

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Tuesday, July 19, 2016
7:00 p.m.
Town Hall

Please be courteous and turn off all electronic devices during the meeting.

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. OATH OF OFFICE, JEFF GIEFER
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES: May 17, 2016
6. NEW BUSINESS
 - A. PUBLIC HEARING, Application for Septic Variance, 7555 99th Street Court
 - B. PUBLIC HEARING, Application for Septic Variance, 9313 75th Street North
 - C. PUBLIC HEARING, Application for a Conditional Use Permit, Commercial Tree Farm, 10000 Lansing Avenue N
7. OLD BUSINESS
 - A. None
8. ADJOURN

**PLANNING COMMISSION MEETING MINUTES
CITY OF GRANT**

May 17, 2016

Present: John Rog, James Drost, Darren Taylor, Jeff Schafer, Dennis Kaup and Robert Tufty

Absent: Jeff Giefer

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. OATH OF OFFICE

New Commissioners Rog, Drost, Taylor, Schafer, Kaup and Tufty took the Oath of Office for City of Grant Planning Commission.

4. ELECTION OF OFFICERS, CHAIR PERSON AND VICE-CHAIR PERSON

MOTION by Commissioner Schafer to elect Commissioner Tufty as Chair Person. Commissioner Kaup seconded the motion. Motion carried unanimously.

MOTION by Chair Tufty to elect Commissioner Rog as Vice-Chair Person. Commissioner Kaup seconded the motion. Motion carried unanimously.

5. APPROVAL OF AGENDA

MOTION by Commissioner Drost to approve the agenda as presented. Chair Tufty seconded the motion. MOTION carried unanimously.

6. ACCEPTANCE OF MINUTES, NOVEMBER 19, 2012

MOTION by Commissioner Drost to accept the November 19, 2012 Minutes, as presented. Commissioner Schafer seconded the motion. MOTION carried unanimously.

7. NEW BUSINESS

A. PUBLIC HEARING, Application for an Amended Conditional Use Permit for the new Cell Tower, 10629 Jamaca Avenue N – City Planner Haskamp advised Martin Consulting, on behalf of Verizon Wireless, has applied to amend the Conditional Use Permit (CUP) for construction of a new telecommunications Monopole and ground Equipment Shelter to allow for the modification of the plan for the ground equipment. The approved CUP was granted in early 2015 and allows for the construction of a Monopole and Equipment Shelter on the subject site. Since initial approval, Verizon Wireless has determined that they would prefer to construct the Monopole without the Equipment Shelter and instead would prefer to use equipment and generator cabinets to support the Monopole which would be constructed on an equipment platform. The approved CUP is conditioned on the construction of an Equipment Shelter, and therefore an amendment to the CUP is required for the Applicant to proceed with their revised preferred plan.

The Applicant is requesting an amendment to the approved CUP relating to the Equipment Shelter, and is **not** proposing any changes to the Monopole or the conditions as they relate to that portion of the use. As such, the following staff report is focused on the requested amendment, and does not attempt to repeat the process/analysis which was conducted for the Monopole construction during 2015 since that portion of the requested use has not changed.

In an effort to assist with the Planning Commission's review, staff provides the following brief summaries related to the Monopole from 2015, and noted where the Applicant is proposing any changes from the approved CUP:

Monopole: The proposed Monopole is approximately 100-feet tall with a 10-foot lightning rod for a total height of 110-feet. The Monopole base is approximately 5-feet which taper to approximately a foot at the highest elevation. The design allows for three separate tiers of antennas to allow for co-location of service providers. ***No changes to the Monopole are proposed as part of this amended application.***

Antennas & Cables: The Applicant has proposed to install 12 antennas to the proposed monopole as a part of the initial project to be installed on center at the elevation of 96-feet. The lengths of the proposed antennas are 8-feet, with a maximum tip elevation at 100-feet. The proposed monopole is designed to accommodate future antenna installations based upon different carrier's needs, at an elevation of 76-feet and 56-feet (approximately). Based upon the installation of the antennas there are various coax cables including a top distribution box, affixed to the tower, and a bottom distribution box which connects to the ground equipment. ***No changes to the antennas and cables are proposed as part of the Amended Application, however, slight modifications are present due to the reconfiguration of the ground equipment into cabinets rather than a central shelter.***

Ground Equipment/Site Plan: The amended Site Plan designates a Land Space area (60' x 60') consistent with the approved CUP; however, the Ground Equipment would no longer be located within an Equipment Shelter and instead would be affixed to an Equipment Platform within equipment and generator cabinets. The proposed Equipment Platform is approximately 9'4" x 14', and the Generator would be located on its own Platform located approximately five feet (5') west of the Equipment Platform. The Equipment Platform is located directly north of the

proposed Monopole, and is generally in the same location and configuration as identified within the approved CUP. A chain link fence, of the same detail as in the approved plans, is proposed to contain the extents of the equipment cabinets and generator platforms and would be accessed from the southeastern boundary through a double gate which is consistent with the approved CUP plans. The access and parking locations are generally unchanged from the approved CUP. Utility/ROW: The Site Plan depicts a 20-foot wide utility and access right-of-way (ROW) to ensure adequate access to the Monopole and Ground Equipment. This ROW would extend the entire length of the existing driveway as well as include the entire Land Space required for the operations of the Monopole and Ground Equipment. ***No changes to the Utility/ROW are proposed as part of this amended application.***

Landscaping/Screening: The site plan depicts 22 Black Hills Spruce to be planted as vegetative screening around the east, south and west edges of the designated Land Space. ***No changes to the landscaping are proposed as part of the Amended Application.***

Public Hearing

A duly noticed public hearing was published for May 17th, 2016 at 7:00 PM at the Grant Town Hall. Property Owners located within a ¼-mile of the proposed site were sent a letter notifying them of the public hearing.

Review Criteria

According to the City Code the proposed use require a Conditional Use Permit, and any changes to the approved CUP conditions require an amendment to the permit. Section 32-152 addresses Amended Applications and states the following:

“An amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include re- applications for permits that have been denied or permits that have expired, requests for changes in conditions, and as otherwise described in this chapter.”

In this case, the Applicant is requesting “changes in conditions” to address the requested removal of the Equipment Shelter. The City Code states the following, at minimum, standards for consideration when reviewing an (Amendment to) a Conditional Use Permit (32-146):

- (1) The proposed use is designated in section 32-245 as a conditional use for the appropriate zoning district.
- (2) The proposed use conforms to the city’s comprehensive plan.
- (3) The proposed use will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- (4) The proposed use is compatible with the existing neighborhood.

- (5) The proposed use meets conditions or standards adopted by the city through resolutions or other ordinances.
- (6) The proposed use will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.
- (7) The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to people, property, or the general welfare because of production of traffic, noise, smoke, fumes, glare, odors, or any other nuisances.
- (8) The proposed use will not result in the destruction, loss or damage of natural, scenic, or historic features of importance.
- (9) The proposed use will not increase flood potential or create additional water runoff onto surrounding properties.
- (10) These standards apply in addition to specific conditions as may be specified through the city's ordinances.

Additionally, the proposed modifications to the Ground Equipment are subject to performance standards which are identified in Division 4 Antenna Regulations Sections 32-443 through 32-454. This section of the code relates specifically to installation of telecommunications towers within the City. It should be noted that section 32-449(a) and (c) relate to those items needed for review upon *initial* application, which the City Council determined were provided, adequate and complete during the 2015 review.

There are no provisions within the Division 4 Antenna Regulations which specifically require the construction of an Equipment Shelter; however, there are various statements within Section 32-452 which should be considered with respect to the request for an amendment. In order to determine the appropriateness of the proposed CUP, the proposal should be reviewed for compliance and consistency with the CUP standards, adjacent uses, the zoning district regulations, and the regulations identified within Division 4 of the city's ordinances.

Background

The initial application for a CUP to construct the new Monopole and Equipment Shelter was considered by the City Council in February and March of 2015, and a duly noticed public hearing was held on February 3, 2015 to consider the application request made by the Applicant. During the process the following determinations were made by the City Council, 1) adequate and complete information was provided for review, 2) the Applicant demonstrated that no other 'preferred' locations to site the cell tower were available; 3) that the Monopole and Ground Equipment was consistent with the City's zoning code provided certain conditions were met, and

4) that the Findings of the City Council were that the proposed use was consistent with the Standards as laid out within section 32-146 of the City Code.

Existing Site Conditions

The Subject Property is located at 10629 Jamaca Avenue North in the Kendrick Estates subdivision, and is approximately 15.33 acres in size. During the initial review process in 2015, the City Council conditioned the approval of the CUP on the inclusion of the adjacent parcel PID 1003021230004, which adds an additional 6.68 acres for a total of 22.01 acres for consideration with the permit. The site is generally oriented east-west with primary frontage along Jamaca Avenue, and is also bordered by 107th Street North on the northern boundary of the site. The principal use of the property is as a residential property and includes an existing home as well as eight (8) accessory buildings totaling approximately 8,684 square feet (there are also a couple silos and small sheds that were not included in this total, but are present on the site). The accessory buildings are located generally within proximity to the residential structure and are all accessed from the primary driveway which provides access to Jamaca Avenue. The existing driveway access is located approximately 240-feet from the south property line and approximately 395-feet from the north property line.

The (approximately) northern quarter of the site is heavily vegetated offering buffering of the existing home and uses from 107th Street. There is somewhat of a clearing near the center of the site which is where the majority of the accessory buildings and the residential structure are located. On the far south edge of the site there appears to be some wetland areas which extend onto adjacent properties. There is an existing overhead electric line which generally runs parallel to the existing driveway connecting to an existing utility pole located southeast of the residential structure. Finally, there is an existing barbed wire fence that runs roughly parallel the south edge of the driveway extending to the east property line of PID 0903021140003 and enclosing a small portion of land near the proposed tower location. (See Figure A-1)

Comprehensive Plan Review

The site is guided A-1 Large Scale Agricultural which guides property for large lot single-family residential and low intensity uses. The proposed monopole does not alter the primary use of the subject site which is currently used for rural residential, nor does it propose any additional density of further subdivision.

Zoning/Site Review

2015 Site/Zoning Review

During the 2015 review process a thorough review of the proposed monopole, land space and Equipment Shelter was completed to determine whether the application was consistent with the City's Zoning dimensional standards. The proposed Monopole and Land Space was determined to meet or exceed the City's dimensional standards contained within Division 4, Antenna Regulations including the following: lot size, maximum antenna support structure height, number and square footage of accessory buildings, setbacks from property lines and residential structures provided that the adjacent parcel under the same ownership was included within the CUP (PID 1003021230004).

For your reference, Division 4 Antenna Regulations in the City's Ordinance was primarily utilized for purposes of the following review which is focused primarily on the proposed amendment, and does not reevaluate those portions of the application which are not proposed to change (i.e. monopole location, height, setbacks, etc.).

Requested Amendment – Applicable Site Standards

As previously stated, the request for an amendment is to replace the Equipment Shelter with an Equipment Platform and standalone Generator. There are no changes to the Monopole or any of the other elements which were previously approved, with some minor modifications to the cable connections due to the removal of the Equipment Shelter. There are no specific standards contained within Division 4, Antenna Regulations which require an Applicant and/or service provided to construct an Equipment Shelter, nor is it prohibited to construct only an Equipment Platform. However, because the approved CUP contains conditions that relate specifically to the construction of an Equipment Shelter in order for the Applicant to comply with the terms of the existing CUP they would need to construct the shelter. Therefore, since the Applicant (and Verizon) no longer prefers to construct the Equipment Shelter they are seeking an amendment to those specific conditions.

There are limited criteria from which to review proposed amendment within Division 4 Antenna Regulations; however, there are some standards within the zoning code which should be reviewed. The most significant impacts are potentially 1) any visual impact which may occur from the removal of an equipment shelter (which would have been constructed to hide the equipment and the generator) and simply having the equipment and generator on a platform, and 2) any increase in noise which may occur as a result of removing the Generator and Equipment from an enclosed building/structure.

The following summaries regarding these two issues are provided for your review and consideration:

Visual Impact –
Adjacent
Roadways/Public ROW

A photo simulation of the site was prepared by the Applicant during the initial review, and is again provided in Exhibit C for your review and consideration. As depicted in the photo simulation the tower will be most visible traveling north along Jamaca (shown on Page 8 and 10 of 14). There are several overhead utilities in this area that are visually similar to the proposed tower. The remaining perspectives, as submitted, state that the tower will not be visible from most locations due to tree coverage and topographical changes.

As demonstrated by the photo simulation the Land Space (ground equipment shelter) area will not be visible from any adjacent roadways and therefore it is not significant as to whether or not there is a shelter provided or simply a platform. Further detail regarding the landscape plan can be found on the following pages.

Visual Impact –
Adjacent Residential
Landscaping/Plantings

The proposed Site Plan (Figure A-1) and Landscape Plan (A-2.1) identifies 22 Black Hills Spruce that will be planted around the perimeter of the Land Space to provide screening of the Equipment Cabinets and Generator. (The 22 Black Hills Spruce accommodates condition #4 within the approved CUP). Section 32-452 (13) and (14) refer to screening, protecting existing vegetation, and preparing a landscape plan that “provide the maximum amount of screening from off-site views as is feasible.”

The Applicant has indicated that they are not proposing to change the landscape plan from the approved plan. The vegetative screening of the Land Space should be adequate as approved, and staff does not believe that visually there will be significant impact/change to adjacent properties if the Equipment Shelter is not constructed provided that the trees (existing and planted) are maintained. Further, as indicated in the approved CUP, existing vegetation on the site should be preserved to the maximum extent possible to protect adjacent views. Staff would recommend that the amended condition be specific regarding maintenance of both planted and existing vegetation to ensure views are protected into perpetuity. If the amendment is approved, there will be no structure to visually enclose the equipment cabinets and generator, and as such in the event some of the trees/screening dies, the view may become unfavorable. **Therefore, staff would recommend that the condition should be clear that the Land Space shall always contain vegetative screening on all sides, with the only exception for access points.**

Noise Standards

Section 32-332 Noise Control of the City’s Zoning Ordinance addresses noise control in the City, and the Minnesota Pollution Control Agency (MPCA) also regulates acceptable noise levels. While the Applicant did not provide additional detail with respect to the noise levels and difference between having an Equipment Shelter or not, staff did conduct some preliminary research on the issue. Since the Generator and Equipment will not be located within an enclosed structure it is likely that there will be a difference in the noise generated from the Equipment Platform and standalone Generator. **Regardless, the Applicant should be aware that their operations of the Monopole and specifically the Ground Equipment will be subject to the MPCA’s regulatory noise standards, and the applicable Grant City Code. Prior to the meeting, staff will request additional information from the Applicant related to this issue to ensure that compliance can be met if the Equipment Shelter is**

removed.

Other Agency Review

As indicated within the conditions of the approved CUP, the Applicant shall be responsible for obtaining any amended approvals from agencies which may have review authority. During the 2015 review process the Brown's Creek Watershed District indicated that there is no additional permitting from their perspective because the Land Space and disturbance area does not exceed 5,000 square feet.

Draft Conditions/Recommendations

Staff has prepared a draft CUP identifying the amendments which would be required to the existing permit as a result of the application. Proposed additions are identified with an Underline, and deletions with a ~~striketrough~~.

Action requested:

Staff has prepared a draft Amended CUP for your review and consideration. If acceptable, staff would request that the Planning Commission provide a recommendation to the City Council regarding the proposed Amendment and draft permit conditions.

City Planner Haskamp reviewed the City Ordinance relating to decibel requirements and distance noting the current ordinance is very similar to MPCA standards. She advised the exiting condition relating to screening and landscaping has been revised but is still a requirement.

Mr. Lewis Martin, applicant on behalf of Verizon, came forward and stated there are no changes being requested on the tower itself. The amendment is for an equipment change only and it has a smaller footprint. He stated there is a protective canopy on the cabinets. No sound will be coming from the cabinets and the generator type is called Whisper Quiet and is a standard size, at 5,000 kilowatts. The equipment shelter is being removed and implemented all over the country to eliminate the need to bring in a pre-fab structure. There will be a security fence around the platform. He requested that no additional conditions be added to the CUP.

City Planner Haskamp did note that if the amended CUP were to be denied the existing permit is still in place.

MOTION by Commissioner Rog to open the public hearing at 7:46 p.m. Commissioner Schafer seconded the motion. Motion carried unanimously.

There was no one present for the public hearing.

MOTION by Commissioner Kaup to close the public hearing at 7:47 p.m. Commissioner Rog seconded the motion. Motion carried unanimously.

The Commission discussed the benefit of having cabinets as opposed to the equipment room in terms of sound mitigation. The Commission inquired about the property owner being in agreement with the requested change.

Mr. Rick DeMars, property owner, came forward and stated he does live on the property, there has never been a power outage and he is agreeable to the requested change.

Commissioner Rog suggested a second row of trees be planted to the west of the tower. City Planner Haskamp advised to the west is the property owner.

Mr. DeMars stated he can't see the tower area and doesn't feel another row of trees is necessary.

MOTION by Commissioner Drost to recommend approval of the amended CUP, as presented. Commissioner Taylor seconded the motion. Motion carried with Commissioner Rog voting nay.

This item will appear on the regular City Council meeting agenda on June 7, 2016.

B. Volunteer of three Planning Commissioners for a one-time two-year term -

Commissioners Taylor, Drost and Chair Tufty volunteered for a one time two-year term to establish staggered Planning Commission terms.

8. OLD BUSINESS

There was no old business.

9. ADJOURNMENT

MOTION by Commissioner Shafter to adjourn the meeting at 7:57 p.m. Commissioner Drost seconded the motion. Motion carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

STAFF REPORT

TO: Planning Commission Members
Kim Points, City Clerk
Nick Vivian, City Attorney

Date: July 9, 2016

RE: Variance for a septic system from wetlands at 7555 99th St. Ct. North

From: Jennifer Haskamp

Background

The Applicant and Owner ("Applicant"), Brad Micetic, has requested a variance from wetland setbacks for installation of a new mound septic system on the property located at 7555 99th Street Court North. The Applicant recently purchased the subject property which includes an existing single family residential home and accessory structure. The existing septic system which serves the property has failed, and therefore the system must be replaced to serve the home. The Applicant has been coordinating with Washington County to acquire a permit for installing the new system, and they were notified by the County that the location of the replacement system is within the City's required wetland setbacks and thus would need to obtain a variance from the city prior to being issued a permit for installation of the new system.

The following staff report summarizes the requested variance, and existing conditions of the site.

Project Summary

Applicant & Owner: Brad Micetic	Site Size: 2.5 Acres Location: 7555 99 th Street Court North Existing Home: Constructed in 1974 Zoning & Land Use: R-1
Request: Variance from wetland setbacks and grading buffer to install a replacement subsurface sewage treatment system (SSTS) at the existing home	

As referenced above, the Applicants have requested the following variance:

- Structural Setback from wetland for the septic system (75 feet).

As previously described, the Applicant is seeking a variance from the required setbacks for installation of a septic system to replace the existing system which was deemed failing during the recent real estate transaction in which the Applicant acquired the property.

Review Criteria

According to the City Code, Sections 32-59 and 32-60 establishes the criteria for granting and review of variance requests. The variance application review requires the Applicants to prepare a statement of reasons why the request is made describing the hardship (or practical difficulty) which is described as, "the proposed use of the property and associated structures in question cannot be established under the conditions allowed

by this chapter or its amendments and no other reasonable alternate use exists; however, the plight of the landowner must be due to physical conditions unique to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same zoning district...Economic considerations alone shall not constitute a hardship.”

Existing Site Conditions

The subject property is described as Lot 16 Block 1 of the Glasgow Pine Tree Estates subdivision which was platted in or around the 1970s. The existing home was constructed in 1974 and it is assumed at that time a septic system was installed to serve the home. The property is approximately 2.5 acres in size and is irregular in shape generally oriented north-south and is a corner lot with primary frontage along the western property line (99th Street Court North), and secondary frontage on the north property line (99th Street North). The existing home and accessory structures are accessed from a single driveway access off of 99th Street Court North. The existing lot is considered a legal non-conforming size lot and is less than the 5-acre minimum lot size currently required under existing zoning. The existing home is located in the center of the lot where the high point of the property is located. The site slopes gently to the north and to the south with wetlands located on the down gradient of both sides of the home. The existing topography as well as the location of the wetlands naturally constrain the lot, and thus constrain where a viable location of a septic system may be located. There is significant vegetation on the site with clearing for the existing home, accessory structure and the wetland area on the northwest corner of the site.

Variance Requests - Zoning Standards

The wetland setbacks are established in Chapter 12 of the City’s Code, which breaks down the applicable standards for wetland by type, unclassified and classified water bodies. The following description of the variance and standard is identified in the following table (See Attachment B for Certificate of Survey):

Standard	Required	Proposed	Variance	Description
Wetland	75'	60' +/-	15' +/-	There are 2 wetland areas identified on the certificate of survey submitted by the Applicant. While a formal delineation was not performed, the proposed system is estimated to encroach on the northern and southern wetland buffer by approximately 15-feet.

Lot Size/Constraints

The Applicants’ lot was platted as part of the Glasgow Pine Tree Estates subdivision in the 1970s and at the time complied with the adopted lot standards. Since the 1970s lot size and area standards have changed and as a result the lot is now considered a legal non-conforming lot with respect to size, area and dimensions. As a result of the lot area and dimensions being smaller than those that are in effect today, the existing septic system, as well as the proposed replacement area, is located within the setback areas. The lot is naturally constrained not only by natural features on the property (wetlands and topography) but also by the non-conforming nature of the lot area and dimensions. Further, due to the location of the existing home, the detached accessory garage and the well which serves the residence the location that a septic system could be

sited is further reduced. Staff believes the proposed location of the replacement system is reasonable and is properly located based upon topography and other natural site limiting factors, and that the variance requested has been minimized to the extent possible. Additionally, the Applicant must remedy the situation to comply with the standards for septic systems as identified by Washington County.

The Applicant has provided an email exchange with Alex Pepin from the Washington County Department of Public Health and Environment in which Mr. Pepin states that the proposed location for the new septic system is appropriate and would meet their standards. Mr. Pepin further states that any other location “would decrease the distance to one of the ponds or wetlands around the property and there isn’t any other suitable location...” (Attachment C)

Engineering Standards

The City Engineer has reviewed the attached Certificate of Survey and has indicated that the proposed location is acceptable to install the replacement system and has no additional comments.

Other Agency Review

The site is located in the Rice Creek Watershed District, and the Applicant has indicated that they are in contact with the RCWD to coordinate any application or permit which may be required from them to install the new septic system. As referenced previously, the Applicant will be required to obtain a permit from the Washington County department of Public Health and Environment prior to installation of the system, as they are the permitting authority for septic systems in the City.

Summary - Draft Findings and Conditions

The following draft findings related to the hardship (practical difficulty) are provided for your review and consideration:

- The Applicants must replace the failing system to comply the standards of the Washington County Department of Public Health and Environment.
- Replacement of the failing system is a health, safety, and welfare issue and must be completed to the satisfaction of Washington County to protect the current and any future home owners as well as any adjacent properties which could be affected if the failing system were to remain.
- The lot is considered a legal non-conforming property for lot size, area and dimensions and constrains the buildable area on the site limiting the available locations to site the new system.
- There are two wetland/pond areas and significant topography and vegetation which limit the available area to site the replacement system.

Draft Conditions:

- The Applicants shall be required to obtain the proper permits from the Washington County Department of Public Health and Environment prior to installation of the replacement system.
- The replacement system must be placed outside of all wetland/ponding areas on the site.

Action requested:

Staff is seeking a recommendation from the Planning Commission regarding the application. Staff would recommend approval of the variance, and if the Planning Commission agrees, staff would request the Planning Commission make a recommendation to the City Council to approve the variance from wetland setbacks with draft conditions and findings as presented by staff.

Attachments

Attachment A: Application and Applicant's Narrative dated 6/1/2016

Attachment B: Certificate of Survey dated 5/25/2016

Attachment C: Email correspondence between Applicant and Washington County 5/16/2016

Brad Micetic

7555 99th Street Court North
309-360-5025
bmicetic@msn.com

5/31/2016

Dear Grant Township Officers,

Please accept my septic variance request. I recently purchased the house and have been trying to remedy a septic that has failed. The proposed location is the only location suitable for the system on my property. This is supported by the septic designer and the email from Alex Pepin, Washington County Department of Public Health and Environment Specialist.

Warm regards,
Brad Micetic



Application Date:	
Fee: \$400	Escrow: \$3,000

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): 17.030.21.12.0002 LEGAL DESCRIPTION: Lot 16, Block 1, Glasgow Pine Tree Estates, Washington County, Minnesota		ZONING DISTRICT & COMP PLAN LAND USE: LOT SIZE: 2.5 Acres
PROJECT ADDRESS: 7555 99th St & Ct N	OWNER: Name: Brad W Micetic Address: 7555 99th Street Court North City, State: Grant MN Phone: (309) 360-5025 Email: Bmicetic@msn.com	APPLICANT (IF DIFFERENT THAN OWNER):
BRIEF DESCRIPTION OF REQUEST: Septic Wetland Variance		
EXISTING SITE CONDITIONS: Wetlands		
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

<input checked="" 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 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 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 type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

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.


5/31/16
 Signature of Applicant Date

 Signature of Owner (if different than applicant) Date

RE: Septic Permit / Variance for 7555 99th Street Court Grant

Alex Pepin

Mon 5/16/2016 7:30 AM

To: "Brad" <BMicetic@msn.com>

Good morning Brad,
Sorry for the delay in my response. I was out in the field all afternoon on Thursday and had off on Friday to help my wife out after a surgery.

Yes as we discussed the only location on the property that would be appropriate for a septic system is the location that Chris and Ben Zierke chose for the system in their design dated 11/12/2015. Any other location on the site would be even closer to a pond or wetland and require an even greater variance. The system was placed so that it is 60 feet from the ponds on either side of the property; any other location would decrease the distance to one of the ponds or wetlands around the property and there isn't any other suitable location anyway.

If you or any other parties involved require additional clarification on the location of the septic system please do not hesitate to call or email.

Alex Pepin

Environmental Specialist

Washington County Department of Public Health and Environment

14949 62nd Street North, P.O. Box 6

Stillwater, MN 55082

☎ 651-430-6744 | ✉ alex.pepin@co.washington.mn.us

From: Brad [mailto:BMicetic@msn.com]**Sent:** Thursday, May 12, 2016 1:27 PM**To:** Alex Pepin**Subject:** Septic Permit / Variance for 7555 99th Street Court Grant

Hi Alex,

We briefly spoke on the phone 2/3 weeks ago over the need to get a wetland variance on my septic. I am in the process of pulling everything together for the variance application. Consistent with our phone conversation can you write in an email that this is really the only place to put the septic system. I would like to include your email with the hardship letter they are asking me to submit.

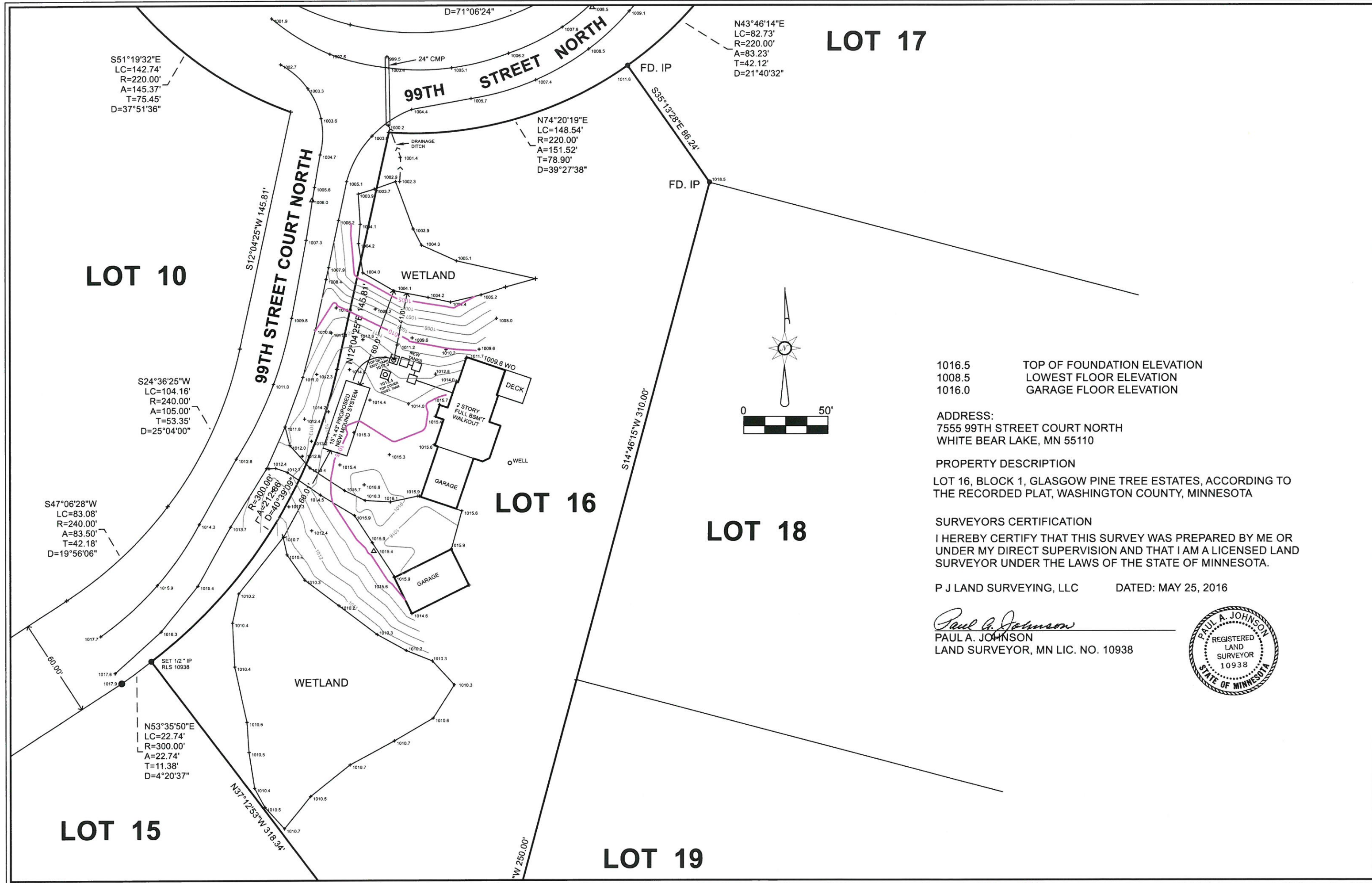
I can send you the septic plans if you are struggling to remember the property/ septic layout.

Thank You,

Brad Micetic

7775 99th Street Court North, Grant

(309)360-5025



LOT 17

N43°46'14"E
LC=82.73'
R=220.00'
A=83.23'
T=42.12'
D=21°40'32"

D=71°06'24"
24° CMP
99TH STREET NORTH

N74°20'19"E
LC=148.54'
R=220.00'
A=151.52'
T=78.90'
D=39°27'38"

LOT 10

S51°19'32"E
LC=142.74'
R=220.00'
A=145.37'
T=75.45'
D=37°51'36"

S24°36'25"W
LC=104.16'
R=240.00'
A=105.00'
T=53.35'
D=25°04'00"

S47°06'28"W
LC=83.08'
R=240.00'
A=83.50'
T=42.18'
D=19°56'06"

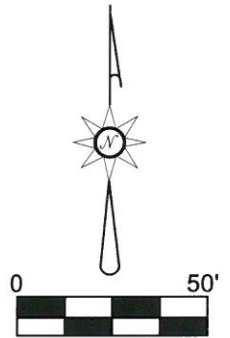
LOT 16

LOT 18

LOT 15

N53°35'50"E
LC=22.74'
R=300.00'
A=22.74'
T=11.38'
D=4°20'37"

LOT 19



1016.5 TOP OF FOUNDATION ELEVATION
1008.5 LOWEST FLOOR ELEVATION
1016.0 GARAGE FLOOR ELEVATION

ADDRESS:
7555 99TH STREET COURT NORTH
WHITE BEAR LAKE, MN 55110

PROPERTY DESCRIPTION
LOT 16, BLOCK 1, GLASGOW PINE TREE ESTATES, ACCORDING TO
THE RECORDED PLAT, WASHINGTON COUNTY, MINNESOTA

SURVEYORS CERTIFICATION
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR
UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED LAND
SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

P J LAND SURVEYING, LLC DATED: MAY 25, 2016

Paul A. Johnson
PAUL A. JOHNSON
LAND SURVEYOR, MN LIC. NO. 10938



STAFF REPORT

TO: Planning Commission Members
 Kim Points, City Clerk
 Nick Vivian, City Attorney

Date: July 9, 2016

RE: Variance for a septic system from wetland/pond at 9313 75th Street North

From: Jennifer Haskamp, City Planner

Background

The Applicants, John and Bernadette Fiske, and Owners, Brian and Megan Ratnayake (hereafter collectively referred to as "Applicants"), have requested a variance from wetland setbacks for installation of a new mound septic system on the property located at 9313 75th Street North. A third party inspection of the existing system revealed that the system is non-compliant with current standards, and therefore the Applicants are requesting approval to bring the system into compliance. The Applicants have been working with Washington County to acquire a permit for installation of the new system at which time they were notified by the County that the location of the replacement system is within the City's required wetland setbacks and thus would need to obtain a variance from the city prior to being issued a permit for installation of the new system.

The following staff report summarizes the requested variance, and existing conditions of the site.

Project Summary

Applicants: John and Bernadette Fiske	Site Size: 4.67 Acres (per GIS records)
Owners: Brian and Megan Ratnayake	Location: 9313 75 th Street North
	Existing Home: Constructed in 1987
	Zoning & Land Use: R-1
Request: Variance from wetland setbacks and potentially the grading buffer to install a replacement subsurface sewage treatment system (SSTS) at the existing home	

As referenced above, the Applicants have requested the following variance:

- Structural Setback from wetland for the septic system (75 feet).
- Buffer grading area encroachment for installation of septic system (50 feet) – staff identified that there may be some encroachment within the grading buffer depending on grading and work performed to install the new system.

As previously described, the Applicants are seeking a variance from the required setbacks for installation of a septic system to replace the existing system which was deemed non-compliant during a recent third-party inspection. Additionally, the location of the new system may require some grading work to be installed which may encroach within the City's grading buffer of 50-feet. While this is not identified in the application, staff has included it as part of this review to expedite the process, and to ensure that if the variance is granted for

the location of the drainfield that there are no issues if it is determined that some minimal grading work is necessary within the grading buffer to install the new system.

Review Criteria

According to the City Code, Sections 32-59 and 32-60 establishes the criteria for granting and review of variance requests. The variance application review requires the Applicants to prepare a statement of reasons why the request is made describing the hardship (or practical difficulty) which is described as, “the proposed use of the property and associated structures in question cannot be established under the conditions allowed by this chapter or its amendments and no other reasonable alternate use exists; however, the plight of the landowner must be due to physical conditions unique to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same zoning district...Economic considerations alone shall not constitute a hardship.”

Existing Site Conditions

The subject property is located on 75th Street North which is also known as Washington County Road 12. The lot is generally regular in shape and is oriented north-south with the primary frontage along the norther property line. The existing home was constructed in 1987 and it is assumed at that time a septic system was installed to serve the home. The property is approximately 4.67 acres in size, per Washington County GIS records, and the existing home and accessory building are accessed from a single driveway connecting to 75th Street North. The existing lot is considered a legal non-conforming size lot since it is less than the 5-acres, which is the current minimum lot size required under existing zoning. The existing home is setback approximately 135-feet from the edge of the roadway shoulder, and approximately 37-feet from the east property line, 350-feet from the south property line, and 300-feet from the west property line. The site slopes from east to west, with the existing home sited approximately 15-feet higher than the wetland edge on the southwest portion of the property. There is a large wetland (unclassified waterbody) that comprises approximately the southern quarter of the subject property, and there is a small stormwater pond located west of the existing driveway access. According to the information provided by the septic system designer the site is relatively wet with the seasonal water table less than 12 inches deep on the entire parcel. The existing topography as well as the location of the wetlands naturally constrain the lot, and thus constrain where a viable location of a septic system may be located.

Variance Requests - Zoning Standards

The wetland setbacks are established in Chapter 12 of the City’s Code, which breaks down the applicable standards for wetland by type, unclassified and classified water bodies. The following description of the variance and standard is identified in the following table (See Attachment B for Certificate of Survey):

Standard	Required	Proposed	Variance	Description
Wetland	75'	52' +/-	23' +/-	There is a large wetland/unclassified waterbody located on the southern and southwestern portion of the parcel. The new system would be located approximately 52-feet to the north-east of the wetland edge. The new system is identified on the attached Certificate of Survey and is

				labeled "Rock Bed".
Wetland/pond Grading Buffer	50'	45'+/-	5'+/- (potentially)	While a grading plan was not provided, it is possible that installation of the new system as described by the septic system designer (see attachment A) may require some grading work within the grading buffer.

Lot Size/Constraints

In the 1980s the Applicants' lot likely extended to the centerline of CSAH 12 and therefore met the lot size standards. Since that time, Washington County has acquired the needed right-of-way resulting in the remaining parcel size of approximately 4.67 acres. As such, the lot is now considered a legal non-conforming lot with respect to lot area; however, the majority of the City's dimensional standards are still met with the current configuration. As detailed within the septic designer's letter, the site is wet and most of the soils have been disturbed resulting in limited locations in which a new septic system could be located. The lot is naturally constrained not only by natural features on the property (wetlands and topography) but also limiting factors of the disturbed soils and proximity of the seasonal water table. Further, due to the location of the existing home, the detached quonset building and the well which serves the residence the location in which a septic system could be sited is further reduced. Staff believes the proposed location of the replacement system is reasonable and is properly located based upon topography and other natural site limiting factors, and that the variance requested has been minimized to the extent possible. Additionally, the Applicants must remedy the situation to comply with the standards for septic systems as identified by Washington County.

The Applicants have provided an email from Alex Pepin from the Washington County Department of Public Health and Environment in which Mr. Pepin states that the proposed location and design of the new septic system is approved subject to receiving approval for a variance from the City of Grant. Mr. Pepin further states that he agrees with Applicants' septic designer that no other reasonable location on the site exists to locate a new system. (Attachment C)

Engineering Standards

The City Engineer has reviewed the attached Certificate of Survey and has indicated that the proposed location is acceptable to install the replacement system and has no additional comments.

Other Agency Review

The site is located in the Valley Branch Watershed District, and it is the responsibility of the Applicants to contact the watershed district and acquire any necessary permits or approvals prior to beginning work. As referenced previously, the Applicants will be required to obtain a permit from the Washington County department of Public Health and Environment prior to installation of the system, as they are the permitting authority for septic systems in the City.

Summary - Draft Findings and Conditions

The following draft findings related to the hardship (practical difficulty) are provided for your review and consideration:

- The Applicants must replace the non-compliant system to comply the standards of the Washington County Department of Public Health and Environment.
- Replacement of the non-compliant system is a health, safety, and welfare issue and must be completed to the satisfaction of Washington County to protect the current and any future home owners as well as any adjacent properties which could be affected if the non-compliant system were to remain.
- The lot is considered a legal non-conforming property for lot area and constrains the buildable area on the site limiting the available locations to site the new system.
- There is one large wetland/unclassified water body, a stormwater pond and fairly limited depth to groundwater which limit the available area to site the replacement system.

Draft Conditions:

- The Applicants shall be required to obtain the proper permits from the Washington County Department of Public Health and Environment prior to installation of the replacement system.
- The Applicants shall be required to contact the Valley Branch Watershed District and obtain any necessary approvals or permits prior to installing the new system. If no further review or permits are required from the watershed district, then the Applicants shall provide a written correspondence from the watershed indicating that not further review is necessary.
- The replacement system must be placed outside of all wetland/ponding areas on the site.

Action requested:

Staff is seeking a recommendation from the Planning Commission regarding the application. Staff would recommend approval of the variance, and if the Planning Commission agrees, staff would request the Planning Commission make a recommendation to the City Council to approve the variance from wetland setbacks with draft conditions and findings as presented by staff.

Attachments

Attachment A: Application and Applicant's Narrative signed 5/21/2016

Attachment B: Certificate of Survey dated 6/9/2016

Attachment C: Email correspondence between Applicant and Washington County 6/7/2016

Variance Request – Written Narrative, 9313 75th St. N., Grant, MN 55082

Septic System Designer, Ed Eklin, was contracted to design a septic system to bring it into compliance. The designer believes there is only one usable area for a treatment system. (See Mr. Eklin's attached cover letter) Washington county Public Health has verbally agreed to the design and variance.

Statement acknowledging other governmental agencies have been contacted

Washington county Public Health reviewed and approved Mr. Eklin's new septic design, coordinated with DNR.



Application Date:	
Fee: \$400	Escrow: \$3,000

\$3,400.00

Check # 7431 @ 5044

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):		ZONING DISTRICT & COMP PLAN LAND USE:
LEGAL DESCRIPTION: ATTACHED		LOT SIZE: 5 ACRES
PROJECT ADDRESS: 9313 75TH ST. N. GRANT, MN 55082 612-669-1253 brian.ratnayake@gmail.com	OWNER: Name: BRIAN + MEGAN RATNAYAKE Address: (SAME AS PROJECT ADDRESS) City, State: Phone: Email:	APPLICANT (IF DIFFERENT THAN OWNER): JOHN P. + BERNADETTE FISKE 8614 MANNING AVE. N. GRANT, MN 55082
BRIEF DESCRIPTION OF REQUEST: REQUEST TO CONSTRUCT A NEW SUBSURFACE SEWAGE TREATMENT SYSTEM, APPROXIMATELY 50 FEET FROM WETLAND		
EXISTING SITE CONDITIONS: CURRENT SYSTEM, CONSTRUCTED IN 1986, IS NON-COMPLIANT.		
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"/>	<p>Site Plan: 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"> ▪ 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 <p>COPIES: 1 plan at 22"x34", 12 plans at 11"x17" (half scale)</p>

Application for: **VARIANCE**
City of Grant

<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 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>
		<p>Wetland Delineation: A wetland delineation may be necessary depending on the reason for the variance, and stated site constraints.</p>
<input type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

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.

John P. Fiske
Signature of Applicant

[Signature]
Signature of Owner (If different than applicant)

5-21-16

Date

5/21/16

Date

↳ Bernadette
Patrick Fiske - Check # 5044 - \$3,000.00
Patrick Check # 7431 - 400.00

EXHIBIT "A"

Legal Description

File No. 16-02178

All that part of the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) of Section Twenty-seven (27), in Township Thirty (30) North, of Range Twenty-one (21) West of the Fourth Meridian, Washington County, Minnesota, described as follows, to-wit: Beginning at the Northwest corner of the said Northwest Quarter of Southwest Quarter (NW 1/4 of SW 1/4), thence East along the North line of said Quarter Quarter Section to the Northeast corner of said Northwest Quarter of Southwest Quarter (NW 1/4 of SW 1/4), thence South Eight (8) Chains and Fifty-six (56) Links to the Northern boundary line of the Minneapolis & St. Paul Suburban Railway Company right-of-way, thence Northerly Eighty-three (83) Degrees West along said Northern Boundary line of said right-of-way to the West line of said Section Twenty-seven (27), Thence due North along the west line of said Section Six (6) Chains and Fifty-eight (58) Links to the place of beginning; excepting therefrom the West Ten (10) Acres thereof. Also excepting therefrom Parcel Nos. 17 and 17A, as described in Washington County Highway Right-of-Way Plat No. 20 filed in the Washington County Recorder's Office as Document No. 469257.

CenturyLink Webmail

pfiske@q.com

± Font Size -

Septic permit for 9313 75th Street North, Grant

From : Alex Pepin <Alex.Pepin@co.washington.mn.us>

Tue, Jun 07, 2016 12:18 PM

Subject : Septic permit for 9313 75th Street North, Grant

To : 'pfiske@q.com' <pfiske@q.com>

Hello Pat,

The septic permit for your property at 9313 75th Street in Grant is approved pending a local variance for setbacks to wetlands on the property. I have reviewed the soils at the site and Ed Eklin's permit application and the only location on the property that will accommodate a septic system is the location of Mr. Eklin's design, however that location is closer than the required setback distance of 75 feet from two unclassified bodies of water on the property; a stormwater pond in the front of the property and wetlands behind the property. This encroachment on the unclassified bodies of water is why local approval is required before issuance of the permit.

If you have any additional questions please do not hesitate to call or email. Have a great rest of your Tuesday!

Alex Pepin

Environmental Specialist

Washington County Department of Public Health and Environment

14949 62nd Street North, P.O. Box 6

Stillwater, MN 55082

☎ 651-430-6744 | ✉ alex.pepin@co.washington.mn.us

Ed Eklin Septic System Design

2303 County Road F East • White Bear Lake, MN 55110
651-485-2300

March 17, 2016

Pat Fiske
P. O. Box 273
Stillwater, MN 55082

Dear Pat:

At your request, a site evaluation was performed at the property located at 9313 75th St. N, Stillwater, MN., for a subsurface sewage treatment system.

Because I propose that the treatment system be placed closer than 75 feet from a wetland, you will need to request a variance. Washington County Public Health should be able to guide you through this procedure. It appears that the treatment systems absorption area will be approximately 50 feet from a wetland.

The existing drainfield has failed a compliance inspection performed by another party.

According to permit records, there is an existing 1,250 gallon septic tank. If possible, this tank is to be used in the new design. Adding a 1,000 gallon septic tank would make the total capacity 2,250 gallons.

During my evaluation of this lot, disturbed soils were found in all reasonable areas. It appears that the seasonal water table is less than 12 inches deep on the entire parcel and the soils are wet from close to the surface to approximately 24 inches deep. Below that are reddish colored soils that I believe are hardpan soils with massive structure.

Percolation tests were taken in several areas and all tests had failed except in one area, which is my proposed sewage treatment area. Some soil borings and percolation tests are not in this design.

There is standing water north of the proposed treatment area. I propose that a ditch or drain tile be constructed to drain the water to the lower area to the south. The installer should do whatever they feel is necessary to accomplish this. It is crucial that the area is drained so the treatment area does not become over saturated.

Some trees will need to be removed.

MPCA License #3321

Certification #C3268

SEPTIC SYSTEM DESIGNS • PERCOLATION TESTS
SOIL BORINGS • SUB-DIVISION PLANNING

I have designed a Type 3 sewage treatment system.

I am recommending a pressurized mound system.

For a 4-bedroom home, I recommend that the mound rock bed be 10 feet wide and 60 feet long, which is 600 square feet. There must be at least 36 inches of clean sand below the upslope edge of the rock bed.

I forbid the use of anything other than rock for the distribution media.

The following materials will be needed for construction of the mound system:

The installer should calculate the sand, sandy berm material and top soil needed. A materials worksheet is included.

- Approximately 24 yards of drain field rock.
- 1- 1,000-gallon Septic Tank.
- An effluent filter with alarm.
- A 1,000-gallon lift tank.
- A pump that will handle at least 34 gallons per minute with 17 feet of head.
- An alarm for the pump.
- There are to be three, 2 inch laterals, spaced 36 inches apart, with 7/32 inch perforations spaced 36 inches apart. The manifold can be on the end of the laterals.

A vegetative cover must be established over the treatment system as soon as possible and the area must be protected from erosion if needed, until the vegetation is established.

The installer must verify gallons per minute and head needed, so the correct sized pump is used.

Pressurized laterals must have clean outs installed at the ends.

If the septic tanks are 24 inches deep or less to the top from finished grade, they must be insulated to an R-value of at least 10.

In winter, it is best to leave the snow on the treatment system and over the septic tanks uncompacted for better insulation to prevent freezing.

Footing or roof drains, chemically-treated hot tubs, pool water, paint, and other products containing hazardous chemicals must not discharge into the sewage treatment system.

Low-flow shower heads and toilets can cut down on water usage. Leaky faucets and toilets can add too much water to the treatment system and should be fixed promptly. Also, I recommend using a lint screen on your washing machine discharge pipe.

It is the homeowner's responsibility to get the septic tanks pumped in accordance with your local government's ordinances. A licensed maintainer (pumper) will be required to do this. Washington County requires pumping no less than once every 3 years.

This design must be reviewed by Washington County Public Health and a permit must be obtained before the installation of any part the subsurface sewage treatment system.

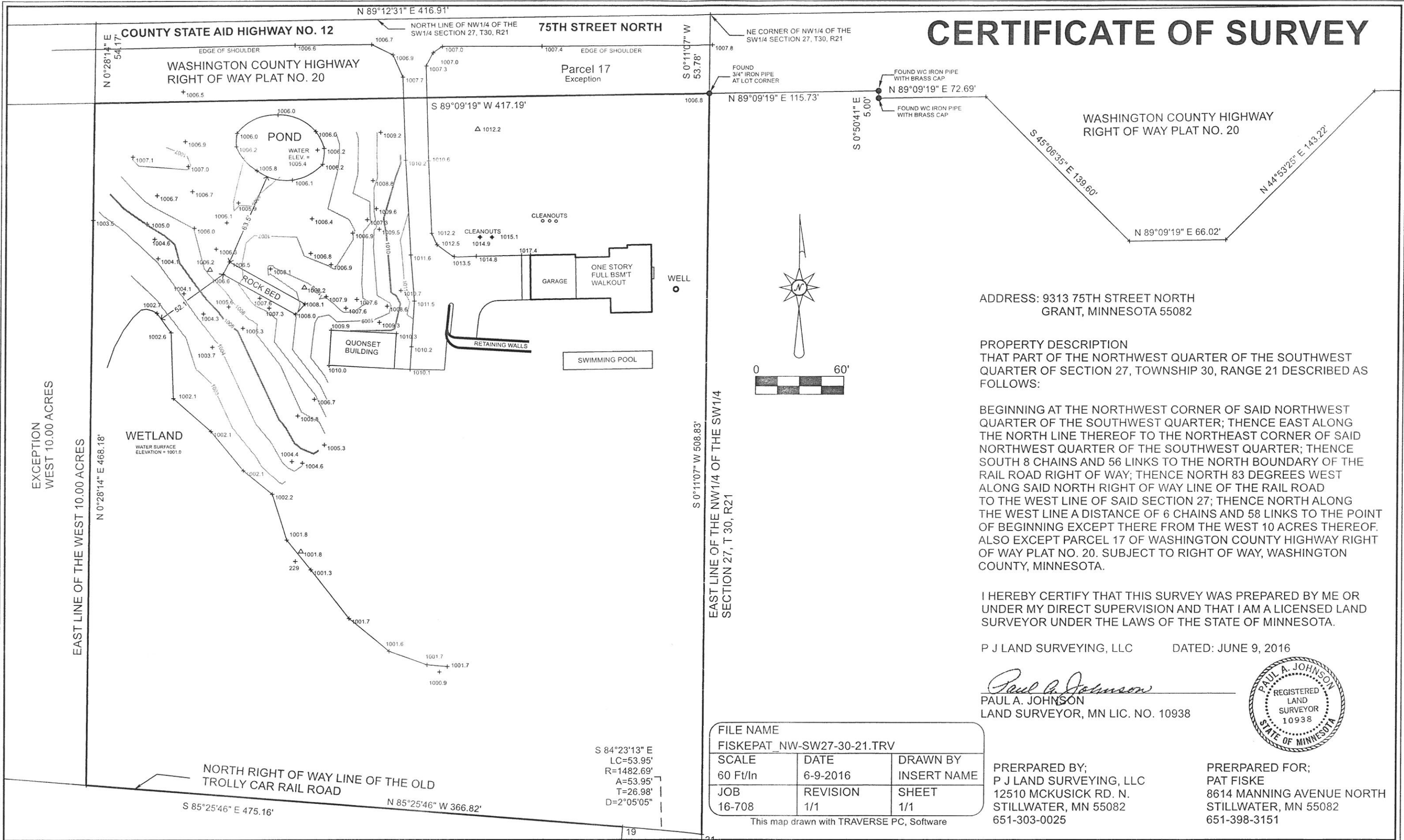
If you have any questions or concerns, please feel free to call me. I would be glad to help.

Sincerely,



Ed Eklin

CERTIFICATE OF SURVEY



ADDRESS: 9313 75TH STREET NORTH
GRANT, MINNESOTA 55082

PROPERTY DESCRIPTION
THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 30, RANGE 21 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE EAST ALONG THE NORTH LINE THEREOF TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 8 CHAINS AND 56 LINKS TO THE NORTH BOUNDARY OF THE RAIL ROAD RIGHT OF WAY; THENCE NORTH 83 DEGREES WEST ALONG SAID NORTH RIGHT OF WAY LINE OF THE RAIL ROAD TO THE WEST LINE OF SAID SECTION 27; THENCE NORTH ALONG THE WEST LINE A DISTANCE OF 6 CHAINS AND 58 LINKS TO THE POINT OF BEGINNING EXCEPT THERE FROM THE WEST 10 ACRES THEREOF. ALSO EXCEPT PARCEL 17 OF WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 20. SUBJECT TO RIGHT OF WAY, WASHINGTON COUNTY, MINNESOTA.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

P J LAND SURVEYING, LLC DATED: JUNE 9, 2016

Paul A. Johnson
PAUL A. JOHNSON
LAND SURVEYOR, MN LIC. NO. 10938



FILE NAME FISKEPAT_NW-SW27-30-21.TRV		
SCALE 60 Ft/In	DATE 6-9-2016	DRAWN BY INSERT NAME
JOB 16-708	REVISION 1/1	SHEET 1/1

PREPARED BY;
P J LAND SURVEYING, LLC
12510 MCKUSICK RD. N.
STILLWATER, MN 55082
651-303-0025

PREPARED FOR;
PAT FISKE
8614 MANNING AVENUE NORTH
STILLWATER, MN 55082
651-398-3151

This map drawn with TRAVERSE PC, Software

STAFF REPORT

To: Planning Commission Members
 Kim Points, City Clerk
Date: July 11, 2016
RE: Application for a Conditional Use Permit (CUP) to operate a Commercial Tree Farm & Nursery
From: Jennifer Haskamp
 Consulting City Planner

Summary of Request & Background

The Owners and Applicants, Jon and Kirsten Yocum (“Applicant”), are requesting a Conditional Use Permit (“CUP”) to operate a commercial Tree Farm and Nursery on a portion of the property located at 10000 Lansing Avenue North. The Applicant recently acquired the property and is currently constructing a new home on the property which will be their principal residence. In addition to living on the subject property the Applicant would like to utilize a portion of their property for the establishment of a Tree Farm and Nursery, which per the City’s code requires a CUP. As such, the following staff report is provided to assist the Planning Commission in your review and consideration of the Applicants’ request.

Public Hearing & Notice

A duly noticed public hearing was published for July 19th, 2016 at the Planning Commission’s regular meeting, and letters were mailed to property owners within ¼-mile of the subject project informing them of the application request and public hearing.

Project Summary

Applicants & Owners: Jon and Kirsten Yocum	Site Size: 116.4 Acres (Total)
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 10000 Lansing Avenue N.	PIDs: 1103021440001 (74.92 Acres) 1403021110002 (5 Acres) 1403021120001 (35.75 Acres) 1103021430003 (0.76 Acres)

The Applicant is applying for a CUP to establish and then operate a wholesale Tree Farm and Nursery on an approximately 0.99 Acre portion of the site. As indicated in the Project Summary table there are several separate Property Identification Numbers (PIDs) associated with the total project site, and the CUP would apply to and be recorded against all parcels included in the Application. The following summary of the proposed site improvements is provided:

Tree Farm Area: As shown on the plant set contained in Exhibit B, the initial Tree Farm Area would be located south of the existing driveway and would be located on an approximately one acre portion of the site. The Tree Farm would be comprised of a variety of planting areas that are shown on the Exhibit entitled “Tree Farm – Layout Plan.” The operations would include several hoop houses, community gravel nursery beds, orchard space and a perennial/vegetable garden. Further description of the uses of each of the planting areas can be found in Exhibit A which includes the Applicant’s narrative.

Storage Shed & Shade Structure: To support the nursery operations the Applicant is proposing to construct a small storage shed approximately 12’ x 15’ (180 SF) and shade structure approximately 12’ x 15’ (180 SF) on the southwestern corner of the proposed initial Tree Farm Area.

Main Access and Parking: The Applicant is proposing to use the existing gravel driveway which was previously used to access a single family home on the site. While the existing home has been demolished, the Applicant is constructing a new home in generally the same location as that which was previously onsite, and it is their intent to use the existing gravel driveway to access their new home. The Tree Farm Area is located east of the new residential structure, and therefore it is logical that the existing graveled driveway would be used to serve the Tree Farm operations as well provide a single access from Lansing Avenue North. Internal to the Tree Farm Area there would be an extension of the gravel driveway to access the various planting areas and would provide space for staging as well as some onsite parking.

Utilities: To properly irrigate the proposed nursery stock a well and power will be necessary to operate the irrigation pumps. The Layout Plan (Exhibit B) indicates that the well would be located to the west of the Storage shed which would be located on the southwestern corner of the Tree Farm Area.

Stormwater Control/Ponding: The proposed project is located in the Brown’s Creek Watershed District (BCWD) and is subject to their rules and regulations, as well as the City’s. While the proposed use is agricultural in nature there will be hardcover added and grading work completed to create Tree Farm Area. The narrative states that the Tree Farm Area would be graded to smooth out the area will opportunities for positive drainage and passive irrigation. This information is being reviewed by the City Engineer, and BCWD should be contacted to ensure compliance with any of their applicable rules and regulations.

Operations: The Applicant’s narrative and supplemental information (Exhibit A) describes the proposed operations of the Tree Farm. The following summary of the materials is provided:

- The Applicant describes the use as a tree farm and plant propagation operation. The use will include the creation of a “new nursery area for the specialty cultivation of bare root woody vegetation and perennials.”
- Number of Employees: One permanent employee and potential for temporary seasonal employment once the nursery is more established during busy seasons.
- Hours of Operations: The hours of operation will be irregular and are likely to vary by season; however, the majority of the work can be conducted between 8 a.m. and 6 p.m.

- **Traffic/Parking:** It is unclear from the materials how much traffic is expected from those visiting the site. The narrative states that the operations will be primarily wholesale to vendors and landscape professionals, but does indicate that by-appointment retail sales would also be accepted.

Review Criteria

According to the City Code, Conditional Use Permits are subject to the process and review criteria stated in City Code Section 32-152. The City Code further states the following for consideration when reviewing a Conditional Use Permit (32-141):

“(d) In determining whether or not a conditional use may be allowed, the City will consider the nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.”

(e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use permit, and a periodic review of said permit may be required.”

Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a conditional use permit.

In order to determine the appropriateness of the proposed amendments to the CUP based upon the code criteria, the following analysis regarding the proposed use is provided for your background and discussion.

Existing Site Conditions

The Applicant owns four separate parcels (PIDs 1103021430003, 1103021440001, 1403021110002, and 1403021120001) totaling approximately 116 Acres. The proposed operations would be conducted on PID 1103021440001 which has frontage on Lansing Avenue North.

The Applicants recently acquired the property which included an existing single family home that was located on parcel 1403021110002. The existing home was on a 5-acre parcel and was accessed primarily from Lansing Avenue North by a 2,800-foot long driveway, which is connected from the eastern edge of the property. Secondary access to the site is available to the north via PID 1103021430003 that provides a connection to Kismet Avenue North.

A wetland delineation was not submitted as part of this application, however, based upon GIS information there do appear to be wetlands interspersed throughout the site. Based upon the submitted aerial the closest wetland/pond appears to be located approximately 150-feet south of the proposed Tree Farm Area. There is significant tree cover and vegetation on the site, with several areas of clearing including the area proposed to be used for the tree farm.

There are two easements which were identified on the Certificate of Survey, one on the northern portion of the property which is identified for “ingress and egress and ponding” and also a Northern Natural Gas

(NNG) easement which runs north-south through the property near the eastern edge. The NNG easement appears to be located just to the east of the proposed Tree Farm Area, but does appear to potentially cross the area identified for future expansion.

Comprehensive Plan Review

The site is guided A-2 Small Scale Agricultural which promotes rural residential and agricultural uses. The proposed principal use of the property for a single-family rural residential homesite with a wholesale tree farm is generally consistent with the goals for the A-2 land use designation as stated within the Comprehensive Plan.

Zoning/Site Review

The City of Grant zoning ordinance permits “Nursery – Commercial” with a Conditional Use Permit in the A-2 zoning district, where “*Nursery, landscape*, means a business growing and selling trees, flowering and decorative plants, and shrubs which may be conduction within a building or without.” The following review is provided with respect to how the proposed project conforms, is consistent, or inconsistent with the zoning and site regulations.

Dimensional Standards

The following site and zoning requirements in the A-1 district regulate the site and proposed project:

Dimension	Standard
Lot Size	5 acres
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')

Setbacks & Frontage: The proposed Tree Farm Area is located approximately 1,490-feet from Lansing Avenue North, 70-feet from the closest easterly side-yard, 990-feet from west side-yard, 670-feet from the south property line and 1,050-feet from the north property line. As proposed, the Tree Farm Area meets all setback requirements. As for the Proposed Tree Farm Future Expansion Area, since a detailed plan is not provided it is hard to determine whether it would meet all setbacks, particularly the east side-yard setback which depending on the operations may encroach upon the setback. *As proposed, the Proposed Tree Farm Area meets all setbacks, and staff would recommend including a condition that all operations within the Proposed Tree Farm Future Expansion Area be required to meet the City’s setback requirements.*

The property's primary access is from Lansing Avenue which is located on the easterly corner of the subject property, with secondary access from Kismet Avenue N on the northern corner of the property. The lot has approximately 66-feet of frontage on Lansing Avenue, and approximately 88-feet of frontage on Kismet. The subject property does not meet the City's current requirements for frontage on a public roadway. However, the parcels pre-date the current ordinance requirements, and in prior ordinances there were no requirements for frontage. *Therefore, the subject parcels/lot would be considered a legal non-conforming lot, and per the ordinance, would be viewed as conforming provided all other standards are met and the current configuration is maintained.*

Parking Lot (Location & Spaces):

Based on the Tree Farm Layout Plan Exhibit there is not specific area identified for a parking lot, however the area identified as Staging Area and the area labeled Gravel Driveway appear to be sized to permit the parking of vehicles. The City's ordinance requires off-street parking areas to be located a minimum of 10-feet from a public roadway. *As proposed, the location of the graveled area which could accommodate parking meets the City's setback standards.* As summarized above, it is unclear how much traffic is anticipated to visit the operations on a daily basis, and therefore more information should be obtained from the Applicant to determine the appropriate amount of parking needed. Once provided, staff can determine whether the area provided is adequate. Section 32-374 of the City Code addressed required off-street spaces per use; however, a Landscape Nursery is not included on the table, and as such would fall under the "Uses not specifically noted" on the table, which then requires the Planning Commission and City Council to determine how many spaces are necessary. *Prior to the Planning Commission meeting staff will try and obtain additional information from the Applicant about traffic generated to the site, and if possible, will provide an update regarding parking at the meeting.*

Driveway/Circulation:

The Applicant is proposing to use the existing graveled driveway to serve the Tree Farm Area. As shown on the Layout Plan, a Primary Access into the Tree Farm Area would run south of the Perennial/Vegetable Garden Area, Community Gravel Nursery Beds and Hoop Houses, and could potentially connect to a Secondary Access Road in the future providing a 'loop' back onto the existing graveled driveway which provides access back onto Lansing Avenue North. The existing driveway which would serve the area is approximately 14-feet wide, and the proposed Primary Access into the Tree Farm is approximately 16-feet wide. In order to determine whether these widths are adequate more information regarding generated traffic is necessary. Section 32-376 Design and maintenance of off-street parking areas (a) Design states, *"Parking areas shall be designed so as to provide*

adequate means of access to a public alley or street. Such driveway access widths shall be in accordance with the state highway department standards...” The fire lane standard is 20-feet wide, and while this may not be necessary, to adequately address this issue more information regarding the number or trips per day, as well as anticipated number of visitors that may stay for some duration is necessary.

Architecture, Building Height & Accessory Structures: The Applicant is proposing to construct a storage shed and shade area to support the Tree Farm operations. A brochure depicting the storage shed is attached for your review and reference (Exhibit D). Since the lot exceeds 20-acres, there is no limit on the number of accessory buildings on the site. *Additionally, as proposed the storage shed will meet the city’s standards for height, floor area ratio and coverage.*

Utilities (well and septic): As summarized above, the Applicant is proposing to install an additional well to serve the area and will require electric service to the area. Since the parcel is large, and only one single-family structure is on-site, it seems reasonable that there would be an additional well on the property. *Staff would recommend including a condition that the Applicant will be required to get any necessary permits from the regulatory agencies having jurisdiction over the installation of wells, including, but not necessarily limited to the Minnesota Department of Health.*

Easements (NNG) As shown on the plan, there is an existing Northern Natural Gas (NNG) easement which runs north-south through the property, and is adjacent to eastern edge of the Proposed Tree Farm Area. While the initial Tree Farm Area does not appear to encroach upon the easement, there is not a site plan which shows both the easement and the site plan on the same graphic. *Generally, NNG is fairly restrictive with their easements, so staff would recommend including a recommendation that the Applicant coordinate with the gas line to ensure that the site plan as contemplated is acceptable to NNG.*

Lighting No information was submitted regarding exterior lighting of the Tree Farm Area. The designated area is fairly secluded and setback from structures on adjacent properties and there is significant vegetation around the area which will buffer the operations. *Since no plan was submitted, staff would recommend including a condition that any future light installations shall be required to meet the City’s ordinance standards for lighting identified in Section 32-321 Lighting, lighting fixtures and glare. If the Applicant desires to install exterior lighting initially, they may submit a plan for review and approval during this process.*

Signage No signage was included as proposed as part of this application. If in the future any signage is proposed, the Applicant shall be required to follow the City’s Ordinance Standards. *Staff would recommend including a condition addressing*

future sign installations on the property, or indicating that the Applicant should provide information regarding location and size for review and approval during this process.

Employees and Hours of Operation

The Applicant has stated that there will likely be one permanent employee of the operations, with the opportunity to employ temporary seasonal employees. As described in the narrative, the hours of operation may not be regular, but could be kept to the hours of 8 a.m. and 6 p.m. Since the Applicant will be residing on the property, it seems reasonable that they may conduct some maintenance of the Tree Farm outside of the standard hours of operation. Staff would recommend including a condition that would restrict all outside Employees, any visitors, clients or vendors of the Tree Farm to be limited to the hours of operations, but that the Applicant (Owners) would be permitted to conduct work in the area outside of the standard hours.

Noise

While not specifically addressed within the application materials, noise related to the landscape operations has the potential to cause a nuisance. Often, the noise generated from back-up warnings on trucks, back-hoes and equipment (beeping) if constant can cause significant disturbance to neighbors. Additionally, depending on the frequency of trucks and visitors also could cause disturbance to adjacent property owners. Once more information is provided regarding the anticipated number of trips per day, staff will better be able to assist with determining what, if any, mitigation may be helpful to maintain the quiet enjoyment of neighboring properties. At a minimum, the planning commission should be aware that there are noise standards established by the Minnesota Pollution Control Agency (MPCA), which the Applicant will be required to meet, and *staff would recommend including a condition that operations must meet the MPCA's noise standards.*

Possible Future Expansion Area

The Applicant has identified an additional 2.42 acres to the north of the Proposed Tree Farm Area for a possible Future Expansion Area. Generally, staff would assume that the area would be used in a similar way to that of the initial Tree Farm Area with similar levels of intensity. While this would generally seem to be acceptable, there are some potential concerns regarding the identified Expansion Area. The NNG easement does appear to encroach within the Expansion Area, and since the site plan for the area is unknown, it is difficult to know if there would be any potential conflicts between the operations and the easement. Likewise, the circulation of the area is unknown, and the trip generation is unknown. In order to adequately review the Expansion Area, staff would look for some additional information regarding anticipated traffic patterns and a conceptual site plan if the Applicant would like the Expansion Area to be permitted as part of

this CUP process. *If it is simply too premature to conceptually layout the Expansion Area, then staff would recommend including a condition that the Expansion Area generally appears acceptable but that an amendment to the CUP will be required when detailed plans for the area are known.*

Engineering Standards

The City Engineer is reviewing the application and will provide a staff report/memo prior to, or at the Planning Commission meeting. Staff will present the findings including any recommendations during the meeting.

Other Agency Review

The property is located within the Brown's Creek Watershed District (BCWD), and the Applicant will be required to obtain any necessary permits or approvals from them prior to beginning operations.

Additional Information Needed

As stated within the review, staff would recommend that some additional information be provided by the Applicant for consideration. Preliminarily those items are:

- Information regarding the anticipated number of trips per day at the site should be provided. This should include anticipated number of visitors, vendors, clients and any employees.
- If any exterior lighting is planned, information regarding size type and location should be provided.
- If any signage is desired, information regarding the size, type and location should be provided.
- If the Applicant would like the Expansion Area to be considered within the CUP, then a Conceptual Plan for the area that specifically addresses circulation, the NNG easement and the expected increase in trip generation (if any) should be provided for review.

Draft Conditions

The following draft recommendations and findings are provided for your consideration and discussion. The following can be modified, deleted, added to, etc., depending on the public testimony and discretion of the planning commission.

- The hours of operation shall be from 8 a.m. to 6 p.m., and shall apply to all clients, vendors and employees of the Tree Farm.
- The Permit shall be granted for the approximately 0.99 acre area located south of the existing graveled driveway.
- All visitor, employee and vendor parking shall be accommodated on site, and located on an improved (graveled) surface.
- If the City Engineer provides any required modifications to the site plan they must be reflected on an updated plan set and submitted for his review and approval.
- A grading permit shall be acquired prior to commencement of work on site.

- All access and driveway lane widths shall be consistent with the recommendations of the City Engineer.
- The Applicant should coordinate with Northern Natural Gas (NNG) to ensure compliance with their easement requirements and the proposed operations.
- All operations on site shall meet the MPCA's noise standards and regulations.
- All necessary permits from Brown's Creek Watershed District must be obtained prior to issuance of a grading or building permit.
- All necessary permits shall be obtained from Washington County, MPCA, Minnesota Department of Health, Brown's Creek Watershed District and any other entity having jurisdiction of the operations.

Potential Conditions based on Applicant Responses to Additional Information

- Any future expansion shall require an amendment to the Permit, including the 2.42 acre area identified within the Application materials.
- All future expansion of the Tree Farm operations shall be subject to any and all setback requirements in the City's adopted Zoning Ordinance.
- A lighting plan must be submitted for review and approval.
- A proposed signage plan shall be submitted for review and approval.
- All proposed construction and site work shall be consistent with the plan set dated (Insert Date of final updated plan set).

Action requested:

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions and Findings
- Recommendation to the City Council of Denial with Findings
- Continue the discussion to the next available Planning Commission, and request additional information from the Applicant regarding the items summarized previously.

If the Planning Commission recommends Approval, the following draft Findings are provided for your consideration:

- The proposed Tree Farm use conforms to the City's Comprehensive Plan for rural residential and agricultural uses.
- The proposed Tree Farm is classified as a *Nursery, Commercial*, and is a conditionally permitted user per the City's zoning code.
- The proposed Tree Farm will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The proposed Tree Farm is compatible with the existing neighborhood.

- The proposed Tree Farm meets the conditions or standards adopted by the city through resolutions or other ordinances.
- The proposed Tree Farm will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.

Attachments

Exhibit A: Applicant's CUP Narrative and Application

Exhibit B: Applicant's Plan Set

Exhibit C: Certificate of Survey dated 8/8/14 and 10/21/2015

Exhibit D: Brochure for Shed

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



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

Application Date:	June 9, 2016
Fee: \$400	Escrow: \$3,000

*Pd 6/13 Check # 1913 - 1914
\$3400.00*

CONDITIONAL USE PERMIT

Certain uses, while generally not suitable in a particular Zoning District, may, under certain circumstances be acceptable. When such circumstances exist, a Conditional Use Permit may be granted. Conditions may be applied to the issuance of the Permit and/or periodic review may be required. The Permit shall be granted for a particular use and not for a particular person or firm.

PARCEL IDENTIFICATION NO (PIN): 11.030.21.44.0001		ZONING DISTRICT & COMP PLAN LAND USE: A2 - 1 Dwelling / 10 Acres LOT SIZE: 116 Acres
LEGAL DESCRIPTION: See Attached Survey for Legal Description		
PROJECT ADDRESS: 10000 Lansing Ave N. Grant, MN 55082	OWNER: Name: Jon and Kirsten Yocum Address: 5188 Marquess Trail N. City, State: Lake Elmo, MN 55042 Phone: 651 303-6655 Email: Kirstenandjon@Yocumfamily.net	APPLICANT (IF DIFFERENT THAN OWNER):
BRIEF DESCRIPTION OF REQUEST: This is a conditional use permit request to build and operate a wholesale commercial tree farm / nursery at 10000 Lansing Ave N in Grant, MN. The tree farm will be a specialty horticultural producer and will not be a nuisance.		
EXISTING SITE CONDITIONS: The site is currently serving as the staging area for soils from the excavation of the new house. The site is in a disturbed state, but will be regraded to function as a tree farm space. Expansion areas are also possible.		
APPLICABLE ZONING CODE SECTION(S): <i>Please review the referenced code section for a detailed description of required submittal documents, and subsequent process.</i> 1. Division 5. Conditional Use Permits 32-141 through 157		

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

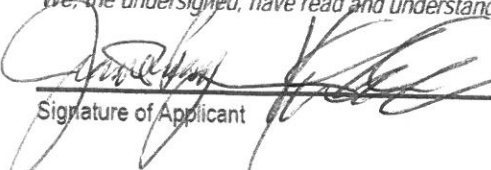
AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Site Plan: All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> ▪ Property dimensions See Attached Boundary Survey ▪ Area in acres and square feet - See Site Layout Plan for Project Area ▪ Setbacks - See Property Context Diagram ▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines) - See Attached Topo Survey ▪ Location of utilities - Not determined at this time ▪ Location of well and septic systems on adjacent properties - Information Unavailable ▪ Location of current and proposed curb cuts, driveways and access roads - See Project Context Diagram - 2 / L100 ▪ Existing and proposed parking (if applicable) - See Site Layout Plan ▪ Off-street loading areas (if applicable) See Site Layout Plan ▪ Existing and proposed sidewalks and trails Not Applicable ▪ Sanitary sewer and water utility plans Not Applicable <p>COPIES: 4 plans at 22"x34", 20 plans at 11"x17"</p>

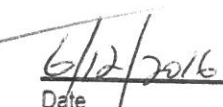
Application for: CONDITIONAL USE PERMIT
City of Grant

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Grading/Landscape Plan: All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <p>The Planting Information is in Drawing 1 / L100 but all of the remaining information is in this drawing</p> <ul style="list-style-type: none"> Grading Plan Vegetation, landscaping, and screening plans including species and size of trees and shrubs Wetland Delineation Buildable area Topographic contours at 2-foot intervals, bluff line (if applicable) Waterbodies, Ordinary High Water Level and 100 year flood elevation Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<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>See Attached Brochure for Shed Architectural Info</p> <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Written Narrative Describing your request: A written description of your request for the Conditional Use will be required to be submitted as a part of your application. The description must include the following:</p> <ul style="list-style-type: none"> Description of operation or use Number of employees (if applicable, if not state why) Sewer and water flow/user rates (if applicable, if not state why) Any soil limitations for the intended use, and plan indicating conservation/BMP's Hours of operation, including days and times (if applicable) Describe how you believe the requested conditional use fits the City's comprehensive plan <p>See Attached Project Description and Written Narrative</p> <p>COPIES: 20</p>
<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 property for approvals and necessary permits. - See attached project statement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet).
<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"/>	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" or 8 ½" x 11" format.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

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


 Date

 Signature of Owner (if different than applicant)

 Date

WRITTEN NARRATIVE

Description of Operation or Uses

This request is for a Conditional Use Permit is to establish and operate a tree farm and plant propagation operation at 10000 Lansing Ave North in Grant, Minnesota. This will create a new nursery area for the specialty cultivation of bare root woody vegetation and perennials. There will be hoop houses for annual and perennial production and gravel bed tree nurseries for bare root tree plant establishment, as well as vegetable and fruit production. Some of these plants will be sold wholesale to other vendors and landscape professionals, as well as internet and by-appointment retail. The initial site disturbance and grading will smooth out the site and create positive drainage and passive irrigation opportunities. It is intended that a small shed (approximately 12'x15') and shade structure (approximately 12' x 15') will also be constructed to store equipment and to serve as a work space. In the short term it is anticipated that there will be enclosures around the individual planting areas, but ultimately there may be the need to install a fence around the perimeter. There will ultimately be the need to dig a new well and provide power to the area for the irrigation pumps. The site has historically been a tree farm and this use will update and modernize that past use.

Number of Employees

It is estimated that it will only be a single employee permanently with potential for temporary seasonal hires during busy seasons. These busy times will likely be during key plant establishment, transportation, and processing times (2-3 events per Season). There will likely be light and intermittent truck activity except during particularly busy times of year.

Water Flow User Rates

The program will require a well and irrigation system to support the tree cultivation activities. Initial Water Usage Rates are estimated to be in the range of up to 1000 gallons per day to irrigate each 40'x10' Gravel tree bed. The Initial gravel tree beds will be using a drip irrigation system with up to four potential beds. Excess water from these gravel beds will be directed via passive irrigation towards other fruit, and orchard production systems. The second initial use of water will be for the annual and perennial cultivation planned to take place in the hoop house. It is not possible to estimate the water consumption rates for the annual and perennial cultivation until specific production quantities are established. However, there is a maximum of four possible 13'x 20' hoop houses as well as the potential for water usage for an orchard or perennial / vegetable cultivation areas as well.

Any Soil Limitations for Intended Use

There are no significant soil limitations for the proposed use. The area natively consists primarily of a sandy loam that is freely drained. The site is being regraded using the excess fill from the home excavation site. The topsoil will be preserved onsite and will be spread over the finished grade to be reseeded. In areas with steep slopes there will be geojute erosion control blanket installed during establishment to prevent soil movement.

WRITTEN NARRATIVE

Hours of Operation

The Tree Farm will have irregular hours, but all work can be conducted between the hours of 8am-6pm. This will not be a high traffic nursery, so will only have wholesale or scheduled buyers visiting the site. The site will generate little noise aside from the operation of light equipment such as trucks and skid-loaders and the occasional use of chainsaws or other specialized arboricultural equipment.

City of Grant Comprehensive Plan

The City of Grant has been identified by the Metropolitan Council as a permanently rural area with a low density of only one dwelling per ten acres of land established as a goal for the 2030 Comprehensive Plan. Minimizing the land use conflicts between agricultural and residential situations while preserving and enhancing open space. The plan calls for continued use of the land as an Agricultural landscape. The site has historically been a tree farm and the intended improvement of this space as a modernized nursery and processing facility to enable production. The plantings will be sold wholesale for a range of landscaping and natural resource restoration purposes. This usage clearly maintains the character of the community and its continued agricultural use and is respectful of the community and the site history.

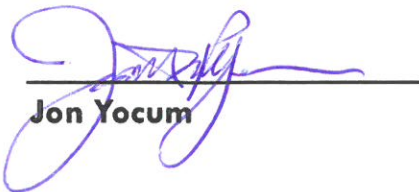
PROJECT STATEMENT

Please consider this conditional use permit application for the new tree farm enterprise which I plan to conduct on my property. This work is happening in conjunction with the ongoing home site construction and requires a conditional use permit. This statement provides supplemental information and explanations to meet the CUP application checklist requirements and a narrative of key decisions. The context map locates the proposed conditional use project in the larger site context. The property context map on 2/L100 shows the location of the tree farm conditional use and the new home construction and renovations taking place at the 10000 Lansing Ave North property in Grant, MN. I have geolocated both the approved and ongoing home construction and the requested conditional use project on this map. The project is centrally located within the property outside the setback requirements from property boundaries as well as potentially vulnerable wetlands. The maximum relevant setback identified in the zoning code was a 75' setback from any wetland. The hatched setback from property lines and wetland features are drawn on the context map. The context map shows that the project site is more than 75 feet from any property boundary or approximate wetland edge.

The provided drawings, attachments, and statements should satisfy all the submittal requirements for the conditional use permit. However, some of the required information is not on the site plan submittal because it is contained on the supporting site boundary and topographic surveys or in one of the context maps. I have annotated the relevant checklist items on the permit application so that it is clear where the information can be found in the supporting materials. It also has not been possible to map the location of some of the required map elements. I have not found a way to identify the well and septic field locations in adjacent properties and request guidance from the city about where this information can be obtained. Likewise, the specific alignment of electricity into tree farm project site will be determined by Xcel energy and this work has not been conducted at this time. We will work in good faith to meet all of your requirements and find a timely and agreeable solution for any issues which remain unresolved.

STATEMENT OF ACKNOWLEDGEMENT

To the best of my knowledge, we have followed the city codes and contacted all of the additional governmental agencies to gain the necessary approvals or permits for the work underway on the property. We can inquire about gaining letters or official statements upon request.



Jon Yocum

CERTIFICATE OF SURVEY

Part of Sections 11, 12, 13 and 14
Township 30 North, Range 21 West
City of Grant, Washington Co., MN

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING

12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
Phone (651) 439-8833 www.ffe-inc.com

SURVEY FOR:
Sandra Johnson
10000 Lansing Ave North
Stillwater, Minnesota 55082

LEGAL DESCRIPTION:

PARCEL A

Outlot A of White Birch Acres according to the plat on file in the office of the County Recorder, Washington County, Minnesota.

PARCEL B

Also, that part of the North Half of the Northwest Quarter of Section 13 and the Northeast Quarter of the Northeast Quarter of Section 14 all in said Township 30 North, Range 21 West lying northerly of the north line of the former Soo Line Railroad right-of-way and westerly of the center line of Lansing Avenue as presently traveled. Except that part of said Northeast Quarter of the Northeast Quarter described as follows: Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 14; thence easterly along the North line of Section 14, a distance of 80 feet to the point of beginning; thence South at right angles, a distance of 400 feet; thence East at right angles, a distance of 545 feet; thence North at right angles, a distance of 400 feet to the North line of Section 14; thence Westerly, along the North line of Section 14, a distance of 545 feet to the point of beginning, Washington County, Minnesota.

AND

Also, that part of the Southwest Quarter of the Southwest Quarter of Section 12 of said Township 30 North, Range 21 West described as follows: Beginning at the southwest corner of said Southwest Quarter of the Southwest Quarter; thence North 88 degrees 36 minutes 00 seconds East, bearing oriented to the Washington County Coordinate System, North Zone, along the south line of said Southwest Quarter of the Southwest Quarter a distance of 730.00 feet; thence North 01 degree 24 minutes 00 seconds West 50.00 feet; thence South 88 degrees 36 minutes 00 seconds West parallel with said south line 235.00 feet; thence North 86 degrees 00 minutes 00 seconds West 419.46 Feet; thence North 76 degrees 40 minutes 00 seconds West 80.70 feet to the west line of said Southwest Quarter of the Southwest Quarter; thence South 01 degree 44 minutes 15 seconds East along said west line 110.00 feet to the point of beginning.

AND

That part of the Southwest Quarter of the Southwest Quarter of Section 12, Township 30 North, Range 21 West, described as follows: Commencing at the southwest corner of said Southwest Quarter of the Southwest Quarter; thence North 01 degree 44 minutes 15 seconds west along the west line of said Southwest Quarter of the Southwest Quarter a distance of 821.29 feet to the westerly extension of the south line of the tract described in Book 268 of Deeds, page 386, recorded and on file in said office of the County Recorder and the point of beginning; thence North 88 degrees 36 minutes 00 seconds East along said westerly extension of said tract 366.09 feet to the southwest corner of said tract; thence North 01 degree 44 minutes 15 seconds west along the west line of said tract 500.00 feet to the north line of said Southwest Quarter of the Southwest Quarter; thence South 88 degrees 36 minutes 33 seconds West along said north line 366.09 feet to the northwest corner of said Southwest Quarter of the Southwest Quarter; thence South 01 degree 44 minutes 15 seconds East along said west line of the Southwest Quarter of the Southwest Quarter a distance of 500.00 feet to the point of beginning.

PARCEL C

That part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 30 North, Range 21 West, Washington County, Minnesota described as follows: Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 14; thence easterly along the North line of Section 14, a distance of 80 feet to the point of beginning; thence South at right angles, a distance of 400 feet; thence East at right angles, a distance of 545 feet; thence North at right angles, a distance of 400 feet to the North line of Section 14; thence Westerly, along the North line of Section 14, a distance of 545 feet to the point of beginning.

PARCEL D

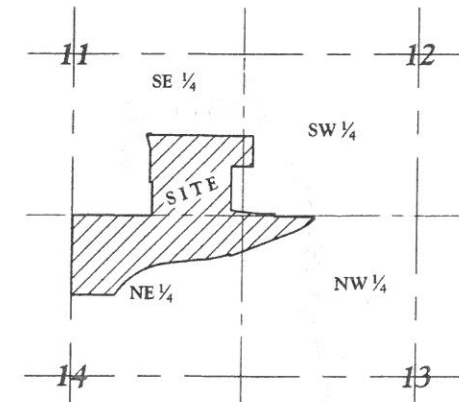
Also that part of the Northwest Quarter of the Northeast Quarter of Section 14, Township 30 North, Range 21 West, Washington County, Minnesota, lying northwesterly of the northwesterly line of the former Soo Line Railroad Company right-of-way.

LEGEND

- DENOTES SET 3/8 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREMAM LS 16889", UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED

NOTES

BEARING ORIENTATION IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD83, 1986 ADJUSTMENT.

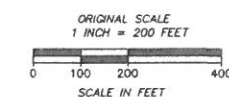


Vicinity Map

Sections 11, 12, 13 & 14, T30N - R21W
Washington County, Minnesota

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.

Timothy J. Freeman
Timothy J. Freeman, L.S.
Minnesota License No. 46989
8/8/14
Date



SURVEYOR'S NOTE:

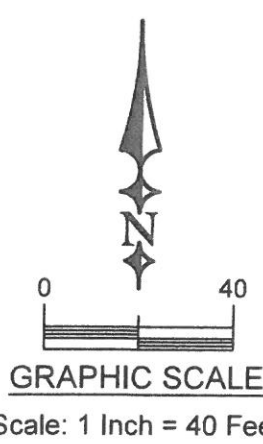
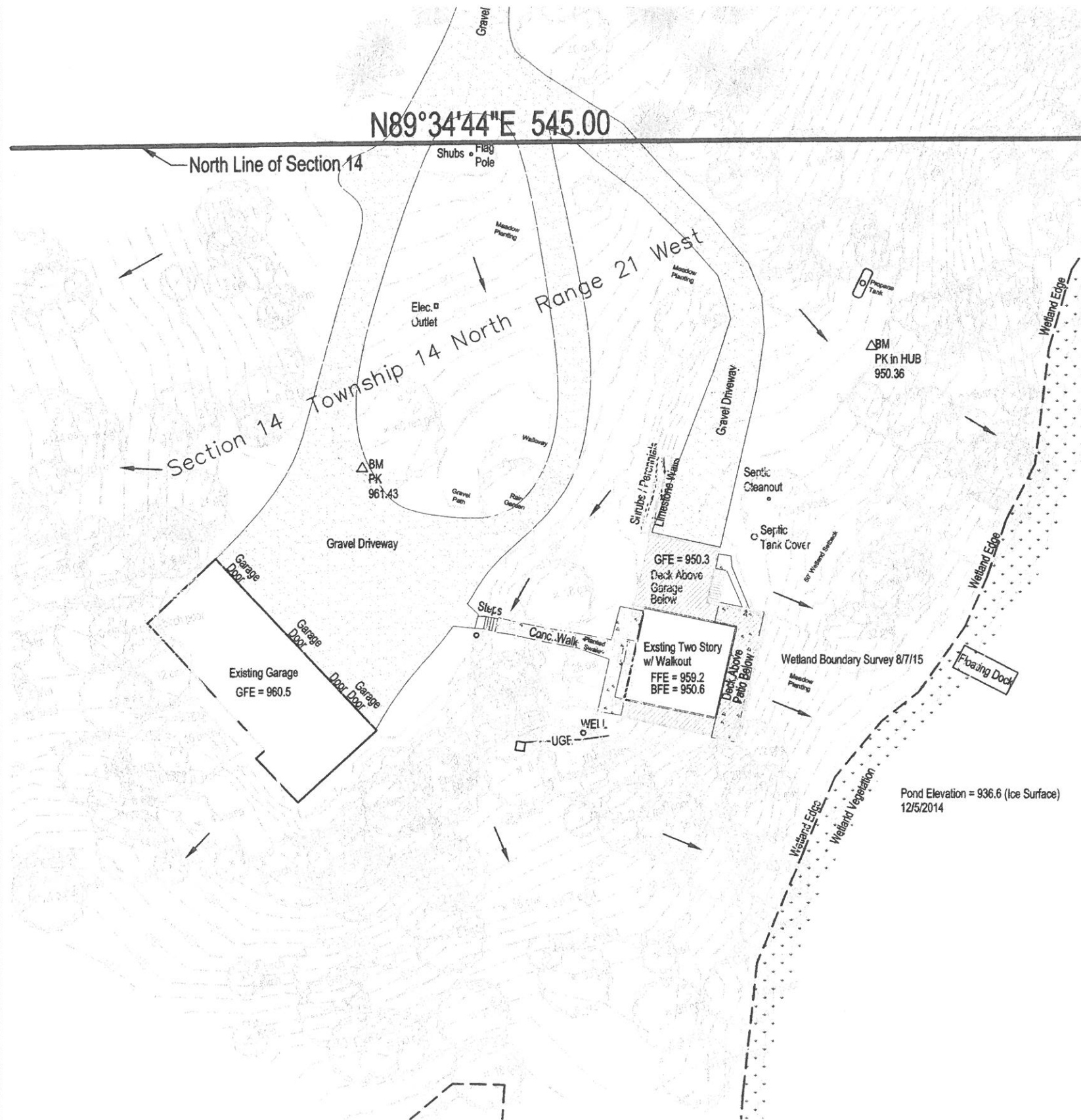
There is a misclosure error in the Legal Description, PENDING EASEMENT in Attachment B of the Easement in favor of the Browns Creek Watershed District recorded as Document Number 3207491. The misclosure is 7.17 feet and is not a significant material error. This should be discussed with an experienced real estate attorney to find a solution to the problem, if needed. We have shown the easement with the record bearings and distances recited in Attachment B of Document Number 3207491.

Note: Survey prepared using Old Republic Title Insurance Company, File No. 1131476, Effective Date: June 27, 2014 at 7:00 AM. No independent search for title items by this surveyor. There may be additional documents of record that affect this property.

Right-of-Way of Lansing Avenue North is shown at 33 ft. each side of traveled centerline per this surveyor's local knowledge of the road. Documentation of the Right-of-Way was not provided.

Note: Official Copies of this map are crimp sealed

CERTIFIED SURVEY MAP



PROPERTY ADDRESS:
10000 Lansing Avenue North
Grant, Minnesota
PID 14.030.21.11.0002

PREPARED FOR:
Jon & Kirsten Yocum
5188 Marquess Trail North
Lake Elmo, MN 55042

ERICKSON
CIVIL

333 North Main Street, Suite 201
Stillwater, Minnesota 55082
Phone (612) 309-3804

www.ericksoncivilsite.com

EXISTING LOT AREA:
Total Square Footage: 217,800 Sq. Ft.

Legend:

- Denotes Direction of Existing Surveyed Drainage
- Denotes Existing 1-ft Contour
- Denotes Wetland Delineation (By Others)
- Denotes Existing Tree (Dia. Inch and Type)
bc = Black Cherry
oak = White / Bur Oak
red oak = Red Oak
wp = White Pine

PARCEL LEGAL DESCRIPTION:

Part of the Northeast Quarter of the Northeast Quarter, Section 14 Described as Follows:
Commencing at the northwest corner of said northeast quarter of the northeast quarter, then easterly along north line of said section 80 feet to the point of beginning, then South at a right angle 400 feet then East at a right angle then E 545 feet then North at a right angle 400 feet to north line of said section then westerly along north line of said Section 545 feet to the point of beginning, subject to easements and restrictions of record, Section 14 Township 30, Range 21.

Legal taken from Washington County Website, no title work was provided at the time of survey.

I hereby certify that this plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Engineer under the Laws of the State of Minnesota.

Signed and dated this 21th day of October, 2015.

Tedd A. Erickson, Licensed Civil Engineer
Minnesota License Number 40418

This plan represents the recorded boundary of the subject property. The boundary was not altered, revised, or the lot subdivided, nor were lot irons placed as part of this survey.

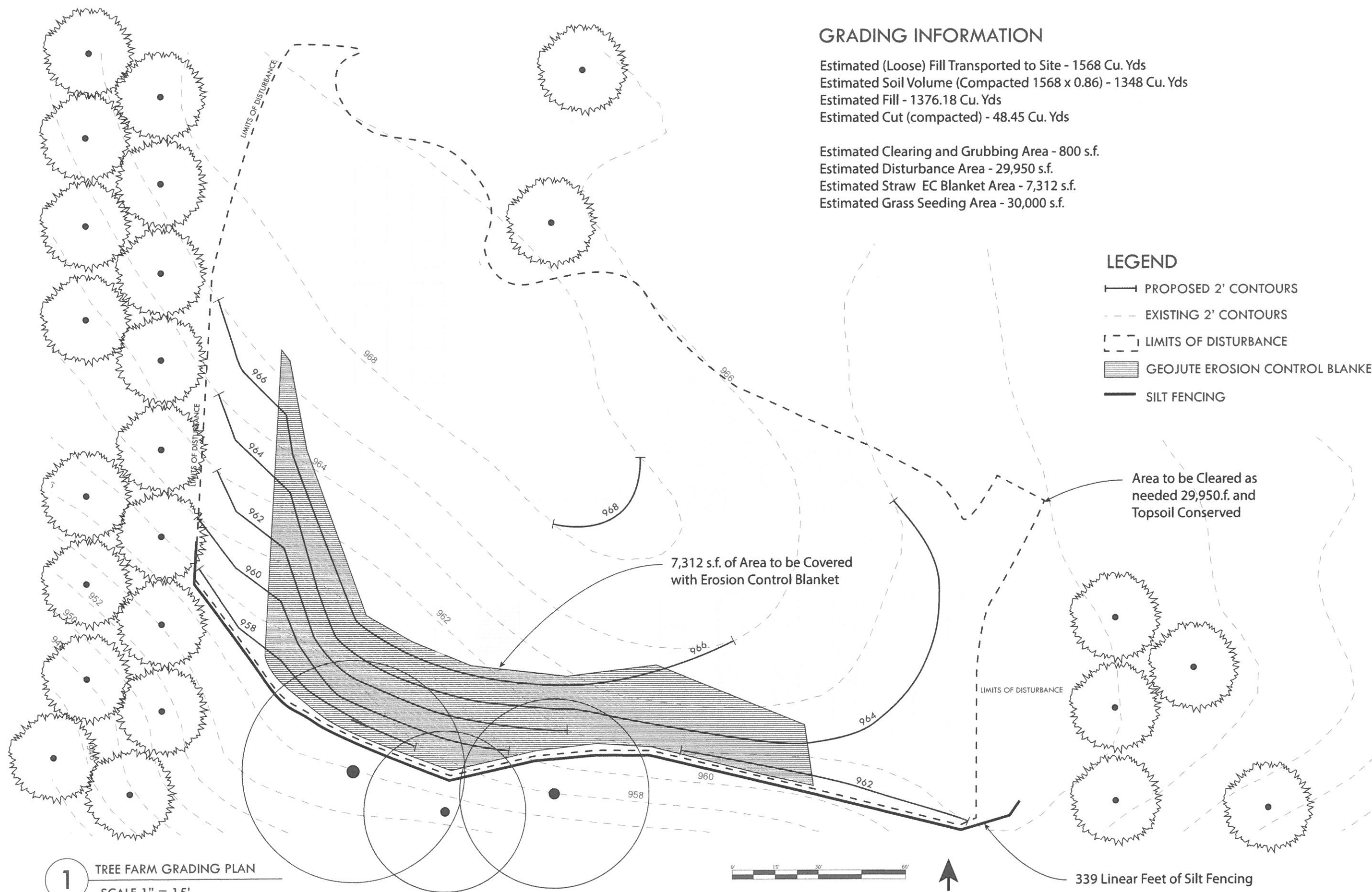
GRADING INFORMATION

Estimated (Loose) Fill Transported to Site - 1568 Cu. Yds
 Estimated Soil Volume (Compacted 1568 x 0.86) - 1348 Cu. Yds
 Estimated Fill - 1376.18 Cu. Yds
 Estimated Cut (compacted) - 48.45 Cu. Yds

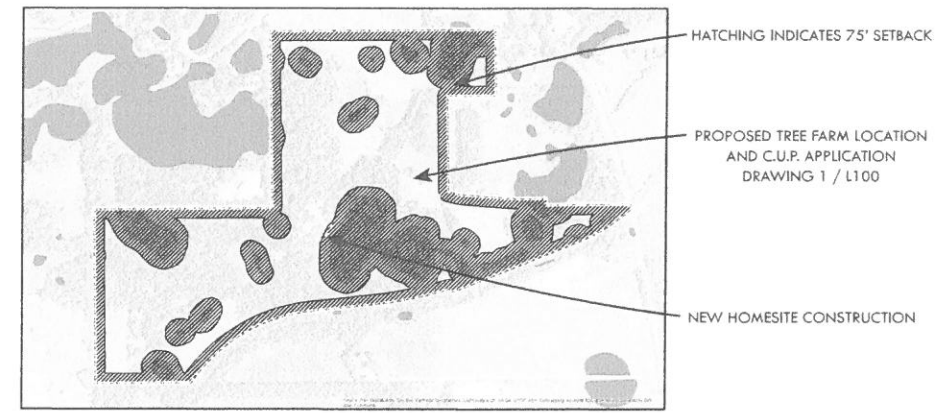
Estimated Clearing and Grubbing Area - 800 s.f.
 Estimated Disturbance Area - 29,950 s.f.
 Estimated Straw EC Blanket Area - 7,312 s.f.
 Estimated Grass Seeding Area - 30,000 s.f.

LEGEND

- PROPOSED 2' CONTOURS
- - - EXISTING 2' CONTOURS
- - - LIMITS OF DISTURBANCE
- ▨ GEOJUTE EROSION CONTROL BLANKET
- SILT FENCING



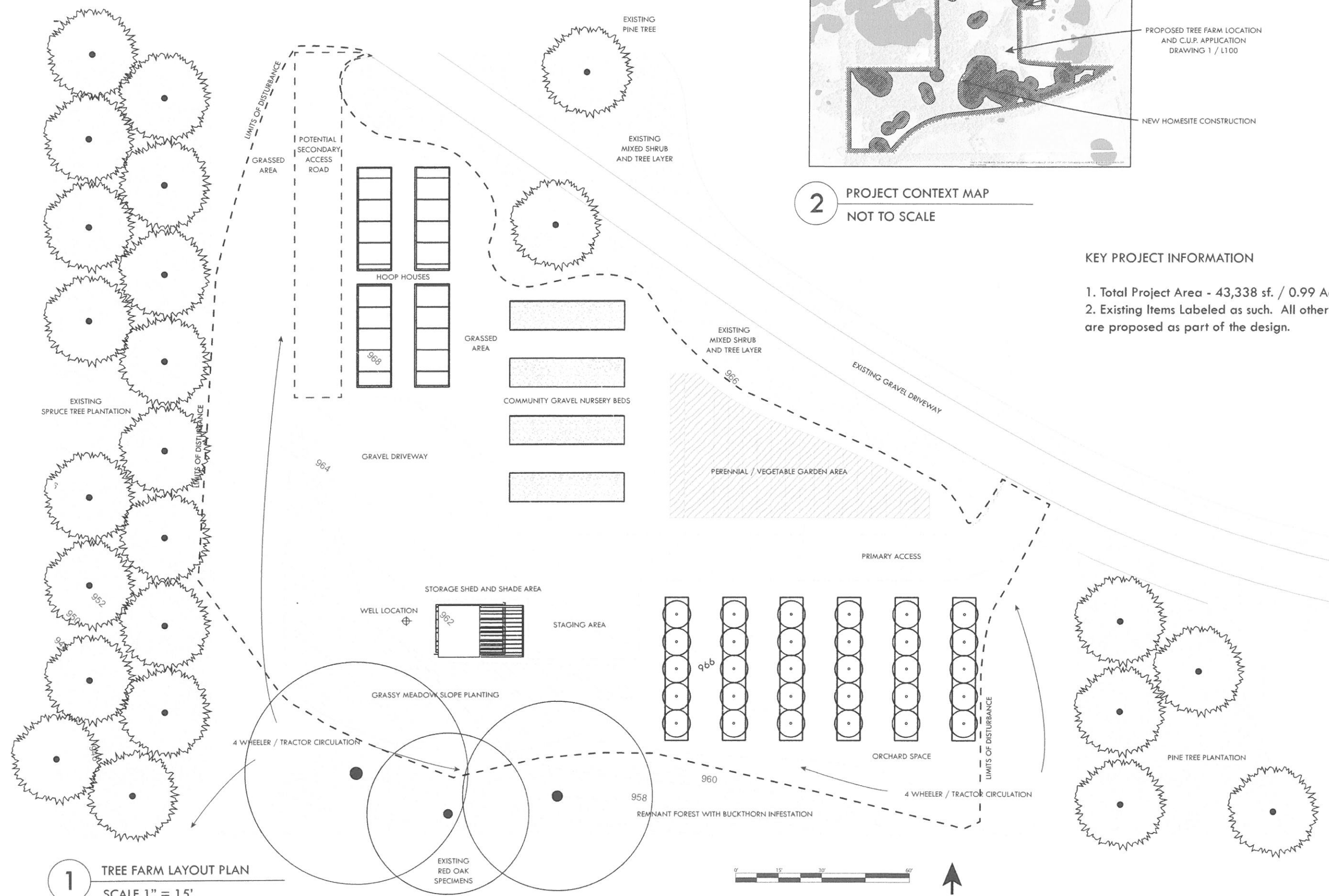
1 TREE FARM GRADING PLAN
SCALE 1" = 15'



2 PROJECT CONTEXT MAP
NOT TO SCALE

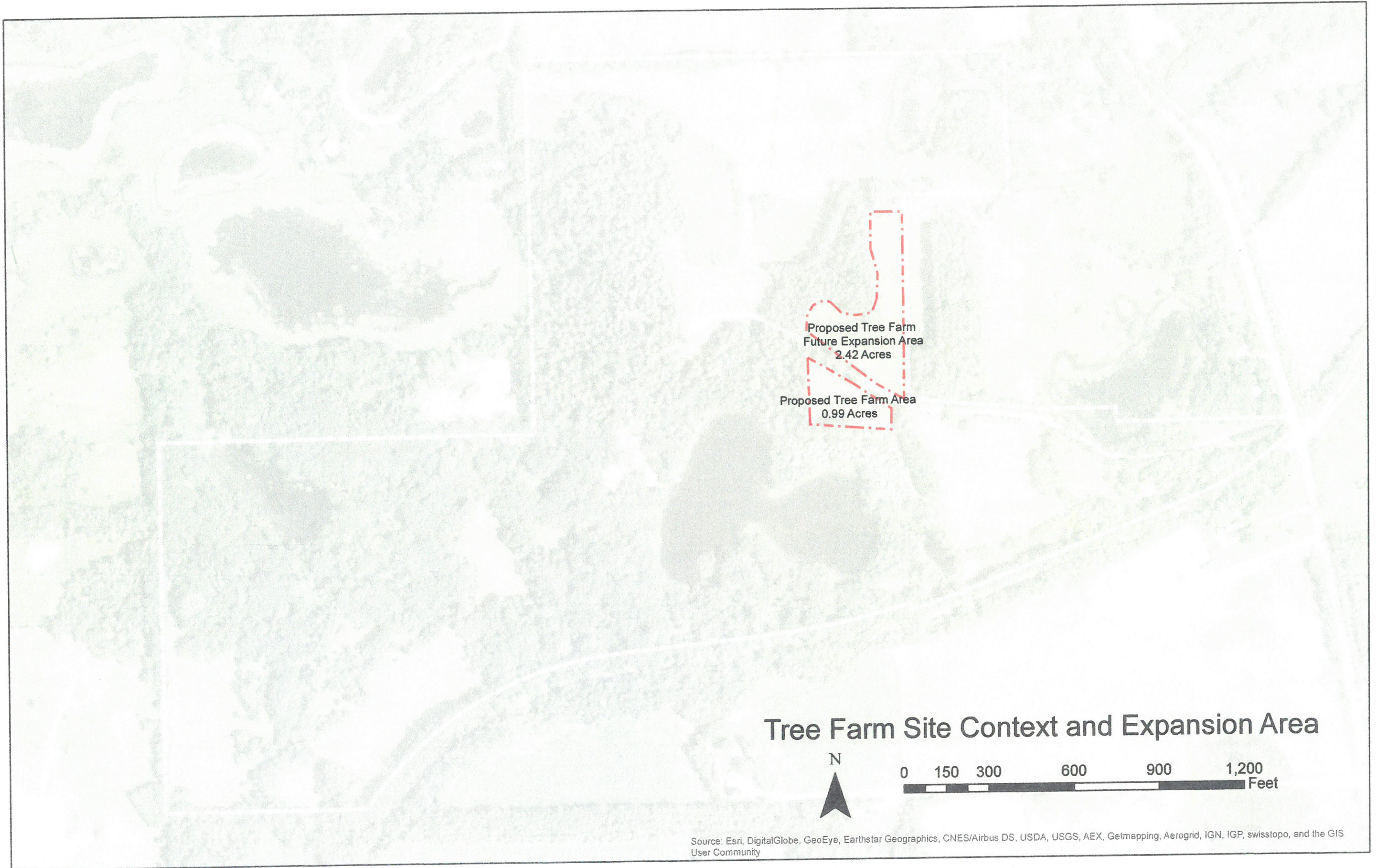
KEY PROJECT INFORMATION

- 1. Total Project Area - 43,338 sf. / 0.99 Acres
- 2. Existing Items Labeled as such. All other items are proposed as part of the design.



1 TREE FARM LAYOUT PLAN
SCALE 1" = 15'

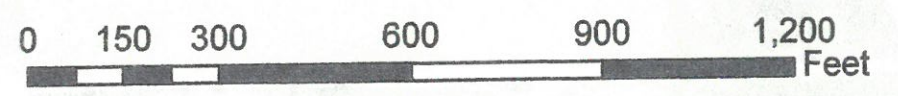




Proposed Tree Farm
Future Expansion Area
2.42 Acres

Proposed Tree Farm Area
0.99 Acres

Tree Farm Site Context and Expansion Area



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community