SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, October 14, 2019
County Board Room at 6:30 PM

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

8. **Consistency with Capital Improvement Plans** – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County’s capital improvement plan. 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 MARSHALL (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 informed 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 unusual 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 procedurally they first address the motion that has been made and is currently on the floor unless Commissioner Huber wants to withdraw his motion. Commissioner 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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<td>Gary Hartmann</td>
<td>Aye</td>
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<td>Ray Huber</td>
<td>Aye</td>
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<td>Ed Hrabe</td>
<td>Nay</td>
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<td>Barbara Johnson</td>
<td>Absent</td>
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<td>Tom Vonhof</td>
<td>Nay</td>
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<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 #1)A 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 #1)B, #1)C 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>
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<tr>
<td>Gary Hartmann</td>
<td>Abstain</td>
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<td>Ray Huber</td>
<td>Nay</td>
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<td>Ed Hrabe</td>
<td>Aye</td>
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<td>Barbara Johnson</td>
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<td>Aye</td>
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<td>Lee Watson</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 continuance 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 Pelahal First Addition

   Location: Section 16
   Township: Louisville
   Current Zoning: I-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: 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 MNCOT 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 Hengst 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  
Chair, Planning Advisory Commission

Barbara Simonson  
Deputy Clerk to the Board

[Signature]

[Signature]

Date: [Signature]

[Signature]