right-of-way
Side Yard: 30 feet
Rear Yard: 60 feet
Shoreland: 150 feet from the DNR Lake OHWL

Proposed Development- *Density* – 1 dwelling unit per 3.17 acres
*Lot Size* – The proposed lots range are 2.50 and 3.67 acres with 0.17 acres dedicated as road right-of-way.
*Lot Width* – The minimum lot width proposed is 189 feet

*Setbacks* – The proposed home locations meet required road and property line setbacks. This property is within the 1000 foot Shoreland District of a DNR Natural Environment Lake to the west; however, all areas of the parcel exceed the required 150 foot setback to structures and septic.

Existing Roads- The property has frontage on State Highway 13 as well as frontage and driveway access to 180th Street East, a paved Spring Lake Township road. The new lot will also have driveway access on 180th Street East.

Proposed Roads- No new roads are proposed.

Public Hearing Notice- Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.
Background/Zoning/Roads:
Daniel and Catherine Mullenmeister are proposing to subdivide a 6.34 acre parcel located in section 9, Spring Lake Township, and owned by John and Patricia Mullenmeister. The property is guided as Rural Residential Growth Area in the 2040 Scott County Comprehensive Plan, and is zoned Rural Residential Single Family, RR-2. These land use designations are for areas of Scott County that will not be served by urban development services (sanitary sewer and water). The 6.34 acre parcel is largely wooded with the existing home and accessory buildings located on the north end.

Development in the RR-2 district is allowed at 1 dwelling unit per 2.5 acres provided that a building site and two septic drain field locations area identified for each proposed lot. As proposed the property would be subdivided into a 3.67 acre lot for the existing residence and a 2.50 acre lot for a new home. County Ordinance requires all RR-2 lots to have frontage on a publicly maintained road and a 150 foot minimum lot width.

The Mullenmeister property is located between State Trunk Highway (TH) 13 on the north and 180th Street East, a paved Spring Lake Township road on the south. The existing home shares a driveway access to 180th Street East with the lot to the west. The Zoning Ordinance does not require that driveway access be gained from the road where the required lot frontage is located, so the Mullenmeisters are proposing the existing home have required frontage on TH 13 with a 30 foot wide strip of land adjacent to the driveway extending to 180th Street East, and the new lot will have required frontage and also a new driveway access to 180th Street East.

County Ordinance requires that private driveway accesses come off of the lower functioning roadway. State TH 13 is classified as a minor arterial roadway, and 180th Street East is classified as a local road. Scott County Transportation has reviewed the plat and has no concerns other than a plat condition is added that prohibits any direct access to TH 13. This road may be a turn-back to the County at some future date and may also be widened into a 4-lane road. The 30 foot strip on Lot 1 will allow for a permanent driveway to 180th Street East.
Environmental/Natural Resources Analysis:
The applicants have identified septic drain field locations for the existing and proposed lots. The existing septic system is located north of the home on Lot 1, and they have identified an alternate septic site if the system ever has to be replaced. Two septic drain field locations have been identified on Lot 2 south of the proposed building pad. Scott County Environmental Services has reviewed the plat and submitted soils information and has determined that the proposed sites meet County Ordinance requirements.

A wetland delineation report was prepared and submitted to the Scott Soil & Water Conservation District (SWCD) working as the Wetland Conservation Act (WCA) reviewing agency on behalf of the Township. The only wetland area found was a small pond that was created (dug by the landowner). The Technical Evaluation Panel (TEP) finds this to be an 'Incidental' wetland that does not serve a functional purpose under WCA and therefore would not need to be identified on the plat or protected by drainage easements. All site grading for the new home and driveway will be reviewed at time of building permit application.

Township Recommendation:
The Spring Lake Town Board recommended approval of the preliminary and final plat at their October 10, 2019 monthly meeting. A copy of the recommendation is attached.

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

Conditions to be Satisfied Prior to County Board Consideration:

1. The County Recorder and Surveyor review and sign the plat.
2. Review and approval of the submitted Commitment for Title Insurance by the County Attorney’s Office.
3. Payment of all Spring Lake Township and Scott County final plat fees.

Criteria for Approval:
1. *Adequate Drainage* – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance.
2. *Adequate Potable Water Supply* – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – The proposed lots will have frontage and driveway access on 180th Street East. No access to State Trunk Highway 13 will be permitted.
4. *Adequate Waste Disposal Systems* – the proposed lots meet all requirements of the individual sewage treatment system ordinance.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Rural Residential Growth Area.

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

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

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

**Planning Advisory Commission/Township Alternatives:**

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

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

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

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

Based on the criteria for approval listed in the staff report, I recommend approval of the Preliminary Plat and Final Plat of Mullenmeister Addition, consisting of 2 lots on 6.34 acres, noting that this recommendation is subject to approval of the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the project.
SPRING LAKE TOWNSHIP
SECTION 9
DANIEL & CATHERINE MULLENMEISTER
REQUEST FOR PRELIMINARY PLAT
Memo

Date: 10/21/2019
To: Greg Wagner, Planning
From: Jesse Krzenski, Environmental Services
Subject: PL2019-0079 Mullenmeister Addition

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

Please Note:
1. Septic sites must be protected/fenced and clearly marked prior to any grading activity on the lots.
2. The mound staking for Lot 1 Site 1 will need to be redone at the time a building permit is applied for, as it is currently staked within the easement.

Cc: Kate Sedlacek, Environmental Services
TOWNSHIP RECOMMENDATION

REQUEST FOR SUPPORT

On October 10, 2019, the Town Board of Spring Lake Township met with Amy and Dan Mullenmeister to discuss a request for support of the preliminary and final plat of Mullenmeister Addition—dividing 6.17 acres into a 3.67 acre lot with an existing home and a 2.5 acre lot with a new home to be built. Property is located at 2770 180th St. East (PID 119090302). Access to new home will be taken off of 180th St. East. All preliminary and final plat documents and fees have been received. No significant Township issues have been identified.

PROJECT DESCRIPTION

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

☑ Recommends approval of the request as presented

☐ Recommends approval of the request with the following conditions:

☐ Recommends disapproval of the request for the following reasons:

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

Affirmation of Board Action

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

Stipulations

I hereby attest that the information provided above is an accurate account of the actions taken by the Spring Lake Town Board on October 10, 2019.

Melissa Hanson, Town Clerk  
10/10/2019 Date
ORDINANCE
WORKSHOP
INFORMATION
Memo

Date: October 30, 2019
To: Planning Advisory Commission
From: Brad Davis, Planning Manager
Subject: 2019 Zoning and Subdivision Ordinance Revisions

At our November 12 meeting, staff would like to hold a workshop to report back on what we heard on a variety of zoning topics from the 10 town boards during meetings held in September and October. Attached to this cover memo is a summary of valuable feedback we received on some proposed land use descriptions and standards, small livestock raising, mining, and other topics raised at the meetings. Staff will discuss this summary document.

One topic raised at the fall meetings was a desire to increase the maximum amount of accessory structure square footage allowed on residential properties. Based on these comments, staff did some research on how neighboring and comparable counties regulate accessory structure square footage. Staff will present this research and look for any guidance on this issue at the workshop.

Staff will also preview some of the topics we plan to present to town boards in the next round of meetings in early 2020.

We look forward to a good discussion. Thank you.
General direction coming out of the three
Round #2 Township Zoning meetings
(September/October 2019)

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

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

Mining Standards (Chapter 10)
☐ There should be a requirement that any mining reclamation bond be automatically renewed
☐ Language should be added to chapter explicitly protecting townships from any damage to
infrastructure caused by the mining operation.
☐ Consider setting a maximum height requirement for stock piles if not located in the mine pit.
☐ Consider requiring a third-party consultant to monitor ground vibration and air blast data

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

Date: October 23, 2019
To: Scott County Planning Advisory Commission
From: Greg Wagner, Zoning Administration
Subject: Detached Accessory Building Sizes

At the fall round of Township area meetings the question of allowed detached accessory building area was raised and whether the current capacity on 10 acre and greater parcels should be increased. The question was raised by a township supervisor who noted that land owners have more items stored outside of a structure, and would a change allow them to store more things inside.

Scott County’s maximum accessory building size allowances have been in place for many years, dating back to the 1980’s for less than 10 acres, and the mid-1990’s for over 10 acres. Staff indicated we would research the issue and adjacent/similar county regulations and being this item to the Planning Commission and to the winter round of Township area meetings. Agricultural Buildings are exempt from most Ordinances.

**Scott County’s current regulations:**

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Maximum Building Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 acre</td>
<td>1,000 square feet</td>
</tr>
<tr>
<td>1 – 1.99 acres</td>
<td>1,600 square feet</td>
</tr>
<tr>
<td>2 – 4.99 acres</td>
<td>2,000 square feet</td>
</tr>
<tr>
<td>5 – 7.99 acres</td>
<td>2,600 square feet</td>
</tr>
<tr>
<td>8 – 9.99 acres</td>
<td>3,200 square feet</td>
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<tr>
<td>10 – 19.99 acres</td>
<td>4,000 square feet</td>
</tr>
<tr>
<td>20 – 39.99 acres</td>
<td>5,000 square feet</td>
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</table>

**Carver County’s current regulations:**

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Maximum Building Area</th>
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</thead>
<tbody>
<tr>
<td>Less than 2 acres</td>
<td>2,000 square feet</td>
</tr>
<tr>
<td>2 - 5 acres</td>
<td>3,000 square feet</td>
</tr>
<tr>
<td>5 acres or greater</td>
<td>4,000 square feet</td>
</tr>
</tbody>
</table>

**Le Sueur County’s current regulations:**

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Maximum Building Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 acre</td>
<td>2,000 square feet</td>
</tr>
<tr>
<td>1 – 1.99 acres</td>
<td>3,600 square feet</td>
</tr>
<tr>
<td>2 – 4.99 acres</td>
<td>4,000 square feet</td>
</tr>
</tbody>
</table>

**Washington County’s current regulations:**

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Maximum Building Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 acre</td>
<td>720 square feet</td>
</tr>
<tr>
<td>1 – 2.49 acres</td>
<td>1,000 square feet</td>
</tr>
<tr>
<td>2.5 – 5 acres</td>
<td>2,000 square feet</td>
</tr>
<tr>
<td>5.01 – 20 acres</td>
<td>2,500 square feet</td>
</tr>
<tr>
<td>20 acres or greater</td>
<td>No limit provided it is Ag</td>
</tr>
</tbody>
</table>

**Rice County’s current regulations:**
Rice County does not have limitations on accessory building sizes. Accessory buildings are reviewed in relation to the home to determine if it is a personal storage, business (CUP) or agricultural building. There are a few rather large personal accessory buildings.

**Sibley County’s current regulations:**
Sibley County does not regulate accessory building sizes as they are largely 1 home per 40 acres.