

**CITY OF GRANT  
PLANNING COMMISSION MEETING**

Wednesday, August 12, 2020

6:30 p.m.

Zoom

*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: July 21, 2020
5. NEW BUSINESS
  - A. PUBLIC HEARING, Consideration of Variance from Required Setback to Tributary Stream for Installation of Replacement Septic System, 9440 71<sup>st</sup> Street N
6. OLD BUSINESS
7. ADJOURN

# PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

July 21, 2020

**Present:** Jerry Helander, Dan Gagliardi, Jim Huttemier, Matt Fritze and Robert Tufty

**Absent:** James Drost and David Tronrud

**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. OATH OF OFFICE, DAN GAGLIARDI AND JIM HUTTEMIER

Newly appointed Planning Commissioner Dan Gagliardi and Jim Huttemier took the Oath of Office.

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

MOTION by Commissioner Helander to elect Commissioner Fritze for Chair Person and Commissioner Tufty to Vice-Chair. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

## 5. APPROVAL OF AGENDA

MOTION by Commissioner Helander to approve the agenda, as presented. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

## 6. APPROVAL OF MINUTES, April 21, 2020

MOTION by Commissioner Helander to approve the April 21, 2020 Minutes, as presented. Commissioner Tufty seconded the motion. MOTION carried with Commissioner Gagliardi and Huttemier abstaining.

## 7. NEW BUSINESS

**PUBLIC HEARING, Consideration of Application for a Conditional Use Permit, Two Silo Farmhouse Resort, 7040 117<sup>th</sup> Street**– City Planner Swanson advised the Applicants and Owners (“Applicant”), Keith and Jan Dehnert, are requesting a Conditional Use Permit to develop and operate a farm winery and farmhouse resort on the subject property. Early in 2020,

the City Staff met with the Applicant to discuss the proposed operations and site improvements in a pre-application meeting. During the pre-application meeting the Applicant indicated that the vision for the property was to 1) grow grapes and produce local wine; and 2) to allow those staying in the Farmhouse to have a vineyard/winemaking and wine tasting experience. Based on that description, the use sounded most like a resort per the City's table of uses, which is permitted with a Conditional Use Permit.

On May 11, 2020 the Applicant submitted their Conditional Use Permit (CUP) application for the proposed operation, which expands on the original concept discussed at the pre-application meeting. In response staff scheduled a meeting with the Applicant on June 9, 2020 to seek clarification regarding the proposed uses on the subject site since the proposed operation evolved, particularly with respect to intensity. Through the course of the discussion staff indicated that additional information was needed to adequately review the subject request. Some of the information requested was received by staff in mid and late June, however some outstanding items remain. One of the items requested is a more complete site plan that must be provided to demonstrate the proposed site improvements associated with the requested CUP. The site plan must include the parking areas, proposed restroom facilities, expanded driveway, and any other structural expansions contemplated as part of the application. If an updated site plan is received prior to the meeting staff will forward it to the Planning Commission for consideration. Staff's conclusion based on the materials submitted is that the Two Silo Farmhouse Resort operations now includes a variety of uses from the City's permitted and conditionally permitted land use table. As stated with the Applicant's materials the proposed use of the property is proposed to include the farmhouse resort experience and farm winery, retail and wholesale sales of the wine curated on site, and associated activities that are commonly associated with agritainment and/or agritourism types of uses. Based on what staff now understands of the proposed operations, there is an increased intensity which would be most similar to a combination of a resort (the farmhouse overnight winery experience), a small-scale rural event facility (wine tasting, vineyard tours, etc.), and potentially a seasonal business (retail sales of products/wine) use all of which are permitted with CUP's within the A-1 zoning district.

On July 14, 2020 Staff had a follow-up conversation with the Applicant to seek clarification regarding some items contained in the Applicant's Narrative (Attachment B) that are confusing and/or inconsistent. The following clarification was provided in the conversation:

- The occupancy of 300 does not correlate to the information contained in the Traffic Memo or the estimates based on production identified in the narrative. The occupancy is a projection and is not consistent with the information contained in the Application. Staff discussed that the occupancy should reflect the 3-5-year plan that is specifically described in the narrative. This occupancy correlates to approximately **50-75** guests on site at any time.
- Bathroom facilities must be provided separately from those located in the Farmhouse. The Applicant agreed and described the installation of a semi-permanent port-a-potty

type of facility to accommodate 50-100 guests and employees. The number of restrooms provided, and any ADA compliance requirements, must be confirmed with the City’s Building Official.

- Staff indicated that the future plans post-2024 are not detailed enough and cannot be adequately reviewed because major site improvements would be necessary and contemplated. As a result, staff indicated that this review will be limited to what can be adequately considered which are anticipated operations between 2020 and 2024. The Applicant acknowledged, and understood, that review could only be completed for the short-term, which represents a lower volume and intensity than they hope to accomplish in the future. Future intensification and expansion would require an amendment to this permit, which would include a separate application, plan set and public hearing.
- Staff informed the Applicant that there will be several conditions recommended to limit the intensity, occupancy, and operations based on the information provided. Staff further indicated that additional information will also be requested to ensure adequate review can be completed.

Due to the Minnesota State Statute 15.99 timeline the City is required to begin its evaluation and consideration of the proposed CUP. As such, a duly noticed public hearing is scheduled for July 21, 2020 at 6:30 PM. Residents within ¼-mile (1,320-feet) of the property were sent individual letters notifying them of the request, and notice was provided in the City’s official newspaper. Initial letters incorrectly identified the meeting date as June and corrected letters were sent as soon as the error was identified. The letters indicated that the meeting would be held using Zoom and that the call-in and participation information would be posted to the City’s website.

**Project Summary (Operations, Proposed Improvement Schedule & Site Plan)**

Applicant: Keith and Jan Dehnert Owner: Arthur F Schaefer Family Living Trust	Site Size: 21.01 Acres
Zoning & Land Use: A1 – Agricultural Large Scale	Request: Conditional Use Permit (CUP)
Location Description and PIDs: PID 0503021220001, subject property generally located northeast of the 117 <sup>th</sup> Street N and Bayhill Road intersection	

The Applicant is proposing to develop and operate a farm winery and farmhouse resort to be called the Two Silo Farmhouse Resort. A detailed description of the proposed operations is provided in the Applicant’s narrative provided in Attachment B. For purposes of this staff report the “resort” use is described in connection with the overnight guest accommodations in the existing Farmhouse and their experience on the property as a winery (similar concept to what you might expect on the west-coast where vineyard resorts are popular). This is consistent with

the Applicant's initial description in the pre-application meeting. The remaining uses including guests that would visit the site and NOT stay in the Farmhouse, are classified as both a small-scale rural event facility with consideration for classifying retail operations as a seasonal business. The following staff report addresses all of the contemplated uses, and the Applicant's intent is to provide seamless operations.

As previously noted, the Applicant described in their narrative a phased approach to the proposed operations with minimal to no site or physical improvements contemplated in the first 3-4 years of operation. The Farmhouse has already been remodeled and is currently in use as a vacation rental, and therefore no significant structural improvements are proposed in the initial few years since the focus will be on creating and making wine. As presented, the Applicant indicates that the major site improvements would not be completed until 2024-2025. Given the timeline, staff recommends that the improvements contemplated post-2024 be required to obtain an amendment to any CUP issued since the details are unknown at this time, which is discussed in subsequent sections of this report. A summary of the operations as presented by the Applicant is provided in the following sections.

**Proposed Site Improvements:** The Applicant's narrative states that the site improvements contemplated in the initial years of operations are minimal and will include the construction of a gravel parking area to accommodate 12 vehicles, and some outdoor landscaping areas for guests to sit and chat over a glass of wine. All other guest parking is provided on existing driveways and parking areas on site, with a total of 22-30 parking spots available. The existing Farmhouse was remodeled in 2015 and is currently used as a vacation rental and no further improvements are contemplated to the structure at this time. As verbally provided on July 14<sup>th</sup>, the Applicant would install semi-permanent port-a-potty facilities on site that would include running water and be periodically pumped out. While not permanent, these facilities would be in a specific area on-site to provide bathroom facilities to guests not staying in the farmhouse. The following summary of initial operations is provided.

*Farmhouse Overnight Vineyard Experience (use - resort):* The existing farmhouse has been remodeled to accommodate the propose overnight experience and/or use. This use will be operational as of 2020 and will remain an integral part of the available "experience" on site. The Farmhouse was remodeled as detailed within the Applicant's narrative and sleeps 12. As indicated in the Applicant's narrative the Farmhouse is intended to provide overnight accommodations as well as small-scale activities and events such as DIY wine making, paint and sips, etc. The proposal indicates that the intent is to provide the farm winery experience for those staying on the property – similar to the types of "experience" based locations in wine country out west, etc. Guests of the Farmhouse will have the opportunity to take tours, to attend wine tastings, etc.

- *Proposed Hours of Operation:* 24-Hours a Day (overnight accommodations)
- *Proposed Parking:* Guests will use the existing driveway located adjacent to the farmhouse.

- *Proposed Staffing:* No specific information was provided. Based on the narrative, staff assumes that no on-site 24-hour management is proposed. The Farmhouse is anticipated to operate similarly to VRBO, etc.

*Wine Tasting and Activities (use - resort, rural event facility, seasonal business):* The Applicant has indicated that the number of people that could be accommodated onsite for wine tastings, tours, etc., is correlated to the amount of wine that can be produced based on the maturity/availability of grapes on site. Early in the production years the Applicant projects that approximately 50 guests total per day could be served approximately 12 days of the year, with increasing capacity to approximately 190 days of the year with a guest capacity of 150 total per day (2025). As stated in the narrative, the numbers of patrons/visitors will not all be onsite at the same time and the activities such as the wine tasting, tours, etc., will have smaller participant levels and will include various timeslots throughout the day and/or evening. As provided in the narrative, activities are defined as, “[Vineyard] Tours, Live Music and Pre-Recorded Music, Opportunities to partake in the Vineyard maintenance and the wine making process.” Subsequent sections of this report recommend a lower total occupancy based on information provided in the application such as parking, traffic/trip counts and available indoor space.

- *Proposed Hours of Operation:* 10 AM to 10 PM Daily
- *Proposed Staffing:* No specific information is provided.

*Retail and Wholesale Operations (use Seasonal Business):* The existing grainery building will be used for multi-functional purposes providing a small retail space as well as information for guests visiting the winery and for wholesale sales to be coordinated. This building is approximately 320-square feet and is therefore limited in its capacity. While no specific timeline is established in the narrative, staff assumes that this space is proposed to be operational as soon as wine production commences.

- *Proposed Hours of Operation:* Retail - 10 AM to 10 PM; Wholesale Sales (will call by appointment) 8 AM to 6 PM
- *Proposed Staffing:* No specific information is provided.

*Grape Production (Agricultural, permitted):* In 2019 the Applicant planted their first grapes with expected full grape production of the first vines in 2023. Additional grapes are scheduled for planting in 2020 and 2021 with full grape production anticipated in 2024 and 2025 respectively. Specific details regarding the plantings are provided in the Applicant’s narrative and vineyard maintenance activity is provided. To support the overall production, the Applicant is also proposing to construct an approximately 50,000 square foot greenhouse to grow non-cold climate grapes. The greenhouse is proposed to be constructed sometime between 2024 and 2025.

- *Proposed Hours of Operation:* N/A; agricultural production

As stated in the Applicant's narrative, the wine production will be at or near capacity by 2025 and as such the site improvements are proposed to be installed at that time. The improvements contemplated include:

- Installation of the permanent parking lot to accommodate 100-vehicles.
- Construction and development of the restrooms on-site (either in a separate structure or as part of one of the existing accessory buildings).

Staff recommends that all activity and expansion associated with post-2024 require an amendment to any permit issued for operations occurring in the short or near term.

City Planner Swanson advised the City Code 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.”

In order to determine the appropriateness of the CUP, the proposal will be reviewed for compliance and consistency with adjacent uses, the zoning district regulations, the performance standards, and other supplemental regulations. With respect to the “use” of the subject property, the proposed farmhouse resort is a conditionally permitted use, the grape production is classified as an agricultural use as defined by other existing vineyards in the community, and the farm winery activities on-site could partially be considered in the context of a rural event facility or seasonal business. With all uses considered collectively the most restrictive permitting process requires a Conditional Use Permit for the subject proposal.

The site is located in the far northwestern corner of the City which is surrounded by the City of Hugo to the north, and the City of Dellwood to the south. The following existing site conditions generally describe the property.

0503021220001 – The parcel is described as being in the Northwest Quarter of Section 5, Township 30 North, Range 21 West. The parcel is approximately 21.01 acres, is rectangular in shape, and located north of 117<sup>th</sup> Street North which forms the border and frontage on the southerly property line. The parcel includes an existing farmhouse (principal structure); a grainery building; a milking parlor; five accessory buildings, a windmill; and two silos. The Applicant has planted 18-rows of grape vines on either side of the entry driveway. The farmhouse, accessory buildings and vineyards are accessed from an existing driveway that is connected to 117<sup>th</sup> Street North on the southerly border of the property.

The site is guided A-1 in the City’s adopted Comprehensive Plan. Land within the A-1 land use designation is generally described as supporting rural, agricultural and rural residential uses with limited accessory commercial uses as identified and allowed within the City’s zoning ordinance. The City’s ordinances conditionally permit resorts, seasonal businesses and rural event facilities provided certain performance standards can be met. Agricultural production, such as that associated with the grapes/vineyard, are a permitted use.

The Applicant submitted a “blob” diagram and Certificate of Survey for the subject operations. The information provided does not provide enough information to perform a technical site plan review. Staff has requested an updated site plan be prepared so that setbacks, sizing, etc., can be appropriately and adequately reviewed. Because there are minimal site improvements proposed as part of the initial operations, the Certificate of Survey provides the most accurate depiction of the proposal. As stated prior, due to the 15.99 statutory review process we are required to begin our review and consideration of the application. The following zoning review identifies staff’s concerns and comments which must be provided/addressed on an updated site plan and through additional narrative.

City Planner Swanson noted the following site and zoning requirements in the A-1 district for rural event facilities which includes the most restrictive regulations and performance standards related to the activities of the proposed project:

<b>Dimension</b>	<b>Standard</b>
Lot Size	20 acres
Frontage – Per Sections 32-245 & 32-352)	County/State Road and 300’
Front yard - centerline of County Road (Principal Structure)	150’
Front Yard Setback	65’
Side Yard Setback (Per Section 32-352)	100’
Rear Yard Setback	25’
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’)
Impervious surface coverage	50%
Floor Area Ratio	30%

**Lot Area and**

The subject property is approximately 21.01 acres and is oriented



**Frontage** north-south. The subject property is accessed from 117<sup>th</sup> Street North (CR-7) from the southern property line which is a County Road. The property has direct access to a County Road as required by Section 32-352 (c)(4-5). *The lot meets the City's ordinance requirements for area and access to a County Road.*

**Farmhouse and Accessory Buildings Setbacks & Frontage** The existing farmhouse is setback approximately 172' from the westerly property line (side), 270-feet from the southerly property line (front), 317-feet from the easterly property line (side) and 1,422 feet from the northerly property line (rear). The accessory building closest to any yard is the Single Door Machine Shed which is setback approximately 95-feet from the east property line. It should be noted that the Single Door Machine Shed accessory building is not proposed to be used as part of the operations, and therefore is not required to meet the 100-foot sideyard setback. *All existing buildings proposed for use as part of the operations, both principal and accessory, meet the City's setback requirements. No new structures are proposed as part of this application.*

Staff notes that any proposed parking area or outdoor event spaces shall be setback appropriately from side-yards with adjoining residential uses. *Staff suggests including a condition that any future improvements must be setback a minimum of 100-feet from the property lines, and that additional buffering may be required between such uses (32-254 (c)(8)).*

**Architectural/Building Plans & Bathrooms** The Applicant has identified three existing buildings that will be used for operations, with the intent of remodeling a fourth building in the future. No architectural or floor plans were provided as part of this application. As identified in the attached email dated Thursday June 18, 2020 (Attachment C), and as shown on the Applicant's concept diagram (Attachment E), the Applicant indicates the following:

- The **tasting room** will be located within the existing Milking Parlor. The structure is approximately 240 square feet and could seat between 10 and 15 guests.
- The Farmhouse lodging sleeps up to 12 people.
- The main level of the Farmhouse provides seating for tasting and food pairing with approximately 1,000 square feet. Estimated occupancy is 15-20 guests.
- The "welcome center" including retail operations and wholesale coordination is approximately 320 square feet. 10-15 people could be accommodated in the space at a time.

The information provided is helpful, but is not complete. A scalable floorplan for each space anticipated for use must be provided so that an adequate review can be completed. If the estimated occupancy is adequate, which must be confirmed by the City's building official based on commercial building code, then the total occupancy on site is approximately 47 – 62 guests. ***Based on this approximation, staff would recommend including a condition that the site occupancy should be restricted to 75 guests, excluding employees on site. This allows for some variation and flexibility, while still being correlated with the structures planned to be used as part of the operations.*** While staff understands that outdoor gathering and accommodation spaces are planned, staff would ask the Planning Commission to discuss whether the occupancy of the site should be restricted to the capacity of the existing indoor spaces planned to be used as part of the "vineyard experience" to establish occupancy. Staff's estimated occupancy more closely correlates to the proposed interim parking plan as well as the estimated wine production in the initial years.

As stated in the narrative, the initial proposal included a reference that the restrooms located in the Farmhouse could be used for accommodations of all guests on site. Staff discussed this with the Applicant and indicated that this is not an acceptable solution. The Applicant indicated that they instead propose to install a semi-permanent, "port-a-potty" type of bathroom accommodations that would include running water, pump-out etc., to accommodate the initial operations. ***The number of toilets should be determined in coordination with the Building Official based on the site capacity indicated. Staff would recommend that this be included as a condition, and that the site plan must be updated to reflect the location of the temporary bathroom facilities.***

In addition, the Applicant's narrative indicated their plan to renovate one of the other accessory buildings on site in the future to accommodate a new tasting room and winery, which could subsequently accommodate more guests. ***At this time staff recommends that a condition be included that any new/additional indoor space would represent an expansion of the use and that an amendment to their permit would be required.***

#### **Traffic/Trip Counts**

The Applicant's narrative is inconsistent regarding the potential traffic and trips that might be generated from the proposed use and their occupancy projections. In the initial few years of operation activity is described to be fairly minimal with capacity estimated at 50-people onsite throughout a day. It is unclear if this is in addition to, or if it includes, the occupancy of the overnight farmhouse guests.

The Applicant provided a Trip Generation Statement from the Traffic Impact Group which identifies fewer trips associated with the winery than what is planned for in terms of their estimated capacity (Attachment D), but is more consistent with Staff's occupancy estimate of 75 – 100 guests and/or employees. As previously noted, all of these estimates are significantly lower than the maximum number of guests which are identified in the narrative as up to 300 guests in a day. What is also not clear is that the estimated trips do not include or address the proposed retail or wholesale operations which seem to be missing entirely.

The information provided is not adequate to determine the actual impact to the roadway, or to what improvements might be necessary to accommodate the proposed use. Furthermore, since the site plan is not scalable, and the trip projections seem inconsistent with the proposed capacity, the information cannot be adequately reviewed by Washington County that would be the permitting authority for this project. ***An updated site plan, and revised estimated trip count to accommodate all uses (including retail and wholesale operation) and projected occupancy patterns must be prepared so that an accurate review can be conducted by both the City and Washington County.***

**Driveway/Circulation:** There is an existing driveway that provides access to the Farmhouse and accessory buildings. Based on the Certificate of Survey (Attachment F) and the aerial obtained from Washington County GIS the driveway is approximately 10-foot wide. As staff understands, the driveway is not proposed to be expanded or modified as part of the site improvements. The existing driveway is inadequate to support the projected trips as identified in the previous section. Entering and exiting vehicles must be able to pass each other to access the parking areas. A minimum of 20-foot of driveway width must be provided to ensure safe access in and out of the site. ***Given the multiple uses contemplated on site, a detailed plan for circulation including expansion of the driveway must be provided so that the City Engineer can perform a thorough and accurate review of the circulation patterns contemplated.***

**Parking:** The Applicant has initially planned for approximately 22-30 parking spaces onsite to support operations from 2020-2024. Staff has used the more restrictive calculation of 1 parking space per 2.5 seats (occupancy) in the calculation for rural event facilities. With a guest capacity of 75, the number of spaces required is 30 ( $75/2.5 = 30$ ). ***Given the initial range provided in the narrative, staff would recommend that an updated site plan be provided that demonstrates***

***parking for a minimum of 30-cars is provided onsite.***

The site plan should be updated to identify an area (either individually or collectively) with approximately 9,000 square feet dedicated to vehicle parking. (The City's ordinances require 300-square feet per parking space). The Applicant's narrative proposes a gravel parking surface for all parking areas. Section 32- 373 requires all off-street parking areas "to be improved with a durable and dustless surface...shall utilize asphalt, concrete or a reasonable substitute surface as approved by the City engineer..." Staff would request discussion by the Planning Commission regarding the proposed gravel parking area.

***Further staff would include a condition that any increase in intensity or occupancy contemplated for the use shall require an amendment to this permit to ensure adequate parking and safe access can be provided to guests on site.***

#### **Lighting**

Section 32-321 Lighting, Light Fixtures and Glare addresses lighting standards of off-street parking areas and indicates that no more than 1 footcandle may be emitted on a public street, and no more than 0.4 footcandles on adjacent residential property. No detailed information was provided, but brief descriptions regarding downcast lighting, etc., were described. ***Staff would recommend including a condition that a lighting plan must be submitted to demonstrated anticipated lighting location and fixture type. If staff determines that the location or fixture type has potential to violate the ordinance, then a photometric plan shall be prepared and submitted to demonstrate compliance with the City's ordinances.***

#### **Hours of Operation**

The Applicant's proposed hours of operation are correlated to the specific use. A summary of the proposed hours is as follows:

- Farmhouse resort accommodations: 24 hours
- Retail and Tasting Room, daily, 10 AM to 10 PM
- Wholesale Sales (will call) by appointment, 8 AM to 6 PM

The Applicant acknowledges in their narrative that their "busy" time will be seasonal since the vineyard is an outdoor attraction. As such, staff would ask the Planning Commission to consider and discuss whether some of the proposed operations should be restricted or classified as seasonal businesses. Per Section 32-1, Seasonal Business is defined as "a business which operates for not more than six (6) months of any calendar year, and whose primary product of service offered is based on agricultural products or activities produced on site..." Staff would suggest for example that the retail operations are a Seasonal Business, and that the tours and/or wine tastings could be defined as both a seasonal business and small rural

event facility. As such, staff requests discussion regarding this item to determine whether certain uses contemplated should be restricted to occur seasonally consistent with the definition. Further, staff requests discussion regarding the proposed hours of operation and permitted days of operation.

**Noise/Amplification**

The Applicant's narrative describes the activities to include live music and pre-recorded music, and states that, "a surround sound speaker system will be installed to play both the Live and Pre-Recorded music..." the Applicant further states that the music is intended to provide an atmosphere and to be in the background so that conversation may still take place. Section 32-352 (c)(7) states that only ceremonial (such as tour guide) amplification is permitted, and any other amplification is only permitted within a structure or facility. The Applicant did not describe the location of the surround sound speakers, but staff assumes that some of the outdoor areas were intended to be included in the speaker system. *Further clarification from the Applicant should be provided regarding the location of the surround sound to determine if it complies with the City's rural event facility ordinance standards. Staff would recommend discussion regarding this issue, particularly after hearing from neighbors at the upcoming public hearing, if testimony is presented.*

**Landscape Plan**

The Applicant did not submit a landscape plan, however, they indicated that outdoor gathering spaces are contemplated. Generally, the City acknowledges that uses such as farm wineries/orchards/etc., include an outdoor experience. The Applicant identifies a firepit and proposed seating areas, but no additional details were provided. Additional information regarding the use of the firepit and outdoor areas should be provided, including whether such areas are intended to be accessible only during winery hours, or to those staying in the farmhouse in an extended period. *Staff would recommend that additional details be provided regarding the outdoor improvements contemplated, the hours of use and that a landscape plan be prepared identifying the proposed improvements.* Additionally, staff is concerned about the proximity/location of the parking areas and ensuring that all areas are setback a minimum of 100-feet from all adjacent property owners. Within the buffer areas, staff would also recommend feedback from the Planning Commission regarding the need for planted or vegetated buffers, particularly along the eastern and western edges of the property.

**Miscellaneous  
Operational**

- Employees: The narrative states, "a small number that will grow organically over time." Staff requests additional information

**Considerations**

regarding the estimated employees on site and the number associated with each use.

- Clarification regarding scheduling of tours, activities, etc.: The narrative describes the type of activities/events that could occur on site but does not identify the number of participants that may attend, how frequently such events are anticipated, etc. Further clarification and details regarding this item should be provided so that occupancy and intensity on site can be adequately reviewed and considered.
- Monitoring and maintaining occupancy: Staff has identified an occupancy up to 75 guests. It is unclear how traffic/trips/guests will be managed on-site to manage occupancy. More details regarding length of stay in the Farmhouse, retail guests, event guests, etc., should be described to ensure compliance with occupancy is attainable.
- Retail sales: The City's other CUPs for farm wineries and orchards restrict the sale of products to the products produced on-site. Staff requests discussion by the Planning Commission regarding this item.
- No single large-scale events were described (i.e. weddings, or similar) or proposed in the narrative. The operations described in the narrative include smaller events and/or gatherings such as wine tasting and tours. Staff would recommend including a condition that no large-scale gatherings or events were reviewed as part of this application and are not permitted. The site logistics and conditions would be different for such events and if contemplated would require an amendment to the CUP, if granted.
- Farmhouse Overnight Guests: no details were provided regarding the expectations of guests, with the exception of the intent that they will participate in the winery experience. The Applicant should provide additional details regarding the operations of the Farmhouse overnight facility such as, but not limited to: 1) check-in and check-out procedures, 2) on-site

oversite or management, 3) access to recreational activities on-site, 4) number of guests permitted to visit, etc.

City Planner Swanson stated she spoke to the City Engineer regarding the proposed operations and determined that a full review by the City Engineer should be completed once an updated site plan has been submitted representing all improvements contemplate. Initially, the City Engineer indicated that a grading permit will likely be required for the installation of the small parking lot, and for the expansion of the driveway. Depending on the extent of other improvements, additional review by the City Engineer may be required. ***Staff recommends adding a condition to the permit that all comments and conditions, including any needed permits, identified by the City Engineer shall be obtained prior to any commencement of operations that include guests onsite.***

The property is located within the Rice Creek Watershed District, and the Applicant must submit a copy of the updated site plan and improvements to them once complete. It shall be the responsibility of the Applicant to obtain all necessary permits from the watershed district prior to commencement of any activities on site. Since the proposed operations represent a change in use, an access permit from Washington County shall be required. An updated site plan and updated trip count information shall be provided and submitted to Washington County. Staff recommends including a condition that an access permit must be obtained from Washington County prior to the commencement of any site work.

Staff requests that the Planning Commission discuss the following items, at a minimum, in relation to the request (for quick reference the following items are identified with an underline within the body of the staff report):

- Should occupancy be tied to the indoor space allocation, and should there be limits on the number of guests allowed per day?
  - Should occupancy include how many guests can be on-site at one time, or just daily capacity?
- Discussion regarding designation of certain uses (such as retail, vineyard tours, etc.) as seasonal business
- Discussion regarding hours of operation related to: 1) Outdoor spaces; 2) Days of the week and number of days of the week; 3) Retail/Wholesale
- Discussion regarding parking lot improvements (gravel vs. dustless surface)
- Should retail operations be limited to sale of products produced on site?
- Should landscape buffer be provided for adjacent residential uses? (within 100-foot buffer area)

- Is it reasonable to restrict all amplification outdoors? Should there be any other restricts and/or considerations?
- Additional information regarding employee counts shall be provided. Such employment estimates shall be specific to the uses proposed in this Application. (i.e., Farmhouse overnight guests, wine tasting, retail/wholesale, etc.)
- More information regarding the scheduling/programming of the small-scale events or activities should be provided. This should include number of participants expected at an event (such as a tour), frequency of such events, etc.
- Clarification should be provided regarding how the occupancy on-site will be managed and monitored.
- Additional details regarding the Farmhouse overnight guests should be provided, including how property will be managed (for example on-site caretaker, check-in,) and a description of their accommodations both indoors and outdoors should be provided. For example, can the guests invite their own guests to the property? What will they be able to access (bikes, 4-wheelers, firepit, etc.)

Staff provides the following draft conditions for the consideration of the Planning Commission:

- The occupancy of the site shall be no more than 75 guests at any one time. Such occupancy shall be inclusive of the number of guests staying in the overnight accommodations at the Farmhouse.
- The Farmhouse occupancy shall be limited to no more than 12-guests.
- An updated site plan shall be prepared and submitted to indicate the improvements approved as part of this permit including: parking to accommodate 30-vehicles with location identified, location of semi-permanent port-a-potty facilities; expanded driveway to accommodate 2-way ingress and egress
- All improvements, including all parking areas shall be setback a minimum of 100-feet from all property lines
- If ADA compliant parking stalls are required for the operations, such stalls shall be properly marked and designed. Such plans shall be submitted for review and approval by the City Staff including engineer, planner and building official.
- To-scale, scalable floorplans of the granary building and the milking parlor shall be provided to demonstrate how the spaces will operate and function. Final occupancy of such spaces shall be determined after consulting with the City's Building Official.



- Any expansion or of the indoor space uses as part of public/guest accommodations beyond that identified in this staff report and permit shall require an amendment to the permit.
- A landscape plan shall be prepared and submitted that includes identification of all outdoor gathering spaces and a planting plan for all areas including identified buffer areas.
- All proposed lighting location and fixture specification shall be submitted for review by City Staff. If it is determined that there are any fixture locations that may exceed the City's ordinance standards a Photometric plan must be submitted to demonstrate compliance with the ordinance.
- The memo from Traffic Impact Group should be updated to address the maximum occupancy as well as address trip generation from retail and wholesale operations. If such quantities are included within the "winery" land use designation, then a statement to the memo shall be provided as clarification indicating all uses included within the trip estimate.
- No amplification of music shall be permitted in the outdoor gathering spaces. Any amplification of music shall be limited to inside the facilities. All sound and noise shall be regulated by the MPCA's noise standards for decibels and use.
- No large-scale events shall be permitted on site. Examples of such events including weddings, or similar parties, where guests generally all arrive or depart at the same time. Review of this type of event was not conducted as part of this permit. Any request to hold such large-scale events shall require an amendment to this permit.
- All requirements and conditions of the City Engineer shall be met and addressed. The City Engineer shall review any and all updated plans.
- The Applicant shall comply with all restrictions and permit requirements of the Rice Creek Watershed District, if any.
- The Applicant shall obtain an access permit from Washington County. Evidence of such permit shall be provided to the City.

City Planner Swanson advised different types of uses that may be proposed on one site typically use the most restrictive City standards. The proposed occupancy of fifty guests per day on site is at one time but the traffic could be staggered. The traffic engineer estimated Saturday would be the most trips at forty-nine. The parking ratio is based on the total number of guests. An updated site plan is needed for other agencies such as the Fire Department to review the access, safety, turnaround, etc.

Mr. Keith Denhert, Applicant, came forward and stated he is the ex-manager of the property. He advised it is his wife's dream to have a very small scale farm winery. Seven Vines in the City of Dellwood is 75% larger than this and he will only be working with what is grown on site. The capacity will be determined by the grapes that are grown and the earliest full capacity would be in 2025. Other licenses will be required if this is permitted. The main goal is a farmstead out in the country with a small wine venue and small tours. There will probably be 1-3 staff members and it is anticipated no staff will be on site overnight but on call 24-hours a day. Groups only will be staying with up to five rooms available. Retail is the avenue for guests to purchase the wine and Two Silo merchandise. The wholesale portion of the proposal is done as self-distribution. Food will be handled with caterers or a single food truck while the venue is open. He stated he is more than okay to go with a semi-permanent restroom for the proposed capacity.

MOTION by Commissioner Tufty to open the public hearing at 7:55 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

Mr. Alex Wasburg, Representative for the Lucius family on 117<sup>th</sup> Street, stated the proposed use is seasonal activities and could open up other commercial uses. There will be a lot of traffic impact, alcohol use and accidents. The proposed hours are a concern and amplification is a big issue. The use will cause light pollution and make it difficult to look at the stars. There is not enough information in the application and the City does not have similar commercial uses. There would be a negative impact on property values.

Mr. Kevin Rhodes, 12160 Upper Heather Avenue, stated he is concerned about increased traffic, noise and hours of operation. There are so many unanswered questions that the application should not be approved. These types of activities only grow and increase. More detail is needed. The outdoor events are the biggest concern.

Mr. Steve Brown, 7081 117<sup>th</sup> Street, stated there are a lot of unanswered questions. He stated he lives very close and wants to maintain the rural flavor as opposed to this type of use. Traffic is also a concern and more clarification is needed.

MOTION by Commissioner Tufty to close the public hearing at 8:12 p.m. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

Chair Fritze stated it seems there are more questions than answers. The application seems to be incomplete. The class 5 gravel parking surface would require a paved surface or something needs to be done relating to dust control and there is no landscape plan. He suggested conditions regarding buffering and limits on tour areas.

City Planner Swanson stated the draft conditions are very comprehensive and do address the public comments. A use like this always has many concerns. Traffic is an issue but the volume is consistent with what the applicant provided. There is a lack of comfort from staff's perspective because there is no accurate site plan. A revised site plan would have to be submitted prior to the application going to the Council. The City is currently in the 120-day review time. If a recommendation is made tonight the Council will have review time for two meetings and still meet the deadline.

Chair Fritze stated certain uses and conditions can be difficult to enforce. Other uses in this area are not allowed on Sundays. He stated he feels the hours of operation are reasonable for 50-75 guests.

Commissioner Helander stated the retail and wine tasting should be prohibited on Sundays. There should be buffering requirements, tour areas limited and a privacy fence required.

Mr. Denhart stating conditions limiting tastings on Sundays does stand out to him. Saturdays and Sundays will be the biggest days. He indicated he is fine with limiting tours on Sundays.

City Planner Swanson outlined the three options for the Planning Commission: 1) recommend approval to the Council this evening; 2) recommend denial to the Council; and 3) table the application and it comes back to the next Planning Commission meeting.

City Planner Swanson advised a draft condition can also be added regarding limited hours on Sundays and no tours on Sundays.

MOTION by Commissioner Helander to recommend approval to the City Council based on the draft conditions and added conditions relating to hours, tours, buffering and fencing. Commissioner Fritze seconded the motion. MOTION carried unanimously.

This item will appear on the regular City Council agenda on August 4, 2020.

1. **OLD BUSINESS**

There was no old business.

2. **ADJOURNMENT**

MOTION by Commissioner Tufty to adjourn the meeting at 8:59 p.m. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points  
City Clerk

DRAFT



## STAFF REPORT

**TO:** Planning Commission  
Kim Points, City Administrator/Clerk  
David Snyder, City Attorney

**Date:** August 5, 2020

**From:** Jennifer Haskamp  
City Planner

**RE:** Variance from required setback to a tributary stream to install a replacement septic system at 9440 71<sup>st</sup> Street N

### Background

The Applicant Jesse Kloepfner, KSD (“Applicant”) on behalf of the Owner Lawrence Tomai, has requested a variance from the tributary stream setbacks for installation of a new septic system on the property located at 9440 71<sup>st</sup> Street North. The Applicant is the designer of the new septic system for the subject property, and the owner is required to install a new compliant septic system on the subject property. The Applicant has been working with Washington County to acquire a permit for installing the new system, and they were notified by the County that the location of the replacement system is within the City’s required tributary stream setbacks and thus would need to obtain a variance from the city prior to being issued a permit for installation of the new system.

The following staff report summarizes the requested variance, existing conditions, draft findings and conditions of approval.

### Project Summary

Applicant: Jesse Kloepfner, KSD (Septic Designer)	Site Size: 0.94 Acres
Owner: Lawrence Tomai	Location: 9440 71 <sup>st</sup> Street North
	Existing Home: Constructed in 1969
	Zoning & Land Use: R1
Request: Variance from tributary stream septic to install a compliant subsurface sewage treatment system on the subject property.	

As referenced above, the Applicant has requested the following variance:

- Request for variance from required 150-foot setback from a tributary stream to site a new subsurface sewage treatment system. The subject property is a legally non-conforming lot and does not provide enough lot area to site a new system which meets all required setbacks.

The Applicant has stated that the existing sewage treatment system serving the home is noncompliant and must be replaced prior to selling the property. According to the Applicant’s narrative, as the septic designer,



the only location on site that can adequately support a replacement system is the proposed location which encroaches into the required setback from a tributary stream (both the tanks and drainfield will encroach into the required setback).

### **Review Criteria**

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

The Applicant’s statement can be found in Attachment B, which states there are no other locations on the subject property that are available to comply with the City’s required setback. For the subject property to be used for single-family residential purposes a sewage septic system must be located onsite. Further analysis regarding the practical difficulties of the property are provided in the following analysis.

### **Existing Site Conditions**

The subject property is part of the Sunnybrook Lake subdivision which was developed in the 1960’s prior to the current minimum lot size standards. The subject property is approximately 0.96 Acres and is considered a legally non-conforming lot. The existing home was constructed in 1969 at which time a septic system was installed. The lot is slightly irregular in shape but is generally oriented east-west and is approximately 215-feet wide by an average of 210-feet deep. There is a tributary stream which connects with Sunnybrook Lake to the east, and the stream crosses the northern edge of the subject property. Because the lot size is small, the area exclusive of the developed area, stream and setback areas is constrained which leaves few available locations to site a new/replacement septic system.

### **Variance Requests – Zoning Standards**

The tributary stream setbacks are established in Chapter 12 of the City’s Code, section 12-260 which identifies structural and sewer setbacks. The following description of the variance and standard is provided (See Attachment B for site plan):

Standard	Required	Proposed	Variance	Description
Tributary Stream	150’	59’9” tanks; and	90.3’ for the Septic Tanks,	The proposed septic tanks will be setback behind the existing principal structure but south of stream, and the



		94'9" Drainfield	55.3' for the drainfield	associated drainfield will be located near the southerly property line and in front of the principal structure.
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*Lot Size/Constraints*

The Applicant’s lot was created in the 1960s when the Sunybrook Lake subdivision was developed, and the existing home was constructed in 1969. At the time, the plat of the Sunybrook Lake subdivision complied with the township and County lot development standards. Since the 1960s lot size and area standards have changed and as a result the lot is now considered a legal non-conforming lot with respect to size, area and dimensions. Given that the existing lot area and dimensions are significantly smaller than those that regulate lots today, it would be nearly impossible to site a replacement septic system on the property and meet all the current setback requirements. The lot is naturally constrained not only by natural features on the property (stream) but also by the non-conforming nature of the lot area and dimensions. Further, due to the location of the existing home and the well which serves the residence the location that a septic system could be sited is further reduced. To that end, the proposed plan requires the drainfield to be located in front of the home (east) and for a 2” supply line extending 75-feet to be installed to the drainfield further demonstrating the constraints associated with the lot. Staff believes the proposed location of the replacement system is reasonable and is properly located based upon topography and other natural site limiting factors, and that the variance requested has been minimized to the extent possible. It is noted that the proposed system complies with all other required setbacks including yard setbacks, right-of-way setbacks and appropriate setback from the well. Finally, the Applicant must remedy the situation to comply with the standards for septic systems as identified by Washington County to sell the property.

**Engineering Standards**

The City Engineer is reviewing the attached Site Plan and submitted materials. Staff will provide a verbal update at the Planning Commission meeting if any additional concerns are identified.

**Other Agency Review**

The site is located in the Valley Branch Watershed District (VBWD), and the Applicant has contacted the VBWD to determine whether any permits are required. Depending on the quantity of grading associated with the proposed installation a grading/erosion control permit may be required from the VBWD. As referenced previously, the Applicant must obtain a permit from the Washington County Department of Public Health and Environment prior to installation of the system, as they are the permitting authority for new and replacement septic systems in the City.

**Summary – Draft Findings and Conditions**



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

- The Applicant must replace the failing system to comply the standards of the Washington County Department of Public Health and Environment, and for the safety of the home and any of its occupants.
- Replacement of the failing system is a health, safety, and welfare issue and must be completed to the satisfaction of Washington County to protect the current, and any future, homeowners as well as any adjacent properties which could be affected if the noncompliant system were to remain.
- The subject property is considered a legal non-conforming lot with respect to size, area and dimensions which constrains the buildable area on the site and limits the available locations to site a replacement septic system.
- The available area to site a replacement system is constrained given the existing home, accessory buildings, driveway and wetland/pond area onsite.

*Draft Conditions:*

- The Applicant shall be required to obtain the proper permits from the Washington County Department of Public Health and Environment prior to installation of the replacement system.
- The replacement system must be placed outside of all stream and/or wetland areas on the site.
- The Applicant shall be required to obtain any necessary permits and/or approvals from the Valley Branch Watershed District prior to installation. A copy of any correspondence or permits shall be provided to the city prior to installation of the new system.

**Action requested:**

Staff recommends approval of the requested variance with conditions as noted.

*Attachments*

Attachment A: Application

Attachment B: Applicant's Narrative and Site Plan



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



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

Application Date:	6/26/20
Fee: \$400	Escrow: \$3,000

## VARIANCE REQUEST

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

<b>PARCEL IDENTIFICATION NO (PIN):</b> 27.030.21.34.0012		<b>ZONING DISTRICT &amp; COMP PLAN LAND USE:</b> Class Code 1 100 Res 1 unit
<b>LEGAL DESCRIPTION:</b> SubdivisionName SUNNYBROOK LAKE Lot 3 Block 4 SubdivisionCd 83740		<b>LOT SIZE:</b> 0.94 Acres
<b>PROJECT ADDRESS:</b> 9440 71st St N, Grant, MN 55082	<b>OWNER:</b> Name: Lawrence Tomai Address: 9440 71st St N City, State: Grant, MN Phone: 651-429-2782 Email: mbogo22@aol.com	<b>APPLICANT (IF DIFFERENT THAN OWNER):</b>
<b>BRIEF DESCRIPTION OF REQUEST:</b> Permission to construction new septic system within 150' of Tributary on North End of Property.		
<b>EXISTING SITE CONDITIONS:</b> The current septic system is Non-Compliant with Washington County Ordinance 206.		
<b>APPLICABLE ZONING CODE SECTION(S):</b> <i>Please review the referenced code section for a detailed description of required submittal documents, and subsequent process.</i> 1. Chapter 32, Sec. 32-60. Variances.		

### Submittal Materials

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

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

AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Site Plan:</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>▪ 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 current and proposed curb cuts, driveways and access roads</li> <li>▪ Sanitary sewer (septic) and water utility plans</li> <li>▪ Location of well and septic systems on adjacent properties</li> <li>▪ Location of wetlands and other natural features</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> </ul> <p>COPIES: 1 plan at 22"x34", 12 plans at 11"x17" (half scale)</p>

Application for: **VARIANCE**  
City of Grant

<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Architectural/Building Plan (If Applicable):</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: 1 plan set 22"x34", 12 plan sets 11"x17" (half scale)</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Written Narrative:</b> Describe your request and the practical difficulties that are present on the site and why a Variance is sought.</p> <p>COPIES: 15</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Statement acknowledging that you have contacted other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have jurisdiction over your project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet). Contact Washington County to obtain list/labels.
<input type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$3,000

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

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

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

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

  
Signature of Applicant

6/30/20  
Date

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

\_\_\_\_\_  
Date

# KLOEPPNER SERVICES & DESIGN, LLC

1036 Glenhill Road, Shoreview, MN 55126  
(763) 843-4114 | [www.ksd-mn.com](http://www.ksd-mn.com)  
MPCA Lic # L4043 – Cert # C8188



June 26, 2020

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

Subject: Variance for Zoning Setback Requirements of New Septic System at 9440 71<sup>st</sup> St N, Grant, MN 55082

Dear Board of Adjustment:

A new septic system has been designed and proposed for Lawrence Tomai property at 9440 71<sup>st</sup> St N, Grant, MN 55082 to provide a Compliant Subsurface Sewage Treatment System (SSTS). The location of the septic tanks and dispersal area (mound) will not meet the zoning ordinance of 150' from the Stream/Tributary flowing into Sunnybrook Lake along the North edge of the property. The lot size and topography create a practical difficulty for the purposed the SSTS and no reasonable alternate SSTS can be built for this lot.

The new SSTS does not meet the following ordinance statute:

Washington County Development Code, CHAPTER FOUR, SUBSURFACE SEWAGE TREATMENT, SYSTEM REGULATIONS, ORDINANCE NO. 206, SECTION 16. TREATMENT AND DISPERSAL; 16.2 General Technical Requirements for All Systems; (6) SSTS components must be setback in accordance with Table V. Sewage Tank & Soil Treatment and Dispersal Area must have a Minimum Setback Distance of 150 feet from Tributary Rivers/Streams

The practical difficulty is the 150' setback, along with a 50' Well Setback from a Non-Sensitive Well (MDH), does not provide enough space for three new septic tanks and a 440 sqft area for the dispersal area. The requested variances are as follows:

1. A variance is needed for the Septic Tanks of 90.3' from the Stream/Tributary. The tanks are 59.7' from the OHWL of the Stream/Tributary.
2. A variance is needed for the Mound Soil Treatment Area of 55.3' from the Stream/Tributary. The tanks are 94.7' from the OHWL of the Stream/Tributary.

Valley Branch Watershed District and Washington County Department of Public Health & Environment have been notified of the proposed plans requested Variance.

Sincerely,



Jesse Kloeppner

Cc: Lawrence Tomai  
Valley Branch Watershed District  
Washington County Department of Public Health & Environment