

PLANNING COMMISSION MEETING MINUTES

CITY OF GRANT

November 20, 2018

Present: John Rog, James Drost, Jeff Schafer, Jeff Giefer, Jerry Helander, Matt Fritze and Robert Tufty

Absent: None

Staff Present: City Planner, Jennifer Swanson; City Clerk, Kim Points

1. CALL TO ORDER

The meeting was called to order at 6:34 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

MOTION by Commissioner Schafer to approve the agenda, as presented. Commissioner Tufty seconded the motion. MOTION carried unanimously.

4. APPROVAL OF MINUTES, August 21, 2018

MOTION by Commissioner Giefer to approve the August 21, 2018 Minutes, as presented. Commissioner Schafer seconded the motion. MOTION carried unanimously.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Text Amendment Application, Community Solar Energy Systems – City Planner Swanson stated the Applicant, US Solar, in coordination with the Owner Joyce Welander, have requested the subject text amendment to permit Community Solar Energy Systems (CSES) in the City’s A1 and A2 zoning districts with a Conditional Use Permit (CUP). The City’s current zoning ordinances does not permit CSES in any zoning district. The Applicant proposes to add Section 32-458 to the City’s Zoning Ordinance that provides additional performance standards for CSES if they were to be conditionally permitted. A full copy of the Applicant’s narrative, and all proposed ordinance amendments are provided as Attachment A.

This Application is NOT for a specific project on a specific site and if enacted would apply to all land zoned and guided A1 and A2. The Owner information is a required condition of a Text Amendment Application as stated in Section 32-116 which identifies that “an amendment to this chapter may be initiated by the city council, the planning commission or by petition of affected property owners...” US Solar would not be able to make this Application without a joint

Applicant having real property interest in the City per the Zoning Ordinance. Due to this criterion, the Subject Property and Owner are listed on the application.

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, 2018 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).

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 Planning Commission 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).

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 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 closer to an industrial or commercial use, and therefore is not consistent with the City’s adopted Comprehensive Plan.

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 Planning Commission or 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.

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 Planning Commission 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.

A duly noticed public hearing has been schedule for November 20, 2018 at 6:30 PM to consider the proposed text amendment to the zoning ordinance.

Staff is seeking discussion, review and a recommendation regarding the proposed text amendment.

City Planner Swanson noted the letter provided to residents that did sign a petition relating to the project does not appear to be clear in terms of what property the project relates to and refers to the Comprehensive Plan only. The City does not initiate petitions. The petition was initiated by the property owner.

MOTION by Commissioner Helander to open the public hearing at 6:53 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

Mr. David Watts, Applicant, came forward and advised the only changes to the current application are positive and he requested this application be considered independently from the previous application. He stated most communities allow community solar noting the benefits of them. The plan is more restrictive and more beneficial. A petition was sent around and signed and supported overwhelmingly within the community. The local media picked up the story. This is an opportunity for Grant to support its citizens. Several farming organizations also support community solar gardens. There is no conflict with the Comprehensive Plan and he demonstrated how they actually support the current plan. There will be a landscape plan to satisfactorily screen from neighboring properties and roadways. A flood of applications will not be possible due to the proposed mile buffer. He requested approval of the application.

Ms. Joyce Welander, 10381 85th Street, came forward and stated there are more horses and bees in Grant than there are people. There is no language in the Comprehensive Plan that prohibits solar gardens. There is an increased emphasis on energy sources, restoration of land conservation, education of youth, and producing less carbon. Others wanted to sign the petition because they are supportive, and the project will not be noisy, and there is a buffer line with trees and there is no traffic. It will not harm Grant.

Mr. Paul Hoff, 8047 80th Street, came forward and stated he does support the ordinance change as it is reasonable to keep the rest of the property agricultural. There are pipelines in Grant, and adding solar to the grid is reasonable.

Ms. Becky Siekmeier, 1150 Lawn Avenue, came forward and stated she also supports the plan as it is a good use of space especially with the border plantings, and she would be more than happy to sign the petition.

Mr. John Siekmeier, 1150 Lawn Avenue, came forward and stated the right decision was previously made, and he also supports the plan.

MOTION by Commissioner Schafer to close the public hearing at 7:19 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Commissioner Schafer stated he was in favor of the project a year ago because solar energy is beneficial. He understands the majority of the Council voted the other way. He viewed several facilities last week, and there are pros and cons to everything. It appears there is a rush to do a

lot of them. Comments on the Comprehensive Plan can be interpreted many different ways and can be argued either way. If a recommendation to approve is made, the conditions of approval should be strengthened.

Commissioner Tufty stated he also supported the last time. He viewed several last week and he has new concerns including the green acre status of the property.

Commissioner Helander stated he did take a look at the projects in Scandia and Lindstrom. Solar projects can be great in the right place but that he does not believe Grant is the right place.

Commissioner Giefer referred to the Wind Energy Conversion Systems and what is allowed in Grant for those systems, stating he believes it should be similar for solar – residential but not commercial installations.

MOTION by Commissioner Helander to recommend denial of the Solar Text Amendment Application, as presented. Commissioner Schafer seconded the motion. MOTION carried with Commissioner Fritze voting nay.

This item will appear on the regular Council agenda Tuesday, December 4, 2018, 7:00 p.m.

PUBLIC HEARING, Consideration of Major Subdivision Application, 8255 75th Street North – City Planner Swanson stated that the Applicant, The Excelsior Group, and Owner, Premier Bank, are proposing to subdivide the subject property into 16 rural residential lots. In September city staff and the Applicant met for a pre-application meeting. 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 were 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 with the preliminary plat if no secondary access was identified.

A duly noticed public hearing was published for November 20, 2018 at 6:30 PM to be held at the Planning Commission's regular meeting. Letters were mailed to property owners within 1,250-foot of the subject Project, as required in Section 30-58 of the Subdivision ordinance, informing them of the application request and public hearing.

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. It is unclear based on the materials whether this trail corridor would be private or available to the public, but staff assumes based on the presented materials it would be 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.

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.

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. 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.

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.

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.

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.

Section 30-105 Easements requires newly created lots and roadways to provide easements for utilities and drainage ways, 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 City Engineer is reviewing the subject project and will provide a review memo that will be emailed to the Planning Commission prior to the meeting. ***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.***

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. It is unknown based on the materials submitted whether there is a topographic reason why the lot lines jog slightly. Staff would like some discussion from the Planning Commission regarding this item, since it is a slight variance from the strict application of the code.

- (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.

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.

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 has contacted Washington County regarding this statement and will provide an update at the Planning Commission meeting if a response has been received. Staff assumes that the Applicant's statement is fairly accurate; however, staff believes it is likely that they would permit a second access just to the west of the subject site aligned with the curb-cut on the north side of CSAH 12. If Washington County affirms that they would not permit a second access on this site, Staff would generally agree that the site is constrained given the location and quantity of wetlands. However, staff believes that there would be a way to reconfigure the east-west cul-de-sac in a way that may provide future connections to CSAH 12 slightly west of the existing site, which would allow for future potential planning of a connection if the opportunity were to become available consistent with subsection (c) below.

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.

Staff agrees that the wetlands onsite do provide natural constraints due to their location and quantity, however, wetland mitigation is often a viable option for roadways particularly for

purposes of safety. More information regarding quantity of wetland impacts would be necessary to quantify the extent of the mitigation required. Staff does not believe this analysis is needed until it is determined whether Washington County would permit an access or not just west of the site.

Staff's perspective is that in order to adequately review the proposed variance, more information from Washington County is required based on the Applicant's submitted materials. Staff has reached out to Washington County and will provide either a verbal update at the meeting, or will email a written correspondence regarding this issue when received.

- (a) *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.

- (b) *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.***

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.” ***All lots as shown on the Plan Set meet the minimum frontage.***

Lot Width & Lot Depth

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.

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.”

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.

All lots meet lot depth requirements.

As designed, all lots in the proposed subdivision meet the City’s standards for lot width and lot depth.

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%. ***As proposed, all lots and their conceptual building pads meet the City’s floor area requirements.***

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 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.

Septic 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 would request that some correspondence from Washington County be provided verifying that the information contained in the report generally supports the adequacy of the primary and secondary drainfield areas on the lots.***

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 Applicant has submitted the Wetland Delineation for their review, and at this time staff has not received a Notice of Decision. The Applicant also submitted an application to the watershed district for review on October 24, 2018 and at the time of this memo a response has not been received by the City regarding completeness, process, etc. Their recommendations may change and/or alter some of the configuration of the basins and/or infiltration areas, and if so, revised plans should be submitted to the City Engineer for additional review. The Stormwater Management Plan for the Project as currently designed was submitted and under reviewed by the City Engineer.

The City Engineer is in the process of reviewing the submitted plan set and will provide a memo to the Planning Commission for their review prior to the meeting. The City Engineer is reviewing 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 Planning Commission, 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.

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 continues to work with them through their permitting/review process.

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.

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
- Potentially revise the configuration of Lots 2, 10 and 11 for 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) to assist with the variance review process.
- Provide written (email acceptable) noting review of soil borings from Washington County.

Staff is seeking discussion, and possibly a recommendation, from the Planning Commission depending on how comfortable commissioners are with the information provided. At this time, staff believes that additional information regarding the variance is necessary, but it is possible that such information will be available prior to the meeting regarding the access from Washington County. If additional information is obtained prior to the meeting, staff will send the correspondence from Washington County, as well as a short staff memo addressing the response.

Mr. Ben Schmidt, Applicant, came forward and explained the jog between Lot 1 and Lot 2 he can straighten out. The other jog in the plan will be maintained to keep because it hits the trail in the best location. The variance is required because the piece of property is surrounded by wetlands and a second access can't be obtained by the County.

MOTION by Commissioner Helander to open the public hearing at 8:06 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

Mr. Mark Rausch, Engineer for the project, came forward and referred to the map pointing out the proposed access, turn lanes and improvements.

Mr. Paul Hoff, 8047 80th Street, came forward and expressed the need for a trail between Ideal Avenue and the Middle School along County Road 12. He stated this would be a good time to get that project done and asked the Planning Commission to consider asking the Developer to do that.

MOTION by Commissioner Schafer to close the public hearing at 8:14 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

City Planner Swanson reviewed the following conditions of approval:

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.

MOTION by Commissioner Schafer to recommend approval of the Major Subdivision Application, 8255 75th Street North, as presented. Commissioner Giefer seconded the motion. MOTION carried unanimously.

This item will appear on the regular City Council agenda Tuesday, December 4, 2018, 7:00 p.m.

6. OLD BUSINESS

There was no old business.

7. ADJOURNMENT

MOTION by Commissioner Tufty to adjourn the meeting at 8:20 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

APPROVED