

CITY OF GRANT
MINUTES

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DATE : March 6, 2018
TIME STARTED : 7:01 p.m.
TIME ENDED : 8:25 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, Sederstrom
Lanoux and Mayor Huber
MEMBERS ABSENT : None

Staff members present: City Attorney, Dave Snyder; City Engineer, Brad Reifsteck; City Planner, Jennifer Swanson; City Treasurer, Sharon Schwarze; and Administrator/Clerk, Kim Points

CALL TO ORDER

The meeting was called to order at 7:01 p.m.

PUBLIC INPUT

(1) Mr. Steve Bohnen, 9224 60th Street N came forward and commented on the great job the Council is doing on the roads, road contractors, plowing and choice of new City Attorney.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Lanoux moved to approve the agenda with the addition of 3M Dumpsite and Bellaire Dumpsite. Council Member Sederstrom seconded the motion. Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.

City Attorney Snyder reminded the Council proposing agenda items comes under the Council Update section of the agenda. The method of adding agenda items at the meeting is completely ineffective. He also requested Council Members speak one at a time.

Staff noted Item 5Ai, Consideration of Resolution No. 2018-04 and Item 10, Executive Session should be removed from the agenda upon adoption.

Council Member Carr moved to approve the agenda, as amended. Council Member Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting nay.

CONSENT AGENDA

1 February, 2018 Bill List, \$44,611.66

Approved

2
3 **Council Member Lanoux moved to remove the February 5, 2018 Council Meeting Minutes and**
4 **the February 2018 Bill List from the consent agenda. Council Member Sederstrom seconded**
5 **the motion. Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.**

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

10
11 **STAFF AGENDA ITEMS**

12
13 **City Engineer, Brad Reifsteck**

14
15 **Consideration of Resolution No. 2018-04, Support of Application to Request Funding from the**
16 **Minnesota Department of Transportation, 2018 Corridors of Commerce Solicitation – Upon**
17 **adoption of the agenda, this item was removed.**

18
19 **Consideration of Cooperative Agreement Between City of Grant, ISD #832 and County of**
20 **Washington for Maintenance of Traffic Signal at Hwy 12 and Middle School –**

21 City Engineer Reifsteck advised staff is looking for Council approval to authorize the execution of the
22 Cooperative Agreement Between the City of Grant, the Independent School District (ISD) #832 and
23 the County of Washington.

24
25 A cooperative agreement between the City of Grant, ISD #832 (Mahtomedi Middle School) and
26 Washington County is required for this signal. The cooperative agreement establishes the
27 maintenance responsibilities between all parties. The County is accepting all cost responsibilities for
28 this signal. There are no costs to the City.

29
30 **Council Member Kaup moved to approve the Cooperative Agreement Between City of Grant,**
31 **ISD #82 and County of Washington for Maintenance of Traffic Signal at CSAH 12 and Middle**
32 **School, as presented. Council Member Carr seconded the motion. Motion carried**
33 **unanimously.**

34
35 **Consideration of Resolution No. 2018-07, 65th Street Plans, Specifications and Bid Process -**

36 City Engineer Reifsteck advised staff is looking for Council to adopt a resolution approving Plans and
37 Specifications and ordering advertisement for bids for 65th Street Roadway Improvement Project

38
39 The City Council authorized preparation of plans and specifications for the project on August 1, 2017.

40
41 The City Council authorized preparation of a Feasibility Report for the project on June 6th, 2017,
42 received the Feasibility Report on August 1, 2017 and ordered the public improvement for the project
43 following a noticed public hearing held at the September 5, 2017 regular Council meeting.

1 A bid date and time has been proposed for Thursday March 29, 2018. At that time all bids shall be
2 opened, tabulated for mathematical accuracy, and prepared for City Council consideration at the April
3 3, 2018 regular Council meeting.

4
5 **Council Member Lanoux moved to amend the advertising for bid to include an overlay project**
6 **on Keats. Motion failed with no second.**

7
8 **Council Member Carr moved to adopt Resolution No. 2018-07, as presented. Council Member**
9 **Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
10 **voting nay.**

11
12 **Consideration of Cooperative Agreement Between City of Grant and County of Washington for**
13 **Maintenance of Traffic Signal at CSAH 12 and CSAH 17** – City Engineer Reifsteck advised staff
14 is lookingfor the Council approval to authorize the execution of the Cooperative Agreement Between
15 the City of Grant and the County of Washington.

16
17 A cooperative agreement between the City of Grant and Washington County is required for this
18 signal. The cooperative agreement establishes the maintenance responsibilities between all parties.
19 The County is accepting all cost responsibilities for this signal. There are no costs to the City.

20
21 **Council Member Car moved to approve the Cooperative Agreement Between City of Grant and**
22 **County of Washinton for Maintenance of Traffic Signal as CSAH 12 and CSAH 17, as**
23 **presented. Council Member Lanoux seconded the motion. Motion carried unanimously.**

24
25 **City Planner, Jennifer Swanson**

26
27 **Consideration of Resolution No. 2018-05, Minor Subdivision Application, 6808 117th Street**
28 **North** – City Planner Swanson advised - The Applicant and Owner, Sandra Wegleitner, is requesting
29 permission to subdivide the property located at 6808 117th Street North into two (2) parcels that will
30 include one approximately 10-acre lot that will include the existing homestead and accessory
31 buildings, and an approximately 39-acre parcel that will be vacant. There is an existing homestead
32 located on the property.

33
34 A duly noticed public hearing was held on February 20, 2018 at the Planning Commission’s regular
35 meeting. One member of the public was in attendance and provided public testimony during the
36 public hearing, and voiced concern regarding any future development of the larger vacant parcel with
37 respect to drainage from adjacent parcels and making sure that drainage patterns would be protected.

38
39 After closing the public hearing the planning commission briefly discussed the application and asked
40 staff for clarification regarding drainage. Staff indicated that any future development or construction
41 will be required to follow all setbacks, including those from the wetland and stream/ditch area on site.
42 The planning commission unanimously recommends approval of the minor subdivision to the City
43 Council.

1 The following staff report is as presented, with modifications noted with ~~strikethrough~~ and underline,
 2 to the planning commission for your review and consideration of the subject application.

3
 4 **Project Summary:**

5

Owner & Owner:	Sandra Wegleitner
PID:	0603021110001
Address:	6808 117 th Street North
Zoning & Land Use:	A-1
Request:	Minor Subdivision to create two new lots: 10-Acre Lot (existing home and accessory buildings) 39-Acre Lot (vacant)

6
 7 City Planner Swanson advised the Applicant is proposing a Minor Subdivision (lot split) of the
 8 existing 49 Acre parcel into two (2) lots; one to include the existing homestead and accessory
 9 buildings, and a larger vacant parcel. Based on the application submitted, the larger 39-acre parcel
 10 will be vacant, and no new structures are proposed as part of this application. It is unclear from the
 11 information submitted whether there is an intent to sell the 39-acre lot for single-family residential
 12 uses, or whether there is a different intended purpose of the subdivision. There is an existing
 13 homestead located on the subject property that based on the application is intended to remain on the
 14 property and is not proposed for any changes, modifications, or alterations as part of this application.

15
 16 The City’s subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in
 17 Section 30-9 and 30-10. The sections of the code that relate to dimensional standards and other
 18 zoning considerations are provided for your reference:

- 19 Secs. 12-261
- 20 Secs. 32-184
- 21 Secs. 32-246

22
 23 The existing parcel is located north of 117th Street North and is approximately 49 acres. Based on the
 24 Applicant’s provided survey (Attachment B), the existing parcel’s southerly property line extends to
 25 the southerly right-of-way line of 117th Street North on the south and includes the traveled portion of
 26 the roadway with the extents of the property. The property has approximately 1,040-feet of frontage
 27 and is generally regular in shape with a small exception parcel located at the southeast corner of the
 28 Subject Property. There is an existing homestead on the parcel located approximately 120-feet to the
 29 east of the westerly property line and setback approximately 110-feet from the denoted right-of-way
 30 line and is approximately 150-feet from the centerline of the traveled roadway. The existing roadway
 31 and right-of-way easement along the property’s frontage are fully within the Subject Parcel’s
 32 boundary as indicated on the survey provided in Attachment B. There is one (1) accessory building on
 33 the site with a total square footage of approximately 2,880 square feet. The existing home and
 34 accessory building are accessed by a single driveway which provides a connection to 117th Street
 35 North. The Exception parcel is approximately three (3) acres and is not part of this review or

1 application except as noted within the density analysis found in subsequent sections of this staff
 2 report.

3
 4 Based on the attached aerial from Washington County GIS (Attachment D), it appears that
 5 approximately the southerly two-thirds of the property has been used for agricultural production and
 6 that a ditch bisects this area from east to west and extends to adjacent properties. This ditch (or
 7 stream) is identified as a wetland per the National Wetland Inventory database. Approximately the
 8 northern third of the parcel is heavily vegetated and has not been used for agricultural production.
 9 The existing homestead and accessory building are located on the southwesterly corner of the
 10 property. Topographically the site slopes high to low from both the northern and southern edges
 11 which reinforces the drainage ditch/wetland area and extends to adjacent properties as a drainageway.

12
 13 The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-1 land use
 14 designation. The proposed minor subdivision/lot line rearrangement of the 49 acres results in one
 15 additional unit. The original 49 included the adjacent Exception parcel, which when considered
 16 collectively would result in three (3) lots on 49 acres, or a proposed gross density of approximately 1
 17 unit per 16 acres. The minor subdivision as proposed meets the density requirements as established in
 18 the Comprehensive Plan. Further, the intent of the A-1 land use designation is to promote rural
 19 residential uses, and the proposed subdivision is consistent with that objective.

20
 21 City Planner Swanson noted the following site and zoning requirements in the A-1 district are defined
 22 as the following for lot standards and structural setbacks:

Dimension	Standard
Lot Area	5 acres
Lot Width (public street)	300'
Lot Depth	300'
FY Setback – County Road (Centerline)	150'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Maximum Height	35'

24
 25 Lot Area and Lot Width
 26 The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed
 27 subdivision would result in newly created Parcel A and Parcel B. The following summary of each
 28 created parcel is identified on the table below:

29 **Lot Tabulation:**

Parcel	Size	Frontage	Lot Width	Lot Depth
Parcel A	10 Acres	310.31'	310.31'	1,370'
Parcel B	39 Acres	733.53'	733.53'	1,690'

30 *As proposed, both created lots meet the city’s dimensional standards for size, frontage, lot width*
 31 *and lot depth.*

1 The existing homestead and accessory structures are located on proposed Parcel A, and are subject to
2 the city's setback requirements given the new configuration of the lots. The existing principal
3 structure is setback approximately 110-feet from the right-of-way line of 117th Street North which is a
4 County road (CR-7). However, the City's ordinance requires that the setback be measured from the
5 centerline of the roadway, and the existing home is setback approximately 150-feet from the
6 centerline of the roadway and therefore meets the city's setback requirement. The existing home will
7 be setback approximately 95-feet from the created easterly property line, 120-feet from the westerly
8 property line, and 1,205-feet from the rear property line. ***As proposed the existing home will meet all
9 setback requirements.***

10
11 The accessory building located is setback approximately 25-feet from the proposed easterly property
12 line, 1,045-feet from the northerly property line (rear), and 230-feet from the easterly property line.
13 As proposed, the accessory building will meet all setback requirements.

14
15 In addition to lot line setbacks, the City's ordinances require a buffer strip of 50-feet is required
16 around wetlands, lakes and streams and that an additional 10-foot building setback from the buffer is
17 also required. The existing home and accessory building are setback more than 250-feet from the
18 approximate wetland/ditch are per the NWI, and as such meet the City's setback requirements.

19
20 The potential configuration of new structures and improvements was not identified on Parcel B.
21 Given the extents of Parcel B there is enough area to site a new home, accessory buildings and other
22 improvements outside of all applicable wetland setbacks. However, if future improvements are
23 proposed that may impact or encroach upon the ditch or potential wetland area as identified on the
24 NWI, then a wetland delineation may be required. ***Staff would recommend including a condition
25 that any future improvements on Parcel A or Parcel B may require completion of a wetland
26 delineation prior to site work or a building permit depending on the proposed location of such
27 improvements.***

28
29 ***Since no new structures are proposed as part of this subdivision, staff would recommend including
30 a condition that all future structures and improvements will be subject to the applicable setback
31 rules and regulations in effect at the time of application.***

32
33 City Planner Swanson explained there is an existing driveway that serves home and accessory
34 building on Parcel A, and there is no existing access to proposed Parcel B. As indicated on Survey,
35 there is a proposed new gravel drive to serve any new development on Parcel B that is located
36 approximately 165-feet from the east property line and approximately 570-feet from the proposed
37 west property line. Since the new driveway access and proposed subdivision are located on a County
38 Road, staff forwarded a copy of the proposed application to the County for their review and comment.
39 Washington County reviewed the application and has indicated that they would generally support a
40 new driveway access to proposed Parcel B, and would be required to obtain proper permits for the
41 new driveway. In addition to comment regarding a new driveway access, the County further
42 commented about the potential for Parcel B to subdivide further in the future. While they are
43 generally comfortable with the creation of one new driveway to CR-7, they would not support any
44 additional driveway accesses at this location and would require a shared access solution such as a new
45 city street, shared driveways, etc. (See Attachment C)

1 As previously stated there is one (1) accessory structure on the site which totals approximately 2,880-
2 square feet. The structure will be located on newly created Parcel A, which will be subject to the
3 Accessory Structure standards contained in Section 32-313. On parcels between 9.6 and 14.99 acres,
4 a combined square footage not to exceed 3,000 square feet and no more than four (4) buildings are
5 permitted. The existing accessory building meets the requirements for permitted number and square
6 footage.

7
8 The existing home is served by an individual septic system and private well that will continue to
9 support the structures and uses on Parcel A. Since it is unknown whether the existing homestead and
10 accessory building on Parcel A will remain, or is proposed to be redeveloped, ***staff would***
11 ***recommend including a condition that any redevelopment of the parcel with a new, or substantially***
12 ***larger, principal structure may necessitate a new septic system and at such time a septic permit***
13 ***must be obtained from Washington County.***

14
15 City Planner Swanson pointed out that no soil borings and a septic report were not submitted with this
16 application. Given the large size of the vacant parcel, and existing conditions of the site, staff
17 believes it is likely that a septic system, homestead and well can be constructed on the parcel and
18 meet all necessary setbacks and other applicable requirements. However, since this information was
19 not submitted, staff cannot determine where or in what configuration a septic system and homesite
20 would be located on the property. Since it is winter, it is difficult to have soil borings completed to
21 demonstrate that a soil type would perc and meet all the requirements of the City and Washington
22 County. To demonstrate the buildability of Parcel B, the Applicant will need to submit septic/soil
23 borings to Washington County for their preliminary review. Since a new home is not currently
24 proposed on Parcel B, the review would be conceptual, since a system would not be designed until a
25 home was constructed. ***Staff would request the Planning Commission discuss their comfort level in***
26 ***approving the requested lot split without the soil borings given the large size of Parcel B. If the***
27 ***Planning Commission is not comfortable moving forward, then before a subdivision will be***
28 ***approved the Applicant must submit soil borings and preliminary/conceptual review from***
29 ***Washington County Environmental Services supporting the results. If the Planning Commission is***
30 ***comfortable moving forward, then Staff would recommend including a condition that a septic***
31 ***report and borings are required prior to any site work or building permit being issued from the***
32 ***City for Parcel B.***

33
34 There is an existing well on Parcel A that will continue to be used for the property. Since Parcel B is
35 vacant and no home is designed yet the location of a new well has not been identified ***Staff would***
36 ***recommend including a condition that if and when a new home is proposed on Parcel B that the***
37 ***appropriate permits to install a well must be obtained prior to the city issuing a building permit,***
38 ***and that such well must be sited to meet all applicable setbacks.***

39
40 The subject property is located on 117th Street North which is County Road 7, and therefore is subject
41 to Washington County's review and comment.

42
43 Additionally, as previously discussed, if and when development or redevelopment of the lots occur
44 proper permits for installation of wells, septic systems, or driveways will be subject to review and
45 approval of the appropriate permitting authorities.

1 Staff has prepared a draft resolution of approval for Council consideration as recommended by the
 2 Planning Commission.

3
 4 **Council Member Lanoux moved to adopt Resolution No. 2018-05, as presented. Council**
 5 **Member Sederstrom seconded the motion. Motion carried unanimously.**
 6

7 **Consideration of Resolution No. 2018-06, White Oak Savannah (FOG) Final Plat** - City Planner
 8 Swanson advised the Applicant, Streetcar Holdings, LLC, has applied for a Final Plat of Phase I for
 9 the major subdivision that will be known as White Oaks Savanna. The Applicant was granted
 10 Preliminary Plat approval of the Project on March 8th, 2017 with conditions as noted within
 11 Resolution number 2017-08. During the Preliminary Plat process the proposed subdivision was
 12 named The Farms of Grant. Since preliminary review, the Applicant has proposed a different name
 13 for the plat, and the subdivision will be known as White Oaks Savanna. For purposes of this review,
 14 the Subdivision will be described as “White Oaks Savanna”, though it should be noted that all
 15 preliminary plat materials remain labeled and named as The Farms of Grant. The following memo
 16 identifies the conditions as identified within the Preliminary Plat, the Applicant’s response to those
 17 conditions, and any additional information as submitted and necessary to adequately review and
 18 approve the Final Plat Application.
 19

20 City Planner Swanson noted that per the City’s ordinances, the Final Plat does not require a public
 21 hearing or review by the planning commission. The Final Plat is subject to a 60-day review period.
 22

23 **Project Summary**

24
 25 The following summary regarding the Final Plat, and conditions of Preliminary Plat are provided for
 26 consideration:

Applicant: Streetcar Holdings, LLC	Site Size: 317.28 Acres
Zoning & Land Use: A-1	Proposed Plat: White Oaks Savanna (fka The Farms of Grant)
General Location: East of CR-17 (Lake Elmo Avenue) and south of CSAH-12 (75 th Street North)	Request: <ul style="list-style-type: none"> • <i>Final Plat Phase I: White Oaks Savanna</i> to plat 19 lots, right-of-way and Outlots C, D, E, F for future phases (See Exhibits B and C). Outlots A and B to be considered collectively with no future subdivision. • Review Preliminary Plat of 31-lots for compliance with conditions of resolution

27 The proposed Subdivision will ultimately create 31 new lots on 317.28 acres located just south of 75th
 28 Street North (CSAH-12) and east of Lake Elmo Avenue (CR-17). The existing properties currently
 29 make up two farms that have historically been known as the Carlson Farm and the Masterman Farm,
 30 and it is the intent that a portion of the historic farmsteads will remain in agricultural uses. As noted,
 31 the Applicant has received Preliminary Plat approval for the entire subdivision with conditions as
 32 noted. The following staff report will review and consider the consistency of the Final Plat with the

1 Preliminary Plat, provide review and analysis of changes to the Preliminary Plat since the approval,
2 and review the Subdivision and Final Plat for consistency with the City's adopted ordinances.

3 The following summary of the proposed Subdivision, changes since the Preliminary Plat and Final
4 Plat of Phase I are provided for your information and consideration:

5 General Subdivision Summary:

- 6 • The subdivision will ultimately create 31 new lots; 30 of the created lots will range in size
7 between 5.01 Acres and 7.73 Acres, and 1 of the lots will contain 115.36 acres which is
8 denoted as Outlot A and Outlot B on the Final Plat (See Exhibit B).

- 9 • There is an existing homestead on Outlot A that is proposed to remain and will not be
10 redeveloped as part of this subdivision. Outlot B is vacant. A restrictive covenant will be
11 recorded against both Outlots that allows only one principal structure on Outlot A and Outlot
12 B collectively.
 - 13 ○ The existing homestead (Outlot A and Outlot B) will not be subject to the HOA or its
14 covenants. The right to continue agricultural uses will be protected within the
15 restrictive covenants, the HOA Covenants and will also be declared within the
16 Development Agreement and recorded against the subject properties.

- 17 • The 30 "rural residential" lots ultimately created will be a part of a homeowners' association
18 (HOA) and will be subject to a set of restrictive covenants. The Applicant and Owner
19 indicated that the HOA documents and Covenants would be developed prior to Final Plat
20 approval. A draft of the HOA documents and/or covenants was not provided for this initial
21 review of the Final Plat.

- 22 • The Applicant is proposing to phase the subdivision, and this application is for Final Plat of
23 Phase I. The remaining lots as denoted within the Preliminary Plat are designated as Outlot C
24 and Outlot D. (See Exhibits B and C).

- 25 • The Applicant is proposing to phase the construction of the new roadway concurrent to
26 platting of adjacent lots. Initially, the new roadway would be constructed to the eastern edge
27 of Block 1 Lot 10, and Block 2 Lot 9 and a temporary cul-de-sac will be constructed to
28 provide a staging area for construction traffic and future homeowners until such time as future
29 phases are constructed. The road will be completed in full as shown on the Final Plat in
30 accordance with subsequent phases of the subdivision.

31 Final Plat Summary:

- 1 • The Final Plat of Phase I will include the full platting of the new road right-of-way. The new
2 curvilinear roadway will connect Lake Elmo Avenue North on the southwestern corner of the
3 site to County Road 12 (75th Street North) on the northeastern corner.

- 4 • Additional ROW on Lake Elmo Avenue North and CR-12 were required per Washington
5 County which has been adequately denoted on the Final Plat.

- 6 • The Final Plat includes the following:
 - 7 ○ Outlot A, Outlot B: Large Acreage, agricultural parcels that will have one building
 - 8 entitlement collectively
 - 9 ○ Lots 1-10, Block 1: Rural Residential lots on north side of White Oaks Trail
 - 10 ○ Lots 1-9, Block 2: Rural Residential lots on south side of White Oaks Trail
 - 11 ○ Outlot C and Outlot D: Future phases of White Oaks Savanna
 - 12 ○ Outlot E and Outlot F: Stormwater and landscape areas to serve White Oaks Savanna

13 Preliminary Plat Changes - Summary:

- 14 • The proposed White Oaks Trail roadway has been shifted slightly north internal to the site due
15 to requirements of the Browns Creek Watershed District. The shift in the roadway resulted in
16 some of the drainfields being shifted and/or moved. New borings have been submitted where
17 proposed locations were shifted out of similar soil classifications.

- 18 • All 31 lots would be served with individual wells and individual septic systems. The
19 Preliminary Plat has identified primary and secondary drainfield locations associated with
20 each of the 30-rural residential lots, which excludes the existing system serving the homestead
21 on Outlot A. The revised/updated Preliminary Plat identifies the new drainfield locations,
22 where applicable.

- 23 • The existing properties are bordered by Lake Elmo Avenue North (CR 17) on the western
24 property line, and 75th Street North (CSAH 12) on the northern property line. Both roadways
25 are County Roads and access permits for the new roadway must be coordinated with
26 Washington County. As part of the preliminary plat review process Washington County
27 requested a dedicated right and left turn lane on CR-17 (Lake Elmo Avenue North) to be
28 completed as part of this project and additional ROW as necessary to complete the
29 improvement.

- 30 • During the initial review, the Applicant proposed two large agricultural homestead lots as part
31 of The Farms of Grant preliminary plat. The revised Preliminary Plat now combines the two
32 lots into one large agricultural homestead lot identified on the updated Preliminary Plat as Lot
33 1, Block 1 (approximately 115-acres). This results in one additional rural residential lot but

1 does not alter the density. The 115-acres will be restricted from further
2 development/subdivision.

3 City Planner Swanson advised Chapter 30, Section 30-77 states that a Final Plat must conform to the
4 approved Preliminary Plat. Any significant modifications to the preliminary plat may require
5 additional review and/or approvals.

6
7 The road design was modified to comply with conditions of the Brown's Creek Watershed District's
8 permitting process that required increased wetland buffers throughout the Subdivision. The lots that
9 were largely affected by the buffer increase are Lots 2, 3, and 4 of Block 1 and Lots 3, 4, and 5 of
10 Block 2 (See Preliminary Plat in Exhibit B). The increase in buffers resulted in larger unbuildable
11 areas within the affected lots, which subsequently resulted in modifications within these lot areas to
12 allow for suitable buildable areas on each impacted lot. The road design modification resulted in
13 alterations to lot lines and acreages in both Blocks, but did not substantively change or alter the
14 character of the affected lots. The individual lot acreage alterations can be seen in Exhibit E.

15
16 While not impacting the road alignment, the Applicant has proposed to phase the construction of the
17 new roadway (White Oaks Trail). As proposed, the road will not be fully constructed in Phase I, but
18 will be constructed to provide access to all lots platted in Phase I. Site grading and road base will be
19 constructed in Phase I, but the base course of bituminous will end near the eastern edge of Lot 10,
20 Block 1 and Lot 9, Block 2 where a temporary cul-de-sac will be constructed. The final wear course
21 of Phase I will not be completed until at least a base course is constructed on the full roadway length.
22 The phasing of the roadway construction is addressed in the draft Development Agreement which is
23 provided in Exhibit H. Additional review and recommendations regarding the roadway are provided
24 by the City Engineer in Exhibit G.

25
26 The increase in the wetland buffers as required by the BCWD also affected the proposed location of
27 several drainfields that would serve the new homes and lots (See Exhibits B and D). As denoted on
28 the Preliminary Plat, Lots 2, 3, 4, 5, 6, 10, and 11 of Block 1 and Lots 3, 4, 5, and 12 of Block 2 were
29 required to shift either the primary or secondary drainfield, or both to gain compliance with the
30 BCWD standards while still meeting the City's standards. The majority of the changes resulted in
31 only minor shifts of the drainfield area within the same soil series or classification types and thus no
32 new soil borings were required (See Exhibit D). However, there were two lots that were impacted
33 more significantly and thus necessitated new soil borings to demonstrate that a system could function
34 properly given the new constraints imposed on the lots. New soil borings were obtained on Lots 2 and
35 5 of Block 1 (Boring #: 900, 901, 902, 903, 904, 905, 906, and 907) to demonstrate compliance with
36 ordinance standards. These new boring results are available electronically upon request.

37
38 As noted in the Preliminary Plat review, the lots are proposed to be generally custom graded and
39 custom homes will be constructed. Staff understands that the drainfield locations may change based
40 on the final housing design and location. However, since the locations as noted within the
41 Preliminary Plat generally comply with the septic systems, the Applicant should protect these sites
42 during construction if no alternate locations have been identified. Additionally, as stated within the
43 previous staff reports, the Applicant will be required to obtain all septic permits from Washington
44 County prior to obtaining a building permit from the City. This condition has been addressed and

1 included within the draft Development Agreement. Additionally, as noted in subsequent sections of
2 this staff report, the Applicant must provide written correspondence from Washington County stating
3 that preliminary review of the soil borings has been completed and that the information provided
4 demonstrates the newly created lots can support primary and secondary drainfields.
5

6 As shown on the updated preliminary plat the lot lines of Lot 15, Block 1 were modified for
7 compliance with the City's subdivision ordinance as required in the preliminary plat approval
8 (Sec.30-107). The northern lot line of Lot 14 of Block 2 was altered, providing a more regular lot
9 shape and now conforms with the subdivision requirements. In the initial application there were two
10 large agricultural lots proposed, that have now been consolidated into one large approximately 115-
11 acre parcel, and a newly created additional rural residential lot. These changes and modifications are
12 shown on the updated Preliminary Plat, as well as the Final Plat (See Exhibit B). In addition to the
13 specific items noted, several lots were slightly modified due to the new roadway shifting north as
14 noted in previous sections. The majority of the impact is due to the increase in required buffer areas
15 which subsequently impacted the buildable area on almost every lot within the subdivision. An
16 updated lot tabulation is found in Exhibit E. While most lots changed slightly, all resulting lots
17 comply with the City's ordinances for lot area, setbacks, buildable area, and dimensions.
18

19 The following summary of the conditions in the Preliminary Plat approval that require action prior to
20 Final Plat approval is provided for your review and consideration:

- 21 ▪ An updated Preliminary Plat, if necessary, and revised Grading and Erosion Control Plans
22 depicting any necessary changes and/or modification shall be submitted for review and
23 approval of city staff within 12-months of Preliminary Plat approval.
 - 24 ○ *Response: The Applicant has submitted a revised and updated Preliminary Plat,*
25 *which includes Grading and Erosion Control Plans. This staff report reviewed and*
26 *considered the updated Preliminary Plat. The City Engineer's staff report is provided*
27 *in Exhibit G.*
- 28 ▪ The Applicant shall obtain all necessary stormwater permits from the BCWD and such
29 permits shall be acquired prior to the City granting any Final Plat of the Project.
 - 30 ○ *Response: The Applicant continues to work with the Browns Creek Watershed District*
31 *(BCWD) to comply with their regulations. A correspondence from the BCWD is*
32 *provided for your review and consideration in Exhibit F.*
- 33 ▪ If the BCWD permitting process results in any substantive changes to the Preliminary Plat
34 then the Applicant may be required to submit a revised Preliminary Plat for review and
35 consideration by both the Planning Commission and City Council.
 - 36 ○ *Response: Staff has reviewed the updated and revised Preliminary Plat that is*
37 *generally in compliance with the conditions of the BCWD permitting process as noted*
38 *within Exhibit F. After review, staff does not believe there are any substantive*
39 *changes that are inconsistent with the approved Preliminary Plat.*
- 40 ▪ The Applicant shall obtain an approved wetland delineation prior to any Final Plat of the
41 Project being granted.

- 1 ○ *Response: The Wetland Delineation Notice of Decision for the site was approved on*
2 ○ *May 16, 2017. A full copy of the wetland delineation is available upon request, and on*
3 ○ *file with this application at the City Office.*
- 4 ■ If necessary, a wetland mitigation and replacement plan shall be approved prior to any Final
5 Plat of the Project being granted.
- 6 ○ *Response: The Applicant will purchase wetland credits to comply with wetland*
7 ○ *replacement requirements. This should be included as a condition of Final Plat*
8 ○ *approval.*
- 9 ■ A letter from Washington County Environmental Services shall be provided indicating that
10 the proposed primary and secondary septic sites meet their standards and requirements, and
11 that adequate area exists on each lot to accommodate a septic system. Such letter shall be
12 provided prior to granting any Final Plat of the Project.
- 13 ○ *Response: At the time of this staff report a letter from Washington County*
14 ○ *Environmental Services had not been received. A letter should be obtained prior to*
15 ○ *Final Plat approval.*
- 16 ■ The Applicant will be required to enter into a Development Agreement prior to the City
17 granting any Final Plat of the Project to ensure that the requirements and conditions as set
18 forth herein are complied with, and ensure the installation of the subdivision infrastructure.
- 19 ○ *Response: A draft Development Agreement is provided in Exhibit H.*
- 20 ■ The Applicant shall obtain all necessary permits for installation of individual wells serving
21 each lot, and such permits shall be obtained prior to the City issuing any Building Permit for
22 such lot.
- 23 ○ *Response: This condition shall be carried forward as a condition within the*
24 ○ *Development Agreement (Exhibit H).*
- 25 ■ The City Engineer shall identify a preferred construction route to be used throughout
26 construction of the Project. The route shall be agreed to with the Applicant and identified
27 within the Development Agreement.
- 28 ○ *Response: The City Engineer will provide the appropriate language to the draft*
29 ○ *Development Agreement.*
- 30 ■ The Applicant shall be allowed to Phase the project as depicted on the exhibit identified as
31 “Phase Plan” and dated 4/10/2017 which shall be incorporated into the Development
32 Agreement.
- 33 ○ *Response: The proposed phasing of the project is addressed within the Development*
34 ○ *Agreement.*
- 35 ■ The full public right-of-way of Street A shall be dedicated at time of Phase I Final Plat.
- 36 ○ *Response: As denoted on Exhibit B, the full ROW for White Oaks Trail is included*
37 ○ *within Phase I.*
- 38 ■ The Applicant shall obtain access permits from Washington County prior to the City granting
39 any Final Plat of the Subdivision.

- 1 ○ *Response: Correspondence from Washington County regarding the access has not*
2 *been received at the time of this staff report. Prior to granting final plat approval, a*
3 *formal correspondence from Washington County regarding the proposed access and*
4 *improvements must be submitted for review by the City Engineer (See Exhibit G).*
- 5 ■ The Applicant shall be required to install all necessary improvements to CR 17 and CSAH 12
6 as agreed to, and conditioned by, Washington County. Such improvements shall be included
7 and addressed within the Development Agreement.
- 8 ○ *Response: The Applicant has identified improvements to CR 17, as required by*
9 *Washington County, on Page T1 of the Turn Lane, Removals & Site Plan section of the*
10 *Plan Set (Exhibit B). The Development Agreement includes requiring the Applicant to*
11 *construct necessary improvements to CR-17 to obtain proper access permits. At the*
12 *time of this staff report formal correspondence from Washington County has not been*
13 *received.*
- 14 ■ The Development Agreement shall include language regarding the Restrictive Covenants
15 affecting Lots 1 and 14, Block 1 with respect to density allocation, and that such properties
16 may not be further subdivided.
- 17 ○ *Response: Language is provided within the draft Development Agreement. A draft of*
18 *the Restrictive Covenant has not been provided at the time of this staff report.*
- 19 ■ Site improvements as described within Section 30-194 shall be agreed to and identified within
20 a Development Agreement.
- 21 ○ *Response: Language is provided within the Development Agreement.*
- 22 ■ The Applicant shall be required to install the trees as identified on the Landscape Screening
23 Plan, and such trees shall be installed with Phase I. The locations of the screening may be
24 coordinated with the adjacent land owner and be placed either on their land or on the Project
25 development site.
- 26 ○ *Response: The screening plan was not included as an exhibit to the submitted*
27 *documents. The Applicant should provide an updated planting plan to be included as*
28 *an attachment to the Development Agreement.*
- 29 ■ A street name for the proposed Street A shall be provided prior to granting any Final Plat of
30 the Project.
- 31 ○ *Response: A street name has been chosen, "White Oaks Trail", and is shown on the*
32 *Plan Set (Exhibit B).*
- 33 ■ The Applicant shall prepare the Homeowners Association (HOA) documents which shall be
34 reviewed by the City Attorney, at a minimum, and any necessary modifications made prior to
35 Final Plat approval.
- 36 ○ *Response: A draft of the HOA documents/covenants has not been received at the time*
37 *of this staff report. A draft of the HOA covenants shall be provided for review by staff*
38 *prior to executing the Development Agreement and approval of the Final plat.*

- 1 ▪ The Applicant shall prepare a Restrictive Covenant for Lot 1 and Lot 17, Block 1 indicating
2 that the properties may not be further subdivided. The City Attorney shall review and approve
3 the restrictive Covenant prior to the City granting any Final Plat of the Project.
4 ○ *Response: A draft of the Restrictive Covenant has not been provided for review. The*
5 *Applicant shall provide a copy of this covenant for review by the City Attorney.*
- 6 ▪ The Restrictive Covenants and Development Agreement shall be recorded at Washington
7 County with the Phase I Final Plat.
8 ○ *Response: This condition will be carried forward as a condition of Final Plat*
9 *approval.*
- 10 ▪ The Applicant shall identify and rope off all septic drainfield areas on the site prior to the City
11 issuing any grading permits on the subject property.
12 ○ *Response: This condition is addressed within the Development Agreement.*
- 13 ▪ The Applicant shall be required to obtain all septic permits, based on actual design of a
14 principal structure, prior to the city issuing a building permit.
15 ○ *Response: This condition is addressed within the Development Agreement.*
- 16 ▪ The Applicant shall pay all fees and delinquent escrow balances.
17 ○ *Response: This condition will be carried forward as a condition of Final Plat*
18 *approval.*
- 19 ▪ The Applicant shall submit ten (10) copies of the Final Plat no later than one (1) year after the
20 date of approval of the Preliminary Plat (May 2nd, 2018). If no request for extension is
21 submitted, the Preliminary Plat will be considered void, per Section 30-77.
22 ○ *Response: This Application for Final Plat was made in February 2018.*

23
24 City Planner Swanson stated the submitted Final Plat generally conforms to Preliminary Plat and
25 conditions as identified during the process. The following conditions of Final Plat are provided for
26 your review and considerations:

- 27
- 28 1. The plat shall comply with the provisions of all state statutes and standard procedures for
29 platting in Washington County.
 - 30 2. The Applicants shall obtain Final Plat approval from the Washington County Surveyor.
 - 31 3. Prior to the City's execution of the Final Plat, the Applicant must enter into an agreement with
32 the City for the installation of all required improvements, which shall be referred to as the
33 "Development Agreement."
 - 34 4. The requirements and conditions of the Development Agreement shall be incorporated as
35 conditions of the City's execution of the Final Plat.
 - 36 5. The Final Plat shall be recorded within 120 days of approval or the City's approval shall be
37 deemed null and void.
 - 38 6. The Applicant shall pay all fees and delinquent escrow balances.

1 City Planner Swansons explained in summary, the Applicant has provided the information as
2 conditioned within the Preliminary Plat and has submitted a Final Plat that conforms to the approved
3 Preliminary Plat. Prior to approval of the Final Plat and execution of the Development Agreement
4 staff requests the following clarifications and additional information:
5

6 **Outstanding Items and Items Requiring Clarification:**
7

- 8 • It is unclear why Outlot A and Outlot B are separate. This creates confusion for purposes of
9 the Restrictive Covenant since only one homestead will be allowed on both Outlots combined.
10 Clarification from the Applicant should be provided.
- 11 • The screening plan as approved in the initial Preliminary Plat review process shall be provided
12 and included within the plans attached to the Development Agreement.
- 13 • Correspondence from Washington County Public Works regarding the access design and
14 construction has not been received at the time of this staff report. Prior to granting Final Plat
15 approval and executing the Development Agreement formal correspondence from Washington
16 County must be received indicating that the improvements are consistent with their permitting
17 requirements.
- 18 • A correspondence, either email or review letter, from Washington County Environmental
19 Services indicating preliminary review of the soil borings as suitable locations for primarily
20 and secondary drainfields on each lot must be provided prior to Final Plat approval and
21 execution of the Development Agreement.
- 22 • A draft of the HOA covenants must be provided for review by the City Attorney for
23 compliance with city ordinances. The Covenants shall also specifically address permissible
24 agricultural uses on Outlot A and Outlot B as identified on the Final Plat.
- 25 • A draft of the Restrictive Covenant on Outlot A and Outlot B must be provided for review and
26 approval by the City attorney.
- 27 • Updated title work has been submitted to the City Attorney and is under review.
28

29 City Attorney Snyder advised he did review the Development Agreement and a few details will be
30 added to the final draft.
31

32 This item will be on the regular Council agenda April 3, 2018, 7:00 p.m.
33

34 **City Attorney, Dave Snyder (no action items)**
35

36 **NEW BUSINESS**
37

38 **Consideration of Planning Commission Appointments** – Staff advised three terms are expiring in
39 March. Notice of vacancy and application submittal was posted in the legal newspaper as well as the
40 City website. No applications were submitted. The three Commissioners whose term expires have
41 indicated they would serve another term on the City of Grant Planning Commission.

1 Council Member Carr moved to reappoint Mr. Bob Tufty, Mr. James Drost and Mr. Matt
2 Fritze to City of Grant Planning Commission. Council Member Kaup seconded the motion.

3
4 Council Member Lanoux made a friendly amendment to the motion to table the appointment of
5 Mr. Bub Tufy until after litigation is complete.

6
7 Council Member Carr and Kaup did not accept the amendment.

8
9 Motion carried with Council Member Lanoux and Sederstrom voting nay.

10
11 **UNFINISHED BUSINESS**

12
13 There was no unfinished business.

14
15 **DISCUSSION ITEMS**

16
17 **Staff Updates (updates from Staff, no action taken)**

18
19 Staff requested Council return the staff Performance Reviews and also turn in the requested Audit
20 papers.

21
22 **Council Updates/Future Agenda Items (no action taken)**

23
24 **HydroVac Topic, Council Member Sederstrom** – This item was not put on a future Council
25 agenda.

26
27 **3M Settlement, Council Member Lanoux** – This item was not put on a future Council agenda.

28
29 **COMMUNITY CALENDAR MARCH 7 THROUGH MARCH 31, 2018:**

30 **Mahtomedi Public Schools Board Meeting, Thursday, March 8th and 22nd Mahtomedi District**
31 **Education Center, 7:00 p.m.**

32 **Stillwater Public Schools Board Meeting, Thursday, March 8th, Stillwater City Hall, 7:00 p.m.**

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

34 **EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION (Jane Doe v. Larry Lanoux**
35 **et. Al).** – Upon adoption of the agenda, this item was removed.

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43 These minutes were considered and approved at the regular Council Meeting April 3, 2018.

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Kim Points, Administrator/Clerk

Jeff Huber, Mayor

APPROVED