



SCOTT COUNTY  
PLANNING ADVISORY COMMISSION  
MEETING MINUTES

Scott County Government Center  
200 Fourth Avenue West  
Shakopee, Minnesota

Monday, January 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, Ray Huber, Lee Watson, Barbara Johnson and Tom Vonhof.

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

**II. APPROVAL OF DECEMBER 10, 2018 MINUTES**

**Motion by Commissioner Watson; second by Commissioner Huber to approve the minutes of December 10, 2018 Planning Advisory meeting. The motion carried unanimously.**

**III. PUBLIC HEARING 6:30 PM: James Michael Country View (PL#2018-092)**

- A. Rezone 10 acres from RR-1, Rural Residential Reserve to RR-2, Rural Residential Single Family District.

**Location:** Section 26

**Township:** Spring Lake

**Current Zoning:** RR-1

Commissioner Vonhof reported this item was originally on the consent agenda but has been moved to public hearing timed agenda.

Nathan Hall, Associate Planner, presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website [January 14, 2019 Planning Advisory Commission Agenda Packet](#).

For the staff report please click on the download arrow and click on Agenda, Save and Open. Open the bookmark at the top of the page and click on James Michael Country View (PL#2018-092). The video of this meeting is also available for viewing by clicking the media button for video.

In addition to the staff report, Nathan Hall presented a fourth condition of approval as listed in the conditions for approval as set out below.

Chair Vonhof opened the public hearing

Commissioner Johnson asked if it would be possible for lots 2 & 3 to have a common driveway and one culvert. *Mr. Hall reported the road is a township roadway and the township has not provided any recommendation on that matter. It could be a condition if the Commission deems it appropriate.*

Commissioner Johnson indicated no representatives from Spring Lake Township were present at the time.

Commissioner Hentges asked about a condition referring to a driveway permit requirement from the township and wanted to know if such application has been made for the driveways are currently platted. *Mr. Hall responded he is not aware of any driveway permit applications for the respective lots. It is his understanding that the application for a driveway permit would not be obtained until the time in which a building permit is submitted for the property as they are not typically issued for vacant lots.*

Applicant James Michael reported he had a conversation with the township about idea of a common driveway for the 2 new lots. He stated the township basically passed over it saying there are often more neighbor problems with shared driveways than individual ones. He noted the area is relatively flat and culverts are not taking a lot of water.run-off at the top of the hill.

Commissioner Vonhof requested Mr. Michaels sign in at the podium and asked him if he had any other information he would like to provide on his application.

Applicant James Michael reported he also discussed the issue of the outlying shed structure at a township meeting. He described the building and the added structure on the building. He expressed his thoughts on the structures placement, willingness to sign a deed restriction and future buyers will be aware of the structure's location. He noted the township's approval to allow the structure as it is.

Commissioner Hentges commented on information that indicated the township wanted the structure removed and also asked the applicant the use of the shed structure. *Mr. Michaels noted the township recently approved the structure to remain as it stands and it will be used by his son for storage.*

Commissioner Vonhof requested clarification on the reason the structure is in question. Is it due to the square footage or that it is within the 30 foot setback. *Mr. Michaels replied it is due the placement of the structure in the 30 foot setback. Instead of 30 feet, it 15 feet from the property line.*

Commissioner Vonhof confirmed that Mr. Hall and Mr. Michaels were done with their comments and informed the public the podium was open for comments and noted the podium sign in sheet.

Bill Teat, 20720 Mushtown Rd is concerned about:

- Water run off due the downward slopes in the area
- Encroaching on their lifestyle and chopping of the neighborhood
- He has honey bees and said he is being compiled in on
- He could also add lots to his property but this would bother neighbors to the north
- It is expensive to live in the area due everything needing to be done on larger scale such as lawn fertilizer.
- All the new wells and septics going in around the area
- He noted several reasons they have chosen to live in the country and concerns about what will become of the area in the future with more growth.

Rob Molstad, 4895 208<sup>th</sup> St. E. is concerned about:

- Nothing against the applicant but the plan changes everything
- Piece of privacy like walking your dog down the street without a thousand cars driving by
- Taxes resulting from more expensive homes coming to the area citing the 26 new homes coming to the 80 acres north of the area. He noted the effect of his own taxes increasing in the recent past.
- As a retired cop he is home and watches the neighbor and it is not the way it should be.

Steve Gross, 4950 208 St E is concerned about:

- Possibility of surface water issues such as run off.
- The type of recourse if any that would be available to him if it becomes an issue.
- Currently manageable but concerned with added driveways and structures.
- It is not why they moved to the area and as long as he can do what anyone else is allowed to do.

Commissioner Vonhof responded to Mr Gross' concerns about the surface water and run off. He reported that the rate of water movement across the land to the development cannot be changed without approval. There is recourse if something like that should happen. It also depends on the land and the soils.

Kevin Bjorge, 20799 Calmor Ave is concerned about:

- They came to the area for space and privacy.
- How the rules keep changing over time regarding acre limits and road frontage limits.
- Other restrictions or lack of with regards to building on the lots such as house size.

Commissioner Vonhof commented that the county recently went through a 2 year process to decide these very issues with the townships and citizens as they developed the 2040 Comprehensive Plan. He described the varying densities across the townships. He commented on the tax impacts.

Clare Friedman, 20720 Mushtown Rd is concerned about:

- Their privacy being jeopardized which is one of the reasons they moved to the country.
- The impact of additional drainage on to their property.

Applicant James Michael responded to some of the concerns expressed. He noted he purchased the property at a higher price because of the ability to split the lot. This has been part of Spring Lake Township's ordinances for many years including the building eligibility and current density allowances. He also commented there will now be 2 more homes paying taxes on the same land where there was only one home paying taxes.

Commissioner Hartman asked Mr. Michaels about possible drainage issues and the option of grading the site with a swale type grade as to direct the water more towards the wetland. *Mr. Michaels replied describing that through the building permit process a certified surveyor will plot the house and the property which will include a drainage plan to show where water runoff will go. This will then be reviewed and approved by the building department.*

Kevin Bjorge, 20799 Calmor Ave asked Mr. Michaels about road frontage requirements. *Mr. Michaels reported that the frontage road requirements on lots 12 acres or less is an average of 200 ft. Therefore the lots can have different frontage as long as they average is 200 ft.*

Rob Molstad, 4895 208<sup>th</sup> St E commented about how property taxes work stating it is not quite how Mr. Michael described. He explained how his taxes went up when the million dollar homes came in the Credit River development.

Commissioner Johnson noted taxes are not an issue for the Planning Commission Board and are not taken into consideration. She explained the applicant's request is allowed through the zoning ordinances, it is not a new situation and the ordinance has been in the plan for approximately 20 years. She noted her own experience in Spring Lake township with similar situation which is why she moved.

**With no further public comment there was a motion to close the public hearing. Motion by Commissioner Johnson; second by Commission Watson to close the public hearing. The motion carried unanimously**  
**Motion by Commissioner Johnson; second by Commission Watson based on**

**the criteria for approval listed in the staff report, to recommend approval of the rezoning, preliminary plat and final plat of Country View, consisting of 3 lots on 10 acres noting that this recommendation is subject to approval of the four conditions recommended by staff that must be satisfactorily addressed prior to County Board consideration of the project, and noting the Township of Spring Lake recommended approval of the application. The motion carried unanimously.**

**Conditions for Approval:**

1. Approval of the wetland delineation by Spring Lake Township, and dedication of conservation easement over the delineated wetland.
2. County Surveyor, Attorney and Recorder review and signing of the plat Mylars.
3. Payment of all Spring Lake Township and Scott County Final Plat fees.
4. Accessory building be brought into compliance with the setback requirements of the Scott County Zoning Ordinance or financial guarantee be provided to ensure the structure becomes compliant.

**Criteria for Approval:**

1. *Adequate Drainage* – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance.
2. *Adequate Potable Water Supply* – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – the proposed lots have frontage and driveway access to 208<sup>th</sup> Street East, a paved Township Road.
4. *Adequate Waste Disposal Systems* – the proposed lots meet all requirements of the individual sewage treatment system ordinance. A septic permit for the existing dwelling must be applied for on Lot 1 before a new house permit on Lot 2 can be approved.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2030 Comprehensive Plan for the development in the Rural Residential Growth Staged Area.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as it is adding one additional lot.
7. *Consistency with the Minnesota Environmental Quality Board's Policies*- the proposal does not require any environmental review and is therefore consistent with the policies of the Minnesota Environmental Quality Board.
8. *Consistency with Capital Improvement Plans* – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County's capital improvement plan.

And noting that Spring Lake Township recommended approval of this request at their December monthly meeting.

**IV. PUBLIC HEARING 7:15 PM STEVEN GEIS BUFFALO RIDGE 2<sup>ND</sup> ADDITION (PL#2018-116)**

- A. Rezoning of 129.83 acres from RR-1, Rural Residential Reserve District to RR-2, Rural Residential Single Family District.
- B. Preliminary Plat and Final Plat of Buffalo Ridge 2<sup>nd</sup> Addition consisting of 7 lots and 1 outlot on 129.83 acres.

**Location:** Section 36  
**Township:** Spring Lake  
**Current Zoning:** RR-1

Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website [January 14, 2019 Planning Advisory Commission Agenda Packet](#).

For the Staff report please click on the download arrow and click on Agenda, Save and Open. Open the bookmark at the top of the page and click on the Steven Geis Buffalo Ridge 2<sup>nd</sup> Addition.

Chair Vonhof opened the public hearing

Commissioner Hentges asked if there has been any studies looking at the impact the additional housing and traffic will have on County Road 8. Citing how busy and constricted the road is already. *Mr. Wagner replied the county has undertaken a number of studies on the County Road 8 corridor. The main outcome over the years concludes it is a principal arterial road which is the highest functioning road. Other examples are County Road 42, Highway 169 and Interstate I-35. This is why there are space requirements for access onto those roads and why Flag Trail will eventually be closed, all in an attempt to alleviate connections to the county road. The County will likely have plans to expand the roadway but they are not imminent. He noted the Township does allow for the development of the parcel. The County Highway Department also reviewed the request and had no comments on it. If the applicant chooses to develop outlot A, there will be improvements needed to Flag Trail at that time.*

Commissioner Hentges commented on the current high traffic volume on County Road 8 especially during rush hour times to and from work for residents. She asked about later when the rest of the property develops and what will be done to handle that additional traffic. *Mr. Wagner explained the land use decisions in the 2030 and 2040 plans include a whole chapter on transportation and the road improvements that will be needed to accommodate the growth. When Spring Lake Township decided 15 years ago they wanted to move to 2.5 acres lots, the county looked at county road infrastructure to determine if it can accommodate the increased amount of traffic. At this time the answer is yes but as further development occurs the county knows the road will have to be expanded at some point.*

Commissioner Johnson asked whether or not the people purchasing the new 7 lots will know there may be future lots developed around them including lots 1 & 3, which will have a road going between them. *Mr. Wagner responded that if citizens do their due diligence and contact the Planning office, they are provided copies of the plat. Also the developer and land owner can provide copies of the future plans. Once the lots are sold, the Planning office does not review sales only the building permits. It would be up to the landowner, developer or buyer to review the types of activity that could go on around the property. There is no requirement from the county that the buyer receive a copy of any future plats.*

Commissioner Hentges is concerned on the process of approving these types of develops in sections, only looking at a piece at a time. She questioned whether they are approving 7 houses in this addition or are they really starting to approve a 30 house development that will come in the future. It's difficult to make an informed decision without knowing this piece of information.

Commissioner Vonhof commented saying one challenge is the county has a capital improvement plan for its roads and the townships have their own roadway system, often dependent on when lots are developed. He asked if townships have an overall network approach to their roadways like the county does. He also referenced the ADT's, average daily trips, per household that will grow with the addition of more households and how that

impacts the roads and traffic. *Mr. Wagner said to some extent they may do this. For example, when Spring Lake went to 2.5 acre lots, the township did a detailed area study that looked at roads, road connections and what will be needed to accommodate the growth. They may develop a plan but how they implement that plan he did not know. The County cannot require the Township make road improvements however, may provide suggestions on road improvements. Mr. Wagner responded to the concern about approving a section at a time. He emphasized that the county does not control when properties develop referencing the Harvest Hills development. This is all dependent on when property owners choose to develop.*

Commissioner Johnson asked about the wetland issues surrounding lots in the Raven Point 2<sup>nd</sup> Addition that had to be addressed. *Mr. Wagner stated he did not recall the issues specifically but noted the area being discussed is in a higher position, up near the road, and found no concerns in staff review of the area.*

Planner Marty Schmitz commented on the grading that occurred on the Raven Point project and how it impacted the project.

Reino Maijala, 5740 Raven Pt Rd, is concerned about:

- The current conditions of the township road and ability to handle more traffic.

Mike Kretchmer, 5790 Raven Pt Rd, is concerned about:

- The headlights that will affect his property from the road that will come from the larger development that is planned for the outlot.

Commissioner Hartman commented on the headlight situation as he had previously considered which property would be affected by traffic exiting from that point onto the road.

Vicke Fricke, 21700 Flag Trail is concerned about;

- The road conditions and the addition of more traffic. The possible closing of Flag Trail onto County Road 8.
- The small piece of adjacent property from outlot A, that may be developed in the future, which lies directly behind her property and how that will impact her land and home.

Thomas Fricke, 21700 Flag Trail is concerned about:

- The small piece adjacent property from outlot A as well, and the potential to cut their property off from access to the lake.
- Conditions and use of Flag Trail

**Motion by Commissioner Johnson to close the public hearing; second by Commission Hentges to close the public hearing. The motion carried unanimously.**

**Motion by Commissioner Johnson; second by Commission Huber based on the criteria for approval listed in the staff report, to recommend approval of the rezoning, preliminary plat, and final plat of Buffalo Ridge 2<sup>nd</sup> Addition, consisting of 7 lots and 1 outlot on 129.83 acres and noting that this recommendation is subject to the conditions listed that must be satisfactorily addressed prior to County Board consideration. Noting the Township of Spring Lake made further recommendations that have to be addressed. The motion carried unanimously.**

#### **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 proposed lots will have frontage and access off of Raven Point Road, a paved Spring Lake 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 consideration.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2030 Comprehensive Plan for the development in the Rural Residential Growth Staged Area.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize the existing Township road for access.
7. *Consistency with the Minnesota Environmental Quality Board's Policies- the property is below the 80 acres of changed land use that would require an Environmental Assessment Worksheet (EAW) be completed.*
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 *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.

And noting Spring Lake Township recommended the approval of this request with conditions at their January 10, 2019 meeting.

**V. PUBLIC HEARING 7:40 PM: Ames Construction, LLC (PL#2018-100)**

- A. Request for Interim Use Permit to operate a mine to extract material solely for the 169/41/78 interchange and frontage road project..

**Location:** Section 21  
**Township:** Louisville  
**Current Zoning:** C-1

Marty Schmitz presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website [January 14, 2019 Planning Advisory Commission Agenda Packet](#).

For the Staff report please click on the download arrow and click on Agenda, Save and Open. Open the bookmark at the top of the page and click on the Ames Construction, LLC.

Mr. Schmitz also presented the township recommendation and updated staff recommended conditions.

Commissioner Vonhof opened the meeting for comment and asked if the township and applicant wanted to comment.

Commissioner Johnson inquired about the large load quantities of 200-300 per day cited in the application and the type of hauling truck that will be used in the process.

Pat Mason, Ames Construction, explained the load counts in the reports are estimates. They are expecting to extract 80-100 thousand yards total depending on the true quantity found on the property. The counts are a range of loads that will be ingressing and egressing and may vary from day to day. The company will use end dumps as much as possible.

Commissioner Huber asked Marty Schmitz if the frontage road will end at the property being discussed and when the property is develops, will the septics will be pumped uphill. *Mr. Schmitz replied that the frontage road will run adjacent to Highway 169 down to Highway 14. He explained future septic systems may need to pump which is not that uncommon.*

Commissioner Hartmann inquired about if the county aggregate tax will be paid on the project. *Mr. Schmitz reported the tax will apply.*

No one approached the podium for further comment.

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

**Motion by Commissioner Hartmann; second by Commission Huber subject to the conditions of approval and based on the criteria for approval listed in the staff report, to recommend approval of the Interim Use Permit for Ames Construction to operate a borrow pit for the 169/41/78 interchange and frontage road project, noting that Louisville Township Board has recommended approval of the request. The motion carried unanimously.**

**Conditions to be satisfied prior to County Board Consideration:**

1. Any conditions stated in the Scott County Natural Resources Department review of the storm water management and erosion control plans for the project.
2. Any condition stated in the Louisville Township review of the project.
3. Any condition stated in Scott County Public Works Department review of the project.
4. Revise the cross sections to make them consistent with the Reclamation Plan (Sheet 6.20).

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

1. The proposed use does not create an excessive burden on public facilities.

*The proposed operation utilizes the frontage road under construction as part of the 169/41/78 interchange and frontage road project and County Roads 14 & 78 and State Highway 169 as haul road. Truck hauling & stop signs will be installed as required by Scott County. Ames Construction is responsible for any damage they cause to County or Township Roads.*

2. The proposed use is compatible with uses on adjacent lots.

*The Borrow site will be open for approximately 2 years to provide material solely for the 169/41/78 interchange and frontage road project. The applicant will maintain the required 200' setback to the residential zoned lot in the August Sky Development.*

3. The proposed structures will be designed of materials that are not unsightly in appearance.

*No buildings are proposed for this temporary mining operation.*



4. The use is consistent with the purpose of the C-1 Zoning District.

*The General Commercial district allows mining through Interim Use Permits.*

5. The use is not in conflict with the Scott County 2030 Comprehensive Plan.

*The Comprehensive Plan encourages extraction of aggregate resources prior to more intensive land use or development.*

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

*The proposed operation utilizes the frontage road under construction as part of the 169/41/78 interchange and frontage road project and County Roads 14 & 78 and State Highway 169 as haul road. Truck hauling & stop signs will be installed as required by Scott County. Ames Construction is responsible for any damage they cause to County or Township Roads.*

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

*No buildings are proposed for this temporary mining operation*

**Conditions of Approval:**

1. The permit shall be operated in compliance with the applicant's plans dated December 20, 2018(as may be amended to address outstanding Erosion Control and Stormwater Management items) prepared by Ames Construction and narrative dated January 3, 2019. To the extent there are any conflicts between either the plans or the narrative and this permit, the conditions of this permit shall control.
2. The borrow site shall be used solely to provide material for the 169/41/78 interchange and frontage road project.
3. Hours of operation for the mine shall be:

Mining/Truck loading/ hauling      7:00 a.m. to 7:00 p.m. Monday-Friday & Saturday if necessary

Staging/Start up                      One hour before and one hour after the mining and trucking hours  
(this includes non-noise generating activities such as employee meetings, safety meetings, and fueling of equipment)

Equipment Maintenance              Permitted during daylight hours

No work on Sundays or holidays

4. Haul roads shall be limited to the frontage road under construction adjacent to the mine and County Roads 14 & 78, and State Highway 169.
5. The Operator shall water the haul roads and processing areas of the mine as needed to minimize dust.
6. The Operator shall identify a person within the company for the residents, the Town Board, or Scott County to contact regarding their concerns of the IUP.
7. The Operator shall comply with all rules, regulations, requirements, and standards of the Minnesota Pollution Control Agency (MPCA) and other regulations and standards applicable to the mining operation.
8. The applicant shall provide to the Scott County Auditor's Office appropriate payment due for gravel tax in accordance with State and County regulations
9. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.
10. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
11. The property shall be maintained in a neat and orderly manner. Noxious vegetation shall be controlled in compliance with County Ordinances.
12. No crushing or blasting activities shall be allowed.
13. There shall be no overnight camping of employees of the company on the site.
14. The applicant shall comply with all requirements of the Scott County Highway Department for needed traffic

control signs and obtaining any required access permits.

- 15 The applicant shall be responsible for cleaning the frontage road, CR's 14 & 78, and State Highway 169 as required by the Project Engineer.
- 16 As required by the Scott County Traffic Engineer the applicant will be responsible for installing signage along the haul route.
- 17 The applicant shall provide Scott County with a \$50,000.00 Letter of Credit to insure the Erosion Control Plan and Reclamation Plan are followed and that no damage is done to township, county, or state roads as a result of the project.
- 18 When mining is completed, a registered engineer shall certify to the County that the site has been restored in accordance with the end use plan.
- 19 Ames Construction shall be responsible for any damage to public roads caused by the hauling of material.
- 20 All mining and reclamation shall be completed by November 30, 2020.

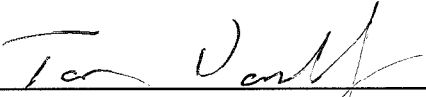
## VI. ELECTION OF OFFICERS FOR THE PLANNING COMMISSION

**Motion by Commissioner Johnson; second by Commissioner Huber to nominate the same Officers as prior year. Commissioner Vonhof read the nominations on the record. Tom Vonhof for Chair, Barbara Johnson for Vice Chair and Lee Watson for Secretary. The motion carried unanimously.**

## VII. PLANNING MANAGER UPDATE

## VIII. GENERAL & ADJOURN

**Motion by Commissioner Watson; second by Commission Huber to adjourn the meeting at 8:37 PM. The motion carried unanimously.**

  
\_\_\_\_\_  
Tom Vonhof  
Chair, Planning Advisory Commission

Feb 11, 2019  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Barb Simonson  
Deputy Clerk to the Board