

**CITY OF GRANT  
PLANNING COMMISSION MEETING**

Tuesday, January 21, 2020  
6:30 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. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: November 19, 2019
5. NEW BUSINESS
  - A. PUBLIC HEARING, Consideration of Conditional Use Permit for Wildlife Rehabilitation and Veterinary Activities, 10629 Jamaca Avenue North
  - B. PUBLIC HEARING, Consideration of Minor Subdivision, at the Corner of 110<sup>th</sup> Street North and Kelvin Avenue
  - C. PUBLIC HEARING, Consideration of Minor Subdivision, 9215 Ideal Avenue
6. OLD BUSINESS
7. ADJOURN

# PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

November 19, 2019

**Present:** Jeff Schafer, Jerry Helander, Gary Baumann, Matt Fritze and Robert Tufty

**Absent:** David Tronrud and James Drost

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

## 1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

## 2. PLEDGE OF ALLEGIANCE

## 3. APPROVAL OF AGENDA

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

## 4. APPROVAL OF MINUTES, January 15, 2019

MOTION by Commissioner Helander to approve the January 15, 2019 Minutes, as presented. Commissioner Schafer seconded the motion. MOTION carried unanimously.

## 5. NEW BUSINESS

**PUBLIC HEARING, Consideration of Conditional Use Permit to Board Up to Sixteen (16) Horses on Property, 9104 68<sup>th</sup> Street North** – City Planner Swanson advised the Applicant and Owner Summer Lutgen made an application for a Conditional Use Permit (CUP) in August 2019 to permit horse boarding for up to sixteen (16) horses on the subject property. The initial application was deemed incomplete and additional information was requested from the Applicant so that staff could adequately review the application. Staff worked cooperatively with the Applicant to obtain the needed information, and in mid-October the remaining items were received as requested. The following staff report provides a review and analysis of the Applicant's CUP request.

A duly noticed public hearing was published for November 19, 2019 and letters were mailed to individual property owners within ¼-mile of the subject project informing them of the application request and public hearing.

### **Project Summary**

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Applicant: Summer Lutgen, Owner: Summer Haven Trust	Site Size: 20.01 Acres
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 9104 68 <sup>th</sup> Street N. Lot 2, Block 1 Brockberg's Farm	PIDs: 3403021220011

The Property Owner and Applicant (hereafter referred to as "Applicant") is requesting a CUP to allow for horse boarding up to sixteen (16) horses on their residential property. As stated within the Applicant's narrative, the intent is for both personal and commercial boarding activities on the property. The following summary of the existing site improvements as described within the Applicant's narrative (Attachment A), and shown on the site plan, as well as the proposed operations are summarized as follows:

*Existing Homestead:* There is an existing homestead located on the property that was constructed in 1901. It is assumed that the Applicant intends to reside on the property, but this should be clarified during the review process. However, based on the submitted narrative and building permit records the home is being remodeled and is assumed that the Applicant, or a principal residence, will reside on the property and whomever resides on the property will manage the proposed horse boarding operations.

*Main Barn and Indoor Riding Arena:* There is an existing large barn with 16 stalls, and an indoor riding arena on the subject property. The existing structure is approximately 22,645 square-feet per GIS records. As summarized within the Applicant's narrative, the area dedicated to the barn is approximately 72'x100' and the indoor riding arena is approximately 72'x200'. The barn and riding arena are proposed to remain on the property and will be used to support the proposed boarding facility.

*Outdoor Riding Arena:* There is an existing pasture area located southwest of the existing home that is proposed to be converted into an outdoor riding arena. The area will be fenced and will be constructed with a permeable surface including draintile to prevent puddling. The proposed area is setback approximately 18-feet from the westerly property line, and 18.5-feet from the southerly property line (frontage on 68<sup>th</sup> Street N).

*Pasture Area:* There are several pasture and paddock areas near the existing indoor riding arena and stables, as well as surrounding the access drives. Several of these areas are currently fenced, and per the site plan, will be rebuilt and rehabilitated as necessary. The areas designated on the site plan are outside of, or exclude, the wooded areas on the site.

*Main Access and Parking:* There is one access driveway connection from 68<sup>th</sup> Street North that splits internal to the site into two access drives. The westerly drive provides a connection to the homestead, and the easterly driveway provides access to the stables and indoor riding arena. Both drives are existing and appear to be gravel based on the GIS aerial imagery. As noted on

the site plan, there are some areas of expansion proposed to accommodate additional parking and/or better access which is described in subsequent sections of this report.

*Utilities:* The existing homestead is currently served by a private well and individual septic system. There is an area identified on the site plan noted as “Septic System Area” and it is unclear if this area is the current/existing drainfield or proposed and needed as part of the house remodel. Regardless of if new or existing, this area is identified exclusive of any improvements or disturbance based on the site plan.

*Operations:* The Applicant’s narrative describes a horse boarding facility for both commercial and personal use. As outlined, the Applicant will have approximately five (5) horses for personal use, five (5) horses that may be for sale, and six (6) horses boarded commercially. No events or other activities were identified in the Applicant’s narrative.

City Planner Swanson advised 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. Additionally, Sections 32-328 Horse Boarding and Training; and 32-337 Livestock provide additional criteria when considering CUPs for the proposed use.

The subject property is approximately 20.01 acres and is irregularly shaped. The property was platted as part of Brockberg’s Farm subdivision and is identified as Lot 2 Block 1. The site is oriented north-south, with primary frontage on 68<sup>th</sup> Street North which is the southerly property line. The site is currently accessed from a single driveway connection which provides internal access to the existing principal and accessory structures. There is an existing homestead on the property that was constructed in 1901, an existing barn and indoor riding arena, and a few small shed-like structures adjacent to fenced paddock areas. A wetland delineation was completed as part of this application process which identified approximately 4.33-acres of Type 3 and Type 5 wetlands on the subject site. There are intermittent wooded areas on the site surrounding the wetland areas. The existing homestead and barn/indoor riding arena are located on the southerly half of the property.

The site is guided A-2 Small Scale Agricultural which promotes rural residential and agricultural uses. The principal use of the property for a single-family rural residential homesite with an accessory barn/indoor riding arena which is generally consistent with the goals for the A-2 land use designation as stated within the Comprehensive Plan.

The City of Grant zoning ordinance permits “Horse Boarding and Training Facilities” for operations that exceed 1 horse per 2 grazable acres with a Conditional Use Permit. The following review is provided with respect to how the proposed project conforms, is consistent, or inconsistent with the zoning and site regulations.

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

<b>Dimension</b>	<b>Standard</b>
Lot Size	5 acres
<i>Grazable Acres</i>	<i>1 Horse per 2 Grazable Acres</i>
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')

Lot Size/Area and  
Grazable Acres:

Section 32-337(f) of the ordinance requires a minimum of 5-acres for the keeping of domestic farm animals (horses) and requires a minimum of 2-acres of grazable land. The subject parcel is approximately 20.01 acres excluding right-of-way, and meets the minimum lot size for the keeping of horses. To calculate grazable acres 1-acre for the homestead is excluded as well as wetlands of Type 3, 4 and 5. Based on the submitted information there are approximately 14.68 acres of grazable acres, which would allow seven (7) horses without a CUP. Because the horse density exceeds the permitted grazable acres per horse, and the total number of horses is greater than 10 a CUP is required.

*The existing lot meets the city’s minimum standards for lot size and area for the keeping of horses and would permit the keeping of 7 horses. The request to permit an additional nine (9) horses requires a conditional use permit for greater density and because the total number of horses exceeds 10 as described in Section 32-337*

**subsection (h) and 32-328 (a)(1).**

**Setbacks & Frontage:** The subject property is oriented north-south with primary frontage on the southerly property line on 68<sup>th</sup> Street North. The existing home is setback approximately 225-feet from the south property lot lines (front yard), 170-feet from the westerly property line (side yard), 350-feet from the easterly property line (side yard) and 900 feet from the northerly property line (rear). The barn/indoor riding arena is setback approximately 250-feet from the front property line, and 30-feet from the easterly property line which is the nearest side yard. ***All yard setbacks of both the existing home and the barn meet or exceed the City's ordinance setback requirements. The existing principal structure meets the City's frontage requirements and front yard setbacks. No additions or new structures are proposed as part of this application.***

**Accessory Building (Barn and Riding Arena)** Section 32-313 identifies the permitted number and total size of allowable accessory buildings on lot which is correlated to lot size. For parcels 20-acres or greater, there is no limit on the number or maximum accessory building square footage. ***The existing Barn and Indoor Riding Arena are approximately 22,000 square-feet and meets the City's ordinances for permitted accessory building number and size.***

**Parking Area (Location & Spaces):** The Applicant's narrative states that approximately six of the horses will be commercially boarded, while the remaining 10 are generally personal and will not generate additional traffic. Since it is difficult to monitor, even if all horses were commercially boarded because no events are proposed, the amount of parking based on the site plan would likely be adequately and could accommodate up to 16 personal vehicles in the gravel areas surrounding the barn and/or riding arena. While the number of visitors/trips generated will likely exceed a typical single-family residential use on some days the number of visitors can easily be accommodated in the gravel areas identified on the Site Plan near the existing Stables and Indoor Riding arena. ***Based on the proposed operations stated within the Applicant's narrative, staff does not believe any additional parking is warranted on site and the Applicants and any visitors have sufficient area to park cars and/or horse trailers on the site.***

**Driveway/Circulation:** The principal structure and accessory buildings are accessed from a single gravel access to 68<sup>th</sup> Street North, which splits into two driveways internal to the site. The easterly driveway section is connected to the existing barn and riding arena, while the westerly

driveway sections connects to the principal structure (home). While there may be some additional trips generated into the site based on the proposed operations, the use is relatively low intensity based on the details provided in the Applicant's narrative. Therefore, it is anticipated that the Applicants will have the ability to control traffic and timing of large vehicles and/or trailers entering and exiting the site to ensure safe ingress and egress particularly to the barn/indoor riding arena. ***Based on the proposed operations, and the existing site layout the driveways and circulation appear adequate to allow for safe ingress and egress into the operations. Staff would recommend adding a condition that large trailers and vehicles of visitors may not be parked on the access driveways and that parking must occur in the designated parking areas.***

Architecture, Building  
Height, Accessory  
Structure Floor Plans:

The Applicants submitted a floor plan for the barn that is used to support the operations. The height of the structures is not known but the arena ceiling height is identified as 16-feet; however, the building is existing at the date of this permit application and no known changes are proposed to the existing structures.

Barn:

The floor plan submitted for the Barn shows area for 16 horse stalls, a private tack room and ¼-bathroom, a tack room with full bathroom, a feed room and designated grooming stalls, and two designated wash stalls. Staff conducted research on a previous application to understand what facilities are necessary, particularly in winter and summer (inclement weather), for horses through the University of Minnesota Extension Services. Based on that research, it seems that the only necessary 'improvements' are to make sure that there is a shelter/wind break area available for all horses during winter months. In this case, the barn provides adequate permanent shelter for sixteen (16) horses as indicated within the narrative.

Indoor Arena:

The floor plan submitted for the Indoor Arena shows 14 12'x12' stalls, a grooming stall, open riding area and area for hay storage. This area is proposed to be used to support the main barn area. It is unclear if the stalls shown on the plan are existing, and clarification regarding how the arena spaces and stalls will be used should be discussed with the Applicant.

***As proposed, the number of stalls and size of the main barn and indoor riding arena are adequate to support up to sixteen (16) horses as requested..***

Utilities (well and septic):

The existing home is served by a well and individual septic system, the septic system area is identified on the Site Plan (Attachment B) and the well is assumed to be located near the existing home. It is unclear if a separate well or septic system was installed for the existing barn and riding arena, but given that there is 1.25 bathrooms as well as wash rooms it is assumed that all utilities have been pulled to the barn and that the septic system is sized appropriately to support the number of bathrooms on site. *As constructed and installed, the existing utilities meet setback requirements and there are no known additional improvements needed to support the proposed operations. Staff would recommend including a condition to address proper septic system permitting if any additional improvements are made to the barn/indoor riding arena.*

Manure Management Plan/MPCA

While the City's ordinance states that a feedlot permit for the proposed use is required from the MPCA, as researched for a previous application, given the size and scale of the proposed operations a feedlot permit is not applicable.

The Applicant's narrative (Attachment A) states that they will construct a large cement manure storage containment area that will be located southwest of the current location behind the barn. The location will allow for run-off to go into the existing man-made pond for infiltration. The Applicant stated that this is a desirable solution based on preliminary review from the Valley Branch Watershed District. Staff would request that the Applicant provide some documentation and/or correspondence from VBWD regarding this method, but generally it seems consistent with previous applications considered. The containment will be cleaned, and waste removed on a monthly basis.

*Based on staff's research, and materials presented, provided the Applicant follows the Manure Management Plan (MMP) as submitted, staff believes these practices are adequate and meets the City's ordinances. Staff would recommend a condition be included regarding monthly cleaning/removal of waste from the manure containment area if 16 horses are present on the site. Staff would also recommend a condition that the Applicant provide evidence (email or other written correspondence) that the VBWD is satisfied with the proposed MMP.*

Landscape Plan and Fencing

As shown on the Site Plan, the Applicant is proposing to construct and/or rehabilitate an existing paddock area for an outdoor arena that will include a series of ramps and jumps. Additionally, the area will be draitiled and permeable surface installed. The area will be fenced and



buffer plantings installed surrounding the south and eastern edges of the area. The Site Plan does not identify a plant schedule so it is not possible to determine whether the proposed plants will screen the area. The arena area is setback approximately 18.5-feet from the front property line and 18-feet from the westerly property line. The City's ordinances do not address paddock fences, but there are existing fences present on the site in this area. **Staff recommends including a condition that a Plant Schedule be prepared and provided as part of the Site Plan to determine the extent of screening and/or buffering. Staff recommends including a condition that all fences must be managed, maintained and kept in good repair to ensure horses remain on the property.**

In addition to the outdoor arena improvements, there are a series of stormwater management areas proposed to help control runoff on site. The proposed landscaping appears to meet the City's ordinances; however, additional analysis regarding stormwater management may be needed depending on the amount of grading work proposed.

**Staff would recommend including a condition that if site grading work exceeds 50-Cubic Yards that a grading permit must be obtained from the City Engineer.**

The existing facilities, access driveway and gravel areas are proposed to be used for the operation and no significant site improvements are proposed as part of this application. Since no site improvements to the site, the City Engineer does not have any additional comments. However, as previously noted, if grading work exceeds 50 Cubic Yards a grading permit must be obtained and the City Engineer will review the proposed work and issue any necessary permits.

The property is located within the Valley Branch Watershed District (BCWD), and a wetland delineation for the property was completed in 2019. The Applicant should be aware that there may be additional permits required from the VBWD if significant grading activities are proposed related to the stormwater management and improvement noted on the site plan and it is the responsibility of the Applicant to obtain all necessary permits. **Staff would recommend including a condition that all permits from other agencies having regulatory authority over the operations are the responsibility of the Applicant to obtain and maintain, as applicable.**

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.

1. The Applicants shall be permitted to keep sixteen (16) on the property provided all conditions are met.

2. The Applicant shall submit an updated site plan that shows the location of the manure containment area.
3. The Applicant shall submit a plant schedule to correspond with the proposed landscape and buffer plan so that proper buffering can be verified.
4. The Applicant shall follow the manure management plan as provided with this application. If 16 horses are on-site, the manure in the containment area must be removed monthly to ensure compliance with the permit. If fewer horses are present, a proportional adjustment to the removal schedule shall be allowed. If any changes are proposed to the monthly removal schedule when boarding is at maximum capacity, a revised manure management plan shall be submitted to the City for review and consideration.
5. The Applicant shall provide written correspondence from the Valley Branch Watershed District indicating acceptance/approval of the potential runoff from the manure containment area to the designated pond area.
6. If site grading work exceeds 50 Cubic Yards, the Applicant shall obtain a grading permit from the City's engineer.
7. The Applicant shall maintain and manage all fenced areas to ensure the horses are kept on the property.
8. The Applicant shall monitor traffic internal to the site to ensure the access driveways are passable. Large trailers shall be parked in the designated parking areas and shall not be parked on the access driveways.
9. If any additional bathrooms or other high-volume water uses are constructed in the barn/indoor riding arena the Applicant shall be responsible for obtaining proper permits and approvals for the Septic System from Washington County Environmental Services.
10. All operations on site shall meet the MPCA's noise standards and regulations.
11. It shall be the responsibility of the Applicants to obtain all necessary permits from Washington County, MPCA, Valley Branch Watershed District, Washington County Soil and Water Conservation District, or any other agency having jurisdiction over the subject use.
12. Any future expansion or intensification of the Horse Boarding operations shall require an amendment to the Permit. Intensification shall include, but not be limited to any events or the permanent keeping of additional horses.

13. No signage is approved as part of this permit. Any future signage shall be subject to the sign ordinance in place at time of application and may require an amendment to the CUP.
14. No public events or shows are approved as part of this permit; if any public events or shows are desired an amendment to this permit may be required.

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

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

- The Horse boarding operations use conforms to the City's Comprehensive Plan for rural residential and agricultural uses.
- Horse boarding and training of equines at a density that exceed 1 animal unit per 2 grazable acres is conditionally permitted per the City's zoning code.
- The Horse boarding operations will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The Horse boarding operations is compatible with the existing neighborhood.
- The Horse Boarding operations meets the conditions or standards adopted by the city through resolutions or other ordinances.
- The Horse boarding operations will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.

City Planner Swanson recommended a condition be added regarding the ordinance requirements per the lighting plan.

City Planner Swanson advised wetlands on a parcel do restrict fence lines but fences can be put on property lines. There is a condition relating to manure management and the site plan needs to be redone showing the manure containment area. Run-off issues are the part of the watershed district jurisdiction and verification from them will be required. The driveway should not be used for parking any trailers add emergency vehicle access so all driveways need to stay clear.

Ms. Summer Haven, applicant, came forward and stated trailers will not be parked on the site. She is working with a landscape designer for buffering. The pit for the run-off was created by the previous owner and agreement with the watershed district. She added to has to be able to get into the manure container to remove its contents and she has replaced some of the fencing.

MOTION by Commissioner Schafer to open the public hearing at 7:18 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

Mr. John Albrecht, 9186 68<sup>th</sup> Street, came forward and stated his property is to the east and he has lived there for 14 years. He stated he is concerned about all the increased activity currently on the site. He stated he is not necessarily opposed to the CUP if all the issues are addressed. There is a brand new area that currently has four horses there and that is considered a feedlot and is too close to the wetlands so the area should be removed. The arena is too close to the property line and a new driveway has been put in that is causing too much noise from 4-wheelers. He stated he would like to see the driveway moved to the west side of the barn.

Ms. Bonnie Weiskopf Albrecht, 9186 68<sup>th</sup> Street, came forward and stated the new access drive services the other paddocks and there is a constant moan of vehicles there. The windows have been installed on the east and north side creating a ton of light and light up her whole back year. She requested a condition be requirement of shading the windows and doors. She stated there is a porta pot on the site by the arena and when it is services there is a lot of odor. She stated she would like that to be relocated. The odor from the removing of the manure also needs to be addressed and conditions placed on that. Fill has been brought in and water runoff is being created and going on her property. She stated she wants the drainage corrected and a limit of three horses to be boarded. She would like to require the property be owner occupied and inquired about employees. She asked that there be a condition that no employees are allowed to live on the site and a condition that the fence be removed as well as no auctions or events be held on site.

Mr. Lee Lampland, 6680 Jasmine Avenue N, came forward and stated he is not against horses and he has a lot of experience with them. He stated he would like for this to be done property and a condition put in place regarding when the lights can be on in the arena. Winter should be considered when considering animal density and the well location needs to be known. The City will be setting a precedent allowing a higher animal density and animal usage. The DNR should also look into this. The animal density and runoff is a big issue.

Ms. Andrea Hammer Wollak, 9232 68<sup>th</sup> Street N, came forward and expressed concern regarding the waste management asking if it needed to be in place prior to 16 horses being on the site. She

stated she would like to see a lighting plan done and the noise on site has been a big concern as a lot of working is being done out there and it should be done right.

MOTION by Commissioner Schafer to close the public hearing at 7:45 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

City Planner Swanson advised the work that is currently being done on the site is not being done under a conditional use permit. If grading on the site has exceeded the threshold a grading permit should be obtained and match the grading plan. The work being done on the structure is a straight building permit. Fencing and fenced areas for the horses should be included on the updated site plan as well as the driveway on the east side. The updated site plan should reflect all the activities on the site. She advised the ordinance definition of a feedlot is not up to date per the State of Minnesota. The horse density was identified in the staff report and the ordinance is very clear about the definition of grazable acres. Seven horses would be allowed with a CUP. If the property owner would like to exceed that number a CUP is required which relates directly to manure management. She referred to the setbacks of the arena noting they have been met. The porta pot on site is due to the construction and not part of the CUP. The property being owner occupied is not a City requirement and there is no rental policy within the City. A CUP does require a principle use but does not dictate who lives there. Fencing is placed on a property line is a private issue. The wetland delineation has been approved by the watershed district and the DNR is involved only if there is a public water body. The lighting plan was submitted but has not yet been reviewed. Staff will ensure the lighting meets the ordinance requirements. The MPCA is the noise enforcement agency and construction on a site typically does not exceed MPCA requirements. There will not be any outdoor lighting.

MOTION by Commissioner Helander to recommend approval of the CUP based on the outlined conditions and additional conditions relating to lighting and a photometric plan, exclude the current grazing area and limit the number of boarded horse to six. Commissioner Schafer seconded the motion.

MOTION by Commissioner Helander to amend the motion to include the shuttering of windows and require a screening plan on the eastern side of the property. Commissioner Schafer accepted the amendment.

MOTION failed with Commissioners Tufty, Fritze, Schafer and Baumann voting nay.

MOTION by Commissioner Schafer to recommend approval of the CUP with the outlined conditions and 9:00 p.m. lighting stipulation exclusive of emergencies. Commissioner Fritze seconded the motion. MOTION carried with Commissioner Baumann and Helander voting nay.

This item will appear on the regular City Council agenda on December 3, 2019.

**PUBLIC HEARING, Consideration of Minor Subdivision, 7781 and 7995 Kimbro Avenue North** – City Planner Swanson advised the Applicants and Owners Isaac and Jenna Klaehn, and Owners Pat and Deanna Herold, are requesting an exchange of lands or minor subdivision of property located at 7781 and 7995 Kimbro Avenue North. The proposed exchange of land is for an approximately 33-foot wide strip of land that provides private access to three abutting lots (7955, 7975, and 7995 Kimbro) which is currently owned by Herolds which is a non-contiguous parcel at 7781 Kimbro Ave N.

A duly noticed public hearing has been scheduled for November 19, 2019 at 6:30 PM at the regular Planning Commission meeting. Individual notices were sent to all properties within ¼-mile of the subject subdivision.

**Project Summary**

Applicants & Owners 7995 Kimbro Ave N	Isaac and Jenna Klaehn
Owner 7781 Kimbro Ave N	Pat and Deanna Herold
PIDs:	260302112004 and 2603021120001
Zoning & Land Use:	A-2
Request:	Lot Line Rearrangement (Minor Subdivision) to transfer approximately 42,900 square feet from 7781 Kimbro Avenue N to 7995 Kimbro Avenue N.

The Applicant and Owners are requesting a lot line rearrangement of two existing lots to transfer approximately 42,900 square feet from the property located at 7781 Kimbro Avenue N to 7995 Kimbro Avenue N. The proposed lot line rearrangement will not result in any new lots, and the 42,900 square foot strip of land will continue to be used to provide access to the properties located at 7955, 7975 and 7995 Kimbro Avenue N. The current private access is owned by the Herolds whose property is located at 7781 Kimbro Avenue N which is a non-contiguous parcel. The purpose of the lot line rearrangement is for the access strip to be owned by a property owner with contiguous land. The purpose of the land will not change as a result of the exchange, and the land will continue to be used as a private access for the three lots which abut the property.

The City's subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in Section 30-9, 30-10 and 30-11. The sections of the code that relate to dimensional standards and other zoning considerations are provided for your reference:

- Secs. 12-261
- Secs. 32-184
- Secs. 32-246
- Secs. 32-313

There are two parcels that are the subject of this Application including the property located at 7995 Kimbro Avenue North and 7781 Kimbro Avenue North, and there are two additional affected parcels located at 7955 and 7975 Kimbro Avenue North. The lots in their current configuration were created in the 1960s, which predated the City's ordinance that require a lot to have frontage on a public road. As a result, the lots located at 7975 and 7995 Kimbro Avenue were considered legally conforming even though they did not have frontage on a public road. Both parcels were permitted to be accessed from a private driveway easement that was owned by the property located at 7781 Kimbro Avenue North which abuts their southerly lot line. The private driveway access area is a strip of land approximately 33' wide by 1300' long and extends the full width of the properties located at 7955, 7975 and 7995 Kimbro Avenue. The existing private driveway currently provides access to all three lots, and no access is provided to any other surrounding land or parcels.

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-2 land use designation. The proposed minor subdivision/lot line rearrangement of the two Parcels does not result in any new lots being created. The minor subdivision/lot line rearrangement as proposed meets the density requirements as established in the Comprehensive Plan.

### Dimensional Standards

The following site and zoning requirements in the A-2 district are defined as the following for lot standards and structural setbacks:

<b>Dimension</b>	<b>Standard</b>
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'

The proposed configuration does not result in any new lots and it does not change the existing conditions since the land transfer is simply a transfer of ownerships. It should be noted that the

strip of land does not meet the City's roadway standards, and that the strip of land was created to a historic cartway standard. As such, a new access road could not be installed within the strip and meet the City's roadway specifications.

No new access will be created as a part of this request, and all properties will continue to use their existing access. However, given that the strip of land that is proposed for transfer as part of this subdivision provides access to not only the subject lot, but also to the two adjacent lots to the west it is imperative that access to all three lots be protected and preserved. Since the land is owned by a private property owner, it is essential that the private driveway easement be maintained into perpetuity so that the properties at 7955 and 7975 Kimbro Avenue are preserved. ***Staff would recommend that a condition be included in the approval that the driveway easement must be perpetual, and that the easement must be submitted to the City Attorney for review and approval prior to recording the deeds.***

The proposed configuration is generally subject to the standards that are contained within Chapter 30 for minor subdivisions in the City. Some additional considerations regarding this request are as follows:

- The configuration results in an irregular shaped lot, which is generally discouraged in the City's subdivision standards for design. However, the situation is unique in that the strip of land that is transferred is generally for access and was sized to a historic standard cartway.
- Shared driveways are discouraged particularly to public right-of-way. This condition is existing and is considered legally non-conforming. However, as noted in previous sections the private (shared) driveway access must be preserved to ensure access to 7955 and 7975 Kimbro Avenue North.

There are no other agencies that are required to review the subject application. The proposed rearrangement does not create any new lots or propose any new structures, driveway accesses, construction or other site work. As a result, no other agency review is necessary

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

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

Conditions



1. A private Driveway Easement shall be prepared to the satisfaction of the City Attorney to ensure access is maintained into perpetuity for the lots located at 7955, 7975 and 7995 Kimbro Avenue North.
2. The City Attorney shall review and stamp the deeds associated with the created parcels.
3. All escrow amounts shall be brought up to date and kept current.

Findings

- The minor subdivision and combination will not negatively affect the physical characteristics of the lots or the neighborhood.
- The proposed minor subdivision conforms to the city's comprehensive plan.
- The minor subdivision does not create any new lots, and no new structures or intensity are proposed as part of this request.
- The minor subdivision will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.

MOTION by Commissioner Fritze to open the public hearing at 8:48 p.m. Commissioner Schafer seconded the motion. Motion carried unanimously.

Mr. Pat Herold, 7781 Kimbro Avenue, came forward and provided the background on the property noting he does want the applicant to have the property. A utility easement was granted three years ago.

MOTION by Commissioner Schafer to close the public hearing at 8:50 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Schafer to recommend approval of 7781 and 7995 Kimbro Avenue North, as presented. Commissioner Helander seconded the motion. MOTION carried unanimously.

**PUBLIC HEARING, Consideration of Updated Comprehensive Plan** – City Planner Swanson advised between mid-2018 and early 2019 the City worked to update its 2040 Comprehensive Plan in conformance with the Minnesota Land Planning Act. The Planning Commission served as the working group to the process and provided guidance and feedback throughout the Plan development/update. Because the Plan was an update many of the Plan chapters and various components remain consistent with the 2030 Comprehensive Plan.

However, there were a few significant changes that are summarized in the following:

- **Simplified Land Use Designations.** The City’s Future Land Use map (Map 3-3) reflects the consolidation of A-1 and A-2 land use designations to RR/A. This designation more appropriately matches the dominant rural residential uses in the community, while acknowledging strong support for continued agricultural uses.
- **Land Use designations nomenclature.** To better describe the “use” of property in Grant, the land use designation was renamed to include both Rural Residential and Agricultural so that it is clear to residents, policy makers and potential applicants the desired activities and use of property.
- **Restructured chapters to address the Metropolitan Council’s checklists.** This included moving environmental discussions to the Local Water Management Plan.

In May 2019 the City Council authorized the distribution of the draft 2040 Comprehensive Plan for adjacent/affected jurisdictional review. The Minnesota Land Planning Act requires municipalities to send their draft plans to the identified municipalities and affected jurisdictions and provide a 6-month review period. The 6-month review period commenced on November 14, 2019. The following entities provided comments and/or response:

- Washington County
- Rice Creek Watershed District (LWMP specific)
- Stillwater Township (No Comments)
- Minnesota Department of Natural Resources – comment letter forthcoming

It should be noted that the draft authorized by both the Planning Commission and the City Council for the 6-month review period is the same as presented at the meeting tonight with a couple exceptions. The only changes include updated/revised pictures and the inclusion of the SSTS (septic system) map which was identified with a placeholder in the draft document.

Prior to submitting the final draft to the Metropolitan Council for review, the City is required to hold a duly noticed public hearing to consider the draft. The duly noticed public hearing was noticed for the regular November 19, 2019 Planning Commission meeting.

The purpose of the public hearing is to take public testimony and to determine if any changes/modifications should be incorporated into the draft before making a recommendation to the City Council.

### **Next Steps**

- Incorporate/address changes as required or relevant from the comment period.
- Incorporate changes as needed based on public testimony.
- City Council authorizes Staff to submit the 2040 Comprehensive Plan to the Metropolitan Council.

- Formal resolution adopting the 2040 Comprehensive Plan is adopted after Metropolitan Council approval.

Staff is requesting the Planning Commission recommend approval of the draft 2040 Comprehensive Plan with any changes or modifications to the City Council.

MOTION by Commissioner Schafer to open the public hearing at 9:03 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

No one was present to speak at the public hearing.

MOTION by Commissioner Helander to close the public hearing at 9:04 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Schafer to recommend approval of the draft 2040 Comprehensive Plan, as presented. Commissioner Helander seconded the motion. MOTION carried unanimously.

## **6. OLD BUSINESS**

There was no old business.

## **7. ADJOURNMENT**

MOTION by Commissioner Schafer to adjourn the meeting at 9:05 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points  
City Clerk



## STAFF REPORT

**To:** Planning Commission Members  
Kim Points, City Clerk

**Date:** January 13, 2020

**RE:** Application for a Conditional Use Permit (CUP) for a Wildlife Rehabilitation Center on property located at 10629 Jamaca Avenue N

**CC:** David Snyder, City Attorney

**From:** Jennifer Haskamp  
Consulting City Planner

### Summary of Request & Background

The Applicant, The Wildlife Rehabilitation Center of Minnesota (WRC), is applying for a Conditional Use Permit (CUP) to develop and operate a wildlife rehabilitation center from the subject property. In November of 2019, City Staff met with Mr. Phil Jenni the representative from WRC to discuss the proposed project, to determine if the use is permitted, and to discuss the permitting process.

As described by the Applicant, the WRC is a hospital for “injured, sick and orphaned wild animals” with its current principal hospital location in Roseville, Minnesota. The proposed project is associated and affiliated with the primary hospital but will perform different work. After discussing the proposed project, it was determined that the use has similarities to both a veterinary clinic and a wildlife refuge, and therefore requires a CUP to operate.

The following staff report outlines the proposed use for the consideration and discussion of the Planning Commission.

### Public Hearing & Notice

A duly noticed public hearing was published for the Planning Commission’s regular meeting on January 21, 2020. Letters were mailed to individual property owners within ¼-mile of the subject project informing them of the application request and public hearing.

### Project Summary

Applicant & Owner: The Wildlife Rehabilitation Center Representative: Mr. Phil Jenni	Site Size: 22.01 Acres
Zoning & Land Use: A-1	Request: Conditional Use Permit (CUP)
Address: 10629 Jamaca Ave N	PIDs: 0903021140003, 1003021230004



The Property Owner and Applicant (hereafter referred to as “Applicant”) is requesting a CUP to allow for the development and operation of a wildlife rehabilitation center on the subject property. Details regarding the WRC’s organizational history, their Mission, Values and Vision are detailed in the Applicant’s narrative. The following summary of the Site Plan and proposed operations is provided for your review and consideration:

*Existing Homestead:* There is an existing homestead on the subject property that was constructed in 1901. The homestead is proposed to be used to provide housing to interns that will work at the WRC. The narrative proposes up to five (5) interns residing in the home, and their responsibilities would include providing security and animal care at the site.

*Existing Accessory Buildings:* There are 12 existing accessory buildings on site, ranging in size from small sheds to more than 2,300 square-foot buildings. The previous owner used the structures for a variety of uses from storage to shelters for horses and other domestic farm animals. Though not clearly denoted on the Site Plan, the narrative suggests that most of the existing accessory buildings will be re-used and, in some cases, repurposed to support the proposed use.

*Proposed Main Nursery Facility:* Because there are several existing accessory buildings that can support the anticipated immediate needs of the proposed use, the Main Nursery Facility (noted as “Building” on the Site Plan) is not anticipated to be constructed immediately, and the site plan represents the ultimate build-out of the site. As shown on the Site Plan, and described in the narrative, the Main Nursery Facility is proposed to be a 5,000 – 6,000 square foot climate-controlled building. The facility would include “cleaning facilities, a cage wash area, laundry, break room, bathroom, isolation ward and several other animal care wards for inside care. The additional space would include quarantine quarters, separation of different species and industry leading standards for caging and enclosures...” The narrative further states that there would be “three areas of about 1600 square feet for different animal species one for squirrels, one for rabbits and an area for other mammals...The areas will transition from neo-natal to larger, protected enclosures. Connected to each indoor area will be a final “rehab” outdoor caging and individual cages within a larger fenced enclosure. The outside enclosures will have security fencing varying from 6 – 8 feet tall.”

*Outdoor Caging Areas:* The Site Plan identifies five independent caging areas (those areas not identified associated with the Main Nursery Facility) each enclosing an approximately 1,400 square foot area. As described in the narrative, these areas will be secured and monitored by the onsite staff. The areas are intended to primarily serve small mammals.

*Fenced Areas:* There are two large fence enclosed areas identified on the plan, one approximately 6,000 square feet near the proposed Main Nursery Facility, and one area approximately 10,000 square-feet connected to an existing 2,200 square-foot accessory building and adjacent to 107<sup>th</sup> Street N. As described in the narrative, both of these areas will be double fenced, and secured so that no animals could escape, and no animals could enter.

*Waterfowl, Caging and Ponds:* On the southern 300’ of the property there is an existing pond which the Applicant proposes to use in support of the Waterfowl Facility. This area is identified on the Site Plan and will include a designated facility and supporting caging/ponding area. The timing of construction of this facility and moving the WRC’s current waterfowl nursery operations from Inver Grove Heights to the new site is not definitive but is in the long-range plan for full build-out of the proposed site.



*Main Access and Parking:* The existing driveway connects the principal structure and all accessory buildings to the west on Jamaica Avenue N. There are no new access driveways proposed as part of this application. Internally there is a proposed parking area that is approximately 4,200 square feet which is connected to existing driveways northeast of the existing home.

*Cell Tower and Cell Tower Area:* There is an existing Conditional Use Permit on the subject property which permits a Cell Tower and enclosed area provided the conditions of the permit are met. The Cell Tower is located east of the existing home. While not stated in the Application, it is Staff's understanding that the Applicant intends to keep the cell tower on site and continue its use.

*Utilities:* The existing homestead is currently served by a private well and individual subsurface septic system, and there are two additional wells noted on the Existing Conditions Survey. The Applicant's narrative states that the septic system will likely need to be upgraded based on the intended use of the property for the wildlife rehabilitation center. No additional information regarding the septic system, or whether the existing wells are anticipated to be adequate were provided with the application.

*Operations:* As outlined by the Applicant, the proposed operations will operate year-round but most activity will occur annually between mid-March and mid-October. The Applicant proposes up to five (5) interns living on the property in the existing homestead, and the occupancy is intended to occur year-round. The number of estimated animal on site is detailed in the Applicant's narrative. While no public visitors will come to the site, there will be additional traffic generated to the property from employees of the WRC, and eventually by volunteers coming to the site. During the summer months, the hours of operation are proposed between 7 am and 11 pm, with reduced hours during the winter months when fewer animals are on site. As stated in the narrative, the emergency veterinary hospital will remain in Roseville, and the Grant site is intended to function as transition care before animals are released back into the wild. The Grant site will include very limited traditional veterinary services, and nearly all of the care at this facility will be rehabilitative.

*Phasing:* The Applicant is proposing to phase improvements over time to ultimate buildout. The intent is to operate using the current facilities until funding and fundraising results in the ability to construct the improvements. As stated in the Applicant's narrative, the Site Plan represents a 5-10 year buildout depending on funding.

## **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.

### Existing Site Conditions

The subject property includes two PIDs, 0903021140003 is approximately 15.33 acres and includes the existing homestead, and 1003021230004 is approximately 6.68 acres and is vacant. For purposes of this application both parcels are included, and the Conditional Use Permit, if granted, would be recorded against both properties. There is in an existing principal structure (homestead) on the property, four larger accessory buildings ranging in size between approximately 720 and 2,400 square feet, and several small sheds and horse shelters spread throughout the property. The site is heavily vegetated across the northern half of the property with a clearing on the southern half of the property where the existing structures are located. On the southern 320-foot the site slopes from north to south, which includes a wetland/pond area on the property’s southern edge. While a wetland delineation was not completed as part of this application, there is a drainage and utility easement that was recorded across the southern pond area (wetland) when the property was platted as part of the Kendrick Estates subdivision.

### Comprehensive Plan Review

The site is guided A-1 Large Scale Agricultural which promotes rural residential and agricultural uses. The proposed wildlife rehabilitation center is consistent with maintaining large tracts of land and is generally consistent with maintaining the rural landscape.

### Zoning/Site Review

The City of Grant zoning ordinance permits wildlife reserves (private and public) in the A1 zoning district and permits veterinary clinics in the A1 zoning district with a Conditional Use Permit. The proposed use was determined to be a hybrid of both uses, and therefore the more restrictive permitting process was applied. The following zoning and dimensional analysis regarding the Wildlife Rehabilitation Center use is provided:

### 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 Maximum 8’ height



Driveway Setback	5'
Parking Lot setback	10' from ROW
Wetland Setback Structure (Buffer)	50' (10' no-grad)

Lot Size/Area: There are two separate parcels associated with the subject application, an approximately 15.33 acre parcel and a 6.68 parcel, that when combined contain approximately 22.01 acres. Both parcels are included as part of this application, and the operations proposed would occur on both parcels. Both parcels individually meet the City’s minimum lot size requirements, and therefore there is no requirement that the lots be combined. ***As proposed, the existing lots sizes meet the City’s minimum lot size requirements.***

Setbacks & Frontage: The subject property is oriented east-west with Jamaca providing primary frontage along the westerly property line, and secondary access on the northerly property line to 107<sup>th</sup> Street North. The existing principal building, accessory building, and cell tower meet the City’s setback requirements provided both parcels are considered collectively. The proposed Main Nursery Facility is located southeast of the principal structure and is setback approximately 120-feet from the rear property line, and 480-feet from the westerly property line, and 520-feet from the easterly property line, and 400-feet from the northerly property line. While the structure will not house “domestic farm animals” by the definition of the City’s ordinances, it will house animals/wildlife and therefore it is reasonable to apply the more restrictive setback from all property lines of 100-feet that is applied to structures housing domestic farm animals. Staff would also suggest that the “cages” may be considered structures, and therefore should also respect the same 100-foot setback. If the planning commission agrees with staff, and determines that cages are structures, then the southern caging area of the Main Nursery Facility should be relocated as it is approximately 80-feet from the rear property line. ***As shown on the Site Plan, the existing buildings are setback over 100-feet from all nearby residential structures, and all proposed buildings are setback 100-feet from all property lines. Staff would recommend that all “caging” areas be setback a minimum of 100-feet, and that the caging areas associated with the Main Nursery Facility be reconfigured to meet the setback. Staff would recommend that this requirement be included within the Permit so that any future additions to the property be required to be setback a minimum of 100-feet from all property lines. If the location of the Main Nursery facility or Waterfowl Facility changes significantly from the proposed locations identified on the site plan, then an amendment to this permit may be required.***

The details regarding the proposed Waterfowl Facility are unknown, and it was communicated from the Applicant during the pre-application meet that the location near the existing pond/wetland is desirable. However, Section 12-260 and 12-261 regulate structural setback from wetlands. Since a wetland delineation was not completed the edge of the wetland is unknown. Based on the submitted





plans, the Waterfowl Facility appears to be approximately 60 to 70-feet from the edge of the open water and may be within the wetland setback. The Caging and Ponds to support the Waterfowl Facility are also approximately 60-feet from the edge of the wetland. ***Staff would recommend including a condition that the wetland edge in this location must be delineated to ensure that the facilities meet all applicable setbacks. The edge determination must be submitted prior to issuing any building permit for the Waterfowl or Caging and Ponds in this location.***

Accessory Buildings

Section 32-313 identifies the permitted number and total size of allowable accessory buildings on lot which is correlated to lot size. For parcels 20-acres or greater, there is no limit on the number or maximum accessory building square footage. However, given the extensive number of accessory buildings proposed to support the operation, the following table is provided to summarize the number and square footage of buildings/structures proposed.

Facility Type	Size	Number	Total SF
Existing Accessory Buildings	Various	12	~9,845
Proposed Main Nursery Facility	~60' x 100'	1	~6,000
Waterfowl Facility	~60 x 100'	1	~6,000
Cage Areas	20' x 70'	3	4,200
Cage Areas	20' x 60'	1	1,200
Cage Areas	40' x 70'	3	8,400
Cage & Pond Areas	20' x 100'	1	2,000
<b>Subtotal</b>			<b>37,645 SF</b>

As proposed, provided both lots are considered collectively, the proposed operations and site plan meet the City's requirements for accessory buildings. ***However, staff would recommend that a condition be included that the two properties must be considered collectively, and that no alteration to the lots may occur without amending this permit. Additionally, given the proposed use of the property, staff would recommend including a condition that any additional structures greater than 120-square feet (shed) beyond those identified on the Site Plan may require an amendment to this Permit if it is determined that such buildings represent intensification of the use.***

Parking Area (Location & Spaces):

The Applicant has identified the need to construct a new parking area to support the employees and volunteers that will eventually visit the site. The proposed parking area is approximately 120' x 35' which is 4,200 square-feet of parking area. Per Section 32-373 each space is calculated at a ratio of 300 SF per space, and therefore based on the dimensions the parking area proposed there are approximately 14 parking spaces proposed. Based on the proposed initial operations the number of available spaces seems adequate; however, staff has some concerns regarding adequate parking when the site includes volunteers



visiting the site once full operations are present. The narrative states, “ At peak season...there will be 20-25 cars arriving and leaving from the site each day with a total of about 50 people at the site at any given time..” Given that at maximum capacity there may be 20-25 cars for volunteers, plus 3 to 5 additional cars for interns, not to mention occasional doctors’ visits, the number of parking stalls does not seem adequate. Based on these numbers, there would need to be a minimum of 30-35 parking spaces available. It is also unclear as to whether ADA accessible stalls would be required at the time of construction of the Main Nursery Facility. This should be reviewed and considered with the City’s Building Official for compliance with the building code. ***Staff would recommend that a condition be included that a larger parking lot to accommodate 30-35 cars be designed and shown on the Site Plan. Staff further recommends including a condition that the Applicant must discuss the plans for the Main Nursery Facility to determine if ADA accessible stalls are required, and to determine the number of stalls needed.***

In addition to the number of stalls, the proposed plan does not indicate what material the parking lot will be surfaced with. Section 32-373 states that, “Off-street parking areas shall be improved with a durable and dustless surface.” ***Staff recommends that additional information be provided by the Applicant to describe the type of surface proposed, and how such surface shall be maintained as “dustless” if a bituminous product is not proposed.***

Driveway/Circulation:

There is an existing access driveway Jamaca Avenue N, and the driveway was improved to support the cell tower located on the site and therefore is 20-foot wide (meets fire lane standards). No new access is proposed to the site, and no improvements to the driveway are proposed as part of this application. Because the use of the site is proposed to change and the primary access is from a County Road, staff has sent a copy of the request to Washington County for their review and consideration. At the time of this staff report a formal response has not been received. If available, a verbal update of the County’s response will be provided at the Planning Commission meeting. ***Since there will be additional traffic generated to the site beyond normal residential use, Staff would recommend adding a condition that all parking must be handled within designated parking areas and that parking on the driveways is not permitted to ensure safe ingress/egress to the site.***

Architecture, Building Height, Accessory Structure Floor Plans:

As stated in the Applicant’s narrative, there are no immediate plans to construct the Main Nursery Facility or the Waterfowl Facility. However, the Applicant has provided some sample imagery of the types of buildings and architecture contemplated for the facilities. Generally, the architecture identified in the application materials is consistent with the types of accessory building architecture seen throughout the City. Since the parcel size is greater than 20-acres, the number and square footage of new facilities estimated would be permitted. Since the timing of constructing the facilities is unknown, it is reasonable that full floor plans and architectural design are outstanding. However, though the timing and



specifics are unknown, staff would recommend including the following conditions in the permit and therefore if any changes beyond those contemplated in this application are proposed in the future an amendment to this permit would be required.

*All structures constructed in the future shall be required to follow the City's ordinances, rules and regulations in place at the time of construction.*

*Approval of a Main Nurse Facility, with the conceptual architecture, not to exceed 6,000 square feet in the proposed location is permitted provided all necessary permits are obtained. The Applicant shall work with the Building Official regarding applicable commercial building codes when more details regarding the facility are provided.*

*Approval of the Waterfowl Facility not to exceed 6,000 square feet is permitted, provided the facility is consistent with the architecture shown in the conceptual plans. The Applicant shall work with the Building Official regarding applicable commercial building codes when more details regarding the facility are provided.*

*All structures shall be sited outside of all required setbacks, and all structures shall be setback a minimum of 100-feet from any property line.*

*No accessory buildings may be use as additional living quarters.*

*All structures shall not exceed 35-feet in height.*

Utilities (well and septic):

The existing homestead is served by existing septic system and well, and there are two other wells on the site as identified on the Site Plan. The Applicant's narrative states that there are improvements to the septic system that will likely be needed to support the proposed activities onsite. No additional information was provided. Washington County Environmental Services reviews and issues septic permits in the City, and it is the Applicant's responsibility to obtain proper permits to upgrade the septic system. *Staff would recommend including a condition that no building permits will be issued for any new facility on the site until a septic permit/septic review has been completed by Washington County.*

It is unclear if the Applicant intends to use all three of the existing wells on the property; however, it is presumed that the three wells are adequate to serve the proposed operations. *Staff would recommend including a condition that any new well shall be required to obtain proper permits and that such location must be carefully identified and considered given the intended use of the property for wildlife rehabilitation.*

Waste Management  
MPCA

The Applicant's narrative describes the number of patients (animals) anticipated to reside on the property and the quantity of waste estimated to be generated onsite. The Applicant also details the regular cleaning of the caged areas to ensure



safe and clean environment (See Attachment B: Applicant's narrative for additional details). The City's ordinances do not address wildlife, and instead regulates based on the MPCA's manure management policies for feedlots. However, there may be requirements of the MPCA regarding waste generation at facilities of this type, and Staff recommends that a condition be added that the Applicant inquire and receive correspondence regarding this issue from the MPCA to determine whether additional permitting is required. This issue was discussed at a preapplication meeting between the Applicant, the Watershed District and the City and it was unclear whether there are any MPCA requirements regulating waste disposal onsite for facilities of this type. ***As a result, staff recommends including a condition that the MPCA be contacted, and that any required permits be obtained prior to operations commencing on site.***

Surface Water  
Management/Grading

A grading plan, and/or stormwater management plan was not submitted for review. Staff believes that the combination of the required parking area, Main Nursery Facility, Waterfowl Facility and caged areas may cause more than 1-acre of disturbance. If that occurs a grading and erosion control plan and NPDES permit may be required, and the City Engineer must review plans for compliance with the City's ordinances. In addition, given the size of the structures, the site grading work will exceed 50-Cubic Yards and a grading permit will be required. ***Given the proposed phasing of the improvement on site, Staff would recommend including a condition that the Applicant be required to work with the City's Engineer on an acceptable grading and stormwater management plan that meets the City's ordinances.***

Landscape Plan and  
Fencing

As shown on the Site Plan there are two large fenced areas proposed in addition to the cages identified. (See previous discussion regarding the caged areas as structures). There is an approximately 10,000 SF fenced area setback approximately 40-feet from the 107<sup>th</sup> Street N right-of-way, which is presumed to be connected in some way to an existing approximately 2,200 SF accessory building. A scalable fence detail was not submitted, and the images provided do not identifies the proposed height of the specific areas. A sample fence graphic was submitted and identified by installer Century Fence. The Applicant has indicated that fenced areas will be fully secured and that the animals will not get out, and surrounding wildlife will not be able to get in. ***While the fence detail shown appears to indicate a fence height of a minimum of 8-feet, staff would recommend that a condition be included to require the full fence specification and detail to be submitted so that it can be reviewed for compliance with the City's ordinances. Section 32-315 regulates fences in the City's ordinance and limits the maximum height to 8-feet provided the fence is located outside of all applicable setbacks. The location of the proposed fence areas is outside of all setbacks, and therefore only verification of the height is required. If the proposed fencing exceeds this height, a variance from the City's fence height standards would be required.***



## Engineering Standards

The City Engineer is in process of reviewing the proposed application. An engineering staff memo will be prepared and will be forwarded to the Planning Commissioners on, or before, the meeting on January 21, 2020.

## Other Agency Review

The property is located within the Browns Creek Watershed District (BCWD), and a wetland delineation for the property has not been completed. The Applicant has been communicating with BCWD, but given the unknown timing of some of the improvements and activities the watershed's requirements/permitting may or may not be triggered. As a result, staff recommends including a condition that it is the Applicant's responsibility to continue communication with the BCWD and to obtain all necessary permits when improvements are proposed. Any permits obtained shall be forwarded to the City of Grant for record keeping in the property file. Also noted in previous sections, the change of use on the property also necessitates the review of Washington County regarding the access. Staff will provide a verbal update to the Planning Commission regarding their response, if possible. ***Staff would recommend including a condition that all permits from other agencies having regulatory authority over the operations are the responsibility of the Applicant to obtain and maintain, as applicable.***

## 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.

1. This Permit shall be recorded against both PIDs, and shall only be valid if both properties are considered collectively.
2. The Applicant shall submit an updated site plan that shows the revised location of caged areas attached to the Main Nursery Facility so that such improvements are outside of the 100-foot setback.
3. The Applicant shall design a parking lot to support a minimum of 35-vehicles. The parking lot design shall include proposed materials, grading, and full specifications for review and approval by the City Engineer.
4. The Applicant shall work with the Building Official to determine if ADA compliance parking stalls are required and to determine the location of such stalls.
5. The Applicant shall obtain a building permit for all proposed structures, including the Cages as denoted on the Site Plan.
6. The Applicant shall complete a Wetland Delineation (edge determination) for the pond/wetland area to ensure the proposed Waterfowl and Caging/Ponds are located outside of all applicable



setbacks. The Wetland Delineation shall be completed prior to any building permit being obtained for the facilities.

7. The hours of operation on the site shall be limited to 7 am to 10 pm, except in emergency situations.
8. The number of interns residing in the house shall not exceed five (5) individuals.
9. A grading plan shall be submitted to the City Engineer at time of any improvements on the site, and it shall be the determination of the City Engineer as to if a stormwater management plan is required due to the full-build out the site for the proposed use.
10. The Applicant shall maintain and manage all fenced areas to ensure the security of the animals onsite.
11. A fence detail for all fenced areas shall be provided to demonstrate compliance with the City's ordinance section 32-315.
12. The Applicant shall monitor traffic internal to the site to ensure the access driveways are passable, and that parking occurs only in designated spaces.
13. The Applicant shall contact Washington County Environmental Services regarding required upgrades to the Septic System prior to any building permit being issued for any new structures on the site.
14. Any future expansion or intensification of the Wildlife Rehabilitation Center operations shall require an amendment to the Permit. Intensification shall include, but not limited to: additional facilities/accessory buildings (not sheds) beyond those identified on the site plan, expansion of the parking lot beyond 35-stalls, substantial increase to the number clients (animals) identified in the narrative, etc.
15. All structures constructed in the future shall be required to follow the City's ordinances, rules and regulations in place at the time of construction.
16. Approval of a Main Nurse Facility, with the conceptual architecture submitted with this Application, not to exceed 6,000 square feet in the proposed location is permitted provided all necessary permits are obtained. The Applicant shall work with the Building Official regarding applicable commercial building codes when more details regarding the facility are provided.
17. Approval of the Waterfowl Facility not to exceed 6,000 square feet is permitted, provided the facility is consistent with the architecture shown in the conceptual plans. The Applicant shall work with the Building Official regarding applicable commercial building codes when more details regarding the facility are provided.
18. All structures shall be sited outside of all required setbacks, and all structures shall be setback a minimum of 100-feet from any property line.
19. No accessory buildings may be use as additional living quarters.
20. All structures shall not exceed 35-feet in height.



21. If a new well is needed in the future, the Applicant shall obtain all necessary permits, and that such location shall meet all setbacks given the intended use of the property for wildlife rehabilitation.
22. The Applicant shall contact the MPCA and provide a written correspondence to the City regarding the necessity for any additional permitting regarding waste disposal on site.
23. No signage is approved as part of this permit. Any future signage shall be subject to the sign ordinance in place at time of application and may require an amendment to the CUP.
24. All operations on site shall meet the MPCA's noise standards and regulations.
25. It shall be the responsibility of the Applicants to obtain all necessary permits from Washington County, MPCA, Browns Creek Watershed District, Washington County Soil and Water Conservation District, or any other agency having jurisdiction over the subject use.

**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
- Table the Application and request additional information from the Applicant.

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

- The Wildlife Rehabilitation Center use conforms to the City's Comprehensive Plan for rural residential and agricultural uses.
- The Wildlife Rehabilitation Center will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The Wildlife Rehabilitation Center is compatible with the existing large-lot rural neighborhood setting.
- The Wildlife Rehabilitation Center operations meets the conditions or standards adopted by the city through resolutions or other ordinances.
- The Wildlife Rehabilitation Center operations 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: Application

Exhibit B: Narrative

Exhibit C: Site Plan and Existing Conditions (December 4, 2019)

Exhibit D: Supplemental Information, including conceptual building types

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



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

Application Date:	DEC 5, 2019
Fee: \$400	Escrow: \$3,000

## CONDITIONAL USE PERMIT

pd \$3,400.00 check # 8988 8980

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.

<b>PARCEL IDENTIFICATION NO (PIN):</b> 10.030.21.23.0004 <b>LEGAL DESCRIPTION:</b> 09.030.21.14.0005 Kendrick Estates Lot 6 Block 2 Kendrick Estates Lot 7 Block 2		<b>ZONING DISTRICT &amp; COMP PLAN LAND USE:</b> A1 <b>LOT SIZE:</b> 22.5 ACRES
<b>PROJECT ADDRESS:</b> 10629 Jamaca AVE N White Bear Lake 55110 9065 107th Ave St. Paul 55115	<b>OWNER:</b> Name: WILDLIFE REHAB CTR Address: 2530 DALE ST City, State: ROSEVILLE MN Phone: 651-496-9410 Email: rjenni@wrcma.org	<b>APPLICANT (IF DIFFERENT THAN OWNER):</b>
<b>BRIEF DESCRIPTION OF REQUEST:</b> FACILITIES & OUT DOOR CAGING FOR REHABILITATION & VETERINARY ACTIVITIES		
<b>EXISTING SITE CONDITIONS:</b> FORMER FARM, HORSE BOARDING, HOME, OUT BUILDINGS, GRANARY SHOP, METAL BUILDING, VERIZON CELL TOWER		
<b>APPLICABLE ZONING CODE SECTION(S):</b> Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 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"/>	<b>Site Plan:</b> 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"> <li>▪ Property dimensions</li> <li>▪ Area in acres and square feet</li> <li>▪ Setbacks</li> <li>▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines)</li> <li>▪ Location of utilities</li> <li>▪ Location of well and septic systems on adjacent properties</li> <li>▪ Location of current and proposed curb cuts, driveways and access roads</li> <li>▪ Existing and proposed parking (if applicable)</li> <li>▪ Off-street loading areas (if applicable)</li> <li>▪ Existing and proposed sidewalks and trails</li> <li>▪ Sanitary sewer and water utility plans</li> </ul> <p>COPIES: 4 plans at 22"x34", 20 plans at 11"x17" (scalable)</p>

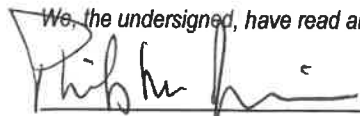


Application for: **CONDITIONAL USE PERMIT**  
City of Grant

<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<p><b><u>Grading/Landscape Plan:</u></b> 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"> <li>▪ Grading Plan</li> <li>▪ Vegetation, landscaping, and screening plans including species and size of trees and shrubs</li> <li>▪ Wetland Delineation</li> <li>▪ Buildable area</li> <li>▪ Topographic contours at 2-foot intervals, bluff line (if applicable)</li> <li>▪ Waterbodies, Ordinary High Water Level and 100 year flood elevation</li> <li>▪ Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated</li> </ul> <p>COPIES: <del>4 plan sets 22"x34"</del>, 20 plan sets 11"x17" (Scalable)</p>
<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<p><b><u>Architectural/Building Plan (if Applicable):</u></b> 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"> <li>▪ Location of proposed buildings and their size including dimensions and total square footage</li> <li>▪ Proposed floor plans</li> <li>▪ Proposed elevations</li> <li>▪ Description of building use</li> </ul> <p>COPIES: <del>4 plan sets 22"x34"</del>, 20 plan sets 11"x17" (scalable)</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b><u>Written Narrative Describing your request:</u></b> 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"> <li>▪ Description of operation or use</li> <li>▪ Number of employees (if applicable, if not state why)</li> <li>▪ Sewer and water flow/user rates (if applicable, if not state why)</li> <li>▪ Any soil limitations for the intended use, and plan indicating conservation/BMP's</li> <li>▪ Hours of operation, including days and times (if applicable)</li> <li>▪ Describe how you believe the requested conditional use fits the City's comprehensive plan</li> </ul> <p>COPIES: 20</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Statement acknowledging that you have contacted the other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have authority over your property for approvals and necessary permits.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Mailing labels with names and address of property owners within ¼ mile (1,320 feet).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Paid Application Fee: \$400</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Escrow Paid: \$3,000</p>
<p><b>MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER</b></p>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b><u>Survey of the property:</u></b> 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.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Electronic copy of all submittal documents</p>

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

DEC 5, 2015  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner (if different than applicant)

\_\_\_\_\_  
Date



provides quality medical care and rehabilitation for all injured, sick and orphaned wild animals, and shares its knowledge with the people who care about them.

2530 Dale Street, Roseville, MN 55113  
651-486-9410 FAX 651-486-9420  
[www.wrcmn.org](http://www.wrcmn.org)

## **City of Grant conditional use permit – veterinary clinic Dec, 2019**

### **Organization History and Background**

The Wildlife Rehabilitation Center of Minnesota (WRC) is a hospital for injured, sick and orphaned wild animals. A group of veterinary students established it as a student organization of the University of Minnesota in 1979.

In its first year, the Wildlife Rehabilitation Center cared for 50 animals. Now, 40 years later, WRC is an independent 501(c)(3) nonprofit organization with 25 professional staff members and more than 600 volunteers and interns who cared for a record 13,333 animals in 2018 and is on pace for nearly 15,000 in 2019. WRC operates under licenses from the Minnesota Department of Natural Resources and the United States Fish and Wildlife Service.

WRC's home on the University campus was declared partially condemned in 1998. WRC built a new facility in Roseville's Central Park and moved in 2003. Since then we've admitted 166,239 of the total 246,057 patients in our history (81 percent of the patients in our history).

More than 73 percent of WRC's support comes directly from donations from the public; an annual fundraising event accounts for another 10 percent. Foundation and matching grants (15 percent) and earned income (2 percent) make up the rest. In 2018, about 6,500 people donated money to WRC, an increase of 50 percent from 2006.

### **Mission, Values and Vision**

The Wildlife Rehabilitation Center of Minnesota provides quality medical care and rehabilitation for all injured, sick and orphaned wild animals and shares its knowledge with the people who care about them.

- We provide quality care to all wildlife that comes into our care and respect the life and health of all wildlife regardless of species,
- We believe that the wildlife in our midst are an important part of the quality of life in our region and should be preserved and protected,
- We oppose the mistreatment and abuse of all wild animals,
- We seek to enhance the coexistence of people and wildlife,
- We acknowledge the wide range of activities of organizations and people working to preserve wildlife and enhance the natural environment,
- We believe in the continued advancement of the knowledge of wildlife medicine,
- We support the dissemination of impartial scientific information surrounding wildlife.

The Wildlife Rehabilitation Center seeks to be the place for the best care of injured and orphaned wildlife, to be a national leader in wildlife medicine and medical education, and to promote the healthy coexistence of people and wildlife.

## **Current Programs and Activities**

### Animal Care

We are a wild animal hospital. As such, our core program is to provide FREE emergency and long-term medical care to all species of wild animals. We are open every day of the year, including all holidays. Nearly all of our patients are brought to us by members of the public who rescue animals after such things as domestic pet attacks and collisions or abandoned, orphaned baby animals.

In 2018, we admitted 13,333 animals representing 198 species of waterfowl, mammals, reptiles, amphibians, and song birds including several threatened or endangered species.

Among the highlights:

WRC admitted **13,333 animals, compared to 12,968 in 2017 (we've increased 68.5 percent since 2011)**

**More than 8,200 people** from all over the state and upper Midwest made more than **9,000 trips to WRC**

**Patients represented 198 species.** We admitted just **one patient** from 37 species and only 2 of 29 different species

5,304 avian patients from among 125 species

7,288 mammal patients from among 37 species

390 herptiles from among 18 species

WRC is the only facility in the state authorized to accept animals from other states.

We are **open 365 days** a year.

Despite the large increase in patients admitted, we recorded the best patient outcomes in our 39-year history.

### Education and Public Information

WRC plays an important role in educating students about wildlife medicine. Our state-of-the-art facility and internationally acclaimed vet staff have resulted in WRC recognized as one of the leading wild animal teaching hospitals in the country.

In 2018, WRC taught a total of 31 veterinary students and post-doctoral students from 9 veterinary schools around the U.S. and 6 foreign countries (Brazil, China, Columbia, Germany, Portugal, and Spain).

Our Information Helpline responds to about 45,000 calls each year and assists nearly 10,000 people who bring animals to the clinic. Intake specialists provide advice on how to best help the animal and, if warranted, bring it to the center with the least stress.

[www.wrcmn.org](http://www.wrcmn.org), the WRC's web site, gives instructions for helping injured and orphaned animals in emergencies, humanely capturing birds and animals, and transporting them to the center. Social media posts on Instagram and Facebook also provide important to the public.

### Public health

Wild animal health provides clues for broader health issues. As human contact with animals increases and as people move more effortlessly about the globe, new dangers and challenges appear every day, such as the Asian bird flu, an example of the growing number of zoonotic diseases transferred from animals to humans. Our large patient load can be an effective early warning system to detect environmental changes and health threats to human and other specific species.

### Environmental protection

WRC has one of the few facilities in the country that can safely handle wildlife injured by **oil spills**. A special area in our Roseville hospital is specifically designed for emergency action to spill-related incidents. We are also founding members of **Project Birdsafe**, a task force looking for ways to reduce bird mortality in collisions with buildings and windows.

### Protecting species

WRC provides medical care for endangered and threatened species in Minnesota, such as Trumpeter Swans, Blandings Turtles, etc. Our facility is approved by the **International Crane Foundation** to help rescue and treat any wayward members of the reintroduction program of the nearly extinct Whooping Crane.

## **Written Narrative**

WRC's growth in just the last six years has been dramatic:

- the number of patients has grown from 7,900 to 13,300, a growth rate of 68.5 percent
- orphaned injured patients admitted to our nursery have grown 72 percent
- the mammal nursery has added more than 2,500 patients alone – 82 percent

Our staffing and direct patient care costs have kept up with our growth. Our donors have been there to support us as contributions have doubled from \$700,000 to nearly \$1.4 million in 2018. More than 20,000 people have donated to WRC during this period.

Our facility in Roseville remains a high-tech hospital for wild animals, **However, our facilities and space requirements have not kept pace.**

**Our biggest challenge is responding to the increased demand for our services for healthy, orphaned animals, particularly mammals.**

**Our goal is to develop an off-site satellite for appropriate, safe caging for the growing patient demand, especially in our nurseries for orphaned animals, and for other species with specialized requirements, and bring our caging up to the same world class standards as our medical care.**

The 22-acre property at 10629 Jamaca Avenue, Grant, MN is literally a game-changer for WRC. It provides plenty of room to grow both in number of patients and in specific environments for improved care.

Adequate caging in outdoor space removed from the hustle and bustle of a hospital setting results in better outcomes.

Healthy orphans need space to grow and learn to be wild. They are not well served in the medical facility environment. It's like going to the emergency room with a cold. We believe we need to remove healthy orphaned animals from the hospital and keep the current facility in Roseville as the flagship for injured animals and veterinary teaching programs.

**WRC will continue the current Roseville facility as the emergency veterinary hospital that it was designed as. All patients will be admitted there as well as continuing our internationally renowned vet teaching programs.**

There will be no public access to the Grant site. Federal and State law prohibits rehab centers from having animals on display. The site is not a zoo. It is also not a release site. Adult animals are released back where found and orphaned animals are released in suitable habitat, usually at a volunteer's house or near their original found location. Animals will not be entering the wild from this rehabilitation site. All of the wild animals onsite will be there temporarily as they recover from injuries or are "raised" after being brought to us as patients. The site will be very seasonal with the majority of activity from mid-March until mid-October.

No clients will come to the Grant site, only staff and some volunteers. Veterinary care practiced at Grant will be extremely limited; there will be no surgeries, procedures, etc. that require traditional veterinary services. Some patients will not survive and need to be euthanized, which can be done under the indirect supervision of a veterinarian, and will be conducted on-site. There is a significant difference between veterinary care and rehabilitative care of wild animals. Nearly all of the care at this facility will be rehabilitation.

#### **Site Plan**

attached

#### **Grading/Landscape Plan**

N/A

#### **Architectural/building plan**

*Approximate shape and scale of the proposed buildings (at scale) are on the site plan. The survey "exhibit" represents what we envision the site in it's ultimate buildout, which will happen gradually during the next 5-10 years.*

#### **Main Nursery Facility**

5,000 – 6,000 sq ft. climate-controlled building that provides services for our patients. We need clean bio-secure space for food prep and storage, cleaning facilities and a cage wash area, laundry, break room and bathroom, isolation ward and several other animal care wards for inside care.

The additional space would include quarantine quarters, separation of different species and industry leading standards for caging and enclosures – all areas where we are now losing ground.

We envision three areas of about 1600 sq. ft. for different animal species, one for squirrels, one for rabbits and an area for other mammals such as muskrats, opossums, woodchucks, etc. The areas will transition from neo-natal to larger, protected enclosures. Connected to each indoor area will be final "rehab" outdoor caging and individual cages within a larger

fenced enclosure. The outside enclosures will have security fencing varying from 6 - 8 feet tall.

### **Waterfowl Facility**

We envision moving our current waterfowl nursery operations in Inver Grove Heights to the new site. For instance, our care of Trumpeter Swans has grown and some of our regional partners are retiring; we need space for overwintering and recovery from injuries.

*Photos of sample building types, caging examples from other similar facilities and fencing are attached for better context.*

### **Other Considerations**

Because the site already addresses our current crisis, we'll build out gradually, as conditions and resources enable. We expect to begin construction on the Nursery Facility in 2021.

In addition, we would develop additional caging and habitat for animals that we don't see often but have very different needs. The heavily wooded areas of the property are perfect for creating extensive runs for larger mammals and high stress patients.

The "homestead" area will be used to strengthen our intern program, providing opportunities for year-round internships with housing and on-site care and security.

### **How many actual patients will be at the property?**

WRC admits more than 14,000 patients annually, but due to injury, disease and age only about 8,000 patients enter treatment and about a quarter of those patients die within the first three days. The actual number of all patients throughout the year is about 6,000.

That number includes seasonal (April-Sept) nurseries for baby squirrels, bunnies and raccoons, baby songbirds and baby ducks.

The chart below shows the five-year average of patients in care in each area on the first of every month. The most patients WRC has in care at any one time is July with 1149; that includes 100 injured adults, very few of which will be at the Grant site.

five year ave - patients by category on the first

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
adults	118	130	113	142	140	143	99	93	95	99	69	71
songbirds	5	3	2	3	10	157	366	342	214	68	17	5
mammals	2	3	1	7	211	329	234	160	296	175	12	3
waterfowl	2	0	0	0	38	348	448	237	71	9	1	0
total	127	137	116	152	399	977	1149	831	675	351	99	79

Our five most numerous patients are rabbits, squirrels, mallards, robins and raccoons. In July an estimate of patient census, is 100 squirrels, 200 rabbits, 400 mallards, 200 songbirds and 50 miscellaneous mammals such as raccoons, woodchucks, opossums.

At an average weight during care on July 1, the total weight of patients is only 682 pounds. The commonly accepted weight of an “average” horse is 1,000lbs.

Average total patient weight – rabbits 56lbs.; squirrels 35lbs; mallards 440lbs; robins 55lbs; raccoons 88lbs. The numbers for robins represent the average size of all 366 songbirds in care on July 1.

We will have separate areas for each nursery further deconcentrating the caging.

The impact is fairly minimal. Trash, spoiled food and direct animal waste are collected in garbage bags and removed. Cages and outdoor areas are sprayed down after that; there’s probably less water used than a lawn sprinkler.

We plan to add an additional septic to service the new building.

### **Noise and smell?**

Generally speaking, due to the size and age of our patients there is very little smell, especially since the cages are cleaned daily (as noted above). The overwhelming majority of patients are smaller “backyard-type” species. They are quiet to avoid drawing attention of outside predators.

### **Safety and public health?**

All of the patients in outdoor caging will be double caged. Each specific enclosure will be surrounded by security fencing similar to that, which already encloses the Verizon tower at the site. Within the enclosure there will be additional caging to provide separation. All the fencing will be buried at least 18” deep to prevent burrowing from animals either inside or outside the caging.

**Most of WRC’s patients are prey animals, that is they are hunted by other animals. Since they are susceptible to predators, it’s very important that other animals not be able to enter the caging.**

All of our patients are parasite and disease free when they enter the transitional and outdoor caging. They are vaccinated and dewormed to prevent the spread of disease to other animals. They pose no threat to people.

In addition to the bunnies, squirrels and ducks mentioned above we do care for a small number of other mammals including opossum, fox, raccoon, woodchucks, etc. They are common in areas such as Grant and generally avoid human contact. Our security measures make it nearly impossible for escape.

We only care for species found naturally living in the state so no exotic species will ever be on site. As mentioned earlier these animals are not released from the Grant site but rather released in suitable habitat or their original location. They are not on display to the public

and the public will have no access to the property or caging. Staff will be onsite and security caging in place. There is no impact of having these animals in care on the property.

### **Lighting, Disruption and traffic?**

There will be no additional outdoor lighting. Our patients need the normal rhythms of day and night to properly grow and heal.

We will have regular garbage and recycling (if available) service to the site.

We plan to have vet intern housing available to visiting, year-round interns. Up to five would live in the house and provide security and animal care at the site.

Veterinary staff will make occasional visits. Other interns from WRC will be on the site daily from mid-April to mid-September. Currently at our Roseville hospital we have three daily shifts of five interns during the busiest season. Our plan for the next few years is to have some of those interns also travel to the offsite location, but it will likely only be three to five cars during the day during the busy season. Animal transport will be several times a week during the busy season and coordinated with other trips.

As we grow, we anticipate more use of the facility for orphaned animals. We anticipate a period of construction of the additional building in 2021. Within five years we hope to move the majority of our “nursery” operations to the site. At that time, more volunteers will also be coming on-site. At peak season, especially June and July there will be 20-25 cars arriving and leaving from the site each day with a total of about 50 people at the site at any given time between 7 am and 11 pm. Off season traffic (Sept.- April) will be substantially lower.

### **Permanent animal residents and release?**

There will be no on-site releases except in special circumstances, e.g. a bird release as a volunteer picnic, a donor release, or migratory birds.

WRC does not have permanent animal residents. The average time in transitional and outdoor care is 3 to 12 weeks. There will be very few animals on-site from October through March.

Animal carcasses are removed quickly and taken to the University of MN – St. Paul campus for proper handling

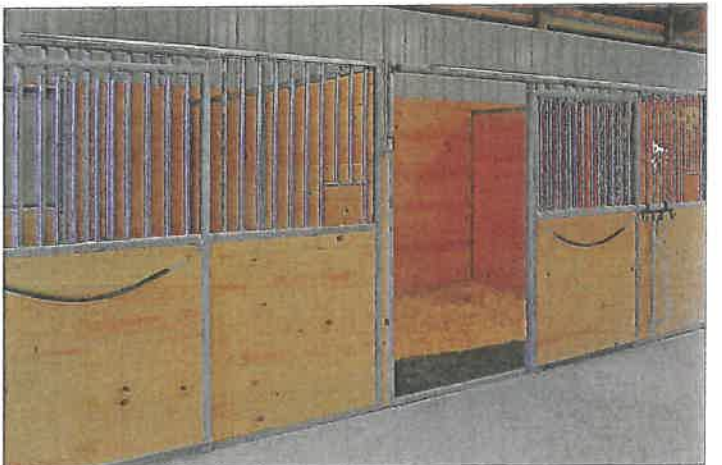
### **Public Purpose**

- Wildlife rehab and medicine is a rapidly growing field
- Growing demand – more and more people expect there to be a service
- Technology enabled – found an animal, google what to do WRC shows up

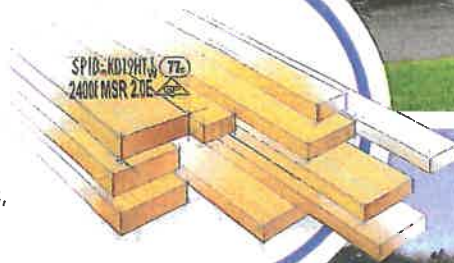
WRC is certainly unique. The nature and size of our work will certainly not alter the essential rural character of the area. In fact, it’s unlikely that anyone now or later will even see, let alone be impacted, by what we do.

We believe that the city of Grant, like Roseville, will be proud to be associated with such a widely admired public purpose non-profit organization.





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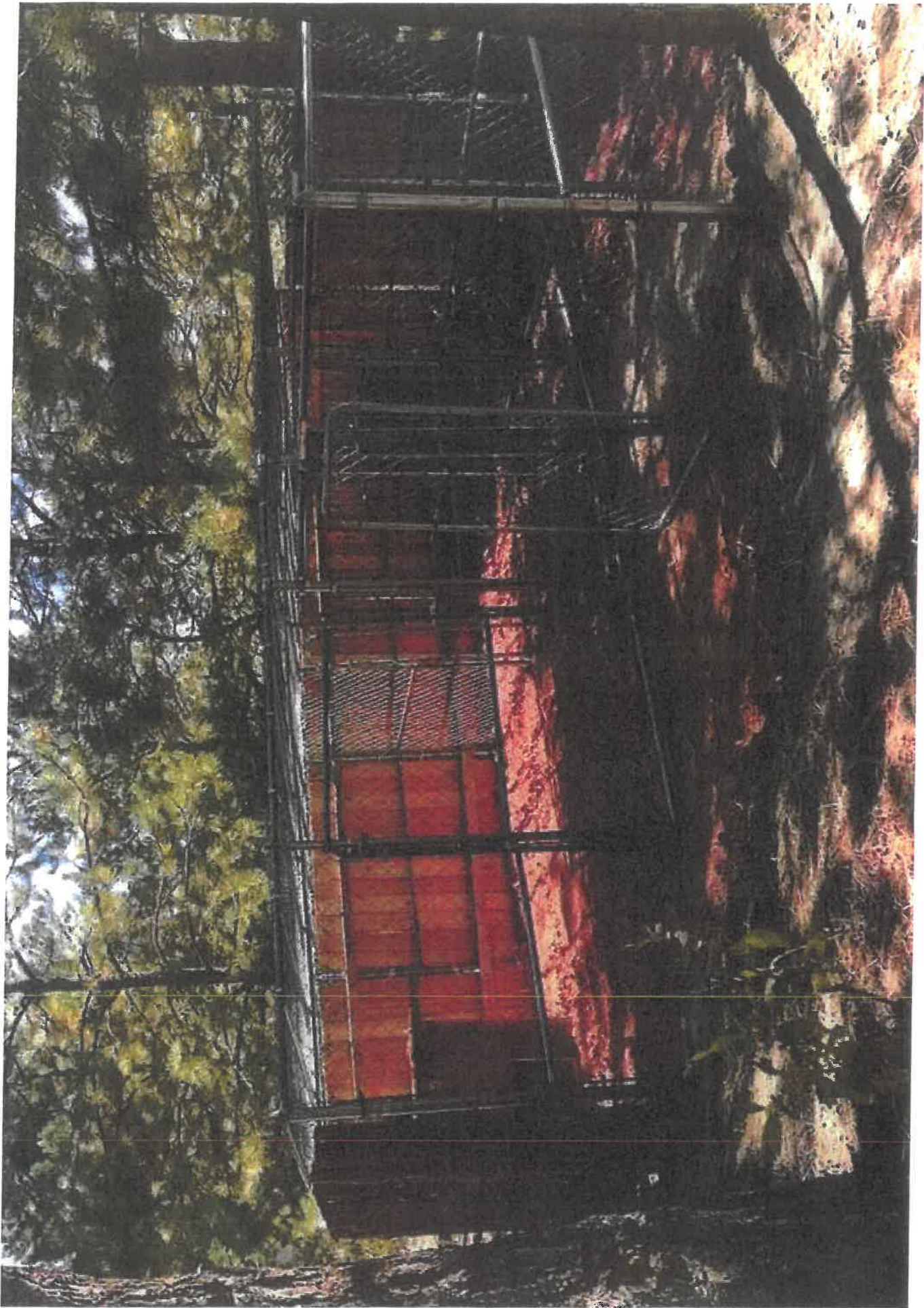


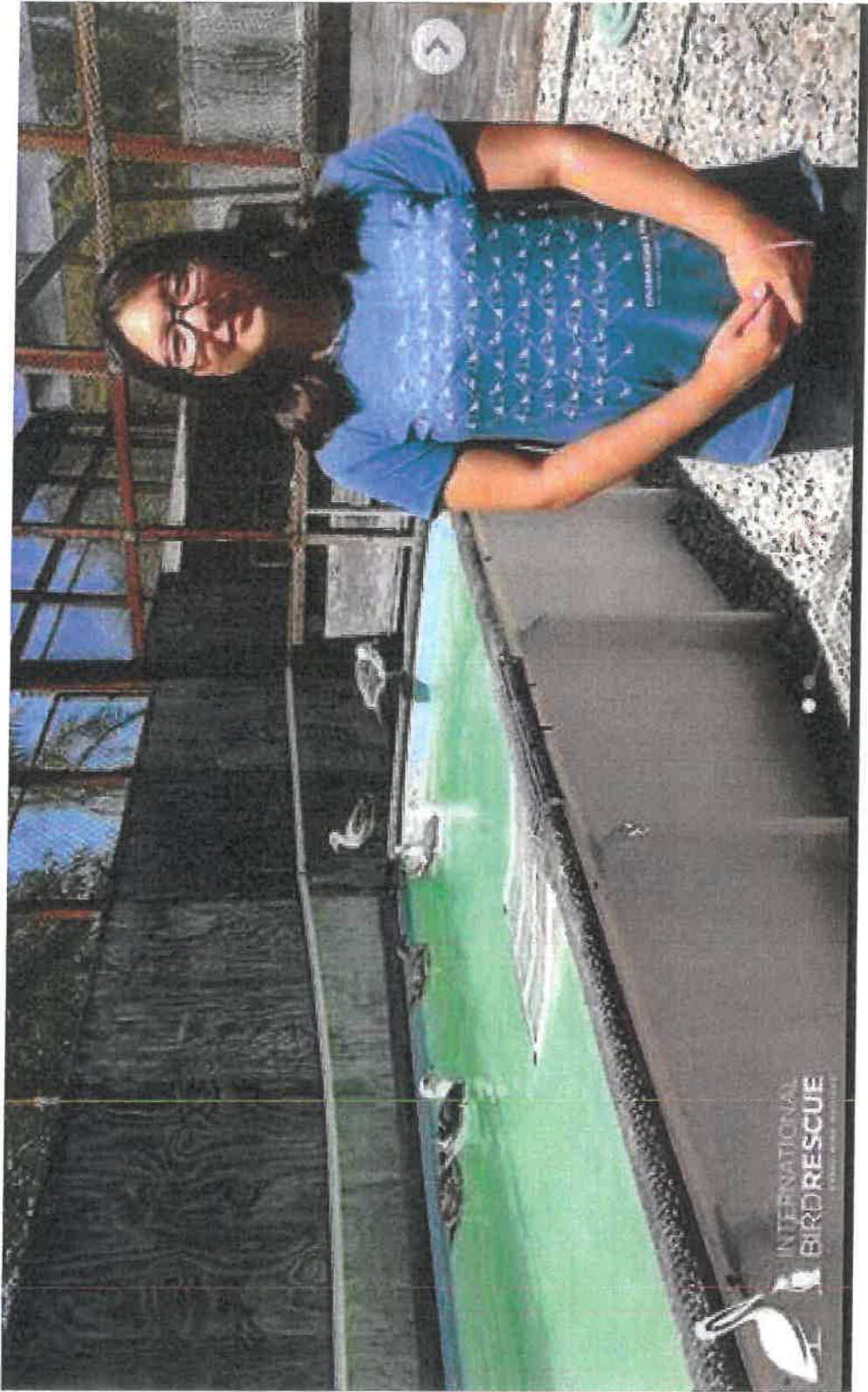


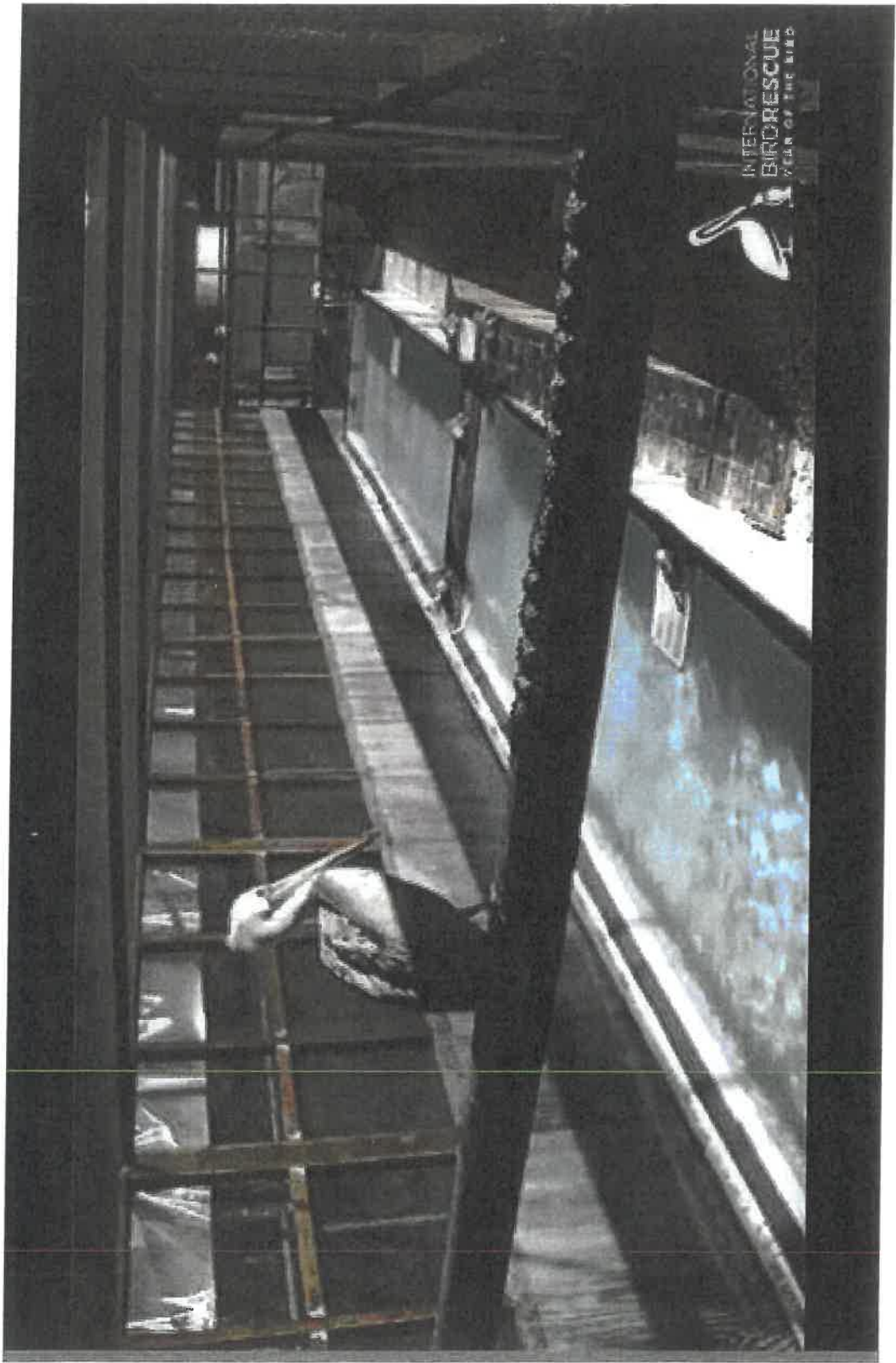




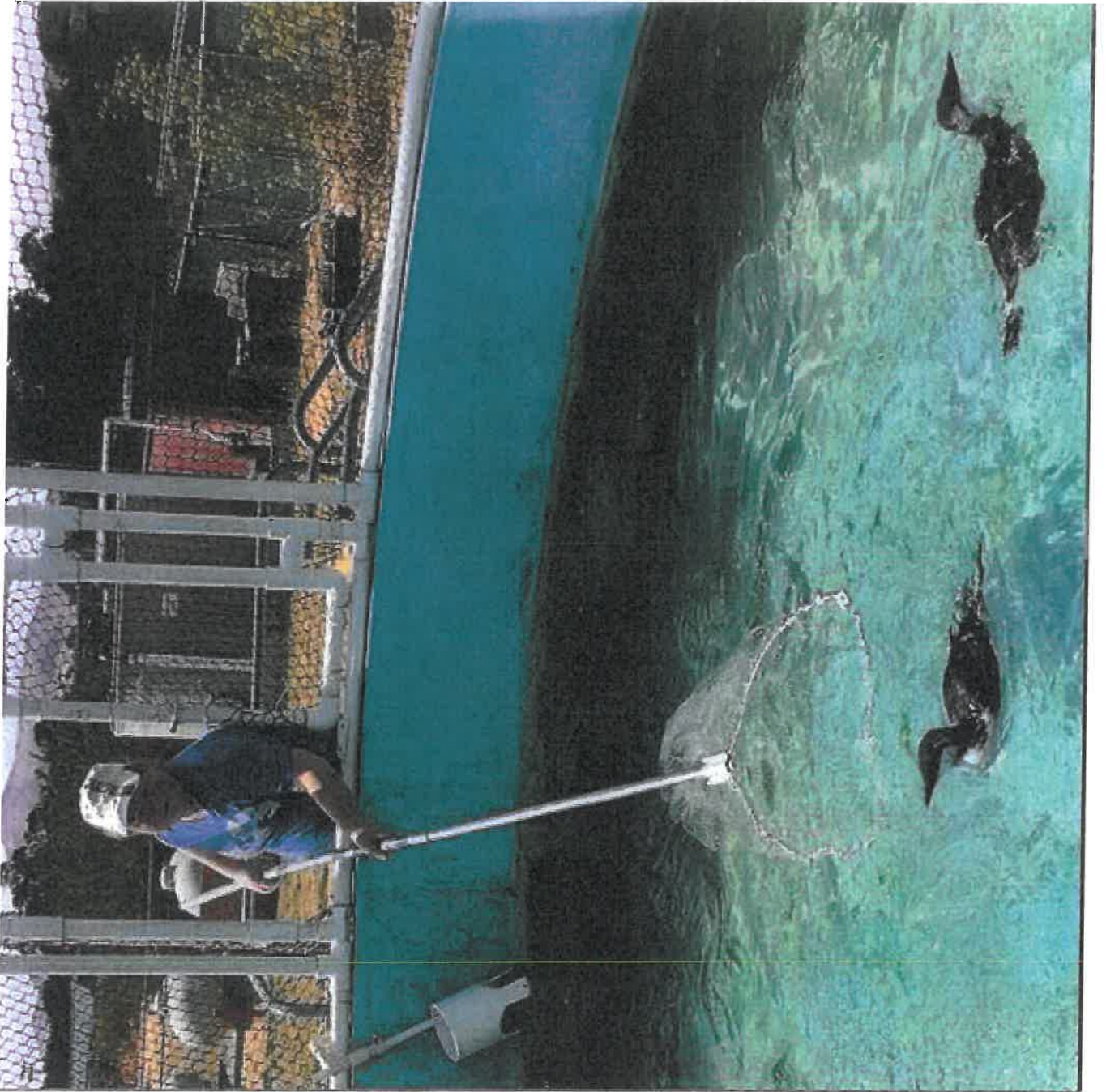


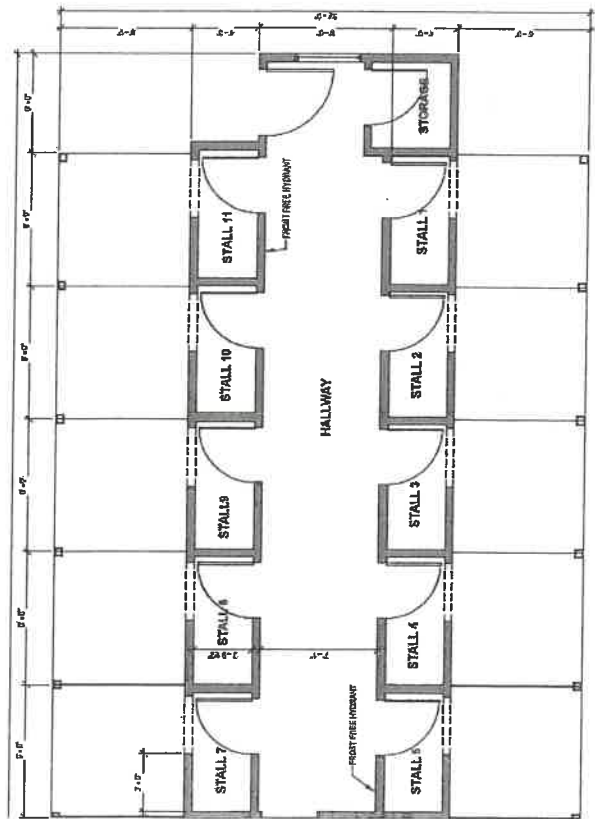


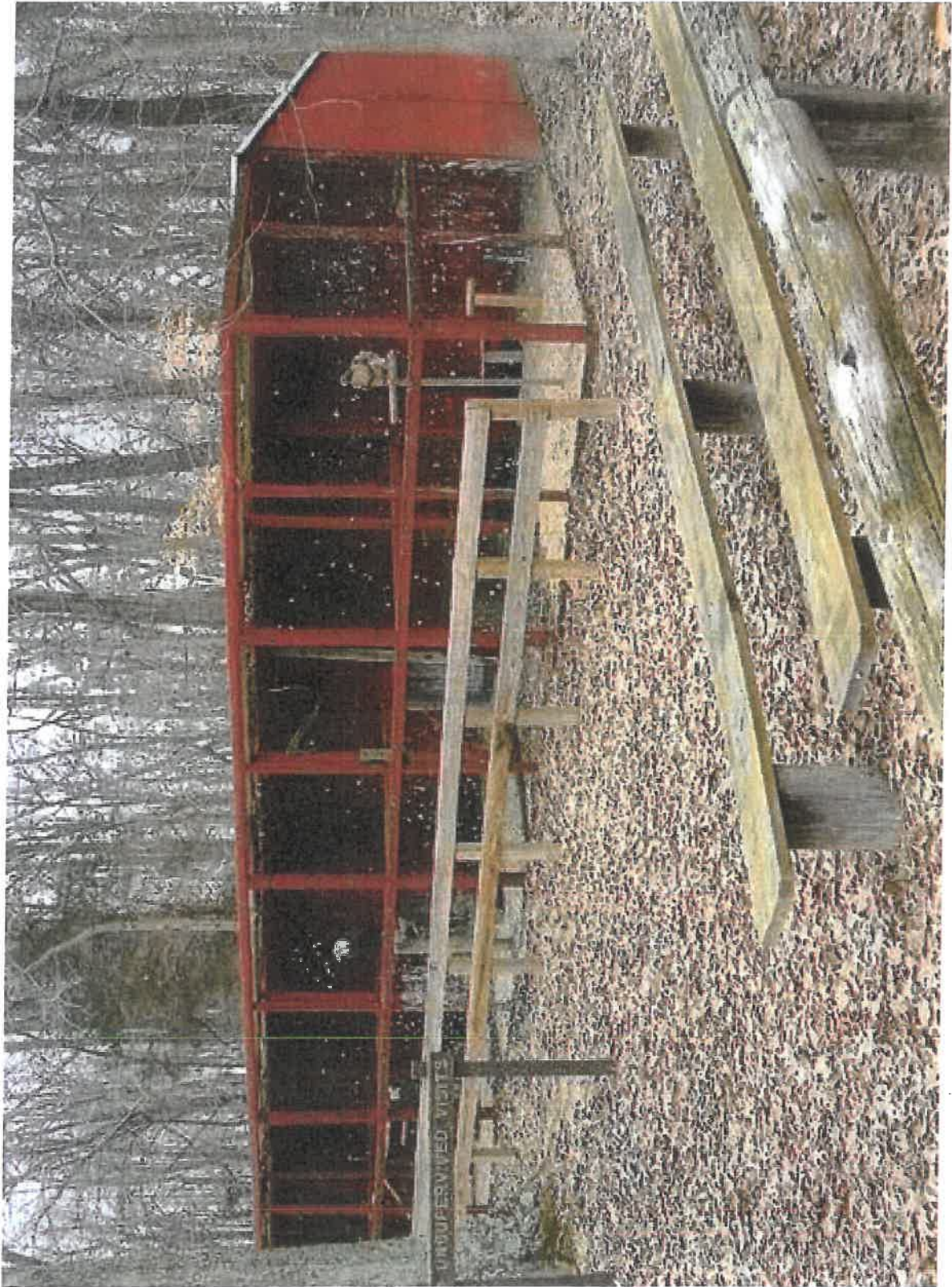












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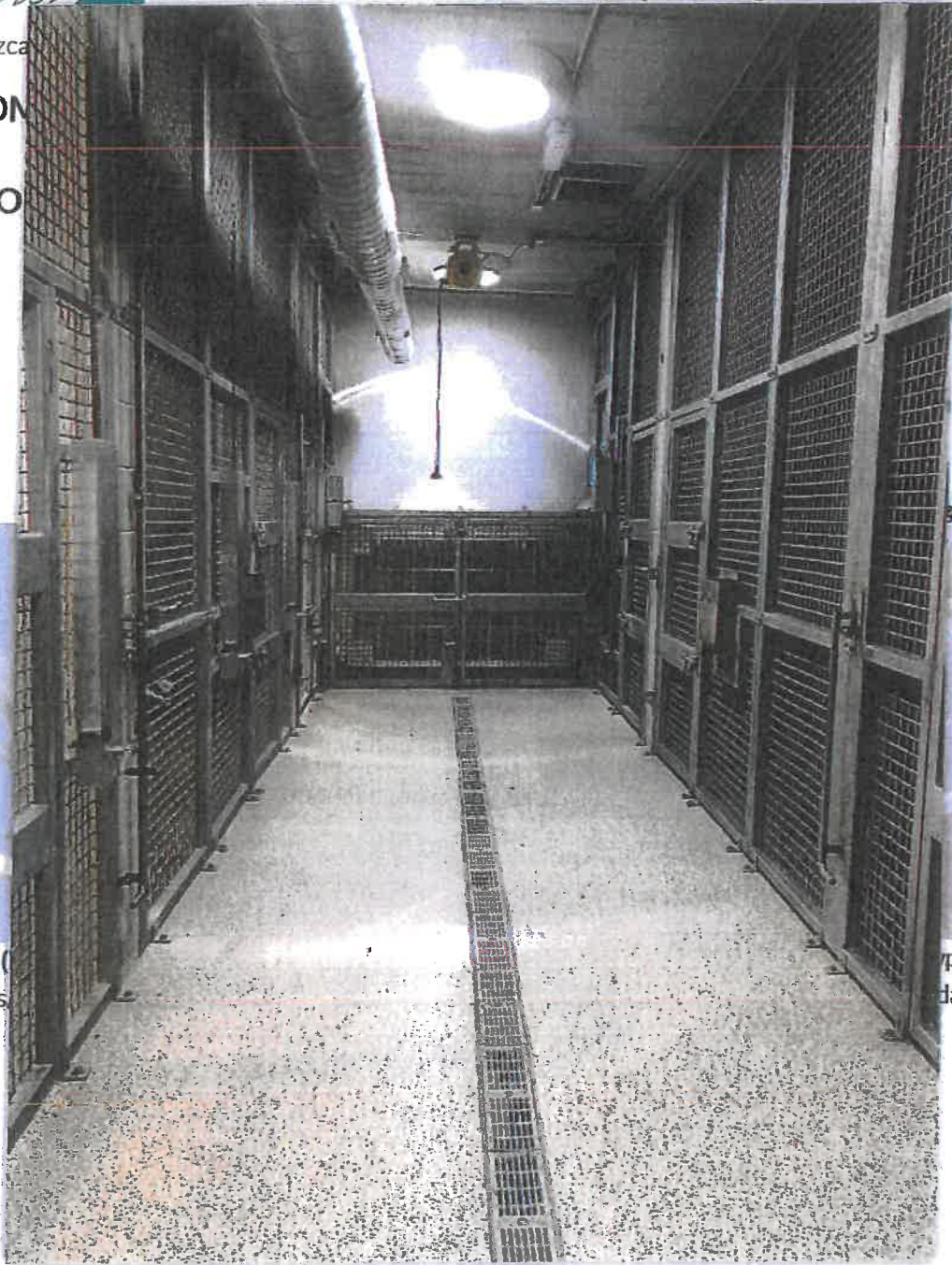
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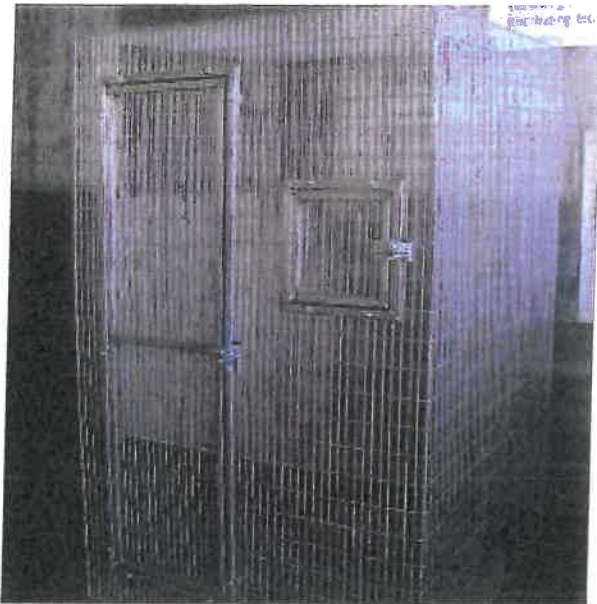
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**Main Office**

1300 Hickory Street (P.O. Box 727)

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Toll Free: (800) 558-0507 (tel:+18005580507)

Fax: (262) 691-3463 (tel:+12626913463)

**Email Address**

sales@centuryfence.com (mailto:sales@centuryfence.com)



## STAFF REPORT

**TO:** Planning Commission Members  
Kim Points, City Administrator/Clerk

**Date:** January 13, 2020

**CC:** David Snyder, City Attorney

**RE:** Application for Minor Subdivision  
XXXX 110<sup>th</sup> Street N

**From:** Jennifer Haskamp, Consulting City  
Planner

### Background

The Applicant, Joseph Ingebrand Real Estate, LLC., are requesting approval of a minor subdivision of the property generally located northwest of the 110<sup>th</sup> Street North and Kelvin Avenue North intersection. The proposed request will result in two newly created lots Parcel A and Parcel B. The proposed parcels are vacant and two potential building sites are included in this application

A duly noticed public hearing was published for January 21, 2020 at 6:30 PM, and letters were sent to individual property owners located within 1/4-mile (1,320 feet) of the proposed subdivision.

The following staff report is provided for your review and consideration of the subject application

### Project Summary

Owner	Reichow Investments, LLC.
Applicant	Joseph Ingebrand Real Estate, LLC.
PIDs:	0203021330004
Total Acres:	20.24
Address:	XXX 110 <sup>th</sup> Street N
Zoning & Land Use:	A1
Request:	Minor Subdivision to create Parcel A (10.23 Acres) and Parcel B (10.01 Acres)

The Applicant is requesting approval of a minor subdivision to create two Parcels, Parcel A and Parcel B. The existing property is vacant, and the two proposed lots identify a potential building site on each lot.

### Review Criteria

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

Secs. 32-246

Secs. 12-261





## Existing Site Conditions

There is one existing parcel associated with this application that is approximately 20-acres, which is shown on the attached survey (Attachment 2). The subject parcel is bordered by 110<sup>th</sup> Street North on the southerly property line. Based on the submitted survey the parcel is currently vacant. The applicant submitted a wetland delineation, dated December 7<sup>th</sup>, 2019. However, because of the date of the delineation, the delineation has not been formally approved by the watershed district and will need to be finished and if needed, revised, when the growing season begins in the spring. Per the submitted wetland delineation and survey, there are 10 wetlands on the existing parcel which are generally clustered near the center of the site. The site has rolling topography and is heavily vegetated except for a small clearing on the northwestern corner of the property

## Comprehensive Plan Review

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A1 land use designation. The proposed minor subdivision/lot line rearrangement of the total 20.24-acres results in one additional lot. The resulting subdivision will create two lots (Parcel A and Parcel B). The minor subdivision as proposed meets the density requirements as established in the comprehensive plan. Further, the intent of the A1 land use designation is to promote rural lot density housing, and the proposed subdivision is consistent with that objective.

## Zoning/Site Review

### Dimensional Standards

The following site and zoning requirements in the A1 district are defined 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'

### Lot Area and Lot Width

The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed subdivision would result in newly created Parcel A and Parcel B. The following summary of each created parcel is identified on the table below:

### **Lot Tabulation:**

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	10.23 Acres	510.03'	1,322.19'
Parcel B	10.01 Acres	330.02'	1,322.19'



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

Setbacks

As shown on the attached survey, Proposed Parcel A is vacant and includes a potential building site. The potential building site is subject to the city’s setback requirements. The proposed building pad is setback approximately 102.5’ from the west property line (side), 180’ from the north property line (rear), 327’ from the east property line (side), and 236.3’ from the south property line (front). The building pad is setback 50’ from a wetland to the north and is setback 50’ from the septic area. As denoted in the attached survey, ***the proposed building site meets the City’s setback requirements, but the building edge must be setback an additional 10-feet per the City Ordinances. Additionally, since the wetland delineation has not been formally approved if the edge shifts south, then the building pad must be moved to ensure compliance with the City’s setback requirements. Staff recommends including a condition that the building footprint must be site to comply with all setbacks, and that a 10-foot no grade buffer shall be required.***

As shown on the attached survey, Proposed Parcel B is vacant and includes a potential building site. The potential building site is subject to the city’s setback requirements. The proposed building pad is 93’ from the west, 720’ from the north, 176’ from the east, and 514.2’ from the southerly border of the parcel. As denoted in the attached survey, ***the proposed building site meets the City’s setback requirements. Similar to Parcel A, since the wetland delineation has not been formally adopted if the edge shifts south then the building pad must be moved to ensure compliance with the City’s setback requirements. Staff recommends including a condition that the building footprint must be site to comply with all setbacks, and that a 10-foot no grade buffer shall be required.***

Wetland - Dimensional Standards

The following buffer widths shall be maintained:

	Minimum Buffer Width (feet)	Parcel A Building Pad Setback	Parcel B Building Pad Setback
Type 3,4,5 wetland	50'	50'	51'
Building setback from outer edge of buffer	10'	0'	0'
Unclassified Water Bodies (Septic System)	75'	50'	70'

On Parcel A, as shown in the submitted survey, there are 6 wetlands located on the parcel. Four are located on the west border of the parcel. Two are located on the central portion of the parcel on the east border.

***Staff recommends moving the building pads in order to be compliant with the City’s setback requirements.***

Access & Driveways

There is a proposed driveway on Parcel A and Parcel B. Parcel A and Parcel B are bordered by 110<sup>th</sup> Street N on the southern property line. As proposed, a portion of the driveway on Parcel A is approximately 20 feet away from a wetland. The proposed driveway on Parcel B is approximately 50 feet away from a wetland at its



closest point. As proposed, both driveways meet the setback requirement of a minimum of 5-feet from the proposed septic drainfield area, and both are setback a minimum of 5-feet from all property lines. ***Staff would recommend a driveway permit shall be obtained from the City's Building Official when a building permit is requested to construct new homes on the parcels.***

#### Utilities (Septic & Well)

##### **Septic System – Soil Borings**

To demonstrate the buildability of Parcel A and B, the Applicant submitted septic/soil borings which were submitted to Washington County for their preliminary review. Based on the preliminary results it appears that there is adequate area on both parcels to install a septic system to support new homes, if and when, proposed. However, the location identified on Parcel A is near the property's proposed driveway, and therefore careful planning should be given when siting the driving to protect this area during any site construction process. ***Staff would recommend including a condition of approval that a septic permit must be acquired from Washington County prior to the city issuing a building permit for the principal structures on Parcel A or B. Additionally, staff would recommend including a condition regarding protection of septic area during construction.***

##### **Wells**

There are no existing wells on the subject property. At the time of development, a well will be installed to support each home. ***Staff would recommend including a condition that when a new home is proposed on Parcel A or B that the appropriate permits to install a well be obtained prior to the city issuing a building permit.***

#### Other Agency Review

The subject parcel is located in the Brown's Creek Watershed District (BCWD). The Applicant shall be required to contact the BCWD and obtain any required permits. Since two new lots will be created, the Applicant must obtain a septic permit from Washington County Environmental Services prior to obtaining a building permit for Parcel A or B.

#### **Requested Action**

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
- 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, if applicable

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

##### **Draft Conditions**

The following draft conditions are provided for your review and consideration:

1. All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.
2. Any proposed driveway on Parcel A or B shall be setback a minimum of 5-feet from any septic system, including drainfield and the drainfields shall be protected during construction.



3. The potential building pad on Parcel A shall be moved to comply with the wetland setback requirements.
4. The potential building pad on Parcel A shall be moved to comply with the city's setback requirements.
5. A driveway access permit shall be obtained from the City's Building Official if, and when, a new principal structure is proposed on Parcel A or B.
6. Any proposed accessory buildings on Parcel A or B shall be subject to the City's requirements for size and quantity as stated in Section 32-313, or successor sections.
7. A septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel A or B.
8. If, and when, a new home is proposed on Parcel A or B the appropriate permits to install a well must be obtained prior to the city issuing a building permit.
9. If, and when, a new home is proposed on Parcel A or B, the septic area shall be protected during any construction of structures or driveways.

*Attachments:*

Attachment A: Application

Attachment B: Minor Subdivision exhibit, dated December 5, 2019

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



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

Application Date:	12/15/19
Fee: \$400	Escrow: \$4,000

*pd Check # 1005 - \$400  
Check # 1006 - \$4,000*

### MINOR SUBDIVISIONS

A minor subdivision is any subdivision containing not more than two lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property.

PARCEL IDENTIFICATION NO (PIN): 0203021330004		ZONING DISTRICT & COMP PLAN LAND USE: AI
LEGAL DESCRIPTION: <i>See attached</i>		LOT SIZE: 20.24
PROJECT ADDRESS: XXXX 110th St N Grant, MN 55082	OWNER: Name: <i>Reichow Investments LLC Bonnie Reichow - President</i> Address: <i>1544 Shieldsville Blvd</i> City, State: <i>Fairbault, MN</i> Phone: <i>651-283-7677</i> Email: <i>reichow51@yahoo.com</i>	APPLICANT (IF DIFFERENT THAN OWNER): <i>Joseph Ingebrand Real Estate, LLC, 3210 39th Ave NE Saint Anthony, MN 55421 612-396-0925 jingebrand@gmail.com</i>
DESCRIPTION OF REQUEST: <i>minor subdivision to split 20.24 acre parcel in to two buildable residential lots (one 10.23 acre lot one 10.01 acre lot)</i>		
EXISTING SITE CONDITIONS:		
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. Chapter 30; Section 30-9		

#### 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 checked="" type="checkbox"/>	<p><u>Site Plan: Technical drawing demonstrating existing conditions and proposed changes</u> (Full scale plan sets shall be at a scale not less than 1:100)</p> <ul style="list-style-type: none"> <li>North arrow and scale</li> <li>Name, address, phone number for owner, developer, surveyor, engineer</li> <li>Streets within and adjacent to the parcel(s) including driveway access points</li> <li>Topographic data at two (2) foot contour intervals and steep slopes</li> <li>Proposed lot sizes (with dimensions) indicating setbacks for newly created lots</li> <li>Buildable area with acres and square footage identified</li> <li>Wetland limits (delineation)</li> <li>Drainage plans</li> <li>Soil tests for the installation of an on-site septic system</li> </ul>

Application for: MINOR SUBDIVISION  
City of Grant

		<ul style="list-style-type: none"> <li>▪ Septic system and well location</li> <li>▪ Building locations and dimensions with setbacks</li> <li>▪ Vegetation and landscaping</li> <li>▪ Wetland Delineation</li> <li>▪ Shoreland classifications: waterbodies, Ordinance High Water Level, 100 year flood elevation, and bluff line</li> <li>▪ Name of subdivision with lot and block numbers of property, if platted</li> </ul> <p><b>COPIES: 20 copies (4 sets at 22" x 34" and 16 at 11" x 17" format)</b></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>certificate of survey</u> , by a registered land surveyor for each parcel will be required. The survey must show newly created lots and the original lot, limits of any wetland, one acre of buildable area, and elevation of the building site above any lake, stream, wetland, etc.
<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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within 1,320 feet, contact Washington County Surveyor's Office: (651) 430-6875
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minor Subdivision submittal form completed and signed by all necessary parties
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$4,000

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

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

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  
 Bonne Reichow-President, Reichow Investments LLC  
 Signature of Owner

12/6/19  
 Date  
 12/04/2019  
 Date

Joseph Ingebrand Real Estate, LLC  
3210 39<sup>th</sup> Ave NE St Anthony, MN 55421  
612-396-0925 jingebrand@gmail.com



12/06/19

Planning Commission/City Council  
City of Grant  
PO Box 577  
Willernie, MN 55090

Dear Planning Commission/City Council,

This letter is in regards to my application for a minor subdivision of PID: 02.030.21.33.0004.

Enclosed you will find all the required paperwork/documentation per the requirements of the City of Grant Application for Minor Subdivision.

I have had my team of licensed contractors submit all the required paperwork to the appropriate agencies. Soil reports have been submitted to Washington County for septic systems on the proposed lots. A wetland delineation report has been submitted to the proper agency. The property has been officially surveyed and I have submitted a copy of the complete survey with all details pertaining to the two new lots to the Browns Creek Watershed District.

Upon approval of the minor subdivision, I acknowledge that any and all required permits will be obtained for driveway installation, septic permits, building permits, etc.

Please do not hesitate to contact me with any questions and/or concerns.

Sincerely,

Joseph Ingebrand Real Estate, LLC



LEGAL

**0203021330004, MN, Washington County**

**Owner Information**

Owner Name:	<b>Reichow Investments LLC</b>	Taxpayer Zip:	<b>55021</b>
Taxpayer Address:	<b>15442 Shieldsville Blvd</b>	Taxpayer ZIP+4:	<b>7636</b>
Taxpayer City and State:	<b>Faribault, MN</b>	Taxpayer Carrier Route:	<b>R004</b>

**Location Information**

Municipality:	<b>Grant</b>	Township #:	<b>30</b>
Census Tract:	<b>704.03</b>	Range #:	<b>21</b>
School District Name:	<b>Mahtomedi</b>	Quarter:	<b>SW</b>
School District:	<b>0832</b>	Quarter-Quarter:	<b>SW</b>
Section #:	<b>2</b>		

**Tax Information**

PID#:	<b>0203021330004</b>	PID:	<b>0203021330004</b>
Legal Description:	<b>THE EAST 180.00 FEET OF THE SOUTH 500.00 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 30 NORTH, RANGE 21 WEST, WASHINGTON COUNTY, MINNESOTA, AND THE WEST 660.00 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 30 NORTH, RANGE 21 WEST, WASHINGTON COUNTY, MINNESOTA, EXCEPT THE NORTH 522.20 FEET OF THE WEST 154.38 FEET THEREOF</b>		

X

**Assessment & Tax**

<b>Assessment Year</b>	2018
<b>Estimated Mkt. Value - Total</b>	\$247,000
<b>Estimated Mkt. Value - Land</b>	\$247,000
<b>Taxable Mkt. Value - Total</b>	\$247,000
<b>Taxable Mkt. Value - Land</b>	\$247,000
<b>Payable Tax Year</b>	<b>Total Tax</b>
2019	\$938

**Characteristics**

Lot Acres:	<b>20.2472</b>	Land Use - County:	<b>Rural Vacant Land</b>
Lot Sq Ft:	<b>881,966</b>	Land Use - CoreLogic:	<b>Vacant Land (NEC)</b>

**Estimated Value**

Value As Of: **10/15/2019**

**Last Market Sale & Sales History**

Owner Name: **Reichow Investments LLC**

**Courtesy of Jason Pieper, NorthstarMLS**

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

**Property Detail**





## STAFF REPORT

**TO:** Planning Commission Members  
Kim Points, City Administrator/Clerk

**Date:** January 13, 2020

**CC:** David Snyder, City Attorney

**RE:** Application for Minor Subdivision  
9215 Ideal Avenue N

**From:** Jennifer Haskamp, Consulting City  
Planner

### Background

The Applicant, Ray Gunderson, on behalf of the Owner the John/Delores Gunderson Trust, are requesting approval of a minor subdivision of their property located at 9215 Ideal Avenue North. The proposed request will result in two newly created lots Parcel A and Parcel B. The existing homestead and accessory buildings are proposed to remain and are fully contained on Parcel B, and proposed Parcel A is vacant, and no new structures are proposed as part of this application.

A duly noticed public hearing was published for January 21, 2020 at 6:30 PM, and letters were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision.

The following staff report is provided for your review and consideration of the subject application

### Project Summary

Owner & Applicant:	Ray Gunderson
Owner:	John/Delores Gunderson Trust
PIDs:	1603021330001
Total Acres:	79.94
Address:	9215 Ideal Avenue North
Zoning & Land Use:	A-2
Request:	Minor Subdivision to create Parcel A (10.46 Acres) and Parcel B (69.48 Acres)

The Applicant is requesting approval of a minor subdivision to create two Parcels, Parcel A and Parcel B. There is an existing home and three accessory buildings/sheds on existing Parcel B which will remain on the lot, and Parcel A is vacant. The existing home and accessory buildings are accessed from a single driveway that connects to Ideal Avenue North on the westerly border of the subject property.

### Review Criteria

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

Secs. 32-246



## Existing Site Conditions

The existing parcel is approximately 80-acres, is regularly shaped and oriented east-west. The westerly property line is generally bordered by Ideal Avenue north, with a small portion of the roadway extending into the property on the northwest corner where a wetland complex exists on both the east and west side of the roadway. A wetland delineation was completed in November of 2014, but a NOD has not been issued given the late date of the delineation in the growing season. Based on the report, the site includes approximately 13.98 acres of wetland, with approximately 5.33 acres located on the western quarter of the property, and the remaining 8.65 acres on the eastern half of the property. The site has rolling topography on the western half of the site, and near the wetland areas with a gentle slope in the area currently in agricultural use. The site is sparsely vegetated, with some stands of trees intermittently on the site. There is an existing homestead located on the northwestern corner of the site, with three small accessory buildings/sheds. The remainder of the site is vacant and/or used for agricultural production.

## Comprehensive Plan Review

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-2 land use designation. The proposed minor subdivision/lot line rearrangement of the total 80-acres results in one additional lot, resulting in a total of two lots or 1 dwelling unit per 40 acres. The minor subdivision as proposed meets the density requirements as established in the comprehensive plan. Further, the intent of the A-2 land use designation is to promote rural residential uses, and the proposed subdivision is consistent with that objective.

## Zoning/Site Review

### Dimensional Standards

The following site and zoning requirements in the A-2 district are defined 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'
Wetland Setback – Type 3,4,5	50' (no grade 10')
Maximum Height	35'
Septic System (from wetland)	75'

### Lot Area and Lot Width

The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed subdivision would result in newly created Parcel A and Parcel B. The following summary of each created parcel is identified on the table below:



**Lot Tabulation:**

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	10.46 Acres	379.99'	~1,000'
Parcel B*	69.48 Acres	942.55'	2,642.52'

*\*Frontage on Parcel B is non-contiguous, dimension listed is for both segments together.*

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

Setbacks

The existing homestead and accessory structures are located on proposed Parcel B and are subject to the city’s setback requirements since the lot will be reconfigured. As shown, the newly created Parcel A results in a new side-yard property line for Parcel B. Based on the submitted site plan, the existing homestead is setback approximately 155.5 feet from the northerly property line, 135.6-feet from the west property line (front), 340-feet from the south property line (side) and 2,260-feet from the east property line (rear). The existing home is setback 120-feet from the nearest wetland. ***As proposed, the existing structures meet the City’s setback requirements.***

Created Parcel A identifies a potential building pad location setback approximately 65-feet from the right-of-way line which forms the western border of the lot. The building pad location is setback approximately 180-feet from the north property line (side), 140-feet from the south property line and 700-feet from the east (rear) property line. The building pad location is setback 20-feet from the nearest wetland. As proposed, the future building pad location does not meet the City’s ordinances for wetland setback, and the building pad location must be adjusted to meet the 50-foot setback with a 10-foot no-grade buffer. ***As proposed, the building pad location does not meet the City’s setback standards. It appears that the building pad could be shifted south approximately 50-feet to meet the setback requirement, but the Septic Area may need to be adjusted/shifted to account for the shift in the building pad location. Staff would recommend including a condition that the Parcel A site plan be revised to show the building pad and septic area outside of all required setback areas.***

Access & Driveways

The existing home and accessory buildings are accessed from a single driveway on the northwestern corner of the property. The proposed building pad on Parcel A will be accessed from a single driveway. The Applicant should be aware that at the time of building permit that a driveway permit to the new home will also be required. ***Staff recommends including a recommendation that a driveway permit be acquired when a building permit is applied for to access the new lot.***

Accessory Structures

There are three existing accessory buildings/sheds on Parcel B, and there are no accessory buildings on Parcel A. Parcel B is 69.48 acres, and therefore there are no limitations on the size or quantity of accessory buildings. Parcel A is approximately 10.46 acres and there are no accessory buildings proposed as part of this application. ***However, the Applicant should be aware that the size and number of accessory buildings on 10.46 acres is limited to 4 accessory buildings with a maximum combined 3,500 square feet.***



## Utilities (Septic & Well)

### **Septic System – Soil Borings**

The existing homestead is served by an existing septic system and well that will continue to serve Parcel B. The Applicant submitted soil testing results that demonstrate that a subsurface sewage treatment system can be installed on the new lot (Parcel A). However, the proposed drainfield location is setback approximately 35-feet from the delineated wetland edge and does not meet the City's ordinance. Additionally, as indicated in previous sections, if the house pad is moved, the septic system will need to shift further to meet setbacks from a structure. As currently sited, the drainfield location on Parcel A does not meet the City's ordinance. ***Staff recommends including a condition that the Applicant submit a revised site plan identifying a revised Septic Area location that meets all applicable setbacks. Additionally, staff recommends including a condition that a septic permit must be obtained from Washington County Environmental Services prior to a building permit being issued for the new lot.***

### Subdivision Standards

Sections 30-9 and 30-10 refer to Minor Subdivisions where fewer than two lots are created. Though the City has typically allowed minor subdivisions to divide through metes and bounds rather than a platting process, the City has required Applicants to generally follow the Design Standards identified in Article III of Chapter 30. The proposed subdivision generally follows the standards, but staff has identified the following for further consideration:

- Section 30-107 Lot Requirements subsection (a) states that, "Side lot lines shall be substantially at right angles to straight street lines...unless topographic conditions necessitate a different arrangement." The proposed subdivision does provide right-angles for approximately 243-feet connecting to the right-of-way; however, the lot lines then become irregular interior to the lot. Typically, the City has discouraged such irregular configurations unless there is a reason. The Applicant did not state a purpose for the irregular configuration, and staff would recommend that the lot lines be reconfigured, or a purpose stated for the proposed configuration.

### Other Agency Review

The subject parcel is located in the Rice Creek Watershed District (RCWD). The Applicant shall be required to contact the RCWD and obtain any required permits. Since a new lot will be created, the Applicant must obtain a septic permit from Washington County Environmental Services prior to obtaining a building permit for Parcel A.

### **Requested Action**

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
- 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, if applicable

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



## Draft Conditions

The following draft conditions are provided for your review and consideration:

1. The site plan for Parcel A shall be revised to show the building pad location outside of all applicable setbacks, including the wetland setback area.
2. The site plan shall be revised to identify a septic area location on Parcel A that meets all applicable setbacks, specifically the wetland setback.
3. The Applicant shall reconfigure the side-lot lines and rear lot lines to create a regularly shaped Parcel A and Parcel B.
4. All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.
5. Any proposed driveway on Parcel A shall be setback a minimum of 5-feet from any septic system, including drainfield and the drainfields shall be protected during construction.
6. A driveway access permit shall be obtained from the City's Building Official if, and when, a new principal structure is proposed on Parcel A.
7. Any proposed accessory buildings on Parcel A shall be subject to the City's requirements for size and quantity as stated in Section 32-313, or successor sections.
8. A septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel A.
9. If, and when, a new home is proposed on Parcel A the appropriate permits to install a well must be obtained prior to the city issuing a building permit.

### *Attachments:*

Attachment A: Application

Attachment B: Minor Subdivision exhibit, dated December 9, 2019



Application Date:	12/10/2019
Fee: \$400	Escrow: \$4,000

*pd Check # 14026  
\$4,400.00*

## MINOR SUBDIVISIONS

A minor subdivision is any subdivision containing not more than two lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property.

<b>PARCEL IDENTIFICATION NO (PIN):</b> 16-030-21-33-000 <b>LEGAL DESCRIPTION:</b> THE SOUTH 1/2 OF SW 1/4, SEC. 16, T. 30, R. 21		<b>ZONING DISTRICT &amp; COMP PLAN LAND USE:</b> A-2 <b>LOT SIZE:</b> 79.94 ACRES
<b>PROJECT ADDRESS:</b> 9215 IDEAL AVE. GRANT, MN	<b>OWNER:</b> Name: JOHN/DELORES GUNDERSON TRUST Address: 750 HWY 95 City, State: Bayport, MN 55003 Phone: Email:	<b>APPLICANT (IF DIFFERENT THAN OWNER):</b> Ray Gunderson 7461 46th ST CRT North OAKDALE MN 55128 651-442-0456 rgunderson@marshassoc.com
<b>DESCRIPTION OF REQUEST:</b> REQUESTING A MINOR SUBDIVISION TO SPLIT OFF A 10+ ACRE PARCEL FOR NEW HOME CONSTRUCTION.		
<b>EXISTING SITE CONDITIONS:</b> THERE IS 1 EXISTING HOME ON THE PARCEL, WHICH WILL REMAIN.		
<b>APPLICABLE ZONING CODE SECTION(S):</b> Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Chapter 30; Section 30-9		

### 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"/>	<b>Site Plan: Technical drawing demonstrating existing conditions and proposed changes</b> (Full scale plan sets shall be at a scale not less than 1:100) <ul style="list-style-type: none"> <li>▪ ✓ North arrow and scale</li> <li>▪ ✓ Name, address, phone number for owner, developer, surveyor, engineer</li> <li>▪ ✓ Streets within and adjacent to the parcel(s) including driveway access points</li> <li>▪ ✓ Topographic data at two (2) foot contour intervals and steep slopes</li> <li>▪ ✓ Proposed lot sizes (with dimensions) indicating setbacks for newly created lots</li> <li>▪ ✓ Buildable area with acres and square footage identified</li> <li>▪ ✓ Wetland limits (delineation) ●</li> <li>▪ Drainage plans</li> <li>▪ ✓ Soil tests for the installation of an on-site septic system ●</li> </ul>

**Application for: MINOR SUBDIVISION**  
City of Grant

		<ul style="list-style-type: none"> <li>▪ Septic system and well location</li> <li>▪ Building locations and dimensions with setbacks</li> <li>▪ Vegetation and landscaping</li> <li>▪ Wetland Delineation</li> <li>▪ Shoreland classifications: waterbodies, Ordinance High Water Level, 100 year flood elevation, and bluff line</li> <li>▪ Name of subdivision with lot and block numbers of property, if platted</li> </ul> <p><b>COPIES: 20 copies (4 sets at 22" x 34" and 16 at 11" x 17" format)</b></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A certificate of survey, by a registered land surveyor for each parcel will be required. The survey must show newly created lots and the original lot, limits of any wetland, one acre of buildable area, and elevation of the building site above any lake, stream, wetland, etc.
<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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within 1,320 feet, contact Washington County Surveyor's Office: (651) 430-6875
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minor Subdivision submittal form completed and signed by all necessary parties
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$4,000

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

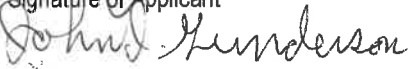
**Review and Decision by the City Council.** The City Council shall review the application after the Planning Commission has made its recommendation. The City Council is the only body with the authority to make a final determination and either approve or deny the application for minor subdivision.


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

12/10/2019  
Date

  
\_\_\_\_\_  
Signature of Owner

  
\_\_\_\_\_  
Signature of Owner

12-7-2019  
Date

**Tradewell Soil Testing  
18330 Dahlia Street NW  
Cedar, MN 55011**

Date: December 5<sup>th</sup>, 2019

Name: John & Delores Gunderson Trust

Address: 9215 Ideal Avenue North, Grant Township

**SOIL BORING TEST REPORT**

<b>Boring #107</b>	<b>Boring #108</b>	<b>Boring #109</b>	<b>Boring #110</b>
0"- 10" Topsoil Loamy Fine Sand 10YR 3/2	0"- 8" Topsoil Loamy Sand 10YR 3/2	0"- 16" Topsoil Fine Sandy Loam 10YR 3/1	0"- 12" Topsoil Fine Sandy Loam 10YR 3/2
10"- 32" Medium Fine Sand 10YR 3/4	8"- 24" Medium Coarse Sand & Gravel 7.5YR 3/4	16"- 30" Loamy Fine Sand 10YR 3/2 3/3	12"- 20" Loamy Fine Sand 10YR 3/3 3/4
32"- 62" Medium Coarse Sand 10YR 4/4 4/3	24"- 40" Coarse Sand & Gravel 10YR 4/6 4/4 4/3		20"- 34" Silty Loam 10YR 4/3 4/6
Faint Mottles @ 48" Dry Hole	Faint Mottles @ 32" Dry Hole	Mottles @ 18" Dry Hole	Mottles @ 20" Dry Hole



Mark Tradewell  
MPCA #307



**Tradewell Soil Testing  
18330 Dahlia Street NW  
Cedar, MN 55011**

Date: December 5<sup>th</sup>, 2019

Name: John & Delores Gunderson Trust

Address: 9215 Ideal Avenue North, Grant Township

**SOIL BORING TEST REPORT**

<b>Boring #111 (House)</b>			
0"- 8" Topsoil Loamy Sand & Gravel 10YR 3/2			
8"- 24" Medium Sand & Gravel 7.5YR 3/3 3/4			
24"- 38" Coarse Sand & Rock 10YR 4/4 3/4			
**Hit Large Rock			
No Mottles @ 38" Dry Hole			



Mark Tradewell  
MPCA #307