

**City of Grant
City Council Agenda
December 4, 2018**

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, December 4, 2018, in the Grant Town Hall, 8380 Kimbro Ave. for the purpose of conducting the business hereafter listed, and all accepted additions thereto.

1. CALL TO ORDER

PUBLIC INPUT

Citizen Comments – Individuals may address the City Council about any item not included on the regular agenda. The Mayor will recognize speakers to come to the podium. Speakers will state their name and address and limit their remarks to two (2) minutes with five (5) speakers maximum. Generally, the City Council will not take any official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF REGULAR AGENDA

4. APPROVAL OF CONSENT AGENDA

- A. November City Council Meeting Minutes
- B. November Bill List, \$61,021.71
- C. City of Mahtomedi, 4th Quarter Fire Contract, \$34,317.00
- D. City of Stillwater, 2nd Half Fire Contract, \$58,124.00

5. STAFF AGENDA ITEMS

A. City Engineer, Brad Reifsteck (no action items)

B. City Planner, Jennifer Haskamp

i. Consideration of Resolution No. 2018- 25, US Solar Text Amendment Application

ii. Consideration of Resolution No. 2018 –26, Major Subdivision Application, The Gateway,

C. City Attorney, Dave Snyder (no action items)

6. NEW BUSINESS

i. Consideration of Resolution No. 2018-27, 2019 Final Budget

ii. Consideration of Resolution No. 2018-28, 2019 Final Levy Certification

iii. Consideration of Canvas of Election Meeting Minutes

iv. Consideration of Resolution No. 2018-29, Mogrow Inc. 2019 Liquor License

v. Consideration of Resolution No. 2018-30, Schone’s Inc. 2019 Liquor License

vi. Consideration of Resolution No. 2018-31, Loggers Trail Golf Club 2019 Liquor License

vii. Consideration of Resolution No. 2018-32, Cozzie’s Tavern 2019 Liquor License

viii. Consideration of Resolution No. 2018-33, Dellwood Barn Weddings, LLC 2019 Liquor License

ix. Consideration of Resolution No. 2018-34, Applewood Hills LLC 2019 Liquor License

x. Consideration of Cable Commission and Comcast Extension Agreement

7. UNFINISHED BUSINESS

8. DISCUSSION ITEMS (no action taken)

A. Staff Updates (updates from Staff, no action taken)

i. Zoning Section 32-409, City Attorney Snyder

B. City Council Reports/Future Agenda Items (no action taken)

9. COMMUNITY CALENDAR DECEMBER 5 THROUGH DECEMBER 31, 2018:

Mahtomedi Public Schools Board Meeting, Thursday, December 13th and 27th, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, December 13th, Stillwater City Hall, 7:00 p.m.

Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.

City Office Closed, Christmas Holiday, December 24th and December 25th

10. ADJOURNMENT

CITY OF GRANT
MINUTES

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5 **DATE** : November 5, 2018
6 **TIME STARTED** : 7:00 p.m.
7 **TIME ENDED** : 7:35 p.m.
8 **MEMBERS PRESENT** : Councilmember Carr, Kaup, Sederstrom, Lanoux
9 and Mayor Huber
10 **MEMBERS ABSENT** : None

11
12 Staff members present: City Attorney, Dave Snyder; City Treasurer, Sharon Schwarze; and
13 Administrator/Clerk, Kim Points

14
15 **CALL TO ORDER**

16
17 The meeting was called to order at 7:00 p.m.

18
19 **PUBLIC INPUT**

20
21 (1) Mr. Larry Lanoux, 9711 Keswick Avenue, came forward and read a statement relating to the City
22 Clerk.

23 (2) Mr. James Drost, 8682 Jamaca, came forward and commented on differences between telling the
24 truth and telling half-truths.

25 (3) Mr. Larry Lanoux, 9711 Keswick Avenue, came forward and commented on violations of civil
26 rights in terms of public comment.

27
28 **PLEDGE OF ALLEGIANCE**

29
30 **SETTING THE AGENDA**

31
32 **Council Member Carr moved to approve the agenda, as presented. Council Member Kaup**
33 **seconded the motion.**

34
35 Mayor Huber called for a five minute recess at 7:10 p.m. Mayor Huber called the meeting back to
36 order at 7:11 p.m.

37
38 **Motion carried with Council Member Lanoux and Sederstrom voting nay.**

39
40 **CONSENT AGENDA**

41
42 October 2018 Bill List, \$47,311.06 Approved

43
44 City Does NOT Waive Tort Liability Approved

1
2 Kline Bros. Excavating, Road Maintenance,
3 \$20,087.50

Approved

4
5 Brochman Blacktopping, Potholing, \$20,931.14

Approved

6
7 **Council Member Carr moved to approve the consent agenda, as presented. Council Member**
8 **Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
9 **voting nay.**

10
11 **STAFF AGENDA ITEMS**

12
13 **City Engineer, Brad Reifsteck (no action items)**

14
15 **City Planner, Jennifer Swanson (no action items)**

16
17 **City Attorney, Dave Snyder (no action items)**

18
19 **NEW BUSINESS**

20 **October 2, 2018 City Council Meeting Minutes (Council Member Lanoux Abstain)**

21
22 **Council Member Carr moved to approve the October 2, 2018 City Council Meeting Minutes, as**
23 **presented. Council Member Kaup seconded the motion.**

24
25 Mayor Huber made a friendly amendment to the motion to correct page 8, line 10 to read “motion
26 carried unanimously”. Council Member Carr and Council Member Kaup accepted the friendly
27 amendment.

28
29 **Motion carried with Council Member Sederstrom voting nay and Council Member Lanoux**
30 **abstaining.**

31
32 **Consideration of Resolution No. 2018-24, Washington County All-Hazard Mitigation Plan –**
33 **Staff advised the last step in the Washington County All Hazard Mitigation Plan update is the local**
34 **approval.**

35
36 **Council Member Carr moved to adopt Resolution No. 2018-24, as presented. Council Member**
37 **kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
38 **voting nay.**

39
40 **Consideration of Election Certification Meeting –** Staff advised a Certification of Election meeting
41 should be held 3-10 days after the election.

42
43 The Canvas of Election Meeting was scheduled on Friday, November 9, 2018 at 9:00 a.m. at the City
44 Office.

1 **UNFINISHED BUSINESS**

2
3 There was no unfinished business.

4 **DISCUSSION ITEMS (no action taken)**

5
6 **Staff Updates (updates from Staff, no action taken)**

7
8 City Attorney Snyder advised the full caption of the litigation meetings is "Points vs Larry Lanoux".

9
10 **City Council Reports/Future Agenda Items**

11
12 Zoning Section 32-409 was added to the next agenda for discussion.

13
14 If there is any update regarding the enforcement of the intersection at Settler's Way and Manning it
15 will be on the next agenda.

16
17 **COMMUNITY CALENDAR NOVEMBER 6 THROUGH NOVEMBER 30, 2018:**

18
19 **2018 General Election, Woodbury Lutheran Oak Hill Campus, Tuesday, November 6, 7:00 a.m.**
20 **to 8:00 p.m.**

21 **Mahtomedi Public Schools Board Meeting, Thursday, November 8th and 26th , Mahtomedi**
22 **District Education Center, 7:00 p.m.**

23 **Stillwater Public Schools Board Meeting, Thursday, November 8th , Stillwater City Hall, 7:00**
24 **p.m.**

25 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**

26 **City Office Closed, Thanksgiving Holiday, Thursday and Friday, November 22nd and 23rd**

27
28 **ADJOURNMENT**

29
30 **Council Member Carr moved to adjourn the meeting at 7:35 p.m. Council Member Kaup**
31 **seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting**
32 **nay.**

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40 These minutes were considered and approved at the regular Council Meeting December 4, 2018.

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Kim Points, Administrator/Clerk

Jeff Huber, Mayor

DRAFT

City of Grant

Disbursements Register

11/27/2018

Fund Name: 100 - General Fund

Date Range: 11/01/2018 To 11/27/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
11/19/2018	Payroll Period Ending 11/19/2018	13889	2018 Mayor	N	Mayor Salary	100-41002-100-	\$ 2,678.15
	Total For Check	13889					\$ 2,678.15
11/19/2018	Payroll Period Ending 11/19/2018	13890	2018 Council Member	N	Council Salaries	100-41005-100-	\$ 2,109.50
	Total For Check	13890					\$ 2,109.50
11/19/2018	Payroll Period Ending 11/19/2018	13891	2018 Council Member	N	Council Salaries	100-41005-100-	\$ 2,230.25
	Total For Check	13891					\$ 2,230.25
11/19/2018	Payroll Period Ending 11/19/2018	13892	2018 Council Member	N	Council Salaries	100-41005-100-	\$ 2,230.25
	Total For Check	13892					\$ 2,230.25
11/19/2018	Payroll Period Ending 11/19/2018	13893	2018 Council Member	N	Council Salaries	100-41005-100-	\$ 2,230.25
	Total For Check	13893					\$ 2,230.25
11/26/2018	Todd Smith	138901	Monthly Assessment Services - November	N	Property Assessor	100-41208-300-	\$ 1,991.92
	Total For Check	138901					\$ 1,991.92
11/26/2018	Lisa Senopole	138902	Video Tec	N	Cable Costs	100-41212-100-	\$ 75.00
	Total For Check	138902					\$ 75.00
11/26/2018	Miller Excavating	138903	Gravel	N	Gravel Road Costs	100-43106-300-	\$ 169.34
	Total For Check	138903					\$ 169.34
11/26/2018	Waste Management	138904	Recycling	N	Recycling	100-43011-384-	\$ 4,907.88
	Total For Check	138904					\$ 4,907.88
11/26/2018	AirFresh Industries	138905	PortaPot #32517	N	Town Hall Porta Pot	100-43007-210-	\$ 125.00
	Total For Check	138905					\$ 125.00
11/26/2018	City of Mahtomedi	138906	4th Quarter Fire Contract	N	Fire - Mahtomedi	100-42002-300-	\$ 34,317.00
	Total For Check	138906					\$ 34,317.00
11/26/2018	Sharon Schwarzze	138907	2018Treasurer Services	N	Treasurer	100-41104-300-	\$ 6,556.00
	Total For Check	138907					\$ 6,556.00
11/26/2018	Croix Valley Inspector	138908	Building Inspector	N	Building Inspection	100-42004-300-	\$ 1,027.85
	Total For Check	138908					\$ 1,027.85

Fund Name: 100 - General Fund

Date Range: 11/01/2018 To 11/27/2018

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
11/26/2018	League of MN Cities Insurance Trust	138909	Insurance Premium - Workmans Comp	N	Insurance	100-41302-361-	\$ 496.00
		Total For Check 138909					\$ 496.00
11/26/2018	KEJ Enterprises	138910	November 2018 Road Contractor	N	Animal Control	100-42006-300-	\$ 83.00
		138910	Town Hall Mowing			100-43006-300-	\$ 125.00
		138910	Ball Field Maintenance			100-43009-300-	\$ 125.00
		138910	Road Engineering Fees			100-43102-300-	\$ 166.14
		138910	Road Garbage Removal			100-43105-300-	\$ 167.00
		138910	Gravel Road Costs			100-43106-300-	\$ 20.84
		138910	Magnesium Choride			100-43107-300-	\$ 41.67
		138910	Road Sign Replacement			100-43110-300-	\$ 83.84
		138910	Culvert Repair			100-43111-300-	\$ 20.84
		138910	Snow & Ice Removal			100-43113-300-	\$ 5,416.67
		138910	Road Brushing			100-43114-300-	\$ 2,250.00
		138910	Road Side Mowing			100-43115-300-	\$ 500.00
		Total For Check 138910					\$ 9,000.00
11/26/2018	Johnson Turner Legal	138911	September Billing	N	Legal Fees - General	100-41204-301-	\$ 2,373.50
		138911			Legal Fees - Complaints	100-41205-301-	\$ 312.00
		138911			Legal Fees - Prosecutions	100-41206-301-	\$ 1,700.00
		Total For Check 138911					\$ 4,385.50
11/26/2018	Tom Carr	138912	2018 Extra Meetings	N	Council Meeting Per Diem	100-41006-100-	\$ 75.00
		Total For Check 138912					\$ 75.00
11/26/2018	Jeff Huber	138913	2018 Extra Meetings	N	Council Meeting Per Diem	100-41006-100-	\$ 75.00
		Total For Check 138913					\$ 75.00
11/26/2018	Denny Kaup	138914	2018 Extra Meetings	N	Council Meeting Per Diem	100-41006-100-	\$ 75.00
		Total For Check 138914					\$ 75.00
11/26/2018	League of MN Cities Insurance Trust	138915	Deductable Claim #51362	N	Insurance	100-41302-361-	\$ 500.00
		Total For Check 138915					\$ 500.00
11/26/2018	Xcel Energy	138916	Utilities	N	Town Hall Electricity	100-43004-381-	\$ 66.34
		138916			Well House Electricity	100-43010-381-	\$ 366.45
		138916			Street Lights	100-43117-381-	\$ 93.68
		Total For Check 138916					\$ 526.47

Fund Name: 100 - General Fund

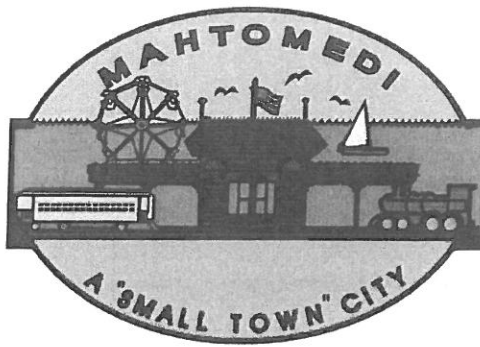
Date Range: 11/01/2018 To 11/27/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
11/26/2018	SHC, LLC	138917	Planning	N	City Planner	100-41209-301-	\$ 350.00
		138917					\$ 350.00
11/26/2018	Kline Bros Excavating	138918	Road Maintenance	N	Grader Contractor	100-43101-301-	\$ 3,420.00
		138918			Special Road Projects	100-43128-301-	\$ 9,206.25
		138918					\$ 12,626.25
11/26/2018	PERA	138919	PERA	N	Clerk PERA	100-41102-120-	\$ 376.77
		138919			Clerk PERA Withholding	100-41108-100-	\$ 326.53
		138919					\$ 703.30
11/26/2018	PERA	138920	PERA	N	Mayor PERA	100-41003-120-	\$ 120.75
		138920			Council PERA	100-41007-100-	\$ 120.75
		138920					\$ 241.50
11/26/2018	Graphic Resources	13895	Fall Newsletter	N	City Newsletter	100-41307-301-	\$ 1,335.88
		13895					\$ 1,335.88
11/26/2018	CenturyLink	13896	City Phone	N	City Office Telephone	100-41309-321-	\$ 137.80
		13896					\$ 137.80
11/26/2018	Lyle Signs, Inc.	13897	Road Signs	N	Road Sign Replacement	100-43110-330-	\$ 59.90
		13897					\$ 59.90
11/26/2018	City of Stillwater	13899	2nd Half Fire Contract	N	Fire - Stillwater	100-42003-300-	\$ 58,124.00
		13899					\$ 58,124.00
11/26/2018	League of Minnesota Cities	13900	Leadership Conference - Newly Elected Officials	N	Workshops	100-41305-310-	\$ 450.00
		13900					\$ 450.00
11/26/2018	IRS	EFT108	Payroll Taxes	N	Clerk FICA/Medicare	100-41103-100-	\$ 384.30
		EFT108			Clerk Medicare	100-41105-100-	\$ 72.84
		EFT108			Federal Withholding	100-41107-100-	\$ 374.90
		EFT108			Social Security Expens	100-41109-100-	\$ 311.46
		EFT108					\$ 1,143.50
11/26/2018	IRS	EFT109	Payroll Taxes	N	Mayor FICA/Medicare	100-41004-100-	\$ 443.70
		EFT109			Council FICA/Medicare	100-41008-100-	\$ 1,478.00
		EFT109					\$ 1,921.70
11/27/2018	Sprint	13921	City Cell Phone	N	Road Expenses - Other	100-43116-321-	\$ 32.00

Fund Name: 100 - General Fund

Date Range: 11/01/2018 To 11/27/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
11/27/2018	Wells Fargo Business Card	13921	Office Supplies/Conference Lodging	N	Workshops	100-41305-310-	\$ 255.56
		13922					
		13922			Office Equipment	100-41314-210-	\$ 192.77
		13922					\$ 448.33
11/27/2018	Lisa Senopole	13923	Video Tec - Nov PC Meeting	N	Cable Costs	100-41212-100-	\$ 75.00
		13923					\$ 75.00
11/27/2018	Lisa Senopole	13924	Video Tec - Supplies	N	Town Hall Supplies	100-43001-200-	\$ 32.19
		13924					\$ 32.19
Total For Selected Checks							\$ 153,462.71



January 8, 2018

City of Grant
c/o Kim Points
P.O. Box 577
Wilernie, MN 55090

Dear Kim,

Please remit a check in the amount of \$34,317.00 for the 4th quarter fire contract. Please pay December 1, 2018.

If you have any questions, please feel free to give me a call at 651-426-3344.

Thank you,

A handwritten signature in cursive script that reads "Jerene Rogers".

Jerene Rogers
Account Clerk



DATE	INVOICE NO
11/2/2018	0055171

BILL TO
City of Grant P O Box 577 111 Wildwood Rd Willemie, MN 55090

DUE DATE
12/31/2018

DESCRIPTION	QUANTITY	EFFECTIVE RATE	AMOUNT	DISCOUNT	CREDIT	BALANCE
PREVIOUS ACCOUNT BALANCE						0.00
Fire Contract Jan - Dec 2018:						
2nd Half Contract (\$116,248.00)	1.00	58,124.00	58,124.00	0.00	0.00	58,124.00
INVOICE TOTAL:			58,124.00	0.00	0.00	58,124.00

PLEASE DETACH BOTTOM PORTION & REMIT WITH YOUR PAYMENT

For questions please contact us at (651) 430-8800

Customer Name: City of Grant
 Customer No: 100353
 Account No: 0000006 - AR account for 100353

DUE DATE	INVOICE NO
12/31/2018	0055171



Please remit payment by the due date to:

City of Stillwater
 216 4th St N
 Stillwater, MN 55082-

Invoice Total: 58,124.00
 Discounts: 0.00
 Credit Applied: 0.00
 Ending Balance: 58,124.00

INVOICE BALANCE: \$58,124.00
AMOUNT PAID: _____



Application Date:	10/11/18
Fee: \$100	Escrow: \$1000

Paid check # 1425 \$1,100.00

COMPREHENSIVE PLAN OR ZONING AMENDMENT – (MAP OR TEXT)

It is the policy of the City of Grant that the enforcement, amendment, and administration of any components of the Zoning Ordinance be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan. Therefore, any Comprehensive Plan Amendment, or Zoning Amendment shall be considered for consistency among both documents.

LEGAL DESCRIPTION: The South 64 rods of the Northeast Quarter of Section 25, in Township 30 N, Range 21 West of the Fourth Meridian...see exhibit A for full legal description	ZONING DISTRICT & COMP PLAN LAND USE: A-1 LOT SIZE: 58 acres
OWNER: Name: Joyce Welander Address: 10381 83rd St N City, State: Stillwater, MN 55082 Phone: 651-303-0657 Email: N/A	APPLICANT (IF DIFFERENT THAN OWNER): United States Solar Corporation 100 N 6th St, Suite 218C, Minneapolis, MN 55403 612.294.6978 david.watts@us-solar.com
REQUESTED ACTION: <input type="checkbox"/> Map Amendment <input checked="" type="checkbox"/> Text Amendment <input type="checkbox"/> Map & Text Amendment	
If, MAP AMENDMENT, REQUEST TO REGUIDE LAND USE AND/OR ZONING FROM: _____ TO: _____. <i>*Please note that you will need to amend both the zoning and land use if a map change is requested</i>	
APPLICABLE ZONING CODE SECTION(S): <i>Please review the following documents to assist with your request.</i> <ol style="list-style-type: none"> Grant Minnesota City Code City Comprehensive Plan 	

Submittal Materials

The following materials must be submitted with your application in order to be considered complete. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

AP – Applicant check list, CS – City Staff check list

AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Current Text or Map in Comprehensive Plan and/or Zoning Ordinance.</u> The following must be included in your submittal: <ul style="list-style-type: none"> Chapter and Section Number Existing Text of the Section
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Proposed Text and/or Map Changes:</u> Submit your proposed changes to the text or Map, or both. Please make sure to consider how your changes affects different chapters in the plan or ordinance, and consider this when you submit your application. Make sure to address all areas that might be affected by your changes. (For example, a land use change might impact the traffic and transportation section, so make sure to address both chapters).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Written Narrative.</u> Your description should include how you intend to use and/or benefit by the Comprehensive Plan of Zoning Ordinance Amendment and should include the following: <ul style="list-style-type: none"> Address how the proposed CPA or Zoning Amendment will affect adjacent properties. Does your proposed language affect any other section the Comp Plan or Zoning Ordinance? Does your proposed language affect density? Increase or decrease?



- Planning Commissioners voiced concerns over the size and potential visual impact of community solar energy systems. Three commissioners indicated that they had visited several neighboring communities with installations and that they did not feel the use was consistent with the City's Comprehensive Plan and vision for the community.
- Several Planning Commissioners acknowledged that they supported the initial text amendment application in 2017 but have since reconsidered the use after visiting and viewing community solar energy systems first hand. Essentially, the majority concluded that they agreed with the City Council that the systems were more similar to a commercial/light industrial use and should not be permitted in the rural residential/agricultural areas of the City.

Staff Follow-up after Planning Commission

Given the direction of the Planning Commission and discussion, staff performed some additional research to understand how communities have addressed and classified the 'use' of CSES within their ordinances. While there is no universal standard, Staff was able to find several communities that explored amending their ordinances to permit CSES, and many of those same communities were interested in limiting their use to light industrial or utility zoning districts. Additionally, staff was able to find examples where communities had ultimately decided to prohibit CSES because of their light-industrial use, which some rural residential communities found to be incompatible with rural residential estates. Staff also called a few communities that are currently working on their solar ordinances and found that all were attempting to limit the CSES use to a light-industrial or general business use districts. Based on staff's research, and discussion with other communities, it seems that there is general consensus to limit CSES to light industrial or general business districts.

The following staff report is generally as presented to the Planning Commission.

BACKGROUND, APPLICANT & ORDINANCE HISTORY

The history of the City's ordinance development regarding solar energy systems for both residential and commercial installations is more complex than was summarized in the Applicant's narrative, and in some the Applicant has summarized the process inaccurately. Given the inaccuracies Staff provides the following historical timeline as background and information to consider in your review the subject application:

- In the first half of 2017 staff was contacted by several solar energy developers as well as individual residents that were interested in understanding the potential of installing and/or developing solar energy systems in the community. To all inquiries staff informed interested parties that the City did not address such uses in the community, and therefore based on language within the Zoning Ordinance, that the use was not permitted.
- One of the Inquiries was made by US Solar at the end of April 2017 by the developer's representative David Watts, who is also the representative on the subject application. US Solar was told that the use would not be permitted under the current code. They were further informed that the City's Ordinance permits landowners and those with real property interests to apply for text amendments to the Zoning Ordinance. No further direction was provided to US Solar except the City's Application form for a Text Amendment, and no pre-application meeting or other discussion was conducted between the City and US Solar at that time.



- Given that multiple inquiries were made, staff presented the issue to the City Council at its regular May 2017 meeting and requested consideration by the City Council to enact a Moratorium related to Solar Energy System uses so that staff could appropriately and adequately study the use and bring forward recommendations regarding potential solar energy systems uses in the City.
- On June 6, 2017 the City Council adopted a 6-month Moratorium by Ordinance (Ordinance #2017-52; signed at the June 29th Meeting and provided as Attachment B to this Staff Report) to allow the City to appropriately study the potential uses within the community.
- On June 13, 2017 US Solar made an application for a Text Amendment to the City's Zoning Ordinance to conditionally permit Community Solar Energy Systems in the A1 and A2 Zoning Districts of the City. Prior to submission, US Solar generally discussed their application with staff who directed the Applicant to the appropriate City Application form, which clearly states that all proposed changes should be identified within the application. Staff disputes the statement on page 6 of the Applicant's narrative which states, "after meeting with City staff, USS Joyous Solar LLC was told to submit a simple application showing the change in the table of uses..." as such direction was not given, instead the Applicant was advised, as is standard, to follow the City's Application checklist.
- After receiving the Application, the City Attorney determined that the Application for the Text Amendment by US Solar was able to be processed despite the enacted Moratorium, provided that the Applicant was aware that such Moratorium was in place and therefore **no application for a specific project could be made**. However, if they wanted to participate in the ordinance drafting process, the attorney determined that such activity was acceptable. It was communicated to the Applicant that it was their choice as to whether they wanted to participate in the ordinance drafting process and were provided no assurance or guarantee that such ordinance would permit or conditionally permit community solar energy systems. Staff communicated the existence of the Moratorium to the Applicant, who decided to continue to move forward with the Application.
- On July 18, 2017 a duly noticed public hearing was published for the proposed text amendment. At the bottom of page 7 and continuing to page 8 of the Applicant's narrative the following statement is made, "Furthermore, in the previous text amendment process, the City Clerk sent out notices to every person within a half mile of US Solar's proposed solar garden, and not a single neighbor attended the Planning Commission hearing to oppose the project..." There are several inaccuracies within this statement and staff provides the following clarification to ensure an accurate history of the process is documented. As noted in the previous bullet, **no review of a specific project on a specific property was conducted** in 2017 as required by the City's enacted Moratorium. This was clearly communicated to the Applicant numerous times throughout the process. Secondly, because the 2017 Application was a Text Amendment that would impact all properties within the A1 and A2 zoning district (and had no effect on the zoning district boundaries or official zoning map), no individual public hearing notices were sent consistent with Minnesota State Statute Section 462.357 Subd. 3.
- At the July 18, 2017 regular Planning Commission meeting staff prepared a staff report which presented the Applicant's proposed text amendments. Given the extremely general nature of the Applicant's proposed changes, staff identified all of the 'gaps' within the Applicant's proposal and recommended that the ordinance changes as proposed be denied, but that due to the Moratorium, the City was still committed to studying the issue of solar energy within the City. The Applicant is correct that a public hearing was held which was duly noticed in the City's official newspaper, and they are correct that no members of the public were present.



- During Planning Commission discussion on July 18, the Planning Commission determined that the ordinance amendments as proposed by the Applicant were inadequate and additional work was necessary. The Planning Commission specifically asked the Applicant whether they wanted to continue to work with Staff on the proposed changes, but again were provided an opportunity not to participate. Once again, the Applicant stated they would like to work with the City on the potential changes, but it was clearly stated by the Planning Commission that working with City Staff did not guarantee Ordinance adoption since the Planning Commission is only a recommending body to the City Council.
- After the July 18th Planning Commission Meeting, the Applicant worked with the City Staff to develop a draft ordinance addressing Community Solar Energy Systems. Staff continued to work on the ordinance independently and concurrently so that residential solar energy systems were also addressed within the ordinance draft as directed by the Moratorium. While the Applicant was singularly focused on Community Energy Solar Systems, the Moratorium in place was broader because no solar energy (whether residential or commercial) was addressed within the existing ordinance.
- On September 19, 2017 the revised ordinance that incorporated the recommendations of the Planning Commission from their July 18th meeting was presented to the Planning Commission. After discussion, the Planning Commission recommended approval of the draft ordinance to the City Council.
- On October 3, 2017 the City Council was presented with the draft ordinance as recommended by the Planning Commission. The draft ordinance included both Community Solar Energy Systems and Residential Solar Energy Systems. After much discussion and debate, the City Council majority disagreed with the Planning Commission and determined that Community Solar Energy Systems were not a desirable use in the community and viewed the use as an industrial/commercial use that was not intended in the City's A1 and A2 zoning districts. However, despite their lack of support for Community Solar Energy Systems, they did agree with the Planning Commission's recommendations regarding Residential Solar Energy Systems. After discussion, the Council majority directed staff to prepare a revised draft ordinance for consideration that would permit Residential Solar Energy Systems but would prohibit Community Solar Energy Systems.
- After review of the proposed changes at the regular meeting in November, the City adopted Ordinance 2017-53 on December 5, 2017 that allowed and regulated Residential Solar Energy Systems, but prohibited Community Solar Energy Systems. This Ordinance amendment is the basis of the Applicant's current Application, which is attached and provided within the Applicant's submittal (Attachment A).

ANALYSIS

Division 4, Section 32-116 of the City's Zoning Ordinance allows for amendments to the Zoning Ordinance (chapter), if such request is initiated by the City Council, Planning Commission or by a resident's petition. While the Applicant is not a landowner of the City, the Owner is a party to the Application and therefore has initiated the amendment for consideration in coordination with the Applicant. When considering the proposed text amendment, the City Council should consider, at a minimum, the following:

1. Are the proposed changes consistent with the City's adopted Comprehensive Plan?



2. Are the proposed changes compatible with existing regulations and standards within the affected/applicable zoning district?
3. Will the proposed changes have a negative impact on the health, safety and welfare of the community?
4. If the proposed changes are found to be consistent; are there additional considerations that should be addressed as part of the ordinance amendments that were not contemplated in the Application?

It is important to remember when reviewing the Applicant's proposed language and amendment that the changes will affect all properties in the City that are zoned and guided similarly (i.e. all properties in the A1 and A2 zoning district).

Comprehensive Plan

The City's Comprehensive Plan focuses on retaining the rural lifestyle and ensuring new uses are compatible with existing agricultural and rural residential uses in the A1 and A2 land use designations. Pages 9 through 11 of the Applicant's narrative describe US Solar's perception of how Community Solar Energy Systems support the goals of the Comprehensive Plan.

Most of the Applicant's analysis on the pages previously noted identify side/ancillary benefits that could be achieved if the CSES were permitted and installed, and how those supporting uses are consistent with the City's Comprehensive Plan rather than the CSES use itself. For example, the landscaping around the solar installation would be planted with prairie grasses and include sedimentation basins to assist with stormwater runoff and quality. While this may be true, and may also be consistent with the Comprehensive Plan, the landscaping is not the CSES use, it is a supporting and/or ancillary byproduct of the CSES development. The property owner could plant prairie grasses on their property regardless of the presence of the CSES and achieve the same environmental benefits noted in the Applicant's narrative. The issue of how to classify the actual CSES 'use' still remains. In 2017 the City Council determined that a CSES use is industrial/commercial / general business in nature and therefore is not consistent with the goals and objectives for the A1 and A2 land use designation. There have been no changes to the City's Comprehensive Plan since the 2017 Application, and therefore staff can only state the Council's previous findings regarding the CSES for consideration.

During the 2017 Application process, the City Council disagreed with the Applicant's analysis and conclusion that Community Solar Energy Systems are a rural or agricultural use, and instead concluded that the CSES use is closer to an industrial, general business or commercial use. The Applicant states on page 13 of their narrative, "This is not a commercial or industrial land use. There is no storefront, no permanent structures, no billboards, and no city utilities." On its face, this statement is somewhat correct, however, staff would argue that the solar panels/array would meet the definition of a 'structure' and would be subject to a building permit. Further, the solar panels/array will be in place for a minimum of 25-years, which could be argued is permanent since many buildings are designed for an average similar life-span before major maintenance and improvements are needed. Additionally, the mention of 'city utilities' is irrelevant and does not further define the type of 'use' that a CSES should be classified. The City provides no city services to any of its commercial or light industrial users located in the General Business district, and this is not a determining characteristic of 'use' within the City of Grant.



In 2017, the City Council concluded that the CSES use is more similar to an industrial or commercial use, and therefore is not consistent with the City's adopted Comprehensive Plan.

Consistency with Zoning

Section 32-243 defines the intent and purpose of the A1 and A2 zoning districts as,

- A-1 A-1 districts preserve land to be utilized for agricultural and commercial food production on lots smaller than those required in AP districts. A-1 districts provide areas of rural lot density housing with lots large enough for significant agricultural activity to occur.*
- A-2 The A-2 districts provide rural low density housing in agricultural districts on lands not capable of supporting long-term, permanent commercial food production. A-2 district lot sizes will provide for marginal agriculture and hobby farming.*

If the City Council's 2017 conclusion that the proposed CSES use is inconsistent with the land use designations in the Comprehensive Plan is upheld, then the CSES standards as proposed must also be viewed as inconsistent with the zoning.

However, since staff does not know how the City Council will view this new Application, staff provides the following considerations regarding the proposed additional performance standards contained in proposed section 32-458 that differ from previous language in the 2017 draft language:

- The Applicant proposes a minimum lot size for all CSES of 40-acres. The Applicant's narrative states that staff performed an analysis in the previous application process and concluded only three sites were available and meet the criteria. Staff disputes the definitive nature in how this statement is reflected in the Applicant's narrative. Staff performed preliminary review in 2017 based on available GIS records in 2017 and concluded that a small number of parcels could meet the 40-acre minimum criteria and still meet the other criteria of the ordinance. However, staff also noted that the review and analysis did not include a thorough analysis of adjacent ownership (i.e. adjacent parcels owned by the same entity that could be combined), and also acknowledged that future owners could purchase and assemble land to meet the criteria. However, it is true that staff previously concluded that a relatively small number of sites meeting all criterial would be available for a CSES if the ordinance were to be enacted with a minimum lot size criterion.
- The Applicant proposes to include language requiring spacing of at least 1-mile between CSES locations. Requiring 1-mile spacing seems to favor the 'first-in' and unfairly penalizing other landowners, if the use were permitted. This standard would need to be reviewed by the City Attorney, if the CSES use is deemed acceptable by the Planning Commission and City Council.

Petition and Other Comments

Staff acknowledges that the Applicant and Owner submitted a petition which includes 194 signatures in support of the Owner's specific project and making the applicable ordinance modifications. It is not clear from the petition whether residents understood that the proposed ordinance amendment would impact all property within the A1 and A2 zoning districts. The narrative accompanying the petition includes some



inaccuracies regarding the 2017 ordinance process similar to those previously identified. However, staff recommends that the City Council review the Petition and consider that many residents appear to be in support of CSES within the community.

Included within the Applicant's narrative and materials is a letter from the Minnesota Farm Bureau which states that their, "statewide policy supports the development and use of alternative energy sources such as solar farms and gardens..." but further acknowledges, "We do not weigh in on specific projects at the local level, those decisions need to be based on local support." Once again, staff would note that the subject Application is for a Text Amendment and does not address a specific project.

RECOMMENDATIONS/REQUESTED ACTION

A draft resolution of denial, as recommended by the Planning Commission, will be emailed out under separate cover and hard copies provided at the meeting.

Attachments:

Attachment A: Applicant's Submittal dated 10/11/2018

Attachment B: Ordinance 2017-52 Moratorium

City of Grant
P.O. Box 577
Willernie, MN 55090



Phone: 651.426.3383
Fax: 651.429.1998
Email: clerk@cityofgrant.com

Application Date:	10/11/18
Fee: \$100	Escrow: \$1000

Paid check # 1425 \$1,100.00

COMPREHENSIVE PLAN OR ZONING AMENDMENT – (MAP OR TEXT)

It is the policy of the City of Grant that the enforcement, amendment, and administration of any components of the Zoning Ordinance be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan. Therefore, any Comprehensive Plan Amendment, or Zoning Amendment shall be considered for consistency among both documents.

LEGAL DESCRIPTION: The South 64 rods of the Northeast Quarter of Section 25, in Township 30 N, Range 21 West of the Fourth Meridian...see exhibit A for full legal description	ZONING DISTRICT & COMP PLAN LAND USE: A-1 LOT SIZE: 58 acres
OWNER: Name: Joyce Welander Address: 10381 83rd St N City, State: Stillwater, MN 55082 Phone: 651-303-0657 Email: N/A	APPLICANT (IF DIFFERENT THAN OWNER): United States Solar Corporation 100 N 6th St, Suite 218C, Minneapolis, MN 55403 612.294.6978 david.watts@us-solar.com
REQUESTED ACTION: <input type="checkbox"/> Map Amendment <input checked="" type="checkbox"/> Text Amendment <input type="checkbox"/> Map & Text Amendment	
If, MAP AMENDMENT, REQUEST TO REGUIDE LAND USE AND/OR ZONING FROM: _____ TO: _____. <i>*Please note that you will need to amend both the zoning and land use if a map change is requested</i>	
APPLICABLE ZONING CODE SECTION(S): Please review the following documents to assist with your request. <ol style="list-style-type: none"> Grant Minnesota City Code City Comprehensive Plan 	

Submittal Materials

The following materials must be submitted with your application in order to be considered complete. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

AP – Applicant check list, CS – City Staff check list

AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Current Text or Map in Comprehensive Plan and/or Zoning Ordinance.</u> The following must be included in your submittal: <ul style="list-style-type: none"> Chapter and Section Number Existing Text of the Section
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Proposed Text and/or Map Changes:</u> Submit your proposed changes to the text or Map, or both. Please make sure to consider how your changes affects different chapters in the plan or ordinance, and consider this when you submit your application. Make sure to address all areas that might be affected by your changes. (For example, a land use change might impact the traffic and transportation section, so make sure to address both chapters).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Written Narrative.</u> Your description should include how you intend to use and/or benefit by the Comprehensive Plan of Zoning Ordinance Amendment and should include the following: <ul style="list-style-type: none"> Address how the proposed CPA or Zoning Amendment will affect adjacent properties. Does your proposed language affect any other section the Comp Plan or Zoning Ordinance? Does your proposed language affect density? Increase or decrease?

Application for: COMPREHENSIVE PLAN OR ZONING AMENDMENT
City of Grant

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any <i>graphic representations</i> of how the amendment(s) will benefit your property (if applicable)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Statement acknowledging that you have contacted the other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have authority over your request.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and addresses of property owners within 1,250 feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$100
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Escrow: \$1000

Review and Recommendation by the Planning Commission. The Planning Commission shall consider oral or written statements from the applicant, the public, City Staff, or its own members. It may question the applicant and may recommend approval, disapproval or table by motion the application. The Commission may impose necessary conditions and safeguards in conjunction with their recommendation.

Review and Decision by the City Council. The City Council shall review the application after the Planning Commission has made its recommendation. The City Council is the only body with the authority to make a final determination and either approve or deny the application.

***Please note that if your request is granted, it does not represent any specific project approvals related to your property. Additional applications and processes may be required to obtain your approvals if your amendment is approved.*

This application must be signed by ALL owners of the subject property or an explanation given why this not the case.


We, the undersigned, have read and understand the above.



Signature of Applicant

10/04/2018

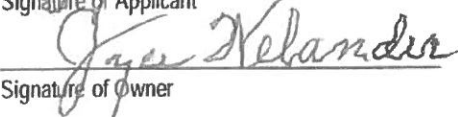
Date



Signature of Applicant

10-11-18

Date

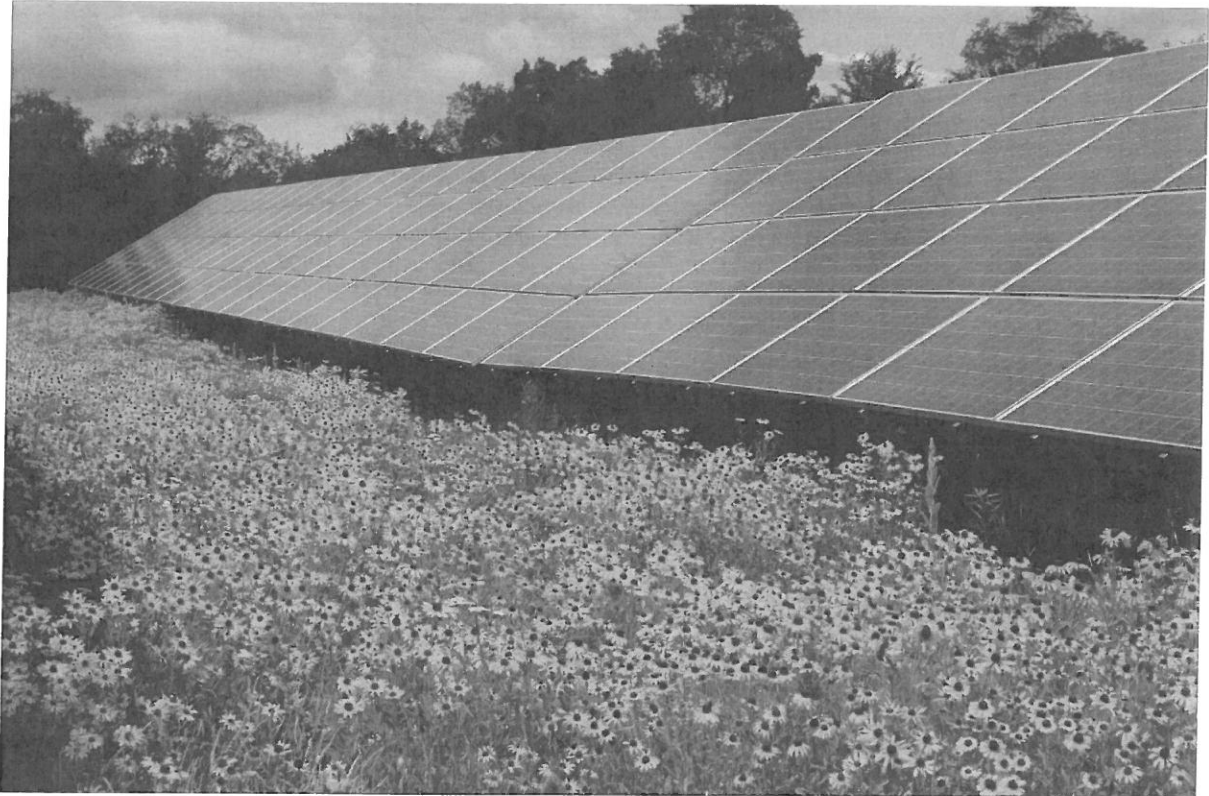


Signature of Owner

10-11-18

Date

US/SOLAR



USS JOYOUS SOLAR LLC
TEXT AMENDMENT APPLICATION
OCTOBER 11, 2018



City of Grant Minnesota

COVER LETTER

October 11, 2018
Grant City Council
8380 Kimbro Ave N,
Grant, MN 55082

RE: Application by USS Joyous Solar LLC for a text amendment to ordinance 2017-53

Dear Grant City Council,

Attached, please find an application for a text amendment to Ordinance 2017-53 ("the Ordinance") that conditionally permits Community Solar Energy Systems in the Agricultural district. The request is being made by USS Joyous Solar LLC, a subsidiary of United States Solar Corporation ("US Solar") and Joyce Welander, an active community member in the City of Grant. US Solar, a small business based in Minnesota, is a turnkey community solar developer, coordinating all Project details—development, permits, finance, construction, and operations and maintenance.

USS Joyous Solar LLC represents a large group of citizens who support the local development of community solar energy:

- 194 citizens of Grant signed a petition in favor of a solar project on Joyce Welander's property, after the Planning Commission voted 5-1 in favor of a text amendment to permit community solar.
- 89% of adults support expanding renewable energy (PEW Research Center).
- There is widespread bi-partisan support for solar – 60% of the top ten states by installed capacity are republican-leaning, while 40% are democratic-leaning (GTM Research).
- Solar capacity in Minnesota increased by 80% last year (StarTribune).

These statistics demonstrate the wide-spread support for solar energy due to benefiting the local economy, advancing energy independence and resilience, and providing environmental and social benefits. In fact, community solar is one of the only ways for a landowner to increase and diversify income while preserving and protecting farmland for future generations.

By amending the City of Grant's ordinance, USS Joyous Solar LLC can bring these benefits to the City of Grant while accurately representing the voice of the citizens of Grant and supporting the City's Comprehensive Plan. We appreciate the coordination and insights already provided by City of Grant staff, Planning Commission, City Council, and most importantly – Grant residents. Please contact us with any questions, comments, or points for clarification. We look forward to working with the City Council on this Project.

Sincerely,



David Watts – Project Development Manager

USS Joyous Solar LLC

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SUMMARY OF TEXT AMENDMENT

USS Joyous Solar LLC worked directly with City staff and the Grant Planning Commission to craft the proposed text amendment. The proposed text amendment resolves concerns expressed by the City and conforms to the naming and numbering conventions of Grant's ordinances. In fact, the Planning Commission recommended approval of a proposed text amendment conditionally permitting Community Solar Energy Systems ("CSES") on agriculturally-zoned land. The text amendment USS Joyous Solar LLC is now proposing builds off the text amendment of which the Planning Commission recommended approval, but adds a couple restrictions to resolve concerns expressed by the City Council late in the process.

To establish this Conditional use, CSES should be marked as "C" (Conditional Use Permit and public hearing) in zoning districts A1 and A2 and "N" (not permitted) in all other zoning districts.

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
<u>Community Solar Energy System</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Residential Solar Energy Systems – Building Mounted</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Solar Energy Systems – Ground Mounted</u>	<u>N</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

To see the proposed ordinance, please see Appendix I. For the comparison between our proposed ordinance and the City's current ordinance, please see Appendix III.

RESTRICTIONS ON COMMUNITY SOLAR ENERGY SYSTEMS

USS Joyous Solar LLC's proposed text amendment limits community solar development in many ways:

- CSES require a Conditional Use Permit issued by the City of Dayton
- CSES can only be located on parcels that are 40 acres or greater
- CSES must comply with a 100-foot rear- and sideyard setback if there is a homestead on the neighboring lot
- Maximum equipment height is 15 feet
- Maximum Community Solar Energy System area is 10 acres
- CSES sites must have their primary frontage and only access off a County or State road
- No CSES will be permitted within one mile of a proposed or approved CSES
- A landscape screening plan is required, and developers must obtain Planning Commission approval to satisfactorily screen CSES from public rights-of-way and adjacent residential structures
- A decommissioning plan is required that must include a decommissioning cost estimate, proposed schedule for removal (which must occur within one year from termination or abandonment), financial surety of up to \$15,000/MW, and assurance that disposal shall comply with all laws

We have added these major restrictions to limit the potential sites, based on concerns expressed by the city. In October 2017, Grant City staff analyzed the maximum number of potential sites, assuming a minimum parcel size of 40 acres was required. Their analysis showed a maximum of 3 potential sites. We have added a major restriction of a 1-mile buffer between projects to limit this even further. It is the professional opinion of US Solar that the maximum number of potential sites under this ordinance would be 1 to 3, or 10 to 30 acres of CSES in the entire City. If, and only if, each site had an interested landowner and the developer proceeded with every single site, we estimate the maximum acreage that could be used for CSES in Grant is 30 acres.



Example of a rendering from a landscape screening plan. Please see Appendix V for full rendering example.

PLANNING COMMISSION SUPPORT

To recap, USS Joyous Solar LLC approached City staff in April of 2017 to amend the City's ordinance to conditionally permit CSES in agriculturally-zoned land. After meeting with City staff, USS Joyous Solar LLC was told to submit a simple application showing the change in the table of uses. During the first Planning Commission meeting on July 18, 2017, the Planning Commission directed us to work with City staff to create a full ordinance draft, complete with performance standards to limit solar development. USS Joyous Solar LLC worked extensively to resolve the City staff's concerns and the Planning Commission's concerns before presenting a draft to the Planning Commission. On September 19, 2017, the City of Grant Planning Commission voted 5-1 in favor of changing the ordinance to conditionally permit CSES. Our new, proposed text amendment uses that draft as a starting point, with some additional restrictions and controls to resolve concerns the City Council raised later in the process. Please see Appendix III for a comparison between Grant's existing ordinance and our proposed text amendment.

CITIZEN SUPPORT

Not only is the Planning Commission in favor of conditionally permitting community solar, but so are the citizens of Grant. Joyce Welander, whose property we have leased for a solar garden, wrote a petition and personally met with neighbors to ask if they would support permitting community solar on her property. Out of 195 people contacted, Joyce received **194 signatures** "urg[ing] the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm. The petition is as follows:

"Dear residents of Grant,

I am writing this letter about something that I think is unfair and requires attention.

For those who do not know me, I became a resident of Grant in 1961, when I joined Art Welander on Grant's only century farm. In 1962, I was appointed to the first-ever Planning Commission in Grant. I served as Organizational Leader of the Soil-Savers 4-H Club in the City of Grant for 55 years, Chairman of the Grant Heritage Preservation Committee, Chair of Grant City Cleanup, Animal Control for Grant, and Coordinator of the Grant Town Hall, Park, and Ball Field. In 1987, our family received the University of Minnesota Farm Family of the Year. I presently serve as State Fire Marshall for the City of Grant and VP and Membership Chair of the Washington-Ramsey County Farm Bureau.

Since 2016, I have been working with US Solar to host a landscape-screened, 8-acre community solar garden on my 64-acre century farm in Grant. The project would turn sunlight into electricity without traffic, odor, noise, or visibility impact to the rural character of Grant. This private investment in pollinator-friendly habitat improves nearby agricultural production, reduces runoff, and enables pollinators like bees and monarchs to thrive.

Currently, Grant prohibits all community solar. So, an ordinance amendment was drafted by City staff, with the help of US Solar and existing ordinances across the state. It was restrictive and thorough. Our Planning Commission voted in support of the ordinance 5 to 1. Then, without good reason, the City Council shot it down. By that, I mean Mayor Jeff Huber and Council Members Tom Carr and Denny Kaup overruled Council Members Loren Sederstrom and Larry Lanoux.

At the Council Meeting to consider the ordinance, Council Member Carr falsely stated that community solar does not fit with the City's Comprehensive Plan, without providing a single example of inconsistency. I

agree with the Planning Commission, which found community solar was consistent with the Comp Plan when they voted in support of the ordinance amendment.

For example, Council Member Carr's claim was false because Comp Plan Goal 2 seeks to preserve and protect agricultural land. Dedicating 8 acres of land to pollinator-friendly habitat and clean energy production preserves the land for the life of the project and improves soil and water conditions, as well as improving nearby agricultural production. Plus, the much-needed income paid by the solar company would allow me to keep the remaining acreage of my century farm in agriculture and not in housing.

Council Member Carr also suggested at the Council Meeting that residential development was a better way for the City to increase its taxes. Unlike community solar, this proposition openly violates Grant's Comp Plan. Key Policy 1 of Goal 3 states, "Identify existing prime and large contiguous agricultural lands and promote their protection" through the "use of appropriate tools ... such as Green Acres and Agricultural Preserves Program." While community solar is a perfect tool to protect large agricultural land and accomplish Key Policy 1 of Goal 3, Council Member Carr recommended the City to reject community solar in favor of **more residential development**. It is no secret that Mayor Huber and Council Member Carr are both realtors.

The Comp Plan explicitly warns against this type of thinking, stating "most of the remaining agricultural land could be lost to residential uses within the time frame of this Comprehensive Plan" and "the issue of defining and preserving rural character be given serious and **creative** attention by the leaders of Grant."

Lastly, the Comp Plan references Solar Access Protection many times, never suggesting that community solar gardens conflict with the Comp Plan.

Throughout my research, I could not find one example of inconsistency between community solar and Grant's Comp Plan. More broadly, I could not find one good reason why I should not be allowed to host this 8-acre community solar garden. It saddens me to admit that Grant has built a reputation of dysfunction. The City of Grant showed dysfunction when they kicked the 4-H Club out of the Town Hall building after decades of youth education and community service. And the City of Grant showed dysfunction when I asked Council Member Carr, the realtor, why my project was denied, and he recommended I sell the property for residential development.

As a resident of Grant since 1961, I know what was important to the forefathers of this City: keeping Grant rural by **limiting residential development**, preserving farmland and open spaces so we do not become another Lake Elmo, and maintaining property rights. Dedicating an 8-acre chunk of my 64-acre century farm to pollinator-friendly habitat and clean energy production would accomplish exactly that, while increasing Grant's tax revenue. Yet, for no good reason, Mayor Huber and Council Members Carr and Kaup have ignored the recommendation of the Planning Commission, clashed with the Grant Comp Plan, and neglected my property rights.

I ask that you, as a resident of this unique and great city, sign your name on this petition to urge the Council to adopt an ordinance to allow for the community solar garden on my property.

Thank you for your time and attention,

Joyce Welander"

Please see Appendix IV for the PDF document including the 194 signatures. After meeting with 195 Grant residents, only one did not sign the petition. Furthermore, in the previous text amendment process, the

City Clerk sent out notices to every person within a half mile of US Solar's proposed solar garden, and not a single neighbor attended the Planning Commission hearing to oppose the project. This shows that residents of the City of Grant clearly support the proposed solar garden. By approving our text amendment application to allow community solar as a conditional use in agricultural districts with reasonable restrictions, the City of Grant would show its constituents that their representatives represent their voices.

Additionally, CSES can lead to large savings on the electricity bills of government buildings, businesses, and residents in Grant. By not permitting CSES at all within the city limits, Grant is denying its residents and business-owners the opportunity to save money through the State of Minnesota's community solar program.

THIRD PARTY SUPPORT

Farming and agricultural land are important to the City of Grant, as outlined in the Comprehensive Plan. The following organizations have all expressed support for more solar energy development, including:

1. Minnesota Farm Bureau

After speaking with the President of the Minnesota Farm Bureau, Kevin Paap, Kevin sent us a letter on behalf of the Minnesota Farm Bureau supporting solar farm development. Please see Appendix VI. Kevin added that project-specific decisions should be "based on local support", which there is a lot of in Grant.

2. American Farm Bureau Federation

"In the recent past, tight oil and natural gas supplies drove U.S. farm inputs and energy prices to all-time highs, substantially increasing farm production costs...Farm Bureau advocates policies that will create a diverse, domestic energy supply to fuel America's economic growth and prosperity while strengthening our energy security. Further development and use of renewable energy sources such as...solar...are critical to our nation's energy future and will help further strengthen the overall national security of the United States." (Comprehensive US Energy Policy, American Farm Bureau Federation)

3. Minnesota Farmers Union

Their Director of Government Relations sent us a letter stating that "Community solar farms and gardens creates environmental benefits without decreasing property value or diminishing Minnesota's rural character." Please see Appendix VII for a copy of the letter.

The Minnesota Farmers Union has its own renewable energy program. Its purpose is "to engage rural and urban communities by identifying, supporting and encouraging strong climate and energy advocates. This provides rural people with a forum to speak up throughout the events conducted by Minnesota Farmers Union on these issues" (Minnesota Farmers Union, Renewable Energy)

4. National Farmers Union

"We support...the development of wind, solar, and other alternative sources of energy in community-based and individually owned systems where viable" (Policy of the National Farmers Union, 2018)

"We support:

1. The development of solar energy, including solar thermal;
2. Community solar garden models to allow for greater participation in solar projects;
3. Educating our landowners about solar rights and other related issues;
4. Research into concentrated solar and other developing solar strategies;
5. Replacing fossil-fuel powered heating and drying applications with solar powered systems; and

6. The development of community and commercial solar farms in areas with no current value-added use.” (Policy of the National Farmers Union, 2018)

5. Pheasants Forever

USS Joyous Solar LLC has worked with Pheasants Forever to develop best practices for supporting wildlife on our sites. As a result of our collaboration, USS Joyous Solar LLC leaves small gaps under its fences for blanding turtles, and uses a seed mix ideal for pheasant habitat.

6 Others

Other organizations that have indicated support for more solar energy development include the Minnesota Corn Growers Association, Fresh Energy, Clean Energy Resource Teams, Great Plains Institute, Environment Minnesota, the Pollinator-Friendly Alliance, Prairie Restoration, Bolton Bees, and the Solar Energy Industry Association. The variety of organizations that support solar energy demonstrates the proven benefits of solar energy to farming, the economy, and the environment. By including language permitting community solar in the ordinance, the City of Grant can take advantage of these benefits like many other cities in the area.

COMPREHENSIVE PLAN

Contrary to what a Council Member stated at a Council Meeting at a 10/3/2017 Council Meeting, there is nothing about CSES that conflicts with Grant’s Comprehensive Plan. The City of Grant has an extensive comprehensive plan that outlines different goals for the next ten years, such as water and soil conservation, preservation of natural features, and protection of rural character. CSES actually support many of these goals. Below are some examples of this:

“Goal: Protect and enhance the natural resources of the community and the natural environment” (28)

Like the Conservation Reserve Program (CRP) that is popular across Minnesota, CSES protect and enhance natural resources in a variety of ways. First, CSES give soil a break from farming, allowing it to naturally restore its nutrients. CSES are planted with a pollinator-friendly seed mix. This seed mix protects both soil and water resources, because it significantly reduces erosion and runoff that is often contaminated with chemicals from agricultural activity. Thus, CSES can protect important bodies of water in Grant such as Brown’s Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake.

Furthermore, the seed mix creates a habitat for pollinators such as birds, bees, and butterflies, which promotes the health of plants in the area, including the Oak Forest communities. Finally, community solar protects air quality by providing 25 years of clean energy.

“Overall Goal: The City is committed to a goal of non-degradation of the lakes, wetlands, and streams within the City, and will work with local WMO’s, Washington County, and State agencies to achieve this goal” (47)

Community solar helps protect water resources. First, CSES generally use less chemicals such as herbicides, pesticides, and fertilizers than the row crops they replace. Second, CSES must have drainage plans in place that help decrease runoff and erosion, which can include measures such as large sediment basins. Finally, the deep-rooted grasses planted beneath CSES also significantly reduce erosion and stormwater runoff, minimizing the harmful chemicals that leach into groundwater or contaminate lakes and rivers like Brown’s Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake.

“Grant’s goal, with respect to our valuable and diverse natural resources, has been to use land and related resources so these are undiminished for future generations” (31)

At the end of the project life of CSES, they are decommissioned, and the land is restored to terrific condition. Because the soil is not farmed for at least 20 years, the soil that used to be underneath our pollinator-friendly habitat is very healthy and full of nutrients, allowing future generations to farm the area. Community solar also protects air quality and water resources, which will help preserve them for future generations. In this way, CSES are like the Conservation Reserve Program (CRP) that is popular across Minnesota.

“Goal 1: Ensure the preservation of existing rural character through appropriate rural development guidelines and ordinances” (38)

CSES contribute to the preservation and improvement of agricultural land. This is true for three primary reasons. First, CSES are planted with pollinator-friendly, native grasses to blanket the ground beneath CSES. A recent study has shown that these seed mixes reduce stormwater runoff by 23 percent for the 2-year storm event and 8 percent for the 100-year storm. These native plantings also expand habitat for pollinators, leading to increased crop yields at nearby farms. Second, decommissioning CSES is simple. After the Project’s life, what is left is an undisturbed field of native grasses atop immaculate soils. This is one of the only ways for a landowner to increase and diversify income while preserving and protecting farmland for future generations, when crop prices and agricultural practices may be more viable than they are today. Third, CSES effectively lock up the land use for 25 years or more, thwarting the potential for any industrial, commercial, or residential development. The City of Grant recognizes that it is close to the Twin Cities, and development will occur quickly as residential and commercial uses encroach on agricultural lands. Community solar is a good steward of agricultural land, especially compared to other developments such as residential subdivisions and commercial/industrial operations. Conditionally permitting community solar would help the City prioritize agricultural land over residential development. CSES is like farming, except our production is electricity. We ask the leaders of grant to give this serious and creative attention.

“Goal 6: Enhance and maintain the rural residential quality of life (78)”

The City of Grant aims to maintain a low population density, with 1 housing unit per 10 acres with no public sewer or water facilities (36). Community solar prevents residential development on approximately 10 acres of land for a minimum of 25 years, which supports the rural-residential quality of life. It does not require public sewer or water facilities, and it does not increase population density. Furthermore, CSES do not produce odor, vibrations, dust, or fumes. Noise, glare, and traffic is negligible, and, unlike a residential property, there are no lights on CSES. The non-injurious nature of CSES enhances and maintains the rural residential quality of life in Grant.

“Grant has allowed development and uses that preserve its rural residential character and protect and enhance its natural resources and environment” (31)

CSES do not increase the density of residents and thwart commercial/industrial/residential development throughout the life of the project. Therefore, CSES preserve Grant’s rural residential character and protect and enhance its natural resources and environment.

“Goal 3: Protect the City’s aggregate resources and provide for reasonable economic use of aggregate” (77)

As discussed, CSES protect aggregate resources such as water sources, air quality, soil, and agricultural land. Community solar is a reasonable economic use that diversifies and increases landowner income and the City’s tax base, while protecting aggregate resources.

“Goal 4: Assure adequate solar access for residents” (77)

Conditionally permitting CSES in the City of Grant would make use of the provision of adequate solar access for residents. Many residents do not have a suitable site for their own solar system, and many residents cannot afford the investment or handle the ongoing maintenance. CSES help provide adequate solar access to residents of Grant, who would be able to subscribe to the project to receive bill credits from Xcel Energy for no upfront cost.

LOCAL ECONOMIC IMPACT

CSES have a positive economic impact, detailed below.

Already Spent
<ul style="list-style-type: none">o~\$40,000 on local engineering, legal, and environmental consulting serviceso~\$5,000 on legal fees, county recordings, travel, and meals,
During Construction
<ul style="list-style-type: none">o~\$2,200,000 on capital infrastructure investmento~\$900,000 on local spendingo15+ temporary construction and related service jobs, equivalent to ~4 full-time job years
During Operation
<ul style="list-style-type: none">o~\$12,000 - \$15,000 on increased property tax payments during operationo~1 permanent, part-time employee (\$22,500/yr, totaling \$562,000 over 25 years)

Additionally, local residents, businesses, and public entities in and around the City of Dayton who are eligible Xcel Energy customers may subscribe to a portion of the electricity generated by the solar garden. By subscribing, these entities would receive bill credits on their Xcel Energy bills. The bill credits represent a direct economic benefit from the community solar.

Finally, farmers who lease land to community solar garden developers receive substantial financial compensation. The rent developers pay helps provide farmers with the resources they need to continue farming the rest of the land.

ENVIRONMENTAL IMPACT

The Project would provide decades of pollution-free and greenhouse-gas-free electrical generation. In addition to the positive effects of solar energy, the sections above detail how and why the Project would have positive effects on the environment.

No Pollution Of Air, Groundwater, And Surface Water

The materials that comprise the solar panels, racking, and other components of the Project are stable and contained, and do not pollute the air, groundwater, or surface area of the site on which they sit. Many developers plant pollinator-friendly, deep-rooted grasses beneath their CSES. The seed mix that is generally used was created by PRI and the Minnesota Department of Transportation specifically for CSES. The deep-rooted grasses drastically reduce runoff and erosion, and the pollinator-friendly plants provide excellent habitat and food sources for beneficial wildlife. Studies have proven that pollinator friendly habitat can increase crop yields on neighboring farms. Because only approximately 0.4 acres of the 10 acres used

for a community solar garden is impervious surface, approximately 9.6 acres are left for this beneficial seed mix.

Protect Brown's Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake

Each of these bodies of water have been specifically identified in the Comprehensive Plan as being monitored for different environmental issues, including runoff, chemicals, and water quality. CSES can help protect these bodies of water, which are cornerstones of the City of Grant. Large sediment basins built with CSES help collect runoff, along with the pollinator-friendly, deep-rooted grasses. Instead of ten acres of farmland full of pesticides, herbicides, and fertilizers that leach chemical runoff into lakes and creeks, community solar plants deep-rooted, native grasses that prevent runoff and erosion. Therefore, community solar will help protect Brown's Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake from chemical runoff and contamination.



JUSTIFICATION FOR AMENDMENT

- 1. The City of Grant aims to represent the collective voice of its citizens**
 - a. 194 out of 195 citizens polled signed a petition supporting community solar.
 - b. The Planning Commission voted in favor of community solar 5-1.
 - c. It was upsetting to some Grant residents when some Council Members of Grant represented private interests like real estate development (which is against the values stated in the Comprehensive Plan), instead of representing their constituents

- 2. Community Solar Energy Systems are not a nuisance.**
 - a. They do not produce odor, vibrations, lights, fumes, or dust.
 - b. They produce extremely minimal traffic, as they require little to no maintenance.
 - c. They produce extremely minimal glare, similar to that of corn or grass.
 - d. They produce extremely minimal sound, equating to a library at 50 feet away.
 - e. This is not a commercial or industrial land use. There is no storefront, no permanent structures, no billboards, and no city utilities.

- 3. Community Solar Energy Systems will be few and far between.**
 - a. Grant City staff concluded that a maximum of 3 CSES could possibly be permitted, even if every suitable site applied. That totals only 30 acres of land.
 - b. The limiting factors to a suitable site for solar include:
 - i. Existing 3-phase distribution lines adjacent to project
 - ii. Xcel Energy service area
 - iii. Proximity to substation
 - iv. Substation capacity
 - v. Proximity to other CSES
 - vi. Existence of wetlands or shoreland overlays near project
 - vii. Existence of uneven topography
 - viii. Existing vegetation on property
 - ix. Parcel size
 - x. Zoning districts
 - c. According to laws passed by the State of Minnesota, CSES are only allowed to produce 1 MW of energy. That means that CSES are quite small compared to other types of solar.

- 4. Community Solar Energy Systems do not harm adjacent property values.**
 - a. The most comprehensive study on property values adjacent to CSES across 9 states was conducted by Kirkland Appraisals, LLC. "Through the application of multiple matched pair analysis of homes and agricultural land adjoining existing CSES, I have discovered no indication of any impact on property values due to adjacency to a community solar garden." USS Joyous Solar LLC can provide the complete study if requested.

- 5. Community Solar Energy Systems are not a permanent land use.**
 - a. When CSES reach the end of their operational life, 30 years after connection to the grid, the simple process of decommissioning of the project occurs. After 30 years without pesticides or churning up row crops, the land is returned to its original state, with very little disturbance to soil.

- 6. Community Solar Energy Systems benefit the environment.**
 - a. The land under and around solar arrays will be planted with native, pollinator-friendly plants. A recent study has shown that these native plants reduce stormwater runoff by 23% for the 2-year

- storm (2.9 inches of rain) and 8% for the 100-year storm (7.8 inches of rain). In addition, pollinator-friendly plants can improve nearby agricultural production.
- b. Consistent with Grant's environmental values, community CSES use an inexhaustible resource, the sun, instead of nonrenewable energy sources. This combats climate change, without any hazardous materials or other adverse effects to the environment.

7. Community Solar Energy Systems increase the City's revenue

- a. CSES increase property taxes on the landowner's property and pay large permit fees. This means that more money will be going to the City government.

8. Community Solar Energy Systems support landowner rights

- a. Ultimately, a landowner has the right to do what they want with their property, as long as it is not causing a nuisance. CSES are not a nuisance, and they are even less disruptive than residences. CSES are shorter, do not have lights, do not cause traffic, and, per the ordinance, will be screened from view by trees.
- b. Hosting CSES allows landowners to diversify the income they receive from their land. Hosting CSES is a good way to earn income while the price of farmed goods is decreasing. After the garden is decommissioned, the landowner will have nutrient-rich soil to farm again.

9. Community Solar Energy Systems maintain the rural character

- a. Under the proposed amendments to the ordinance, CSES would be small and not very visible, minimizing any impact to the rural character of Grant.
- b. The landowners leasing land to community solar garden developers will be less inclined to rezone, subdivide, and sell land for residential or other development.
- c. Much like a conservation easement, CSES thwart industrial, commercial, or residential development. In 30 years, when the solar equipment is removed, the agricultural land remains at least as viable for agricultural production.

10. Community Solar Energy Systems can save local schools, cities, townships, and residents money on their electricity bills

- a. Different entities can subscribe to CSES, which allows them to receive a discount on their electricity bill from Xcel Energy.
- b. The program was created by the State of Minnesota and is administered by the Public Utilities Commission. Notable subscribers include the City of Minneapolis and the Minnesota Twins.
- c. Because the law states that only entities in the same county or an adjacent county to a solar garden can subscribe to it, the benefits go to local cities, townships, schools, residents, and businesses.

APPENDIX I – PROPOSED ORDINANCE

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2018-__

An Ordinance Amending the Grant Code of Ordinances
Amending Section 32-245 Table of Uses of Chapter 32 Zoning and
Adding Division 4 Solar Energy Systems

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strikethrough~~:

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
<u>Community Solar Energy System</u>	<u>N</u>	N <u>C</u>	N <u>C</u>	<u>N</u>	<u>N</u>
<u>Residential Solar Energy Systems – Building Mounted</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Solar Energy Systems – Ground Mounted</u>	<u>N</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OR THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article IV Supplemental Regulations, is hereby AMENDED to ADD the following:

Division 5. Solar Energy Systems

Sec. 32-455. Definitions.

Community Solar Energy System means a ground-mounted solar energy production facility that generates up to 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota statutes 216B.1641 or successor statute.

Residential Solar Energy Systems – Building Mounted means a solar energy system that is affixed to a principal or accessory structure.

Residential Solar Energy Systems – Ground-mounted means a freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means a device or a structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar Equipment means a device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.

Sec. 32-456. Purpose.

The purpose of this Division is to establish standards and procedures to allow property owners the reasonable capture and use of sunlight, while ensuring protection of adjacent properties and rural residential neighborhoods from potential adverse impacts of such installations.

Sec. 32-457. Residential Solar Energy Systems.

- (a) *Permitted Use.* Residential Solar Energy Systems, building mounted or ground mounted, are a permitted use or permitted use upon issuance of a Certificate of Compliance as shown on the Table of Uses contained in this ordinance.
- (b) *Building Mounted – Solar equipment* if affixed to a structure shall be permitted provided the following standards are met:
 - (1) The equipment or device must be affixed to a structure, principal or accessory, and must meet all setback requirements for principal or accessory structures in the zoning district where the device is to be located.
 - (2) The equipment or device may not extend beyond the height of the building by more than five (5) feet, and may not exceed the maximum building height as permitted within the zoning district.

- (3) The equipment or device shall cover no more than 80 percent of the roof to which it is affixed.
 - (4) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (5) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (6) All solar arrays or panels shall be installed or positioned so as not to cause any glare or reflective sunlight onto neighboring properties or structures, or obstruct views of adjacent property owners.
 - (7) Solar equipment which is mounted to a roof that is not flat, and which is visible from the nearest right-of-way, shall not have a finished pitch more than five (5) percent steeper than the roof on which it is affixed.
 - (8) The zoning administrator may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the residential character of the neighborhood, if applicable.
- (c) *Ground Mounted – solar equipment* not affixed to a structure shall be permitted after issuance of a certificate of compliance provided the following standards are met:
- (1) Solar energy systems shall only be allowed as an accessory use on a parcel with an existing principal structure.
 - (2) Solar energy systems shall be set back a minimum of 100 feet from a property line with an adjacent residential home, and shall be sited to meet all other applicable structural setback standards within the zoning district for the remaining lot lines.
 - (3) The ground equipment shall be constructed outside of all wetland and shoreland setbacks as adopted within this City's ordinances.
 - (4) The footprint occupied by a solar energy system shall not exceed 1,000 square feet.
 - (5) The equipment or device may not exceed a height of 15 feet.
 - (6) The zoning administrator may require landscaping or other means of screening to limit visual impacts of the Solar Energy System.
 - (7) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (8) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (9) All solar arrays or panels shall be installed or positioned to not cause any glare or reflective sunlight onto neighboring properties, structures, or obstruct adjacent views.
 - (10) The city may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the public health, safety, and welfare and to promote harmony with neighboring uses.

Sec. 32-458. Community Solar Energy Systems.

- (a) *Permitted use.* A Community Solar Energy System (CSES) as previously defined, and as shown in the Table of Uses, is a permitted use within the A-1 and A-2 zoning districts with the issuance of a Conditional Use Permit.
- (b) *Performance Standards.* Community Solar Energy Systems must comply with all rules and regulations of Federal, State, County and local agencies and must comply with the following performance standards:

- (1) A CSES shall be located on a parcel that is 40 acres or greater, where lot size is defined consistently with Section 32-246 (c) 4 of this zoning ordinance.
- (2) The CSES site shall have its primary frontage on a County or State road, and such road shall be used as the only access to the facility.
- (3) If there is a homestead on the neighboring lot, the CSES shall be located at least 100 feet from that side or rear lot line. If there is no homestead on the neighboring lot, the CSES shall comply with the minimum setback requirements in the City Code. The CSES shall be visually screened, as determined by a professional landscaping plan approved by the Planning Commission, from adjacent residential structures, or public rights-of-way.
- (4) No portion of the structure, or solar equipment shall exceed fifteen (15) feet in height.
- (5) No CSES shall exceed 10 acres in area.
- (6) No CSES shall be located within one (1) mile of a proposed or approved CSES

(c) *Submissions at time of initial application.* In addition to the information required elsewhere in this ordinance, applications for conditional use permits or administrative permits shall include the following information:

- (1) *Site Plan.* A detailed site plan prepared by a licensed surveyor that shows both existing and proposed conditions of the CSES site. The plans shall show the location of all solar arrays, existing and proposed structures, parcel boundaries, setbacks, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment, and any other characteristics requested by the City.
- (2) *Screening.* A detailed landscape plan and cross section plan shall be submitted to demonstrate proposed CSES screening. The landscape plan and cross section plan shall depict proposed vegetation types, berming, fencing or any other method of screening proposed and corresponding opacity of such screening from both public rights-of-way and any adjacent residential structure.
- (3) *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.
- (4) *Interconnection Status.* The interconnection process with Xcel Energy or any other applicable utility shall be submitted and a copy of any formal agreements provided.
- (5) *Power and communication lines.* Power and communication lines between banks of solar panels and to electric substation or interconnections with buildings shall be buried underground on premise. Exceptions to this requirement may be permitted where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- (6) *Meeting standards.* All CSES shall meet the standards of the Minnesota Building Code and all applicable local, state and federal regulatory standards.
- (7) *Building permit.* A building permit shall be obtained for any CSES prior to installation.
- (8) *Signage.* A signage plan shall be submitted which demonstrates size and location of proposed signage. At a minimum, signage shall be posted at all entrance points to the property the CSES is located and shall include the owner and operator's name, contact information, and emergency phone numbers.
- (9) *Decommissioning.* A Decommissioning Plan shall be submitted that includes, at a minimum, the following:
 - a. A cost estimate for decommissioning prepared by a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience.
 - b. A proposed schedule for removal of the specific facility, and that such removals be completed within one year from termination of the CUP or abandonment of the CSES.

- c. Commitment of a financial security in the form of a cash escrow, bond, or irrevocable letter of credit, if requested, and as determined by the City Council, in an amount not to exceed \$15,000 per MW.
 - d. Ensure the disposal of structures and/or foundations shall meet all applicable federal, state, and local requirements.
- (d) *Change in equipment.* A change in solar-related equipment which does not alter the footprint of the CSES, so long as it continues to conform to this ordinance and all conditions of the applicable CUP, does not require an amended CUP.
- (1) Any minor changes to the footprint of a CSES may be processed through a Certificate of Compliance process, which is subject to the discretion of the zoning administrator.
 - (2) Any significant changes to the CSES, including proposed expansion of MW, alterations to the footprint, or changes to the screening plan may require an amendment to the CUP.

SECTION 3. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 4. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member _____ and seconded by Council member _____, the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this ____ day of _____, 2018.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk

APPENDIX II – CITY OF GRANT CURRENT SOLAR ORDINANCE

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2017-53

An Ordinance Amending the Grant Code of Ordinances
Amending Section 32-245 Table of Uses of Chapter 32 Zoning and
Adding Division 4 Solar Energy Systems

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strikethrough~~ :

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
<u>Community Solar Energy System</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Residential Solar Energy Systems – Building Mounted</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Solar Energy Systems – Ground Mounted</u>	<u>N</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OR THE CITY’S CODE OF ORDINANCES.

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Residential Solar Energy Systems – Building Mounted means a solar energy system that is affixed to a principal or accessory structure.

Residential Solar Energy Systems – Ground-mounted means a freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means a device or a structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar Equipment means a device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.

Sec. 32-456. Purpose.

The purpose of this Division is to establish standards and procedures to allow property owners the reasonable capture and use of sunlight, while ensuring protection of adjacent properties and rural residential neighborhoods from potential adverse impacts of such installations.

Sec. 32-457. Residential Solar Energy Systems.

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- (b) *Building Mounted – Solar equipment* if affixed to a structure shall be permitted provided the following standards are met:
 - (1) The equipment or device must be affixed to a structure, principal or accessory, and must meet all setback requirements for principal or accessory structures in the zoning district where the device is to be located.
 - (2) The equipment or device may not extend beyond the height of the building by more than five (5) feet, and may not exceed the maximum building height as permitted within the zoning district.

- (3) The equipment or device shall cover no more than 80 percent of the roof to which it is affixed.
 - (4) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (5) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (6) All solar arrays or panels shall be installed or positioned so as not to cause any glare or reflective sunlight onto neighboring properties or structures, or obstruct views of adjacent property owners.
 - (7) Solar equipment which is mounted to a roof that is not flat, and which is visible from the nearest right-of-way, shall not have a finished pitch more than five (5) percent steeper than the roof on which it is affixed.
 - (8) The zoning administrator may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the residential character of the neighborhood, if applicable.
- (c) *Ground Mounted – solar equipment* not affixed to a structure shall be permitted after issuance of a certificate of compliance provided the following standards are met:
- (1) Solar energy systems shall only be allowed as an accessory use on a parcel with an existing principal structure.
 - (2) Solar energy systems shall be set back a minimum of 100 feet from a property line with an adjacent residential home, and shall be sited to meet all other applicable structural setback standards within the zoning district for the remaining lot lines.
 - (3) The ground equipment shall be constructed outside of all wetland and shoreland setbacks as adopted within this City’s ordinances.
 - (4) The footprint occupied by a solar energy system shall not exceed 1,000 square feet.
 - (5) The equipment or device may not exceed a height of 15 feet.
 - (6) The zoning administrator may require landscaping or other means of screening to limit visual impacts of the Solar Energy System.
 - (7) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (8) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (9) All solar arrays or panels shall be installed or positioned to not cause any glare or reflective sunlight onto neighboring properties, structures, or obstruct adjacent views.
 - (10) The city may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the public health, safety, and welfare and to promote harmony with neighboring uses.

SECTION 3. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 4. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member Carr and seconded by Council member Kaup, the following vote:

Voting AYE: Council Member Carr, Kaup and Mayor Huber

Voting NAY: Council Member Lanoux and Sederstrom

Whereupon said Ordinance was declared passed adopted this 5th day of December, 2017.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk

APPENDIX III – ORDINANCE COMPARISON

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE ~~2017-53~~2018-

**An Ordinance Amending the Grant Code of Ordinances
Amending Section 32-245 Table of Uses of Chapter 32 Zoning and
Adding Division 4 Solar Energy Systems**

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strikethrough~~:

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
<u>Community Solar Energy System</u>	<u>N</u>	<u>N</u> N-C	<u>N</u> N-C	<u>N</u>	<u>N</u>
<u>Residential Solar Energy Systems – Building Mounted</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Solar Energy Systems – Ground Mounted</u>	<u>N</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OR THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article IV Supplemental Regulations, is hereby AMENDED to ADD the following:

Division 5. Solar Energy Systems

Sec. 32-455. Definitions.

Community Solar Energy System means a ground-mounted solar energy production facility that generates up to 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota statutes 216B.1641 or successor statute.

Residential Solar Energy Systems – Building Mounted means a solar energy system that is affixed to a principal or accessory structure.

Residential Solar Energy Systems – Ground-mounted means a freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means a device or a structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar Equipment means a device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.

Sec. 32-456. Purpose.

The purpose of this Division is to establish standards and procedures to allow property owners the reasonable capture and use of sunlight, while ensuring protection of adjacent properties and rural residential neighborhoods from potential adverse impacts of such installations.

Sec. 32-457. Residential Solar Energy Systems.

- (a) *Permitted Use.* Residential Solar Energy Systems, building mounted or ground mounted, are a permitted use or permitted use upon issuance of a Certificate of Compliance as shown on the Table of Uses contained in this ordinance.
- (b) *Building Mounted – Solar equipment* if affixed to a structure shall be permitted provided the following standards are met:
 - (1) The equipment or device must be affixed to a structure, principal or accessory, and must meet all setback requirements for principal or accessory structures in the zoning district where the device is to be located.
 - (2) The equipment or device may not extend beyond the height of the building by more than five (5) feet, and may not exceed the maximum building height as permitted within the zoning district.

- (3) The equipment or device shall cover no more than 80 percent of the roof to which it is affixed.
- (4) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
- (5) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
- (6) All solar arrays or panels shall be installed or positioned so as not to cause any glare or reflective sunlight onto neighboring properties or structures, or obstruct views of adjacent property owners.
- (7) Solar equipment which is mounted to a roof that is not flat, and which is visible from the nearest right-of-way, shall not have a finished pitch more than five (5) percent steeper than the roof on which it is affixed.
- (8) The zoning administrator may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the residential character of the neighborhood, if applicable.

(c) *Ground Mounted – solar equipment* not affixed to a structure shall be permitted after issuance of a certificate of compliance provided the following standards are met:

- (1) Solar energy systems shall only be allowed as an accessory use on a parcel with an existing principal structure.
- (2) Solar energy systems shall be set back a minimum of 100 feet from a property line with an adjacent residential home, and shall be sited to meet all other applicable structural setback standards within the zoning district for the remaining lot lines.
- (3) The ground equipment shall be constructed outside of all wetland and shoreland setbacks as adopted within this City's ordinances.
- (4) The footprint occupied by a solar energy system shall not exceed 1,000 square feet.
- (5) The equipment or device may not exceed a height of 15 feet.
- (6) The zoning administrator may require landscaping or other means of screening to limit visual impacts of the Solar Energy System.
- (7) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
- (8) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
- (9) All solar arrays or panels shall be installed or positioned to not cause any glare or reflective sunlight onto neighboring properties, structures, or obstruct adjacent views.
- (10) The city may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the public health, safety, and welfare and to promote harmony with neighboring uses.

Sec. 32-458. Community Solar Energy Systems.

(a) Permitted use. A Community Solar Energy System (CSES) as previously defined, and as shown in the Table of Uses, is a permitted use within the A-1 and A-2 zoning districts with the issuance of a Conditional Use Permit.

(b) Performance Standards. Community Solar Energy Systems must comply with all rules and regulations of Federal, State, County and local agencies and must comply with the following performance standards:

- (1) A CSES shall be located on a parcel that is 40 acres or greater, where lot size is defined consistently with Section 32-246 (c) 4 of this zoning ordinance.
- (2) The CSES site shall have its primary frontage on a County or State road, and such road shall be used as the only access to the facility.
- (3) If there is a homestead on the neighboring lot, the CSES shall be located at least 100 feet from that side or rear lot line. If there is no homestead on the neighboring lot, the CSES shall comply with the minimum setback requirements in the City Code. The CSES shall be visually screened, as determined by a professional landscaping plan approved by the Planning Commission, from adjacent residential structures, or public rights-of-way.
- (4) No portion of the structure, or solar equipment shall exceed fifteen (15) feet in height.
- (5) No CSES shall exceed 10 acres in area.
- (6) No CSES shall be located within one (1) mile of a proposed or approved CSES

(c) Submissions at time of initial application. In addition to the information required elsewhere in this ordinance, applications for conditional use permits or administrative permits shall include the following information:

- (1) Site Plan. A detailed site plan prepared by a licensed surveyor that shows both existing and proposed conditions of the CSES site. The plans shall show the location of all solar arrays, existing and proposed structures, parcel boundaries, setbacks, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment, and any other characteristics requested by the City.
- (2) Screening. A detailed landscape plan and cross section plan shall be submitted to demonstrate proposed CSES screening. The landscape plan and cross section plan shall depict proposed vegetation types, berming, fencing or any other method of screening proposed and corresponding opacity of such screening from both public rights-of-way and any adjacent residential structure.
- (3) Foundations. A qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.
- (4) Interconnection Status. The interconnection process with Xcel Energy or any other applicable utility shall be submitted and a copy of any formal agreements provided.
- (5) Power and communication lines. Power and communication lines between banks of solar panels and to electric substation or interconnections with buildings shall be buried underground on premise. Exceptions to this requirement may be permitted where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- (6) Meeting standards. All CSES shall meet the standards of the Minnesota Building Code and all applicable local, state and federal regulatory standards.
- (7) Building permit. A building permit shall be obtained for any CSES prior to installation.
- (8) Signage. A signage plan shall be submitted which demonstrates size and location of proposed signage. At a minimum, signage shall be posted at all entrance points to the property the CSES is located and shall include the owner and operator's name, contact information, and emergency phone numbers.
- (9) Decommissioning. A Decommissioning Plan shall be submitted that includes, at a minimum, the following:
 - a. A cost estimate for decommissioning prepared by a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience.

- b. A proposed schedule for removal of the specific facility, and that such removals be completed within one year from termination of the CUP or abandonment of the CSES.
 - c. Commitment of a financial security in the form of a cash escrow, bond, or irrevocable letter of credit, if requested, and as determined by the City Council, in an amount not to exceed \$15,000 per MW.
 - d. Ensure the disposal of structures and/or foundations shall meet all applicable federal, state, and local requirements.
- (d) Change in equipment. A change in solar-related equipment which does not alter the footprint of the CSES, so long as it continues to conform to this ordinance and all conditions of the applicable CUP, does not require an amended CUP.
- (1) Any minor changes to the footprint of a CSES may be processed through a Certificate of Compliance process, which is subject to the discretion of the zoning administrator.
 - (2) Any significant changes to the CSES, including proposed expansion of MW, alterations to the footprint, or changes to the screening plan may require an amendment to the CUP.

SECTION 3. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 4. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member Carr _____ and seconded by Council member Kaup _____, the following vote upon roll call:

Voting AYE: ~~Council Member Carr, Kaup and Mayor Huber~~

Voting NAY: ~~Council Member Lanoux and Sederstrom~~

Whereupon said Ordinance was declared passed adopted this 5th day of ~~December, 2017~~, 2018.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk

APPENDIX IV – PETITION

July 24, 2018

Dear residents of Grant,

I am writing this letter about something that I think is unfair and requires attention.

For those who do not know me, I became a resident of Grant in 1961, when I joined Art Welander on Grant's only century farm. In 1962, I was appointed to the first-ever Planning Commission in Grant. I served as Organizational Leader of the Soil-Savers 4-H Club in the City of Grant for 55 years, Chairman of the Grant Heritage Preservation Committee, Chair of Grant City Cleanup, Animal Control for Grant, and Coordinator of the Grant Town Hall, Park, and Ball Field. In 1987, our family received the University of Minnesota Farm Family of the Year. I presently serve as State Fire Marshall for the City of Grant and VP and Membership Chair of the Washington-Ramsey County Farm Bureau.

Since 2016, I have been working with US Solar to host a landscape-screened, 8-acre community solar garden on my 64-acre century farm in Grant. The project would turn sunlight into electricity without traffic, odor, noise, or visibility impact to the rural character of Grant. This private investment in pollinator-friendly habitat improves nearby agricultural production, reduces runoff, and enables pollinators like bees and monarchs to thrive.

Currently, Grant prohibits all community solar. So, an ordinance amendment was drafted by City staff, with the help of US Solar and existing ordinances across the state. It was restrictive and thorough. Our Planning Commission voted in support of the ordinance 5 to 1. Then, without good reason, the City Council shot it down. By that, I mean Mayor Jeff Huber and Council Members Tom Carr and Denny Kaup overruled Council Members Loren Sederstrom and Larry Lanoux.

At the Council Meeting to consider the ordinance, Council Member Carr falsely stated that community solar does not fit with the City's Comprehensive Plan, without providing a single example of inconsistency. I agree with the Planning Commission, which found community solar was consistent with the Comp Plan when they voted in support of the ordinance amendment.

For example, Council Member Carr's claim was false because Comp Plan Goal 2 seeks to preserve and protect agricultural land. Dedicating 8 acres of land to pollinator-friendly habitat and clean energy production preserves the land for the life of the project and improves soil and water conditions, as well as improving nearby agricultural production. Plus, the much-needed income paid by the solar company would allow me to keep the remaining acreage of my century farm in agriculture and not in housing.

Council Member Carr also suggested at the Council Meeting that residential development was a better way for the City to increase its taxes. Unlike community solar, this proposition openly violates Grant's Comp Plan. Key Policy 1 of Goal 3 states, "Identify existing prime and large contiguous agricultural lands and promote their protection" through the "use of appropriate tools ... such as Green Acres and Agricultural Preserves Program." While community solar is a perfect tool to protect large agricultural land and accomplish Key Policy 1 of Goal 3, Council Member Carr recommended the City to reject community solar in favor of **more residential development**. It is no secret that Mayor Huber and Council Member Carr are both realtors.

The Comp Plan explicitly warns against this type of thinking, stating "most of the remaining agricultural land could be lost to residential uses within the time frame of this Comprehensive Plan" and "the issue of defining and preserving rural character be given serious and creative attention by the leaders of Grant."

July 24, 2018

Lastly, the Comp Plan references Solar Access Protection many times, never suggesting that community solar gardens conflict with the Comp Plan.

Throughout my research, I could not find one example of inconsistency between community solar and Grant's Comp Plan. More broadly, I could not find one good reason why I should not be allowed to host this 8-acre community solar garden. It saddens me to admit that Grant has built a reputation of dysfunction. The City of Grant showed dysfunction when they kicked the 4-H Club out of the Town Hall building after decades of youth education and community service. And the City of Grant showed dysfunction when I asked Council Member Carr, the realtor, why my project was denied, and he recommended I sell the property for residential development.

As a resident of Grant since 1961, I know what was important to the forefathers of this City: keeping Grant rural by **limiting residential development**, preserving farmland and open spaces so we do not become another Lake Elmo, and maintaining property rights. Dedicating an 8-acre chunk of my 64-acre century farm to pollinator-friendly habitat and clean energy production would accomplish exactly that, while increasing Grant's tax revenue. Yet, for no good reason, Mayor Huber and Council Members Carr and Kaup have ignored the recommendation of the Planning Commission, clashed with the Grant Comp Plan, and neglected my property rights.

I ask that you, as a resident of this unique and great city, sign your name on this petition to urge the Council to adopt an ordinance to allow for the community solar garden on my property.

Thank you for your time and attention,



Joyce Welander

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature

Printed Name

Address

R D Donohoe R D Donohoe 10401 Kelma

Catherine Donohoe Catherine Donohoe 10401 Kelma Ct.

Deanna Egge Deanna Egge 10411 Kelman Ct.

Carol Haak CAROL HAAK 10030 103RD ST. N. of

Stephanie Pfeiffer Stephanie Pfeiffer 10140 Jody Ave GN

Amanda Graetzer Amanda Graetzer 10255 Juno Ave N.

Barbara Kelley Barbara Kelley 9224 Lansing Ave. N.

Mark Pfeiffer Mark Pfeiffer 10440 Jody Ave Ct N

Andrew Hark Andrew Hark 10030 103RD ST N.

David Graetzer David Graetzer 10255 Juno Ave

Dianne Fouts

10241 83rd St N.

Doug Bingley Doug Bingley 10241 83rd St N

Todd Knaeble Todd Knaeble 11675 Keats Ave N

Sandra Knaeble Sandra Knaeble 11675 Keats Ave N

Rebecca Pelfrey REBECCA PELFREY 10503 117th St. N

Tom & Gerri Dufresne Tom & Gerri Dufresne 10777 Lansing Ave N.

Donald P. Grund Donald P. Grund 9431 LANSING AVE N.

Gene A. Kelley Gene A. Kelley 9224 Lansing Ave. N. 439-1544



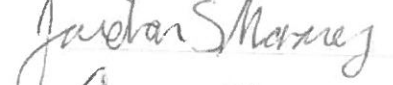
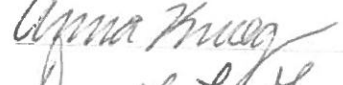
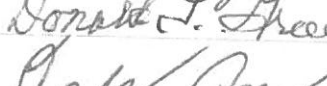





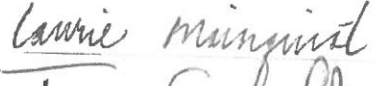
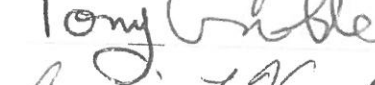


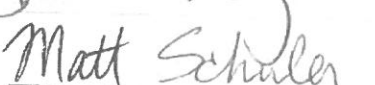


July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature

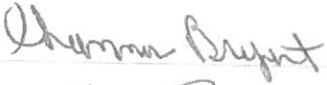

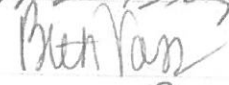
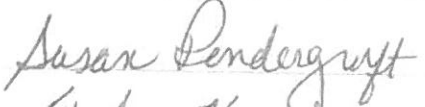

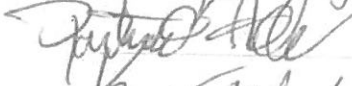
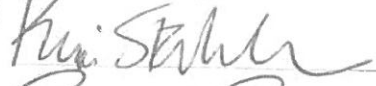
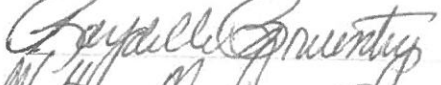




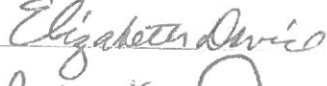

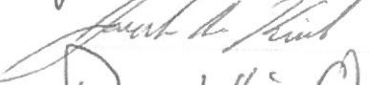


Printed Name

Address

	Jona Holsten	10431 Lansing Ave N.
	Pamela Richardson	10909 105th N.
	Jordan Maroney	9209 Lansing Ave
	Anna Krueger	9251 Lansing Ave N.
	DONALD GREASED	9431 LANSING AVE N.
	Dylan Janos	9533 Lansing Ave N
	Michelle Henry	9752 Lansing Ave N.
	DANIEL POTTER	9653 LANSING AVE N.
	Anita VanDenBoom	9797 Lansing Ave N
	Tana Herman	9760 Lansing Ave N.
	CAROLE LaBelle	10555 Lansing Ave.
	Laurie Mainquist	10633 Lansing Ave. No.
	Tony Groble	" " " "
	Bonnie Vogel	10684 Lansing Ave. N.
	Theresa Bacon	6996 117th St, Grant
	Shannon Riley	9777 Joliet Ave Grant
	MATT SCHULER	9819 Joliet Ave ^{Grant} 55083

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	Shannon Bryant	10170 Jody Ave Ct N. Grant, mn 55082
	Howard Bryant	10170 Jody Ave N Grant MN 55082
	Beth Voss	10011 103rd St N Stillwater
	Susan Pendergast	9805 103rd St N / Stillwat
	Shirley Wenzel	10450 Keenan Ct N / Stillwat
	PATAYEK ALLEN	20191 JUNO AVEN, - ST. P.
	Kerri Stahlke	10191 Juno Ave N 55082
	Ragedelle Bruentrop	10605 Joliet Ave N. 55082
	WILLIAM BRUENTROP	10605 JOLIET AVE. N. 55082
	Roger Bacon	6996 117th St N 95110
	JOE GENEREUX	9777 Joliet Ave N 55082
	SHARON SCHULER	9819 Joliet Ave N 55082
	Elizabeth David	8960 Jamaica Ave. No.
	John David	8960 Jamaica Ave N 55082
	Jacob Kiel	11316 Insumme Tr. North
	DANA + KIM QUADE	8470 Landon Ave 55082
	ARTIE SCHAEFER	6640 MANTING AVE. N. 55081

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
Deborah Gangnon	Deborah Gangnon	10850 62nd St N
Sheldon Saccoman	Sheldon Saccoman	9104 68th St, N
Loyan Saccoman	Loyan Saccoman	9104 68th St N Stillwater, MN
Patrick J. Klood	Patrick J. Klood	7731 Kimbro Ave N Stillwater
W Kloek	W Kloek	11108 Manning Tr. n.
Paul A. Roth	Paul A. Roth	10889 69th St N
Theresa Roth	Theresa Roth	10889 69th St N.
Deborah Roth	Deborah Roth	10889 69th St N
Heidi M. Roth	Heidi Roth	10889 69th St N
John Demko	John Demko	10847 98th St N
Nancy Lornson	NANCY LORNTSON	9730 103rd St. N
Richard Lornson	Richard Lornson	9730 103rd St. N
Matthew R Carter	MATTHEW R CARTER	10011 103rd St. N
John Evans	JOHN EVANS	10191 103rd St. N.
Bill Petrey	Bill Petrey	10503 117th St. N.
Loren Sederstrom	Loren Sederstrom	9330 102th St N
Larry Lanoux	Larry Lanoux	9711 Keswick Ave
Jamie Muller	Jamie Muller	10254 117th St. N
Debbie Resch	Debbie Resch	8540 N. Kimbro Ave 55082



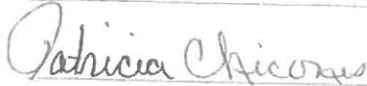
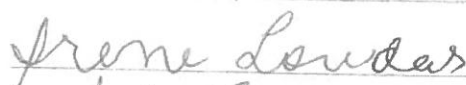

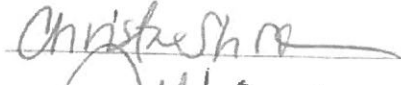
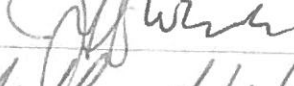

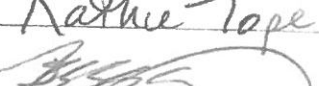
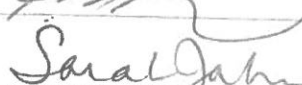
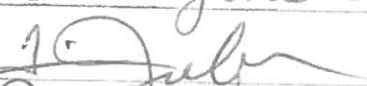


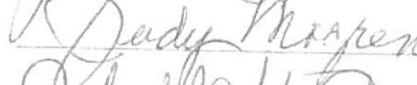
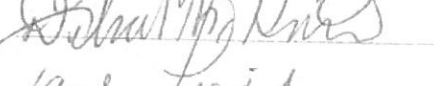


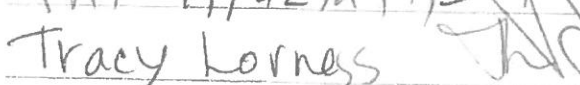


July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
<i>Peggy Van De Riet</i>	Peggy Van De Riet	9293 Keswick Ave N
<i>Bill Van De Riet</i>	Bill Van De Riet	9293 Keswick Ave N
<i>Diane Emslander</i>	Diane Emslander	9300 Keswick Ave N.
<i>JEFF EMSLANDER</i>	JEFF EMSLANDER	9300 KESWICK AVE N
<i>Kari Wassink</i>	Kari Wassink	9540 Keswick Ave N.
<i>Laura Determan</i>	Laura Determan	9443 Keswick Ave N.
<i>Roxanne House</i>	ROXANNE HOUSE	9337 Keswick Ave N
<i>Betty Lundgren</i>	Betty Lundgren	8930 Kimbro Ave. N.
<i>DANIEL FOCKEN</i>	DANIEL FOCKEN	8582 Kimbro Ave N
<i>NICK MEYER</i>	NICK MEYER	10656 83 rd STREET
<i>Karen Meyer</i>	Karen Meyer	10656 83 rd St. N.
<i>Aelina Meyer</i>	Aelina Meyer	10656 83 rd St. N.
<i>Michael Perron</i>	Michael Perron	9161 Jeffrey Blvd N
<i>Caprice Perron</i>	Caprice Perron	" " "
<i>Allan D Hammel</i>	Allan D Hammel	8200 JAMACA Ave N
<i>Cynthia L Hammel</i>	Cynthia L Hammel	8200 Jamaca Ave. N.
<i>James S. Schifsky</i>	James Schifsky	7394 Jamaca Ave.
<i>KEVIN VON RIEDEL</i>	KEVIN VON RIEDEL	7800 KIMBRO AVE N.
<i>DEBORAH VON RIEDEL</i>	DEBORAH VON RIEDEL	7800 KIMBRO AVE N.

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	Kevin J. Koch	10218 67th Lane N Grant 53082
	MICHAEL CHICONIS	10185 67th LN N
	PATRICIA CHICONIS	10185 67th LN N
	IRENE LOUDAS	10163-67th Ln. N. Wood Shores
	Wade Shores	10124 67th Ln N
	Christa Shores	10124 67th Ln N 53082
	Jeffrey White	10105 67th Lane U. S. 53082
	Heather White	" " " "
	Kathie Tope	10065 67th Ln Stillwater
	JESSE Tope	10065 67th Ln. W. Stillwater
	Sarah Jahnke	10140 67th St N, Grant
	Tim Jahnke	10140 67th St. N Grant
	Ron Hopkins	10144 65th St N. Grant
	Janice M. Hopkins	10144-65th St. N., Grant
	JUDY MAGREN	10188 65th St. N.
	Deborah McHutchison	10133-65th St. N.
	PAUL LIPE	6255 KENTS AVE N. 6277 KENTS
	BRUCE BROMSTRAND	AVE N 6277 KENTS
	PAT KLUMP	10260 60th St. Lane North
	Tracy Korness	" " " "

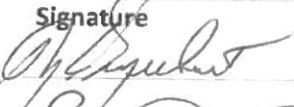


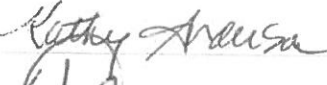
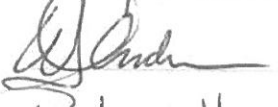
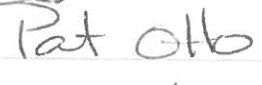
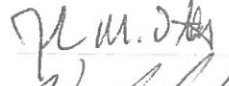


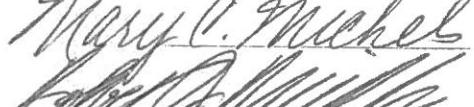
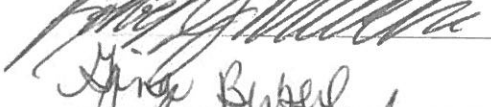
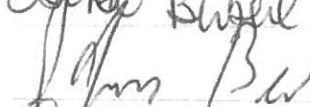
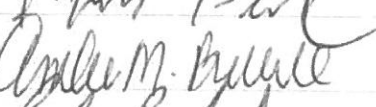
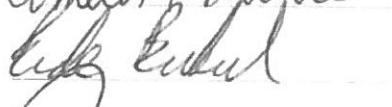



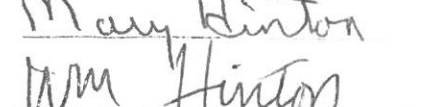


July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
Harold Kracht	Harold Kracht	10230 60 th St. Ln.
Ganalee Kracht	Ganalee Kracht	"
Charlie Goebel	Charlie Goebel	6225 Kelvin Ave N
Marie Goebel	MARIE GOEBEL	6225 Kelvin Ave No.
Joyce Melton	Joyce Melton	6233 Kelvin Ave N.
Virginia Ries	Virginia Ries	6220 Kelvin Ave N.
James M. Johnson	JAMES M. JOHNSON	6215 Kelvin Ave N
Karen Nelson	Karen Nelson	10330 60 th St N,
John S. Stearns	Printed Name	" " "
John A. Stearns	John S. Stearns	6380 Keswick Ave. N.
Joyce M. Stearns	Joyce M. Stearns	Stillwater, MN. 55082
Duane G. Miller	Duane G. Miller	" " "
M.A. O'Brien	Mary Ann O'Brien	6395 Keswick Ave N Stillwater, MN 55082
Dennis Thibodeau	Dennis Thibodeau	6395 Keswick Ave N Stillwater, MN 55082
Jan McNamara	Jan McNamara	6330 Keswick Ave N Stillwater, Min.
Jessica McNamara	Jessica McNamara	6330 Keats Ave N Stillwater, MN 55082
Mary P. Coakley	MARY P. COAKLEY	6330 Keats Ave N Stillwater, MN 55082
John D. Smith	John D. Smith	10056 67 th Ln. N.
Karen Y. Smith	Karen Y. Smith	10244-67 th Ln N
Karen Y. Smith	Karen Y. Smith	10244 67 th Ln. N.

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	R G Engstrand	9280 JOLIET AVE N. Grant, MN
	Bill David	9131 KESWICK AV. N. GRANT, MN
	Laura David	9131 Keswick Ave. NO. Grant
	Kathy Anderson	8833-80 th St. N. Grant MN
	Wally Anderson	8833 80 th St N Grant, mn
	Pat Otto	8239 Jamaica Ave N. Grant
	John Otto	8239 Jamaica Ave
	MICHAEL HERBST	8640 JAMACA AVE N
	Helen C Herbst	8640 JAMACA AVE N
	MARY C. MICHELS	11055 66 th St. no. Grant
	Robert J. Michels	" " " "
	Gina Buberl	6211 Lake Elmo Ave Grant
	Adam Buberl	6185 Lake Elmo Ave
	Amber Buberl	6185 Lake Elmo Ave. N.
	Rick Buberl	6211 Lake Elmo Ave
	Jon Determan	9443 Keswick Ave N
	Colin Saccoman	9104 68 th St N Stillwater, MN
	DAVE SCHRÖDER	16895 INWOOD AVE No Grant 55115
	MARY HINTON	8288 105 th ST N GRANT 55115
	Bill HINTON	8288 105 th ST N Grant

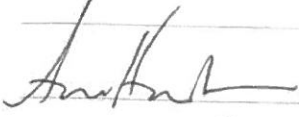



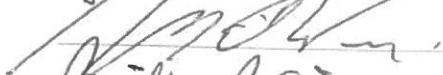


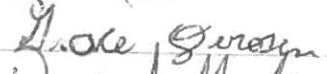
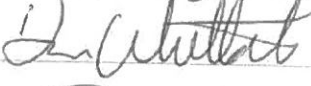
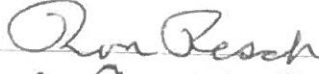

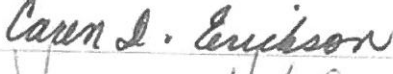

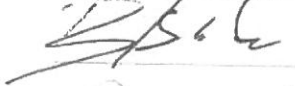




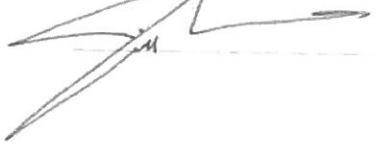
July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	Terence C. Derosier	10596 83rd St N. Grant 55082
	Mary EM Derosier	10596 83rd St. N Grant 55082
	Mark A Derosier	10596 83rd St. N Grant 55082
	Anne Marie Derosier	10596 83rd St N Stillwater, MN 55082
	Patricia H. Reinke	10310 Jody Ave N. Stillwater MN 55082
	Dan Reinke	" "
	Cheri Blythe	8080 Kimbro Lane N Grant, MN 55082
	Robin Schifsky	6868 Jamaica Ave N Grant
	Myles Schifsky	6868 Jamaica Ave
	Caitlin Schifsky	6868 Jamaica Ave N.
	Charles Packard	6868 Jamaica Ave N.
	Fred Nemer	9220 Ivy Ave N
	Mary Nemer	9220 Ivy Ave N.
	Juwia Nemer	9220 IVY AVE. N.
	Therese Stoeber	10670 114th St N.
	Candy Gagliardi	8233 Jody Ave N Stillwater 55082
	Danny Gagliardi	8233 Jody Ave N Stillwater 55082
	Judith Rutscher	7940 Kimbro Ave N.
	Art Rutscher, II	7940 Kimbro Ave N Stillwater, MN 55082
	Mary Griffin	9775 83rd St No Stillwater MN 55082

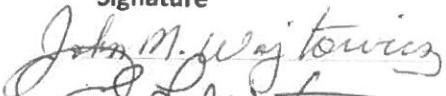

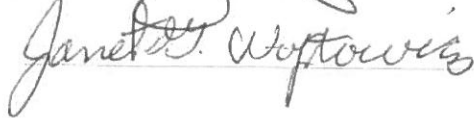
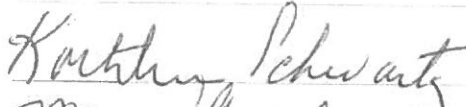
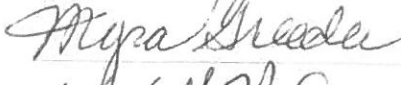
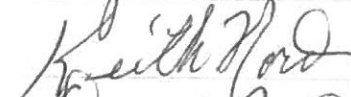
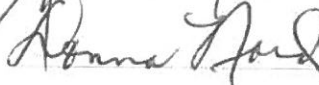
July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	ANDREA NOLLAK	9232 68 TH ST. N. GRANT, MN 55082
	KARIN COSTA	9411 Dellwood Rd
	Grace Costa	9411 Dellwood Rd
	Ron Costa	9411 Dellwood Rd
	MIKE WEISS	10450 N. 60 TH
	Britta Erickson	1370 Curve Crest Blvd.
	Barb Erickson	9150 64 th St. N.
	Grace Derostier	10596 83rd St. N Stillwater
	Dan Whitaker	10880 66 th ST N
	Ron Resch	8540 Kimbro Av. N
	KATHLEEN ERICKSON	9590 83rd St. N Stillwater, Mn. 55082
	CAMILLE ERICKSON	9590 83rd St. N Stillwater, Mn. 55082
	Shanna Holden	7181 Keats Ave N Grant, 55082
	Brad Holden	" "
	Janet Jorgensen	7221 Keats 55082
	MARGARET TRENT	10621-75 th St No. 55082
	DIANA GUNDERSON	10691-75 th ST. No 55082
	Diana Saccoman	9104 68 th St. N Stillwater, MN 55082
	Jon Wollak	9232 68 th St N. Stillwater MN 55082

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	John V. Wojtowicz	11521 88th St. N.
	John L. Wojtowicz	11521 88th St. N.
	John Janet G. Wojtowicz	11521 88th St. N.
	Kathy Schwartz	8540 Jewel Ave. N. Stillwater
	Myra Greeder	8350 Keats Ave. N.
	Keith Nord	7975 Kimbro Ave. N.
	Donna Nord	7975 Kimbro Ave N.

**APPENDIX V – PROFESSIONAL LANDSCAPE SCREENING
EXAMPLE**

Existing Conditions

Westwood
Multi Energy Asset
Development & Engineering Inc.

USSOLAR



This graphic is an artist's rendition and should be used for discussion purposes only.
Please see final plans for actual details.

September 26th, 2017

studio 300

USS Hockey Pad Solar LLC

City of Jordan, Minnesota

Proposed Development Image without Landscaping

Westwood
Multi-Disciplinary
Surveying & Engineering

US/SOLAR



This graphic is an artist's rendition and should be used for discussion purposes only.
Please see final plans for actual details.

studio

USS Hockey Pad Solar LLC
City of Jordan, Minnesota

September 26th, 2017

Proposed Development Image with Landscaping

Westwood
Multi-Disciplinary
Surveying & Engineering

US/SOLAR



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studio 

USS Hockey Pad Solar LLC
City of Jordan, Minnesota

September 26th, 2017

Existing Conditions

Westwood
Multi-Media Land
Surveying & Engineering

US/SOLAR



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Please see final plans for actual details.

September 26th, 2017

studio 

USS Hockey Pad Solar LLC

City of Jordan, Minnesota

Proposed Development Image without Landscaping

Westwood
Multi-Disciplinary
Surveying & Engineering

US SOLAR



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Please see final plans for actual details.

September 26th, 2017

studio 

USS Hockey Pad Solar LLC
City of Jordan, Minnesota

Proposed Development Image with Landscaping

Westwood
Multi-County Area
Surveying & Engineering

US/SOLAR



This graphic is an artist's rendition and should be used for discussion purposes only.
Please see final plans for actual details.

studio

USS Hockey Pad Solar LLC
City of Jordan, Minnesota

September 26th, 2017

APPENDIX VI – LETTER FROM THE MINNESOTA FARM BUREAU



December 12, 2017

Mr. David Watts
David.watts@us-solar.com

Dear Mr. Watts:

Thank you for your recent email.

Minnesota Farm Bureau statewide policy supports the development and use of alternative energy sources such as solar farms and gardens, as long as the drainage is maintained and serviced. We do not weigh in on specific projects at the local level, those decisions need to be based on local support.

Thank you.

Sincerely,

Kevin Paap
President

KP/kfo

APPENDIX VII – LETTER FROM THE MINNESOTA FARMERS UNION



305 Roselawn Ave E • Suite 200 • St. Paul, MN 55117 - 2031
Ph 651.639.1223 • Fx 651.639.0421 • www.mfu.org

Monday December 4, 2017

To Whom It May Concern:

The Minnesota Farmer's Union supports the development of community solar farms and gardens as a supplemental land use by Minnesota farmers. Community solar farms and gardens are not permanent uses of land and can be used for crop production once the project is completed. Minnesota farmers will continue to adapt to find new ways to be economically sustainable and community solar farms and gardens provide an opportunity to diversity their land use and provide additional income. Community solar farms and gardens creates environmental benefits without decreasing property value or diminishing Minnesota's rural character.

Thom Petersen, Director of Government Relations

MN Farmers Union



STAFF REPORT

To: Mayor and City Council
Kim Points, City Clerk/Administrator

Date: November 27, 2018

RE: Application for Major Subdivision –
The Gateway (Preliminary Plat)
and
Variance from maximum length of
a cul-de-sac

CC: Brad Reifsteck, PE, City Engineer
David Snyder, City Attorney

From: Jennifer Haskamp
Consulting City Planner

Summary of Request & Background

The Applicant, The Excelsior Group, and Owner, Premier Bank, are proposing to subdivide the subject property into 16 rural residential lots. City staff met with the Applicant twice prior to their Application, and most recently met with them in September to discuss the Application process. At that meeting staff discussed the City's zoning standards including minimum lot sizes, density and other information regarding the Preliminary and Final Plat processes with the Applicant. The Applicant presented a conceptual site plan that generally showed the same lot and roadway configuration as presented within the subject application. Staff indicated to the Applicant during the meeting that the cul-de-sac lengths as depicted on the concept plan did not meet the City's ordinances. Staff urged the Applicant to connect with Washington County to determine if a second access was viable, and if not to identify how a secondary access could be incorporated in the future if the property to the west of the subdivision were to subdivide or change use. Depending on the outcome of the discussion with the County, staff indicated to the Applicant that an application for a Variance from cul-de-sac length would be required concurrently to the Preliminary Plat if no secondary access was identified.

Planning Commission and Public Hearing

A duly noticed public hearing was held at the regular Planning Commission meeting on November 20, 2018 at 6:30 PM. Public testimony provided focused on trail access on the property (through Outlot A) and along the ROW of CSAH 12. After the public hearing was closed, the Planning Commission discussed the proposed Preliminary Plat and Variance. A summary of their discussion is as follows:

- The proposed subdivision is consistent with the Comprehensive Plan and the desired use for the subject site.
- The subject Variance appears warranted given the comments from Washington County regarding accesses spacing, the Applicant's narrative, the presence of wetland area along the western boundary of the site, and the gas pipeline easement.
- The Planning Commission concluded that provided the fire chief/emergency services are comfortable with the cul-de-sac length from a health, safety, welfare perspective then a variance is reasonable given the physical constraints of the site.



After discussion, the Planning Commission unanimously recommended approval of the Preliminary Plat and Variance with conditions as noted by staff, and as amended by the Planning Commission.

Project Summary

Applicant: The Excelsior Group	Site Size: 165.12 Acres
Owners: Premier Bank	Request: Major Subdivision, Preliminary Plat of 16 Lots Variance from maximum cul-de-sac length
Zoning & Land Use: A-2 Proposed Plat Name: The Gateway	PIDs: 2803021420003 (Parcel A) 3303021210002 (Parcel B) 2803021310003 (Parcel C) 2803021310002 (Parcel D) 2803021340001 (Parcel E)

The proposed Project will create 16 new rural residential lots on approximately 165 acres of land located south of CSAH 12 lying adjacent and westerly of the Gateway Trail. The existing properties were foreclosed and taken back by the bank and have been owned by Premier Bank for the past several years. Premier has actively marketed the property since its acquisition, and many residents and property owners in the City have inquired about what might happen on the property. The following summary is provided with respect to the proposed Project:

- The proposed Project will create 16 new lots ranging in size between 5.00 and 28.34 acres. Twelve of the 16 lots range in size between 5 and 8 acres, and four (4) lots are between 16 and 29 acres.
- The rural residential lots will be a part of a homeowner’s association that will govern the proposed subdivision. Draft covenants, bylaws and declarations have been submitted for review by City Staff for consistency with the City’s ordinances.
- The Applicant did not state whether the proposed subdivision would be phased or if it is anticipated that all lots would be platted at once. This should be clarified during the process.
- The Applicant is proposing to dedicate an Outlot, denoted as Outlot A, to provide trail access to the Gateway Trail. The trail corridor connects the southern terminus of the cul-de-sac to the Gateway Trail between Lot 10 and Lot 11 in the proposed subdivision. The Applicant indicated that the trail connection through Outlot A would be private and maintained by the Homeowners Association and would primarily be used by future residents of The Gateway.
- All 16 lots will be served with individual wells and individual septic systems. The Preliminary Plat has identified primary and secondary drainfields associated with each lot, and septic reports/boring logs for each lot were submitted with this Application. There is an existing septic system and well located on existing Parcel C. The Application does not indicate a demolition plan, and therefore it is



unknown what will happen to the existing septic and well on the site. Staff assumes based on the plans that the existing septic system will be abandoned, and that all structures will be removed. The Applicant should verify the plan for the existing well and septic on site.

- The existing property is irregular in shape and is bordered by 75th Street North (CSAH 12) on the northern property line, the Gateway Trail along the east-southeast property line, and existing rural-residential lots along the westerly property line. CSAH 12 is a County Road and the proposed access will require coordination and discussion regarding access permit, right-of-way dedication and any improvements with Washington County since they will be the permitting authority for access onto their roadways.
- The lots in the proposed Project will be accessed from two cul-de-sacs with one access proposed onto CSAH 12. The cul-de-sac length of both cul-de-sacs within the preliminary plat exceed the City's standards and require a Variance from the subdivision ordinance in order to be approved in the current configuration.
- The rural residential lot sizes can accommodate a variety of housing styles and plans. As such the Applicant anticipates all homes in the subdivision will be custom built, and that lots will be custom graded once house plans are developed.

Review Criteria

The proposed Project is classified as a Major Subdivision per the City of Grant's subdivision ordinance which is Chapter 30 of the City Code. The specific regulations related to the Preliminary Plat process are contained within Article II Platting Division 2 Preliminary Plat. Also relevant with respect to design standards is Article III Minimum Design Standards.

As referenced within the Preliminary Plat requirements all created and/or new lots must comply with the current regulations which apply to the zoning district in which the Property is located. The following sections are most applicable to this request and are considered, at a minimum, in the following sections:

32-1 Definitions

32-246 Minimum area, maximum height and other dimensional requirements.

Existing Site Conditions

The existing site is irregular in shape and is comprised of five individual PIDs. There is an existing homestead, two barns and three sheds located near southeaster edge of Parcel C (generally at the center of the site when all parcels are considered collectively). All structures are accessed by a single driveway which is connected to CSAH 12 on the north. The site is intermittently vegetated, with some more solid vegetation at the property edges, and some pockets of vegetation near the existing homestead and structures that appear to



be planted conifers and other 'screening' types of vegetation. There are several fenced in areas on the site that were presumably used for pasture areas and the keeping of horses. There are extensive wetlands on-site, particularly on the western and southern edges. A wetland delineation has been prepared that identifies approximately 45.98 acres of wetland on site. The Wetland Delineation report and application was submitted to Valley Branch Watershed District for their review and approval. A Notice of Decision (NOD) approving the wetland delineation was issued and received by staff on November 27, 2018. There is an existing 75-foot wide pipeline easement that extends generally along the westerly property line and bisects a portion of the southwest corner of the property.

Comprehensive Plan Review

The 2030 Comprehensive Plan land use designation of the subject properties designates the property as A2-Agricultural Small Scale. Properties guided as A2 are intended to be used for rural residential and small agricultural uses at densities no less than 1 Dwelling Unit per 10 Acres. The Gateway development will include 16 rural residential sized lots on approximately 165 acres and the intended use of each property is for single-family residential uses. The proposed project is consistent with the intent and guided density as identified within the adopted Comprehensive Plan.

Zoning/Site Review

The subject properties are zoned A-2, and Section 32-243 defines the intent and primary use of such properties as, "...provide rural low-density housing in agricultural districts on lands not capable of supporting long-term, permanent commercial food production. A-2 district lot sizes will provide for marginal agriculture and hobby farming."

The proposed Project requests subdivision of approximately 165 acres into 16 lots, and is subject to Chapter 30 Subdivisions and is specifically reviewed for compliance with Sections contained within Article II Platting and Article III Minimum Design Standards. Chapter 30 requires all subdivisions with newly created lots to comply with the underlying zoning district, and as such each lot was reviewed for compliance with Section 32-246 Dimensional Standards, and other applicable sections of Chapter 32.

Subdivision Standards (Items not addressed in Dimensional Review)

The subdivision ordinance requires all newly created lots to conform to the dimensional standards as identified within Chapter 32 of the zoning code. Subsequent sections of this report will provide a review of the dimensional standards and will make the appropriate cross reference to the subdivision code, where applicable. The following review relates specifically to the subdivision and/or preliminary plat requirements that are not addressed within the zoning review.

Easements



Section 30-105 Easements requires newly created lots and roadways to provide easements for utilities and drainageways, as necessary. The applicable ordinance requirements are as follows:

- (a) Required for Utilities. Easements of at least 20 feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary...”
- (b) Required for drainage. Easements shall be provided along each side of the centerline of any watercourse or drainage channel, whether or not shown on the comprehensive plan, to a sufficient width to provide property maintenance and protection and to provide for stormwater runoff and installation and maintenance of storm sewers.
- (c) Dedication. Utility and drainage easements shall be dedicated for the required use.

As shown on sheets 9 through 11, drainage and utility easements are dedicated on each lot line, around all features associated with the drainage plan of the property, and all wetland areas. *The Applicant will be required to dedicate the easements to the benefit of the City at time of final plat; however, staff would recommend including a condition that the maintenance, specifically of all drainage easements, will be provided for and the responsibility of the HOA and must be detailed in any Covenants and Development Agreement.*

Lot Design & Requirements

Various subsections of 30-107 apply to the proposed subdivision including the following:

- (a) *Side Lots. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.*

Staff has reviewed the design and layout of all lots contained within the subdivision, and the majority of the proposed lots comply with this standard. There is a slight jog in the lot line between Lot 2 and Lot 3, and the lot lines of Lot 10 and Lot 11 bordering the trail corridor Outlot A doglegs slightly. The Applicant stated that the slight dog-leg between Lot 10 and Lot 11 is due to the proposed connection with the Gateway Trail along the eastern boundary of the site, and the Planning Commission accepted this explanation and did not recommend the lot line be adjusted. *The Planning Commission recommended that the lot line between Lot 2 and Lot 3 be straightened to meet the ordinance standards, which has been added as a condition of approval in the draft Resolution attached for your review and consideration.*

- (k) *Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan acceptable to the city shown as to future use, rather than allowed to remain as unusable parcels.*

The proposed subdivision identifies one Outlot A which is intended to serve as a trail connection to the Gateway Trail. Staff believes that this Outlot is different than the strict interpretation of the ordinance, and therefore believes that the Outlot is acceptable; however, staff recommends that the maintenance and management of the Outlot be clearly accounted for within the Development Agreement and the HOA's responsibilities.



- (l) *Access to major arterials. In the case where a proposed plat is adjacent to a major or minor arterial, there shall be no direct vehicular access from individual lots to such streets and roads. . . .”*

The proposed subdivision includes the construction of a new local street/cul-de-sac that will connect to 75st Street North on the northeast corner. *The new local roadway/cul-de-sac will provide direct access to all lots abutting the roadway, and no new structures/lots will access the County roads directly. As designed, the proposed subdivision meets this requirement.*

Street Design

The Project includes the development and construction of two new cul-de-sacs, with one access to CSAH 12. The cul-de-sac design will serve all of the new homes in the neighborhood. The Applicant’s vision for the neighborhood is to create a rural residential neighborhood, and the proposed rural section roadways and cul-de-sacs support that vision. The following standards regarding cul-de-sac streets and street design are as follows:

30-129 Cul-de-sac streets

- (a) *Cul-de-sac streets, temporarily or permanently designed as such, shall not exceed 1,320 feet in length.*

There are two proposed cul-de-sac streets within the subdivision, the main north-south cul-de-sac, and an east-west cul-de-sac. The north-south cul-de-sac is approximately 2,128-feet long, and the east-west cul-de-sac is approximately 1,950-feet long both exceed the ordinance standard. The Applicant has requested a variance from this standard and their narrative is provided within Attachment B of this staff report.

Review of Practical Difficulties:

The Applicant’s narrative states that Washington County will not permit more than one access to the proposed site based on their access spacing guidelines. Staff had a brief discussion with Washington County regarding access spacing which confirmed the Applicant’s statement regarding access on CSAH 12. As has been stated historically by the County, reducing access onto CSAH 12 is desirable, and the distance between two access points into the subject Project would not meet their access spacing guidelines. After discussion with the County, they also questioned how realistic it would be to construct a second access just west of the property, if the opportunity were to arise, given the location and uses of the adjacent parcels to the west of the proposed Project. Generally, Washington County concluded that the proposed cul-de-sac location would be acceptable, provided proper improvements were made to ensure safe ingress and egress into the subdivision.

The Applicant also notes the existence of the gas pipeline along the westerly property line. Staff agrees that any proposed improvements within the easement are subject to the gas line easement holder; however, it should be noted that roadway improvements within this easement already exist with the CSAH 12 crossing, as well as the northern access drive just to the west of the property. Based on the existing conditions, and the existence of roadway improvements within the easement,



more information would be necessary to confirm that no additional crossing or improvement would be permitted within the easement area. However, regardless of whether any improvement would be prohibited, staff does agree with the Applicant that if crossing or encroachment into this easement can be avoided that would be best. Given Washington County's response, and their preference for a single access into the project, the easement can be entirely protected without encroachment.

Staff agrees that the wetlands onsite do provide natural constraints due to their location and quantity, which has now been confirmed within the approved wetland delineation (NOD).

All of these considerations were verbally updated and provided to the Planning Commission at their meeting, with the exception of the Wetland Delineation NOD which had not yet been received. Based on this information the Planning Commission determined that the requested variance is warranted given the site constraints present, provided verification that the cul-de-sac lengths are acceptable to the fire chief can be obtained. Staff agrees with the Planning Commission, and has added the condition regarding approval from the Fire Chief to the draft conditions attached in the resolution.

- (b) *Lots with frontage at the end of the cul-de-sac shall have a minimum of 60 feet of road frontage and meet the lot width requirement at the building setback line for the zoning district in which the property is located.*

Section 32-246 identifies the lot dimensional standards for lots zone A2. Lots on a cul-de-sac are required to have a minimum lot width of 160-feet at the building setback line. All lots appear to meet this standard, but lot dimensions should be verified by the Applicant's engineer for proposed Lot 10 and 12 to ensure the lot width is met.

- (c) *Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the owner fronting on the temporary turnaround. To ensure such streets can be constructed according to this code, the street shall be rough graded or typical sections shall be submitted and approved by the City engineer.*

As noted in Subsection (a) above, city staff believes additional analysis and review by the Applicant should be completed regarding this item.

30-130 Street design

- (a) *Minimum width*

Local Streets - ROW roadway width 66 feet, 28 feet including shoulders

Cul-de-sacs - ROW roadway width 66 feet, 48-foot turnaround radius



The street and cul-de-sac right-of-way and design meets the City's ordinance requirements.

(l) The city roadway standard is a rural section 28 feet wide with 22 feet of bituminous pavement surface.

Sheet 9 of 23 identifies the Typical Street Section that the Applicant is proposing to construct for the new roadway. As shown, the roadway would include 22-feet of paved surface with 3-foot shoulders and typical ditch section. All driveways serving the new homes will connect directly to the local roadway, and will cross the ditch section to connect to the paved surface. A pavement profile is not included within the plan set, but will be subject to the City's minimum specifications. *As proposed, the new local roadway/cul-de-sac dimensions meet the City's standard minimum design standards. Any additional requirements or standards will be included within the City Engineer's memo.*

Dimensional Standards

The following site and zoning requirements in the A-2 district regulate the site and proposed subdivision:

Dimension	Standard
Lot Size	5 acres
Lot Depth (ROW to rear lot line)	300'
Lot Width (measured at front yard setback)	300'
Lot Width on a Cul-de-sac at the setback line	160'
Frontage – public road	300'
Front Yard Setback	65'
Side Yard Setback	20'
Rear Yard Setback	50'
Height of Structure	35'
Fence	May be on property line, but not within any ROW
Driveway Setback	5'
Parking Lot setback	10' from ROW
Wetland Setback Structure (Buffer)	75' (50')
Maximum Floor Area	30%

Density/ Lot Size /
Buildable Area

Density

As proposed the density calculation is as follows:

$$165.12 \text{ Acres} / 16 \text{ Units} = 10.32 \text{ Acre average lot size}$$

As proposed, the proposed density in the Farms of Grant Project meets the City's Comprehensive Plan and zoning ordinance regulations. However, it should be



noted that all available density has been used, and no further subdivision is permitted. *Staff would recommend including a condition that the Development Agreement and that the HOA covenants clearly state that no further subdivision is permitted of the subject properties, and that this restriction must be recorded against all properties including those not subject to the HOA.*

Lot Size

Section 30-107 Lot Requirements, subsection (c) Minimum area and width, states, “No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located, except as here provided. Irregular-shaped lots designed for the sole purpose of attempting to meet a subdivision design or zoning regulation shall be prohibited.”

As identified on the previous table, Lots in the A-2 zoning district have a minimum lot size of 5.0 Acres (Lot Width will be discussed in subsequent sections of this report). While the zoning code does not specifically define ‘rural residential lots’ the term is explanatory of what the Applicant has proposed for most of the lots. Of the 16 lots, 12 range in size between 5.0 acres and 7.59 acres. The four (4) remaining lots are between 16 and 29 acres, respectively. *All of the lots meet the 5.0 acre minimum lot size as defined within the zoning ordinance.*

Buildable Area

All lots within the A2 zoning district must have a minimum of 1.0 acres of “Buildable Area” to ensure that there is adequate area on a lot to support the principal structure and septic system. This requirement can be found in Section 32-246 subsection (b)(4) Subdivision of Lots which states, “...All new lots created must have at least one (1) acre of accessible buildable land. Buildable land is defined as land with a slope of less than twenty-five (25) percent, and outside of any required setbacks, above any floodway, drainage way, or drainage easement. Property situated within shorelands or floodplains are also subject to the requirements set forth in those respective ordinances.” Also, while not explicitly stated, it should be noted that the wetlands are also removed from the Buildable Area calculation.

The Applicant has graphically demonstrated where and how much Buildable Area is on each created lot on Sheets 10 and 11 of the attached Plan Set, and a lot tabulation including Buildable Area can be found on Sheet 9. *As shown in the Lot Area Table, all proposed lots have a minimum of 1.0 acres of buildable area with most lots exceeding 2 acres of buildable area. All lots comply with the ordinance requirements.*



Frontage	Section 30-107 subsection (b) requires each lot to front on a public street, and Chapter 30 further states that all created lots must meet the standards of the underlying zoning. The Dimensional Requirements and corresponding frontage requirements are shown on the table found in Section 32-246 which requires a minimum of 300-feet of Frontage on “an Improved Public Road” for properties zoned A-2, and a minimum of 60-feet of frontage for lots abutting a cul-de-sac. Per Section 32-1, Frontage is defined as, “that boundary of a lot which abuts a public street or private road.” <i>All lots as shown on the Plan Set meet the minimum frontage.</i>
Lot Width & Lot Depth	<p>All created lots must meet the standard for Lot Width and Lot Depth in the A-2 zoning district. The ordinance requires a minimum lot width of 300-feet for standard lots and 160-feet for lots abutting a cul-de-sac. The minimum Lot Depth of all A2 lots is 300-feet.</p> <p>Section 32-1 defines Lot Width as, “the horizontal distance between the side lot lines of a lot measured at the setback line.” And Lot Depth as, “the mean horizontal distance between the front and rear lines of a lot.”</p> <p>As previously noted, all lots appear to meet lot width standards, however, verification of lot width on Lot 10 and 12 should be provided as the dimension appears to be close and no dimension was provided on the plan set.</p> <p>All lots meet lot depth requirements.</p> <p><i>As designed, all lots in the proposed subdivision meet the City’s standards for lot width and lot depth.</i></p>
Coverage (Floor Area)	Sheet 9 Lot Area Table identifies the shown impervious surface coverage based on conceptual house pad and driveway. All shown coverages are between less than 1 % and 4.5%. The stormwater management plan was based on permitting up to 20,000 square feet of coverage which would be equivalent to between approximately 2% and 9%. <i>As proposed, all lots and their conceptual building pads meet the City’s floor area requirements.</i>
Roadways & Access	Section 30-58 (c)(1) requires the layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street shall conform to the provisions of chapter 24, article III. The proposed roadway contains 66-feet of dedicated right-of-way with a 22-foot paved surface and 3-foot shoulders. The cul-de-sac contains a 48-foot diameter and 96-foot right-of-way. As previously stated, the proposed roadway meets the city’s minimum standards. The City Engineer will provide additional comments in their memo which will be emailed under separate cover, and hard copies will be brought to the meeting. The preliminary



Septic

plat does not show a proposed road name for either cul-de-sac, and a proposed road name for each cul-de-sac should be provided with the revised drawings.

Section 30-58 (9) requires that “in areas where public sewer is not available, four soil borings shall be completed on each lot with results being submitted to the city building inspector....” Sheets 9 through 11 show the location of the soil borings that were completed on each lot for purposes of determining where a primary and secondary drainfield could be located on each lot. As submitted, there are four (4) borings identified on each lot.

The Applicant also submitted a septic report that was prepared by a licensed septic installer/designer which corresponds to the completed borings and has indicated that all lots can support a standard individual septic system. Washington County is the permitting authority for septic design and installation in the City of Grant, and no correspondence was provided regarding their consideration/review of the information. Staff is in communication with Washington County and will provide a verbal update at the City Council meeting, if possible. *Regardless, staff has included a condition in the Resolution regarding the adequacy of the septic sites which must be provided prior to the recording of the Final Plat.*

Driveways:

The proposed roadway will serve the new homes in the subdivision, and each home will be connected with a single driveway as shown on sheets 9 through 11 of the Plan set. As designed, one driveway will be constructed to provide access to the principal and any accessory structures on each lot. *As designed, a single access/driveway complies with the City’s driveway standards, however, it should be noted that each lot will be required to acquire a driveway permit prior to a building permit being issued for a new home (Section 32-184).*

Stormwater/Erosion Control

The City’s Zoning and Subdivision Ordinance both require that the Applicant submit a stormwater management plan and erosion control plan. The Applicant is proposing to manage stormwater on-site through a series of ponds and infiltration basins. The Applicant is required to meet the City’s standards, but is also subject to the rules of the Valley Branch Watershed District (VBWD). The Stormwater Management Plan for the Project as currently designed was submitted and under reviewed by the City Engineer.

Engineering Standards

The City Engineer’s memo is attached to this staff report for your review and consideration. The City Engineer has reviewed the submittal regarding Stormwater and Erosion Control, specifically addressing Sections 30-172 and 30-173 and also the Street Design Standards.



Sheets 12-21 provide a preliminary grading plan and erosion control plans that are under review by the City Engineer. As background for the City Council, it is standard for a conceptual/preliminary grading plan to be prepared for projects of this type, particularly given that the lots will be constructed with custom houses. So, for purposes of stormwater calculations, erosion control, and other engineering items it is important to have a 'conceptual' plan of how the improvements can be accommodated on the lots while ensuring that those improvements would meet stormwater and erosion control standards.

Staff would recommend including a condition in the Preliminary Plat approval that the Applicant/Owner must meet all conditions as stated within the City Engineer's memo dated November 13, 2018.

Other Agency Review

The proposed Project is located within the Valley Branch Watershed District and is subject to their rules and regulations. The Applicant has submitted an application to the VBWD and has received their approvals. The Applicant will be required to continue to work with them through their permitting/review process as site work commences.

The proposed roadway connects to CSAH 12 is under the jurisdiction of Washington County. At the time of this staff report the County had not yet provided their review. Staff is working collaboratively with the County to get feedback and comment from their staff regarding the proposed road access locations and will bring any feedback and or information to the meeting on November 20th meeting if possible.

Proposed changes/Updates to Plan Set

While the Plan set is very complete, there are some minor issues that staff would recommend resolving. Preliminarily staff would request the following updates and/or information. Depending on the comments at the public hearing and Planning Commission discussion, additional items may be requested of the Applicant and can be added to this list.

- Update the Plan set to include a proposed roadway name
- Revise the lot line between Lot 2 and Lot 3 or compliance with the lot design standards.
- Provide any additional information, or plan changes regarding the stormwater system as required by VBWD for review and consideration of the City Engineer.
- Receive comment from Washington County regarding the proposed roadway, specifically the proposed access location(s) and necessary improvements to CSAH 12.
- Provide written (email acceptable) noting review of soil borings from Washington County.

Action requested:



Staff has attached a draft resolution of approval of the Preliminary Plat and Variance for The Gateway subdivision for your review and consideration.

Attachments

Exhibit A: Application, Applicant's Narrative, and Parcel Boundaries

Exhibit B: Variance Narrative

Exhibit C: Plan Set



Memorandum

To: Brad Reifsteck, PE, City Engineer
City of Grant
Jennifer Haskamp, City Planner, City of Grant

From: Todd Hubmer, PE
Laura Cummings, EIT

Date: November 13, 2018

Re: The Gateway Development Preliminary Stormwater Review
City of Grant - WSB Project No. 011210-000

We have completed a preliminary review of the Gateway development in Grant, Minnesota. The site is located near the corner of 75th Street north and Ideal Avenue North. The site is located just south of Mahtomedi High School.

WSB has reviewed the following documents prepared by Alliant Engineering for the proposed Gateway Development:

- Stormwater Management Study, dated 10/10/18
- Hydrology Calculations, dated 10/10/18
- Preliminary Plat Plan set including grading plans, dated 10/11/2018 (23 of 23 sheets)

These plans were reviewed for conformance with the City of Grant Design Standards which require applicant to be in compliance with the 2018 MPCA MS4 general stormwater requirements.

Summary of Comments

1. This site is located within the Valley Branch Watershed Management Commission.
2. Storm sewer calculations have not been provided. A review of stormwater conveyance will be completed upon receipt of these calculations.
3. The proposed conditions do not exceed the existing rates and are in compliance.
4. Water quality treatment will be provided using four separate infiltration basins on-site.

Detailed Comments and Recommendations

Stormwater Conveyance

1. Storm sewer calculations have not been provided. Developer shall submit these calculations for review prior to approvals.
2. NRCS soils survey indicate that the infiltration basins are located within 'C' soils. The Minnesota Stormwater Manual Design infiltration rates of 'C' soils are recommended at 0.2 in/hr. The develop is proposing to use 0.25 in/hr. Please identify how this rate was determined.
3. In the HydroCAD report infiltration basin 4 has a design infiltration rate of 0.025 in/hr. Please revise.

Stormwater Quantity

1. Stormwater discharge rates are managed through the use of the four infiltration basins on site.
2. The total impervious on site is 418,830 square feet which leads to a required volume retained of 38,393 cubic feet. The four infiltration basins provide 70,459 cubic feet of volume retained.

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2018-26**

**RESOLUTION APPROVING A PRELIMINARY PLAT AND GRANTING A
VARIANCE FROM MAXIMUM LENGTH OF A CUL-DE-SAC FOR
THE GATEWAY**

WHEREAS, The Excelsior Group (“Applicant”), together with Premier Bank (“Owner”), have submitted an application for Preliminary Plat of a major subdivision and a variance from maximum length of a cul-de-sac generally located east of Ideal Avenue North, and south of 75th Street North in the City of Grant, Minnesota; and

WHEREAS, the Preliminary Plat will subdivide approximately 165-acres of land that contains an existing home, accessory buildings and pasture area; and

WHEREAS, the existing homestead and accessory buildings will be removed as part of the development process; and

WHEREAS, the Preliminary Plat identifies 16 lots, of which 12 lots range in size between approximately 5.0 and 7.6 acres; and four lots range in size between approximately 16 and 29 acres; and

WHEREAS, the 16-lots contained in the Preliminary Plat will be accessed by two new connected cul-de-sacs; and

WHEREAS, the two cul-de-sacs exceed the maximum permitted length per the City’s subdivision ordinance and require a variance from the permitted length to be constructed as shown on the Preliminary Plat; and

WHEREAS, on November 20, 2018 the Planning Commission reviewed the application and unanimously recommends approval of The Gateway Preliminary Plat and the Variance from maximum cul-de-sac length to the City Council with the conditions as presented; and

WHEREAS, the City Council considered the Preliminary Plat, the Variance from maximum cul-de-sac length, and the recommendation of the Planning Commission at their regular meeting on December 4, 2018;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of The Excelsior Group for Preliminary Plat provided that the following conditions of Preliminary Plat are met:

1. An updated Preliminary Plat, if necessary, and revised Grading and Erosion Control Plans depicting any necessary changes and/or modification shall be submitted for review and approval of city staff within 12-months of Preliminary Plat approval.
2. The Applicant shall obtain all necessary stormwater permits from the VBWD and such permits shall be acquired prior to the City granting any Final Plat of the Project.
3. The Applicant shall obtain an approved wetland delineation prior to any Final Plat of the Project being granted.
4. If necessary, a wetland mitigation and replacement plan shall be approved prior to any Final Plat of the Project being granted.
5. A letter from Washington County Environmental Services shall be provided indicating that the proposed primary and secondary septic sites meet their standards and requirements, and that adequate area exists on each lot to accommodate a septic system. Such letter shall be provided prior to granting any Final Plat of the Project.
6. The Applicant will be required to enter into a Development Agreement prior to the City granting any Final Plat of the Project to ensure that the requirements and conditions as set forth herein are complied with, and ensure the installation of the subdivision infrastructure.
7. The Applicant shall obtain all necessary permits for installation of individual wells serving each lot, and such permits shall be obtained prior to the City issuing any Building Permit for such lot.
8. The full public right-of-way of both cul-de-sacs shall be dedicated at time of Phase I Final Plat.
9. The Applicant shall obtain access permits from Washington County prior to the City granting any Final Plat of the Project.
10. The Applicant shall be required to install all necessary improvements to CSAH 12 as agreed to, and conditioned by, Washington County. Such improvements shall be included and addressed within the Development Agreement.
11. Site improvements as described within Section 30-194 shall be agreed to and identified within a Development Agreement.
12. A street name for the proposed cul-de-sac shall be provided prior to granting any Final Plat of the Project.
13. The Applicant shall identify and rope off all septic drainfield areas on the site prior to the City issuing any grading permits on the subject property.
14. The Applicant shall be required to obtain all septic permits, based on actual design of a principal structure, prior to the city issuing a building permit.
15. Review of the cul-de-sac length from the Fire Chief shall be obtained to ensure that there are no issues regarding access to each of the created lots.

16. The Applicant shall pay all fees and delinquent escrow balances.

FURTHER BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of The Excelsior Group to exceed the maximum length of a cul-de-sac with the following findings pursuant to Section 32-59 and 32-60 of the City's Zoning Ordinance which provides that a Variance may be granted if a hardship is demonstrated. The City Council's Findings relating to the standards are as follows:

- The buildable area of the subject property is constrained by natural features including extensive wetlands around the perimeter of the site which limit available access to CSAH 12.
- The site is further constrained by the presence of the Gas Line Easement along the western border of the site which further limits viable access and crossings.
- Washington County's access spacing guidelines do not permit to accesses onto CSAH 12, and there is no other frontage or access to the subject property.
- The site constraints on site are not self-created, are the result of the natural landscape or are associated with a public improvement, or public guideline.
- The cul-de-sac configuration is consistent with the character and design of rural residential subdivisions throughout the City, and granting the variance will not negatively impact the character of the community.

Adopted by the Grant City Council this 4th day of December 2018.

Jeff Huber, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2018 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington
County, Minnesota this _____ day of _____, 2018.

Kim Points
Clerk
City of Grant

City of Grant
 P.O. Box 577
 Willernie, MN 55090



Phone: 651.426.3383
 Fax: 651.429.1998
 Email: clerk@cityofgrant.com

Application Date:	10/11/18
Fee: \$1,000+\$25/lot	Escrow: \$7,000

Pa Check # 55522 \$1,400.⁰⁰
 Check # 1121 \$7,000.⁰⁰

PRELIMINARY PLAT (MAJOR SUBDIVISION)

A preliminary plat is required to subdivide or plat a property when more than one additional parcel or lot is created in unplatted land OR two additional parcels or lots are created in platted lands. The preliminary plat is a map or drawing which graphically delineates the boundary or land parcels for the purpose of identification and record of title. The final plat is a recorded document and must conform to all Minnesota State laws, and must be consistent with the City's Comprehensive Plan and Zoning Code.

PARCEL IDENTIFICATION NO (PIN): SEE ATTACHED LEGAL DESCRIPTION: FOR PIN AND LEGAL FOR THE 5 INC. PARCELS		ZONING DISTRICT & COMP PLAN LAND USE: A2- AGRICULTURAL SMALL SCALE LOT SIZE: 5ACRE MIN
PROJECT ADDRESS: 8255 75 TH ST. N GRANT, MN. 55082	OWNER: Name: PREMIER BANK Address: 2866 WHITE BEAR AVE. City, State: MAPLEWOOD, MN 55109 Phone: Email:	APPLICANT (IF DIFFERENT THAN OWNER): THE EXCELSIOR GROUP 1660 HILTHWAY 100 S. SUITE 400 ST. LOUIS PARK, MN. 55416
DESCRIPTION OF REQUEST: SUBDIVISION REQUEST TO CREATE A PRELIMINARY PLAT 16 ESTATE \$013		
EXISTING SITE CONDITIONS: SITE CURRENTLY CONTAINS A RURAL ESTATE WITH MULTIPLE OUT BUILDINGS. SITE CONTAINS SEVERAL WETLANDS INTERMINGLED IN A ROLLING TOPOGRAPHY. DEVELOPMENT SITE BOUNDARY IN A COMPILEATION OF 5 SEPERATE PARCELS.		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Chapter 30, Article II Platting, Secs. 30-57 - 76		

Submittal Materials

The following materials must be submitted with your application in order to be considered complete. To fully understand all information required for submittal, Staff requires an initial meeting prior to submitting any documents for review. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

AP - Applicant check list, CS - City Staff check list

AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	EXISTING CONDITIONS EXHIBIT: (All plans shall be at a scale not smaller than 1" = 200') A scalable existing conditions analysis, prepared by and certified by a registered land surveyor, including 100-feet of the abutting properties of record, should include the following: <ul style="list-style-type: none"> ▪ North arrow, date of survey ▪ Boundary lines and dimensions with total acreage ▪ Topographic Map, contour interval of 2' or less, slopes in excess of 12-percent delineated ▪ Aerial of site and ½ mile vicinity ▪ Existing zoning classifications for land in and abutting the subdivision ▪ Location and extent of tree cover including identification of significant trees

Application for: PLATTING
City of Grant

	<ul style="list-style-type: none"> ▪ Location, including right-of-way width and names of existing platted streets, parks, or other public lands ▪ Location of permanent buildings, structures, school district lines ▪ Location and size of existing culverts, wells, septic systems or any other underground utility ▪ Existing easements, including pipelines and power lines within the plat ▪ Grades and location of catch basins, manholes, and street pavement width and type within the plat ▪ Soil conditions as they affect development, including soil borings, soil types, locations and high water table elevations ▪ Boundary lines of adjoining unsubdivided or subdivided land ▪ Soil borings on each lot demonstrating appropriate area of individual sewage treatment system (minimum of 4 per lot) ▪ Water course, marshes, 100-year flood elevation, wooded areas, rock outcrops, power transmission poles and lines, and other significant features ▪ Location and extent of wetlands and streams, including Wetland Delineation ▪ Other relevant information as requested by Planning Commission or City Council
<p>COPIES: 20 (4 Full Size at 22" x 34", 16 Reproducible copies at 11" x 17")</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>
<p><u>PRELIMINARY PLAT: Technical and Construction Level Drawings</u> (All plans shall be at a scale not smaller than 1" = 200')</p> <ul style="list-style-type: none"> ▪ Name and address of the owner, developer, site planner, engineer and surveyor ▪ Legal description, acreage of proposed subdivision, date of preparation and north arrow ▪ Lot and block arrangement and numbering system and area of each lot ▪ Identification of any dedicated areas for public use, excluding roads and trails, with areas identified ▪ Subdivision name ▪ Proposed construction grading plan and an Erosion Control plan ▪ Surface water management plan/drainage plan ▪ Final grading plan, maximum 2 foot contours scale not smaller than 1"=100' ▪ Lot dimensions including setback lines (front, side, rear), buildable area, and percent impervious ▪ Gradients of proposed streets. Plans and profiles showing locations and typical cross-sections including curb, ditches, gutters, sidewalks, drainage easements, right-of-ways, manholes and catch basins ▪ Proposed building locations including lowest floor elevation for each lot ▪ Driveways ▪ Locations, dimensions, and materials of sidewalk and/or trails ▪ Location of wells, sewage treatment areas, and soil borings ▪ Construction plans and profiles addressing streets, sewage treatment and water, stormwater, trails, sidewalks and related features ▪ Easement locations ▪ Outlots ▪ Vegetation and landscaping ▪ If proposed: Lighting, parking, signage, fences, dumpster locations and other features 	
<p>COPIES: 20 (4 Full Size at 22" x 34", 16 Reproducible copies at 11" x 17")</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>
<p>Narrative describing the proposed use of lots, types of buildings with proposed units or business/industry.</p>	<input type="checkbox"/> <input type="checkbox"/>
<p>A copy of any proposed private restrictions <i>Dev. To Proceed</i></p>	<input checked="" type="checkbox"/> <input type="checkbox"/>
<p>Statement acknowledging that you have contacted the other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have authority over your property for approvals and necessary permits.</p>	<input type="checkbox"/> <input type="checkbox"/>

Application for: PLATTING
City of Grant

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Drainage Computations
N/A	<input type="checkbox"/>	Draft Developer's Agreement, Homeowner's Association covenants or deed restricts (if applicable)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within 1,250 feet, contact Washington County Surveyor's Office: (651) 430-6875
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$1,000 + \$25/lot
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$7,000

MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents (EMAILED)
<input type="checkbox"/>	<input type="checkbox"/>	If severe soil limitations for the intended use are noted in the Soil Survey on file at Washington County Soil and Water Conservation District office, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application
<input type="checkbox"/>	<input type="checkbox"/>	Building elevations and architectural plans


Review and Recommendation by the Planning Commission. The Planning Commission shall consider oral or written statements from the applicant, the public, City Staff, or its own members. It may question the applicant and may recommend approval, disapproval or table by motion the application. The Commission may impose necessary conditions and safeguards in conjunction with their recommendation.

Review and Decision by the City Council. The City Council shall review the application after the Planning Commission has made its recommendation. The City Council is the only body with the authority to make a final determination and either approve or deny the application for preliminary plat.

Unless an extension of time is requested and granted by the City Council, the Applicant shall submit an application for Final Plat within 12 months of receiving Preliminary Plat approval, or the approval will expire.

This application must be signed by ALL owners of the subject property or an explanation given why this not the case.

We, the undersigned, have read and understand the above.



Signature of Applicant

10/2/18

Date

Andrew Nath

Signature of Owner

10/3/18

Date

For Premier Bank owner

Email
Phone

anath@premierbanks.com
651-855-1114

The Gateway – Property Identification Numbers and Property Legal Description(s)

Parcel A:

PIN: 2803021420003

That part of the West half of the Southeast Quarter of Section 28, Township 30, Range 21, Washington County, Minnesota, according to the government survey thereof; described as follows: Beginning at the intersection of the West line of said West half of the Southeast Quarter and the South line of Washington County Right of Way Plat No. 19; thence North 88 degrees 31 minutes 17 seconds East, on a bearing based on the Washington County coordinate system, South zone, along said South plat line a distance of 169.11 feet; thence South 1 degree 28 minutes 43 seconds East along said plat line a distance of 35.00 feet; thence North 88 degrees 31 minutes 17 seconds East along said plat line a distance of 100.00 feet; thence North 1 degree 28 minutes 43 seconds West along said plat line a distance of 35.00 feet; thence North 88 degrees 31 minutes 17 seconds East along said plat line a distance of 276.71 feet to a point on a line parallel with and 545.80 feet West of the West line of said West half of the Southeast Quarter, as measured along the North line of said West half of the Southeast Quarter, thence South 0 degrees 00 minutes 37 seconds West along said parallel line a distance of 188.32 feet; thence North 88 degrees 36 minutes 30 seconds East and parallel with the North line of said West half of the Southeast Quarter a distance of 175.00 feet; thence South 00 degrees 00 minutes 37 seconds West a distance of 60.00 feet; thence South 51 degrees 41 minutes 18 seconds East a distance of 489.02 feet to the Westerly right-of-way line of the Soo Line Railroad, as the same is now located, thence Southwesterly along said Westerly right-of-way line to the South line of said West half of the Southeast Quarter; thence South 88 degrees 36 minutes 02 seconds West along said South line a distance of 39.53 feet to the Southwest corner of said West half of the Southeast Quarter; thence North 0 degrees 00 minutes 37 seconds East along the West line of said West half of the Southeast Quarter a distance of 2573.45 feet to the point of beginning.

AND

Parcel B:

PIN: 3303021210002

All that part of the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) and all that part of the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section Thirty-three (33), in Township Thirty (30) North, of Range Twenty-one (21) West, Grant Township, Washington County, Minnesota, lying Westerly of the Northwesterly R/W of the Minneapolis, St. Paul and Sault St. Marie Railroad.

AND

Parcel C:

PIN: 2803021310003

That part of the Southwest Quarter of Section 28, Township 30, Range 21, Washington County, Minnesota described as follows: Beginning at the intersection of the West line of the East 1/2 of the West 1/2 of said Southwest 1/4 and the North line of the South 1705.07 feet of said Southwest 1/4; thence South 0° 18' 28" East along said West line a distance of 296.30 feet; thence North 88° 38' 54" East a distance of 1175.23 feet; thence North 19° 35' 52" West to the center line of County State Aid Highway No. 12; thence Westerly along said center line to the center line of a Minnesota Pipe Line Company

easement as now laid out across said Southwest 1/4; thence Southerly along the center line of said easement to the North line of the South 1705.07 feet of said Southwest 1/4; thence West to the point of beginning.

AND

Parcel D:

PIN: 2803021310002

East 1/2 of the Southwest 1/4 of Section 28, Township 30 Range 21 in Washington County, Minnesota. Also that part of the East 1/2 of the West 1/2 of the Southwest 1/4 of Section 28 lying South of the center line of County State Aid Highway No. 12 as now laid out and traveled except the South 980.38 feet of said East 1/2 of the West 1/2 of the Southwest 1/4 and except that part lying Westerly of the center line of a Minnesota Pipe Line Company Easement as now laid out across the Southwest 1/4 of said Section 28 and lying Northerly of the South 1705.07 feet of said East 1/2 of the West 1/2 of the Southwest 1/4 as measured along the West line thereof. Subject to the right of way of County State Aid Highway No. 12 as now laid out and traveled along the

North line of said Southwest 1/4 and subject to a 66 foot wide easement to Minnesota Pipe Line Company as now laid out across said Southwest 1/4.

EXCEPT

That part of the Southwest Quarter of Section 28, Township 30, Range 21, Washington County, Minnesota described as follows: Beginning at the intersection of the West line of the East 1/2 of the West 1/2 of said Southwest 1/4 and the North line of the South 1705.07 feet of said Southwest 1/4; thence South 0° 18' 28" East along said West line a distance of 296.30 feet; thence North 88° 38' 54" East a distance of 1175.23 feet; thence North 19° 35' 52" West to the center line of County State Aid Highway No. 12; thence Westerly along said center line to the center line of a Minnesota Pipe Line Company easement as now laid out across said Southwest 1/4; thence Southerly along the center line of said easement to the North line of the South 1705.07 feet of said Southwest 1/4; thence West to the point of beginning.

AND EXCEPT

The East 600 feet and the South 980.38 feet of said East 1/2 of the Southwest 1/4.

AND

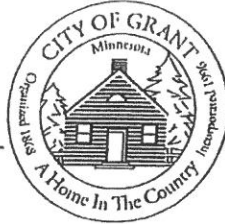
Parcel E:

PIN: 2803021340001

The East 600.00 feet of the Southwest 1/4; the South 980.38 feet of the East 1/2 of the Southwest 1/4 lying West of the East 600.00 feet thereof and the South 980.38 feet of the East 1/2 of the West 1/2 of the Southwest 1/4 all in Section 28, Township 30, Range 21, Washington County, Minnesota.

Abstract Property

City of Grant
P.O. Box 577
Willernie, MN 55090



Phone: 651.426.3383
Fax: 651.429.1998
Email: clerk@cityofgrant.com

Application Date:	10/11/18
Fee: \$400	Escrow: \$3,000

pd check # 55523 \$400.00
check # 1121 \$3,000.00

VARIANCE REQUEST

In certain cases a variance from the strict enforcement and adherence to the zoning ordinance may not be possible due to practical difficulties associated with a property. A practical difficulty means that the proposed use of the property and associated structures in question cannot be established under the conditions allowed by the zoning ordinance and that no other reasonable alternate use exists. The following application is provided for such circumstances and will be determined by the Board of Adjustment for the City of Grant.

PARCEL IDENTIFICATION NO (PIN): SEE ATTACHED LEGAL DESCRIPTION: FOR PIN AND LEGAL FOR THE 5 INCLUDED PARCELS		ZONING DISTRICT & COMP PLAN LAND USE: A2- AGRICULTURAL SMALL SCALE LOT SIZE: 5 AC MIN
PROJECT ADDRESS: 8255 75TH ST. N GRANT, MN. 55082	OWNER: Name: PREMIER BANK Address: 2866 WHITE OAK AVE City, State: MAPLEWOOD, MN. 55069 Phone: Email:	APPLICANT (IF DIFFERENT THAN OWNER): THE EXCELSIOR GROUP 1660 HIGHWAY 100 S. SUITE 400 ST. LOUIS PARK, MN. 55416
BRIEF DESCRIPTION OF REQUEST: LAND SUBDIVISION WITH A DEVELOPMENT PLAN REQUIRING A CUL-DE-SAC WITH LENGTH GREATER THAN 1,320 FT TO SERVICE 16 ESTATE LOTS		
EXISTING SITE CONDITIONS: SITE CURRENTLY CONTAINS A RURAL ESTATE WITH MULTIPLE OUT-BUILDINGS. SITE HAS SEVERAL WETLANDS THROUGHOUT SITE LIMITING + RESTRICTING ROAD CONNECTIONS TO WEST, SOUTH AND MOST OF WEST DIRECTION.		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Chapter 32, Sec. 32-60. Variances.		

Submittal Materials

The following materials must be submitted with your application in order to be considered complete. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

AP - Applicant check list, CS - City Staff check list

AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan: All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow <ul style="list-style-type: none"> ▪ Property dimensions ▪ Area in acres and square feet ▪ Setbacks ▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines) ▪ Location of current and proposed curb cuts, driveways and access roads ▪ Sanitary sewer (septic) and water utility plans ▪ Location of well and septic systems on adjacent properties ▪ Location of wetlands and other natural features ▪ Existing and proposed parking (if applicable) ▪ Off-street loading areas (if applicable) ▪ Existing and proposed sidewalks and trails
COPIES: 1 plan at 22"x34", 12 plans at 11"x17" (half scale)		

Application for: VARIANCE
City of Grant

N/A

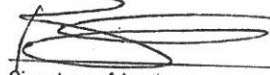
<input type="checkbox"/>	<input type="checkbox"/>	<p>Architectural/Building Plan (if Applicable): All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> Location of proposed buildings and their size including dimensions and total square footage Proposed floor plans Proposed elevations Description of building use <p>COPIES: 1 plan set 22"x34", 12 plan sets 11"x17" (half scale)</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Written Narrative: Describe your request and the practical difficulties that are present on the site and why a Variance is sought.</p> <p>COPIES: 15</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Statement acknowledging that you have contacted other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have jurisdiction over your project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet). Contact Washington County to obtain list/labels.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$3,000

MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Survey of the property: An official survey, by a licensed surveyor, must be submitted with the application. The survey shall be scalable and in an 11" x 17" format.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Wetland Delineation: A wetland delineation may be necessary depending on the reason for the variance, and stated site constraints.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents <i>EMailed</i>

This application must be signed by ALL owners of the subject property or an explanation given why this not the case.

We, the undersigned, have read and understand the above.


Signature of Applicant

10/10/18
Date

And Nath
Signature of Owner (if different than applicant)

10/10/18
Date

for Pomeroy Bank

The Gateway – Property Identification Numbers and Property Legal Description(s)

Parcel A:

PIN: 2803021420003

That part of the West half of the Southeast Quarter of Section 28, Township 30, Range 21, Washington County, Minnesota, according to the government survey thereof; described as follows: Beginning at the intersection of the West line of said West half of the Southeast Quarter and the South line of Washington County Right of Way Plat No. 19; thence North 88 degrees 31 minutes 17 seconds East, on a bearing based on the Washington County coordinate system, South zone, along said South plat line a distance of 169.11 feet; thence South 1 degree 28 minutes 43 seconds East along said plat line a distance of 35.00 feet; thence North 88 degrees 31 minutes 17 seconds East along said plat line a distance of 100.00 feet; thence North 1 degree 28 minutes 43 seconds West along said plat line a distance of 35.00 feet; thence North 88 degrees 31 minutes 17 seconds East along said plat line a distance of 276.71 feet to a point on a line parallel with and 545.80 feet West of the West line of said West half of the Southeast Quarter, as measured along the North line of said West half of the Southeast Quarter, thence South 0 degrees 00 minutes 37 seconds West along said parallel line a distance of 188.32 feet; thence North 88 degrees 36 minutes 30 seconds East and parallel with the North line of said West half of the Southeast Quarter a distance of 175.00 feet; thence South 00 degrees 00 minutes 37 seconds West a distance of 60.00 feet; thence South 51 degrees 41 minutes 18 seconds East a distance of 489.02 feet to the Westerly right-of-way line of the Soo Line Railroad, as the same is now located, thence Southwesterly along said Westerly right-of-way line to the South line of said West half of the Southeast Quarter; thence South 88 degrees 36 minutes 02 seconds West along said South line a distance of 39.53 feet to the Southwest corner of said West half of the Southeast Quarter; thence North 0 degrees 00 minutes 37 seconds East along the West line of said West half of the Southeast Quarter a distance of 2573.45 feet to the point of beginning.

AND

Parcel B:

PIN: 3303021210002

All that part of the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) and all that part of the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section Thirty-three (33), in Township Thirty (30) North, of Range Twenty-one (21) West, Grant Township, Washington County, Minnesota, lying Westerly of the Northwesterly R/W of the Minneapolis, St. Paul and Sault St. Marie Railroad.

AND

Parcel C:

PIN: 2803021310003

That part of the Southwest Quarter of Section 28, Township 30, Range 21, Washington County, Minnesota described as follows: Beginning at the intersection of the West line of the East 1/2 of the West 1/2 of said Southwest 1/4 and the North line of the South 1705.07 feet of said Southwest 1/4; thence South 0° 18' 28" East along said West line a distance of 296.30 feet; thence North 88° 38' 54" East a distance of 1175.23 feet; thence North 19° 35' 52" West to the center line of County State Aid Highway No. 12; thence Westerly along said center line to the center line of a Minnesota Pipe Line Company

easement as now laid out across said Southwest 1/4; thence Southerly along the center line of said easement to the North line of the South 1705.07 feet of said Southwest 1/4; thence West to the point of beginning.

AND

Parcel D:

PIN: 2803021310002

East 1/2 of the Southwest 1/4 of Section 28, Township 30 Range 21 in Washington County, Minnesota. Also that part of the East 1/2 of the West 1/2 of the Southwest 1/4 of Section 28 lying South of the center line of County State Aid Highway No. 12 as now laid out and traveled except the South 980.38 feet of said East 1/2 of the West 1/2 of the Southwest 1/4 and except that part lying Westerly of the center line of a Minnesota Pipe Line Company Easement as now laid out across the Southwest 1/4 of said Section 28 and lying Northerly of the South 1705.07 feet of said East 1/2 of the West 1/2 of the Southwest 1/4 as measured along the West line thereof. Subject to the right of way of County State Aid Highway No. 12 as now laid out and traveled along the North line of said Southwest 1/4 and subject to a 66 foot wide easement to Minnesota Pipe Line Company as now laid out across said Southwest 1/4.

EXCEPT

That part of the Southwest Quarter of Section 28, Township 30, Range 21, Washington County, Minnesota described as follows: Beginning at the intersection of the West line of the East 1/2 of the West 1/2 of said Southwest 1/4 and the North line of the South 1705.07 feet of said Southwest 1/4; thence South 0° 18' 28" East along said West line a distance of 296.30 feet; thence North 88° 38' 54" East a distance of 1175.23 feet; thence North 19° 35' 52" West to the center line of County State Aid Highway No. 12; thence Westerly along said center line to the center line of a Minnesota Pipe Line Company easement as now laid out across said Southwest 1/4; thence Southerly along the center line of said easement to the North line of the South 1705.07 feet of said Southwest 1/4; thence West to the point of beginning.

AND EXCEPT

The East 600 feet and the South 980.38 feet of said East 1/2 of the Southwest 1/4.

AND

Parcel E:

PIN: 2803021340001

The East 600.00 feet of the Southwest 1/4; the South 980.38 feet of the East 1/2 of the Southwest 1/4 lying West of the East 600.00 feet thereof and the South 980.38 feet of the East 1/2 of the West 1/2 of the Southwest 1/4 all in Section 28, Township 30, Range 21, Washington County, Minnesota.

Abstract Property

EXCELSIOR

◆ *The Excelsior Group*

THE GATEWAY PROJECT NARRATIVE

The Excelsior Group is proud to submit a Preliminary Plat application for the development of The Gateway in The City of Grant.

The property consists of 5 parcels totaling approximately 165 acres along 75th Street North between Ideal Avenue North & Jamaca Avenue North just south of Mahtomedi High School. The property consists of an abandoned farmstead, pasture lands and forested areas. A wetland delineation was done for the site resulting in 16 wetlands primarily along the east, west and southern boundaries. All of which will be preserved except for a minor impact at the entrance location along 75th Street North.

The existing zoning is A-2 Agricultural Small Scale with a maximum density of 1 dwelling for every 10 acres (0.1 lots/acre) and a minimum lot size of 5 acres. The Gateway will consist of 16 single family large lots nestled around and within the existing wetlands and wooded areas. Lot sizes range from 5.00 acres to ± 28.34 acres with a gross density of 0.097 lots/acre.

Access to The Gateway will be from 75th Street North (County Road 12) with one entrance that branches into two public cul-de-sacs with a rural road section. The Excelsior Group would like to request a variance to allow for an additional 700' along the cul-de-sacs which would prevent further wetland impacts and allowing the roadway to follow the character of the site. Each individual lot will be serviced by well and septic. A private pathway is proposed at the end of the southern cul-de-sac connecting to the Gateway Trail.

Construction of the development will be in one phase with a Spring 2019 start.

We look forward to working with the City to create a successful community for the City of Grant. Please feel free to contact me with any questions.

Sincerely,
The Excelsior Group, LLC



Paul Thomas, PE
Vice President
Paul.Thomas@ExcelsiorLLC.com

VARIANCE REQUEST SUBMITTAL NARRATIVE

THE GATEWAY GRANT, MINNESOTA October 11, 2018

DESCRIPTION OF VARIANCE REQUEST

The proposed request for variance from City Code is for permission to allow construction of a cul-de-sac with a length exceeding the Code maximum length of 1,320 feet. The proposed subdivision plan includes a road network consisting of 2 cul-de-sacs connected to one road access point effectively resulting in a single cul-de-sac. The length of the proposed cul-de-sac on a single access point is 2,128 feet. The variance is being requested due to practical difficulties with connecting to available public right of way.

PRACTICAL DIFFICULTIES

Existing constraints to development of the property and rationale for variance request (pursuant to City Subdivision Code Section 32-60):

1. The development site has limited available access to public road right of way. The property only has access to a public road network (CSAH 12) along the northern boundary. CSAH 12 is a Washington County roadway that has limited access (1/4 mile spacing). The County's required spacing guidelines only allow for 1 roadway right of way access within the site development boundary.
2. The development site contains several wetlands (16 in total) and that results in multiple barriers or difficulty in defining proposed roadway corridors. The development site has large wetlands along the east and west boundaries and a collection of several wetlands in the southern boundary. Wetlands impede reasonable roadway connections to any direction from the site other than a small segment to the north.
3. The east and south boundary of the development site directly abuts the MN DNR Gateway State Trail limiting development and access from that direction. The proximity of the State Trail creates a barrier or practical difficulty for any roadway connection.
4. A pipeline corridor runs along the west boundary of the development site at the location of the offsite existing CSAH 12 intersection to Mahtomedi High School. The pipeline creates a practical difficulty for any future roadway corridor in that area.

CONCLUSION

The development plan is consistent with the City of Grant's Land Use and Zoning for the property. The applicant respectfully concludes that the request for a variance will allow for a subdivision that creates rural estate lots that are in-line with the City goals and objectives for this area.