

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Wednesday, June 8, 2022
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: March 9, 2022
5. NEW BUSINESS
 - A. PUBLIC HEARING, Consideration of Minor Subdivision, 9250 Dellwood Road North
 - B. PUBLIC HEARING, Consideration of Amended Conditional Use Permit for Victoria Station Boarding Stable and Indoor Riding Arena, 9250 Dellwood Road North
 - C. PUBLIC HEARING, Consideration of Conditional Use Permit to Process Firewood, 10151 75th Avenue North
6. OLD BUSINESS
7. ADJOURN

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

March 9, 2022

Present: Greg Anderson, Jerry Helander, Jim Huttemier, Robert Tufty, Dan Gagliardi and David Tronrud

Absent: Matt Fritze

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

1. CALL TO ORDER

The meeting was called to order at 6:31 p.m.

2. PLEDGE OF ALLEGIANCE

3. OATH OF OFFICE, ROBERT TUFTY AND GREG ANDERSON

4. ELECTION OF OFFICERS

5. APPROVAL OF AGENDA

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

6. APPROVAL OF MINUTES, October 18 , 2021

MOTION by Commissioner Huttemier to approve the March 16, 2021 Minutes, as presented. Commissioner Tronrud seconded the motion. MOTION carried with Commissioner Anderson abstaining.

7. NEW BUSINESS

PUBLIC HEARING, Consideration of Application for an Amended Conditional Use Permit for Woodbury Lutheran Church, 9050 60th Street North – City Planner Swanson advised the Applicant, Woodbury Lutheran Church, is requesting an amendment to the existing CUP on the subject property to allow for the development of outdoor recreational improvements to include a playground, 20' x 30' paved sport court, and a 30' x 40' (1,200 Square Feet) pavilion. The Site Plan shows that to develop the recreational components, it is necessary to excavate and fill some existing drainage area that developed as result of more roadways and impervious surface in the surrounding area. Since on-site stormwater management is required to support the site, and any improvements, a new drainage plan and supplemental drainage area will be developed to channel the water southeast of the proposed pavilion and open grass/play area.

Additional landscaping on the site will be completed as part of the project including a rain garden and pollinator garden.

There is an existing CUP on the subject property that was first issued in 1982 for the construction and operation of the church, which was obtained by the Lutheran Church of the Risen Christ. Churches were, and remain, a permitted use with a CUP in the R-1 Zoning District. The CUP was later amended in 1999, and no further amendments to the permit have been granted since 1999. The Applicant currently uses the site for a church operation, and the existing CUP remains valid. The proposed amendment would add the proposed exterior improvements and modifications to the CUP.

A duly noticed public hearing is scheduled for March 9, 2022, and property owners within 1,320-feet were notified of the subject application.

Application Summary

Applicant: Elden Lamprecht, on behalf of Owner: Woodbury Lutheran Church	Site Size: 4.02 Acres
Zoning & Land Use: R1 – Single Family Residential	Request: Amended Conditional Use Permit (CUP)
Address: 9050 60 th St. N. Grant, MN	Location Description and PIDs: PID 34.030.21.33.002, subject property generally located northwest of the 60 th Street N and Jarvis Avenue N intersection

The Applicant is requesting an amendment to the existing CUP issued on July 6, 1982 and later amended in June of 1999. A summary of the proposed amendment is as follows:

- Exterior Improvements including:
 - Playground including play structure
 - 20’ x 30’ Sport Court (approximately 600 SF)
 - 30’ x 40’ Pavilion (approximately 1,200 SF)
 - Rain Garden, and pollinator garden
- Excavation and fill of existing natural drainage area and improvements to the drainage area southeast of the proposed improvements. Improvements to drainage area will include installation of a catch basin near the proposed sport court that will drain to a new drainfield area south of the proposed improvements. The design will improve the existing drainage patterns on site and will accommodate a 100-year rain event on site.

The proposed site improvements include excavation and modification of drainage areas on site, and as a result the City Engineer and the Valley Branch Watershed District (VBWD) must review the proposed request. The Applicant has submitted a copy of the permit issued by the VBWD for the proposed project which is provided in the Applicant's submission materials.

As stated within the attached narrative no other changes are proposed to the operations, and the Applicant intends to operate in compliance with the 1982 and 1999 CUP that addresses the church operations.

City Planner Swanson advised the City Code addresses amendments to existing CUPs in Section 32-152 that states, "An amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit..." As such, the Application to amend the CUP is processed accordingly, and the requested amendment is to consider only those portions of the operations and/or facility that are proposed to change. 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."

The purpose of this amendment is not to consider the use of the property as a Church, since the determination that the use is consistent with the City's regulations was approved in 1982, and as later amended in 1999. This amendment relates specifically to allowing the outdoor recreation components including the playground, 20'x30' paved sport court, 30' x 40' pavilion, rain garden and pollinator garden.

The site is located on the southern edge of the City, which is bordered by Highway 36 on the south. The area is generally used for a mix of general business uses along the 60th Street corridor, and rural residential properties exist east of the site along the frontage.

The parcel is described as being in the Southwest Quarter of Section 34, Township 30 North, Range 21 West. The parcel is approximately 4.02 acres, is regular in shape, and is a corner lot bordered by 60th Street North on the south and Jarvis Avenue on the east. 60th Street North is the frontage road to Highway 36, which serves generally as the municipal border between the Cities of Grant and Lake Elmo to the south. The existing building was constructed in compliance with the initial CUP issued in 1982, and the building is generally located near the center of the parcel. There is large parking lot north of the existing building that connects to 60th Avenue North on the southwest corner of the property and connects with Jarvis Avenue to the east. There is an

existing natural drainage area southeast of the existing building and parking lot that is connected to a pond area on the southeast corner of the site.

The site is guided RR – Rural Residential in the City’s adopted Comprehensive Plan. Land within the RR land use designation is generally described as supporting rural residential uses with limited commercial and institutional uses as identified and allowed within the City’s zoning ordinance. The proposed amendment does not change the use of the site for a Church, which is identified as a compatible use within the City’s Comprehensive Plan and supporting Zoning Ordinance.

The Applicant submitted a Site Plan for the proposed amendment (See attached Exhibit, Construction Plan C1). The following dimensional review is provided for review and consideration.

The following site and zoning requirements in the R-1 district for Churches which includes the most restrictive regulations and performance standards related to the proposed amendment. The following review is conducted focusing on the proposed improvements.

Dimension	Standard
Minimum Lot Area per non-residential structure (Per Sections 32-313)	As per permit
Frontage – (Per Sections 32-245 & 32-352)	County/State Road and 409’
Front Yard Setback	65’
Side Yard Setback (from street in case of corner lot)	65’
Side Yard Setback (from interior lot lines)	20’
Rear Yard Setback	50’
Height of Structure	35’
Accessory Buildings (# and Total SF)	Maximum of 2 buildings not to exceed 2,000 SF
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 Accessory Building

The subject property is approximately 4.02 acres, and is used for a non-residential structure. Section 32-313(b) states that the maximum

Standards

building size is established for a CUP based on the lot size. As identified, the maximum square footage on parcels between 3 and 4.99 acres is 2,000 Square Feet, and the existing church structure is approximately 13,000 SF. Since the church was approved as part of the 1982 CUP, the existing parcel, building and size are considered legally non-conforming. Since no improvements to the structure are proposed, the existing non-conforming use is not intensified.

No plans were submitted for the pavilion structure, however the footprint is approximately 1,200 SF, and the City has typically defined similar structures as an accessory structure. (The sport court and play structure are not subject to accessory building standards since they are not covered). On parcels between 3 and 4.99 acres, a maximum of 2 accessory buildings are permitted not to exceed a maximum of 2,000 square feet. From the aerial, there is an existing shed that is approximately 155 square feet. *If the existing shed remains, the shed and the pavilion will have a total of approximately 1,355 Square Feet of Accessory Building on site. Staff recommends including a condition that no more than two accessory buildings are permitted on site, and that the total square footage may not exceed 2,000 SF.*

Setbacks

As shown on the Construction Plan, the proposed pavilion and play structure are located southeast of the existing building. The proposed pavilion is setback approximately 55-feet from the easterly property line (75-feet from the traveled surface of Jarvis Avenue), 5-feet from the existing parking lot on-site, and 130-feet from 60th Street N. The play structure area is setback approximately 100-feet from the easterly property line, and 70-feet from the paved road surface of 60th Street North. As proposed, the Pavilion does not comply with the side-yard setback for structures on a corner lot. *Staff recommends that the pavilion be shifted or adjusted to meet the required 65-foot setback from Jarvis Avenue N., and that the Site Plan be updated to show the structure meeting the required setback.*

Architectural/Building Plans

No building plans were submitted as part of this application. As previously noted, the proposed improvements include an approximately 1,200 square foot pavilion. No details were provided, but staff assumes that it will include a covering or roof structure. The maximum height of any accessory building is 35 feet. *Staff recommends including a condition that the Applicant must submit an elevation plan of the pavilion that is to-scale and clearly*

demonstrates the height of the proposed structure.

No other accessory structures or modifications to the church are proposed, and the site plan clearly demonstrates the location of the sport court and play structure proposed.

Outdoor Gathering Spaces

The Applicant is proposing to install and construct a play structure, sport court and pavilion on the site. All three of these areas will increase outdoor activity on the site and will generate more use than the existing church facility. The Applicant did not describe the intended use of the pavilion, or if it will be utilized for events or other outdoor gathering functions. The Applicant references that the play structure and sport court will be accessible to the public or adjacent neighborhoods. Staff recommends further discussion with the Applicant for clarity regarding the use of the pavilion, as well as the sport court and play structure. *Like other outdoor uses in the City, if events are anticipated in the pavilion, staff recommends consideration of conditions related to noise, amplification, hours of operation, etc.*

Lighting

The submitted site plan does not identify any proposed lighting of the area. There are existing overhead lights in the parking lot that may provide some ambient light to the outdoor areas. Staff would recommend discussion with the Applicant to determine if any lighting is proposed. *If so, staff recommends including a condition that the lighting plan for the outdoor improvements must be submitted for review and approval by the City Staff, and that such lighting must meet the applicable City ordinances.*

Landscape Plan, Fencing & Stormwater

As noted in the submitted application materials, excavation and site work is necessary to construct the sport court, pavilion and play structure. As noted on the Construction Plan, a catch basin will be constructed between the Sport Court and Pavilion near the southern edge of the parking lot and a large swale will be graded into the site to allow for water and drainage to flow to the stormwater area on the southeast corner of the site. The open grass and play area will be reseeded as part of the project. As noted in the narrative, a rain garden and pollinator garden are proposed but are not identified on the plan. *Staff recommends including a condition that the site plan be updated to include the location of the rain garden and pollinator garden prior to the issuance of the grading permit.*

The Construction Plan (Sheet C1) also notes that a Fence will be constructed to surround the Play Structure area. A detail of the fence was not provided as part of the submission. ***Staff recommends including a condition that the fence detail, including height and material, must be submitted for review and approval by City Staff prior to issuance of the grading permit.***

City Planner Swanson stated that since a part of this project includes the relocation/excavation of stormwater features the City Engineer must review and approve the grading plan, and stormwater plan if necessary. As noted on the Construction Plan, the Existing Drainage Area and Proposed Drainage Area are the same, but there is a slight increase in the amount of impervious surface due to the improvements (increase of approximately 1,800 SF). ***Given the improvements contemplated with the proposed development, staff recommends including a condition that the City Engineer must review and approve the Construction Plan, as revised, and that the Applicant must obtain a grading plan prior to the commencement of any work on site.***

The property is located within the Valley Branch Watershed District, and the Applicant has obtained the required permit which is attached to their submission materials.

Staff is recommending approval of the Amended CUP with the conditional as noted. A summary of the conditions is provided for your review, comment and modification:

- No more than two (2) accessory buildings are permitted on site, and the square footage may not exceed 2,000 square feet.
- The Site Plan must be revised to show the Pavilion meeting all required setbacks, including 65-feet from the easterly property line.
- The building plans, including elevation, of the pavilion must be submitted. The plans must clearly demonstrate that the height of the pavilion does not exceed 35-feet.
- The Site Plan must be updated to show the location of the rain garden and pollinator garden described in the narrative.
- If applicable, the lighting plan for the area must be submitted for review and approval.
- A detail of the fence, showing the height and material must be submitted for review and approval. The fence location should be clearly identified on the updated Site Plan.
- The Applicant must obtain a grading permit prior to the commencement of any site work.

MOTION by Commissioner Helander to open the public hearing at 7:01 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

Mr. Kevin Helander, 6261 Jasmine, sent comments to the City opposing the proposed project due to security, trespassing, loitering, criminal complaints on the site with no method of regulating. He noted it is a bad idea for the neighborhood.

MOTION by Commissioner Helander to close the public hearing at 7:03 p.m. Commissioner Tufty seconded the motion. Motion carried unanimously.

Mr. Elden Lamprecht, Applicant, stated the use of the pavilion is for family activities and that information was included in the application. It will be a gathering place for use by church families and also for public use. The Sherriff's Department uses the area currently as a staging area. The Church already has held outdoor services and there have been no complaints. The Church provides a beneficial service to the community and will only put tables and chairs out when there is a scheduled activity. The pavilion will be used every Wednesday evening from 6 to 8 p.m.

MOTION by Commissioner Tronrud to include a condition of approval that restricts outdoor amplification and lighting past 9:00 p.m. Commissioner Helander seconded the motion. MOTION failed with Commissioners Anderson, Gagliardi and Tufty voting nay.

MOTION by Commissioner Tronrud to recommend approval based on the outlined conditions and an added condition that the pavilion use is restricted past 9:00 p.m. Commissioner Helander seconded the motion. MOTION carried with Commissioner Tufty voting nay.

This item will appear on the regular City Council agenda on April 5, 2022.

8. OLD BUSINESS

There was no old business.

9. ADJOURNMENT

MOTION by Commissioner Tronrud to adjourn at 7:24 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

*Planning Commission Meeting Minutes
March 9, 2022*

Respectfully submitted,

Kim Points
City Clerk

DRAFT



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

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

MINOR SUBDIVISION

Application Date:	
Fee: \$400	Escrow: \$4,000

A minor subdivision is any subdivision containing not more than two lots fronting on an existing street, not involving any new street or road, the extension of municipal facilities, or the creation of any public improvements. Minor Subdivisions include lot combinations, lot rearrangements, and exchange of lands.

PARCEL IDENTIFICATION NO (PIN):		LOT SIZE:
PROJECT ADDRESS: 9250 Dellwood Road	OWNER: Name: Sam Scott Address: 9250 Dellwood Roas City, State, Zip: Grant, MN 55115 Phone: 651-263-1368 Email: dellwoodfarmmn@gmail.co	APPLICANT <i>(If different from Owner)</i> : Name: Address: City, State, Zip: Phone: Email:
BRIEF DESCRIPTION OF REQUEST: Split Two Parcels off of the West Side of the farm West of Justin Trail		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code sections for a detailed description of required submittal documents, and subsequent process. 1. Chapter 30; Section 30-9		

Required Signatures

*** Note: All parties with a fee interest in the real estate must sign this application before the City will review for completion! ***

Applicant

Name: **Sam Scott**
(Please print)
 Address: **9250 Dellwood Road**
 City, State, Zip: **Grant, MN 55115**
 Phone: **651-263-1368**
 Cell Phone: **651-263-1368**
 Email: **dellwoodfarmmn@gmail.com**
 Signature: 
 Date: **2-28-22**

Fee Title Property Owner *(If different from Applicant)*

Name: _____
(Please print)
 Address: _____
 City, State, Zip: _____
 Phone: _____
 Cell Phone: _____
 Email: _____
 Signature: _____
 Date: _____

Checklist

Please review the attached checklist. Completeness depends on whether or not the applicable checklist items are fulfilled and submitted with your application.

Review Deadline and Timeline

All applications must be received by the deadlines as posted on the City's website. Failure to submit by the date shown may result in a delay in the scheduling of the application for public hearing. Meeting the deadline does not guarantee that an application will be heard at the next meeting. To improve likelihood of appearing on an agenda, it is recommended that applications be submitted earlier than deadline.

According to Minnesota State Statute 462.358 a Minor Subdivision Application has a Statutory review period of 120 days. During the review period the City has the ability to request additional information to assist in its review, and such request shall not impact the review timeline once an application has been deemed complete.

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 Planning 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.

Application for Planning Consideration Fee Statement

(Please read carefully and understand your responsibilities associated with this land use application)


The City of Grant has set forth a fee schedule by City Ordinance as posted on the City's website. The City of Grant often utilizes consulting firms to assist in the review of projects. The consultant and city rates are available upon request. By signing this form, the Applicant accepts sole responsibility for any and all fees associated with the land use application from the plan review stage; the construction monitoring stage; and all the way to the release of any financial guarantees for an approved project. In the event the Applicant fails to make payment of all fees associated with the project, the City of Grant will assess any unpaid or delinquent fees related to this application or project against the subject property. If a project is denied by the City Council or withdrawn by the Applicant, the fees associated for the project until such denial or withdrawal, remain the Applicant's responsibility.

I/WE UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant

Fee Title Property Owner

(if different from the Applicant)



Signature
SAM SCOTT

Printed Name
4-28-22

Date

Signature

Printed Name

Date

** For Applicant's use and records

Minor Subdivision Permit Checklist:

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.

COPIES: One (1) Electronic copy of full submission; Two (2) 11x17 half scale scalable hard copy plan sets.

Site Plan: Technical drawing demonstrating existing conditions and proposed changes.

All plans must be to-scale, scalable, and include a north arrow.

- Name, address, phone number for owner, developer, surveyor, engineer
- Streets within and adjacent to the parcel(s) including driveway access points
- Proposed lot sizes (with dimensions) indicating setbacks for newly created lots
- Buildable area with acres and square footage identified
- Soil tests for the installation of an on-site septic system
- Septic system and well location
- Building locations and dimensions with setbacks
- Name of subdivision with lot and block numbers of property, if platted

Existing Conditions:

- Aerial
- Wetland delineation (if applicable)
- Buildable area
- Topographic contours at 2-foot intervals, and bluff line (if applicable)
- Waterbodies, Ordinary High Water Level, and 100 year flood elevation

Landscape Plan (if applicable): All plans must be to-scale, scalable, and include a north arrow.

- Landscape plan identifying species and size of trees and shrubs
- Screening plan

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.

Statement acknowledging that you have contacted the other governmental agencies such as Watershed Districts, County departments, State agencies, or other that may have authority over your property for approvals and necessary permits.

Minor Subdivision submittal form completed and signed by all necessary parties.

Paid Application Fee: \$400

Paid Escrow*: \$4,000 *Any remaining funds, after expenses, are returned to the Applicant. Expenses incurred over \$4,000 will be billed to the Applicant.

Materials that may be required upon request:

Full scale plans at a scale not smaller than 1"=100'

Stormwater plans. Stormwater plans may be requested depending on the proposal of the Minor Subdivision.

Wetland Delineation. If the proposed minor subdivision is near a potential wetland boundary or setback, delineation may be required to fully evaluate and approve, or deny, the subdivision.

To Whom it may concern,

I am requesting a change to the current CUP at 9250 Dellwood Road to reflect the proposed lot split. The current CUP allows up to 60 horses which is approximately 1 horse per acre. If the subdivision is granted there will be a little more than 42 acres left. I propose changing the number of horses allowed to 42 and revising the current legal description to match the legal description of parcel "A" on the supplied survey and leaving the rest of the CUP the same.

Thank You,

Sam Scott

9250 Dellwood Road

651-263-1368



STAFF REPORT

To: Planning Commission
Kim Points, City Clerk/Administrator

Date: June 1, 2022

CC: Brad Reifsteck, PE, City Engineer
David Snyder, City Attorney

RE: Application for a Minor
Subdivision of 9250 Dellwood
Road N.

From: Jennifer Haskamp
Consulting City Planner

Background

The Applicant, Sam Scott, is requesting a minor subdivision and rearrangement of the two existing parcels located at 9250 Dellwood Road N., into three lots (two new). In late 2021 and early 2022 the Applicant met with staff to discuss the potential minor subdivision of the subject property. The applicant indicated their desire to subdivide the property to create two new rural residential lots consistent with the City's ordinance requirements.

City staff indicated that all created and resulting parcels must comply with the City's ordinances, including the necessity to amend the existing Conditional Use Permit (CUP) for the horse boarding and indoor riding arena operations. In conjunction with this request for Minor Subdivision, the applicant has requested an amendment to the CUP and the staff report is provided under separate cover.

The following summary of the request is provided for your review and consideration.

Public Hearing

A duly noticed public hearing is scheduled for June 8, 2022, and property owners within 1,320-feet were notified of the subject application.

Application Summary

Applicant & Owner: Sam Scott	Site Size: ~59.42 Acres (Gross)
Zoning: A-2, Agricultural Small Scale Land Use: Rural Residential	Request: Minor subdivision to rearrange and subdivide two existing parcels. The proposed minor subdivision creates two lots west of Justen Trail N, and one lot east of Justen Trail N.
Address: 9250 Dellwood Road Grant, MN	Location Description and PIDs: PIDs – 1503021310001 and 1503021130002

Existing Lot/Parcel Configuration

Lot/Parcel	Acres	Notes
9250 Dellwood Road N.	49.5 Acres	This Parcel was not platted as part of any of the Victoria



(PID 1503021310001)		Station subdivisions. The existing farmstead and all existing accessory structures, including the gatehouse, are located on this parcel. The parcel is included in the existing CUP for horse boarding operations and indoor riding facilities.
Outlot A Victoria Station No. 3	~9.8 Acres	This parcel was platted as part of the Victoria Station No. 3 subdivision. The parcel is included in the existing CUP for horse boarding operations and indoor riding facilities.

The proposed Minor Subdivision will result in the following:

Lot/Parcel	Acres	Notes
Parcel A	42.28 Acres	The created lot includes Outlot A of the Victoria Station No. 3 subdivision and that portion of the existing 9250 Dellwood Road parcel lying east of the west Justen Trail N., roadway easement. (The full Justen Trail Roadway is located on this parcel)
Parcel B	7.84 Acres	The created lot is located west of the Justen Trail N., roadway. The proposed lot frontage, home and driveway are from Justen Trail N.
Parcel C	9.30 Acres	The created lot is located west of the Justen Trail N., roadway. The proposed lot frontage, home and driveway are from Justen Trail N.

Review Criteria

Section 30-9 Minor Subdivisions

Section 30-130 Street Design

Existing Site Conditions

The subject property is bordered by Dellwood Road N. (Hwy 96) on the south, Jamaca Ave N (CSAH 9) to the west, and Justen Trail N., runs north-to-south through the property. The existing principal structure and all accessory buildings, including an indoor riding arena, are located east of Justen Trail N. There is a large existing pond and/or wetland area located along the eastern edge of the property that extends north onto the area described as Outlot A of the Victoria Station No. 3 Subdivision, and a small wetland area located on the northwest corner of the property adjacent to the CSAH 9 right-of way. The majority of the subject property was not platted as part of the Victoria Station subdivision, and only that portion associated with Outlot A was part of any previous subdivision.

Minor Subdivision and Site Review

The Minor Subdivision exhibit is provided as Attachment B to this Staff Report. As shown the proposed subdivision will rearrange two existing lots into three lots. The following ordinance sections are provided as reference.



Section 30-1 Definitions, states that “*Minor Subdivision* means 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 improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the master plan, official map, chapter 32, or these regulations.

Section 30-9 (a)(3) states that, “The newly created parcels shall meet all requirements of chapter 32 pertaining to zoning....”

Section 30-9 (a)(4) states that, “Prior to approval of a minor subdivision, the city council reserves the right to require the dedication of streets, utility easement.”

Section 30-130 (a) Minimum widths of street design require local streets to be dedicated with 66-feet of right of way. Section 30-130(b) Widening existing streets states that “Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the standards of subsection (a)...”

The proposed Minor Subdivision creates two new rural residential lots that are proposed to be accessed from Justen Trail North (Parcel B and Parcel C). As shown on the Minor Subdivision exhibit Justen Trail N. is a roadway that runs north-south through the subject property and connects the Victoria Station subdivisions adjacent/adjoining the subject property with Dellwood Road North (Hwy 96). The roadway segment on the subject property has been the subject of litigation with the City and the Applicant has contested their responsibility to maintain/manage this segment of road. It is staff's understanding, that they have further indicated that they believe the segment of Justen Trail N. on their property is only a limited and restricted grant of easement (shown as Roadway Easement on the Minor Subdivision exhibit, and further described in the City Attorney's memo) and that it does not represent a full dedicated public right-of-way. Further, per the definition of Minor Subdivision, the Minor Subdivision may “not adversely affect the remainder of the parcel or adjoining property, and not in conflict with any provisions or portions of the master plan, official map, chapter 32, or these regulations.”

The segment of Justen Trail North that crosses the subject property is the main roadway connection to the adjacent Victoria Station subdivisions, and its maintenance and management responsibilities has a direct impact on adjacent lots and parcels that use the roadway. The City uses a road assessment policy to maintain and manage its roads as described in the City Engineer's memo. When a minor subdivision is granted, the City requires the full right-of-way to be dedicated to the City, if it has not been already. The intent of Section 30-9(a)(4) is to ensure that the road is publicly dedicated and that it is subject to the City's associated policies regarding proper upkeep and management so that all properties that rely on it for access can reasonably be assured that it will be maintained.

Since the road segment is the subject of continuing litigation and the Applicant recently filed an appeal, the debate regarding this segment of road and its rights and responsibilities remains at issue. Staff cannot confirm whether the minor subdivision will adversely impact adjoining or nearby properties, since the issue of responsibility remains undecided.



The issue is further impacted by the new lot configuration that proposes access from Justen Trail N., but does not dedicate nor acknowledge the road as public right-of-way and instead refers to it as the “Roadway Easement.” Since the Applicant is contesting their responsibility to maintain and manage the roadway through objection of paying the City’s assessment it is unclear how, and what, responsibilities the Applicant as the subdivider of the two new lots would have in the maintenance and management of the roadway. Further, Section 30-9(a)(3) expressly requires newly created lots to meet the requirements of Chapter 32, which requires all lots to provide minimum frontage on a street but it is unclear if this condition is met given the current litigation and appeal.

Finally, as shown on the Minor Subdivision exhibit the “Roadway Easement” depicted for Justen Trail North does not align with the roadway traveled surface and does not appear to be of adequate size to accommodate the City’s required right-of-way width of 66-feet. The Minor Subdivision does not meet the City’s requirements for road design as required in section 30-130(a) and 3-130(c) that suggests when roadways are of inadequate width abutting a subdivision that the plat (subdivision) shall dedicate additional width to meet the City’s road design standards.

City Engineer and City Attorney

The City Engineer and City Attorney have provided memos that are attached to this staff report for your review and consideration.

Action requested

Staff is recommending denial of the proposed minor subdivision based on the following findings:

- It cannot be determined that the proposed minor subdivision will not adversely impact adjacent or adjoining properties given the status of continuing litigation regarding maintenance and rights associated with the roadway.
- The City requires the dedication of the land associated with a public right-of-way that abuts a proposed minor subdivision to ensure that public access is provided. The Minor Subdivision exhibit does not dedicate the existing roadway easement, nor does it dedicate the required 66-foot right-of-way required by the City’s subdivision ordinance.

Attachments

Attachment A: Application

Attachment B: Minor Subdivision exhibit dated 4/28/2022



June 2, 2022

Kim Points (Via Email: clerk@cityofgrant.us)
Administrator/Clerk
City of Grant

Re: 9250 Dellwood Road North

Dear Kim:

In consideration of a minor subdivision at 9250 Dellwood Road N, it is recommended that any land covered by a public road or land dedicated for public use or for certain private use such as land over which power line passes be dedicated a minimum sixty-six-foot Right-of-way per city code Sec 30-130 Street design as a condition of approval.

Furthermore, all proposed dedicated roadway right-of-way or easements are subject to the City's special assessment policy for any roadway improvements in the past or in the future.

If you have any questions or concerns, please email me at breifsteck@wsbeng.com.

Sincerely,

WSB

Brad A. Reifsteck, PE
City Engineer

cc: Jennifer Haskamp (Via Email: jhaskamp@swansonhaskamp.com)
David K. Snyder (Via Email: david@johnsonturner.com)

bar

JOHNSON/TURNER

— L E G A L —

June 1, 2022

Via Email: clerk@cityofgrant.us

Kim Points, Administrator/Clerk
City of Grant

Re: *9250 Dellwood Road North*

Dear Kim:

In connection with the considered minor subdivision at 9250 Dellwood Rd. N., obviously, it would be of note to the planning commission to observe that the applicant asserts a position (in opposition to payment of a \$25,000.00 road assessment for the reconstruction of Justen Trail) that the access which would serve this subdivision is only a limited and restricted grant of an easement. Specifically, the applicant asserts that the road was conveyed to the City (then township) in the 1970's under a restricted easement that makes the City responsible for all costs associated with the repair and maintenance of the road. The City never signed that agreement.

As you can imagine, such an arrangement is inconsistent with how the City allocates and recovers costs associated with repairing and maintain roads---sometimes the costs are borne by taxpayers or by assessments or both. Naturally, this argument would impact the City's recommendations and decision-making about whether or not to permit additional subdivision of land (and resultant houses and uses) upon an access like this one. If it were the case that the City had to absorb costs associated with repairing and maintaining an access point---would it allow or desire to have additional users on the road who would in turn contribute to wear and tear upon it and then refuse to accept any proffered repair bill or assessment? That would be a situation that exists nowhere else in the City-for obvious reason.

Accordingly, since I believe it will take some time to clarify the applicant's position on this matter and it is still in litigation, I recommend the subdivision application be denied because cost responsibility for the access point is disputed by the applicant and the City is entitled to unequivocal clarity on removal of that issue. Let me know if you have any questions.

Kim Points, Administrator/Clerk
June 1, 2022
Page 2

Sincerely,
JOHNSON/TURNER LEGAL

A handwritten signature in black ink, appearing to read 'DS' followed by a vertical line.

David K. Snyder
DKS/mah

Direct dial: 651-403-8972
Email: david@johnsonturner.com

cc: Jennifer Haskamp (via email: jhaskamp@swansonhaskamp.com)
Brad Reifsteck (via email: BReifsteck@wsbeng.com)



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

Short \$5000

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

CONDITIONAL USE PERMIT

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

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

PARCEL IDENTIFICATION NO (PIN): 1503021310001		LOT SIZE: 49.46
PROJECT ADDRESS: 9250 Dellwood Road	OWNER: Name: Sam Scott Address: 9250 Dellwood RD City, State, Zip: Grant, MN 55115 Phone: 651-263-1368 Email: Dellwoodfarmmn@gmail.com	APPLICANT (If different from Owner): Name: Address: City, State, Zip: Phone: Email:
BRIEF DESCRIPTION OF REQUEST: Amend Current CUP to work with lot spill		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code sections for a detailed description of required submittal documents, and subsequent process. - Division 5. Conditional Use Permits 32-141 through 157, others		

Required Signatures

*** Note: All parties with a fee interest in the real estate must sign this application before the City will review for completion! ***

Applicant
 Name: Sam Scott
(Please print)
 Address: 9250 Dellwood RD
 City, State, Zip: Grant MN 55115
 Phone: 651-263-1368
 Cell Phone: SAME
 Email: Dellwoodfarmmn@gmail.com
 Signature: [Signature]
 Date: 5-1-22

Fee Title Property Owner
(If different from Applicant)
 Name: _____
(Please print)
 Address: _____
 City, State, Zip: _____
 Phone: _____
 Cell Phone: _____
 Email: _____
 Signature: _____
 Date: _____

Checklist:

Please review the attached checklist. Minnesota State Statute 15.99 provides the City of Grant 15 business days to determine the application's completeness. Completeness depends on whether or not the applicable checklist items are fulfilled and submitted with your application.

Review Deadline and Timeline:

All applications must be received by the deadlines as posted on the City's website. Failure to submit by the date shown may result in a delay in the scheduling of the application for public hearing. Meeting the deadline does not guarantee that an application will be heard at the next meeting. To improve likelihood of appearing on an agenda, it is recommended that applications be submitted earlier than the deadline.

According to Minnesota State Statute 15.99 a Conditional Use Permit has a Statutory review period of 60 days, with the City's ability (which includes city staff and consultants) to extend the review for an additional 60 days if necessary due to insufficient information, directive to provide additional information, the tabling or postponement of an application, lack of quorum, or schedules.

Application for Planning Consideration Fee Statement:

(Please read carefully and understand your responsibilities associated with this land use application)

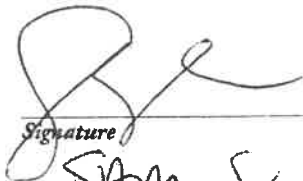
The City of Grant has set forth a fee schedule by City Ordinance as posted on the City's website. The City of Grant often utilizes consulting firms to assist in the review of projects. The consultant and city rates are available upon request. By signing this form, the Applicant accepts sole responsibility for any and all fees associated with the land use application from the plan review stage; the construction monitoring stage; and all the way to the release of any financial guarantees for an approved project. In the event the Applicant fails to make payment of all fees associated with the project, the City of Grant will assess any unpaid or delinquent fees related to this application or project against the subject property. If a project is denied by the City Council or withdrawn by the Applicant, the fees associated for the project until such denial or withdrawal, remain the Applicant's responsibility.

I/WE UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant

Fee Title Property Owner

(If different from Applicant)



Signature

Signature

SAM SCOTT

Printed Name

Printed Name

5-1-22

Date

Date

** For Applicant's use and records

Conditional Use Permit Checklist:

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.

COPIES: One (1) Electronic copy of full submission; Two (2) 11x17 half-scale scalable hard copy plan sets.

-
- Site Plan:** All plans must be to-scale, scalable, and include a north arrow.
- Property dimensions
 - Area in acres and square feet
 - Identified setbacks (Front, Side, Rear)
 - Identify Buildable area (if applicable)
 - Location of existing and proposed buildings (including square footage, foot print, and dimensions to lot lines)
 - Location of existing utilities, drainfield locations
 - Location of current and proposed curb cuts, driveways and access roads
 - Existing and proposed parking (if applicable)
 - Off-street loading areas (if applicable)
 - Existing and proposed sidewalks and trails (if applicable)
 - Sanitary sewer and water utility plans (if expansion is needed)
-

- Existing Conditions:**
- Aerial of site and adjacent properties
 - Location of all wetlands (NWI, or similar)
 - Topographic contours at 2-foot intervals
 - Water bodies, Ordinary High Water Level, 100-year flood elevation
-

- Grading Plan (if applicable):** All plans must be to-scale, scalable, and include a north arrow.
- Grading Plan
 - Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated
 - Stormwater Plan and Calculations (if applicable)
-

- Landscape Plan (if applicable):** All plans must be to-scale, scalable, and include a north arrow.
- Landscape plan identifying species and size of trees and shrubs
 - Screening plan
-

- Architectural/Building Plan (if applicable):** All plans must be to scale, scalable, and include a north arrow.
- Location of existing and proposed buildings and their size including dimensions and total square footage
 - Proposed floor plans (if applicable)
 - Proposed elevations (if applicable)
 - Description of building use for proposed CUP
-

- Written Narrative Describing your request:** A written description of your request for the Conditional Use will be required to be submitted as a part of your application. The description must include the following:
- Description of operation or use
 - Number of employees (if applicable, if not state why)
 - Sewer and water flow/user rates (if applicable, if not state why)
 - Any soil limitations for the intended use, and plan indicating conservation/BMP's
 - Hours of operations, including days and times (if applicable)
 - Describe how you believe the requested conditional use fits the City's Comprehensive Plan

Conditional Use Permit Checklist:

- Statement acknowledging that you have contacted the other governmental agencies such as watershed districts, Washington County departments, state agencies, or others that may have authority over your property for approvals and necessary permits.

- Paid Application Fee: \$400

- Paid Escrow*: \$3,000 *Any remaining funds, after expenses, are returned to the Applicant. Expenses incurred over \$3,000 will be billed to the Applicant.

Materials that may be required upon request:

- Survey of the Property: An official survey, by a licensed surveyor, may be requested with the application. The survey shall be scalable and either Full Scale, or Half Scale (11"x17") as requested by the Zoning Administrator.

- Full scale plans at a scale not smaller than 1"=100'

- Sanitary and stormwater plans.** Sanitary and/or stormwater plans may be requested depending on the proposal of the Conditional Use Permit.

- Wetland Delineation.** If the proposed project is near a potential wetland boundary or setback, delineation may be required to fully evaluate and approve, or deny, the Conditional Use Permit.



STAFF REPORT

To: Planning Commission
Kim Points, City Clerk/Administrator

Date: June 1, 2022

CC: Brad Reifsteck, PE, City Engineer
David Snyder, City Attorney

RE: Application for an Amended
Conditional Use Permit for
Victoria Station Board Stable
and Indoor Riding Arena, 9250
Dellwood Rd. N.

From: Jennifer Haskamp
Consulting City Planner

Background

The Applicant, Sam Scott, is requesting an Amendment to the existing Conditional Use Permit (CUP) to allow for the subdivision of the subject property. The existing CUP was granted in 1993 to construct and operate a horse boarding stable and indoor riding arena. The CUP was recorded approximately 55-acres of the Applicant's property that includes the primary parcel with the principal structure and accessory buildings, and a port of Outlot A of Victoria Station No. 3. The existing CUP clearly states that no subdivision of the parcel is permitted for the CUP to remain valid because the operations, including number of permitted horses, was based on the full acreage.

In late 2021 the Applicant met with City Staff in a pre-application meeting to discuss the potential minor subdivision of the property and the impact that a subdivision would have on the existing CUP. During the meeting, staff indicated that the CUP would either 1) need to be successfully amended; or 2) would become invalid and must be vacated to allow for the subdivision. During the meeting the Applicant indicated that he currently lives on the property and would like to continue horse boarding activities on that portion of the property that he would retain after a minor subdivision. Given the Applicant's desire to continue operating the horse boarding facilities, the Applicant is seeking an amendment to the CUP to reduce the intensity of the operations and to amend the legal description to except out that area west of Justen Trail.

Public Hearing

A duly noticed public hearing is scheduled for June 8, 2022, and property owners within 1,320-feet were notified of the subject application.

Application Summary



Applicant & Owner: Sam Scott	Site Size: ~59.42 Acres (Gross)
Zoning: A-2, Agricultural Small Scale Land Use: Rural Residential	Request: Amended Conditional Use Permit (CUP)
Address: 9250 Dellwood Road Grant, MN	Location Description and PIDs: PIDs – 1503021310001 and 1503021130002

The Applicant is requesting an amendment to the Conditional Use Permit (CUP) to allow for the minor subdivision of the subject property. Based on the submitted Minor Subdivision Exhibit, the proposed amendment would except out approximately 17.14-acres of the subject property lying west of Justen Trail, leaving approximately 42.28 acres subject to the CUP. As shown on the Minor Subdivision exhibit, there is approximately 59.42 gross acres with approximately 5.04 acres of existing roadway easement area (Note, the existing 1993 CUP is associated with approximately 55-acres which is the area exclusive of the roadway easement area).

The proposed amendment to the 1993 CUP is to:

- Amend the legal description to remove the area west of Justen Trail North (shown and proposed Parcel B and Parcel C on the Attached Minor Subdivision exhibit).
- Amend Condition Number 2 to state that “The 42.28-acre parcel shall not be further subdivided.”
- Amend Condition Number 16 regarding the permitted number of horses proportionately to the ratio established. The existing CUP permitted approximately 1 horse per acre exclusive of roadway easement area, so the total number of horses permitted on site would be amended to allow 39 horses (this is a reduction from the 60 horses permitted in the current permit).

All other conditions of the 1993 CUP would remain valid and are not proposed to be amended as part of this application.

Review Criteria

The City Code addresses amendments to existing CUPs in Section 32-152 that states, “An amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit...” As such, the Application to amend the CUP is processed accordingly, and the requested amendment is to consider only those portions of the operations and/or facility that are proposed to change. 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.”



The purpose of this amendment is not to consider the use of the property as a horse boarding and indoor riding arena facility since the determination that the use is consistent with the City’s regulations was approved in 1993. This amendment relates specifically to allowing for an amendment to the legal description to reduce the total area associated with the CUP to approximately 38 acres, and to reduce the number of horses permitted on site proportionately to the reduction in acreage.

Existing Site Conditions

The subject property is bordered by Dellwood Road N. (Hwy 96) on the south, Jamaca Ave N (CSAH 9) to the west, and Justen Trail N., runs north-to-south through the property. The existing principal structure and all accessory buildings, including an indoor riding arena, are located east of Justen Trail N. There is a large existing pond and/or wetland area located along the eastern edge of the property that extends north onto the area described as Outlot A of the Victoria Station No. 3 Subdivision, and a small wetland area located on the northwest corner of the property adjacent to the CSAH 9 right-of way. The majority of the subject property was not platted as part of the Victoria Station subdivision, and only that portion associated with Outlot A was part of any previous subdivision.

Comprehensive Plan Review

The site is guided RR – Rural Residential in the City’s adopted Comprehensive Plan. Land within the RR land use designation is generally described as supporting rural residential uses with limited commercial and institutional uses as identified and allowed within the City’s zoning ordinance. The proposed amendment does not change the use of the site for a Horse Boarding and Indoor Riding Arena facility, which is identified as a compatible use within the City’s Comprehensive Plan and supporting Zoning Ordinance.

Zoning/Site Review

The Applicant included the Minor Subdivision exhibit as part of the application to demonstrate the proposed area of the subject amendment. As shown on the existing, Parcel B and Parcel C would be excepted or removed from the CUP, and Parcel A would be the only remaining area subject to the CUP. Since the area associated with the permit is reduced, a full review of the dimensional standards based on the reduced area is necessary to ensure that the proposed amendment would not create any new non-conformities.

Dimensional Standards

The following site and zoning requirements in the A-2 district for Horse Boarding facilities is provided. The following review is conducted focusing on Parcel A, which is the area that would be subject to the Amended CUP.

Dimension	Standard	Proposed Lot Configuration
Minimum Lot Area (requires minimum of 5 acres for horses on property)	5 Acres	~42.28 Acres
Frontage on Improved Public Street	300'	~1,630'



Front Yard Setback (arterials)	150'	~106.6 (existing home)
Side Yard Setback (from street in case of corner lot)	65'	~92'
Side Yard Setback (from interior lot lines)	20'	~1,180'
Rear Yard Setback	50'	~215'
Height of Structure	35'	NA
Accessory Buildings (# and Total SF)	No limit based on acres	5 Existing Buildings + Principal Structure
Wetland Setback Structure (Buffer)	75' (50')	No Change
Impervious surface coverage	50%	5%
Grazable Acres* See discussion below	1 horse per 2 grazable acres, or CUP is required – existing CUP permits 60 horses which is 1 horse per 1.4 grazable	39 (horses per 1.4 grazable acre see analysis below)

Lot Area and Accessory Building Standards

The amended CUP is proposed to include an area approximately 42.28 acres, where the horse boarding and indoor riding operations are currently operating. ***As amended, the proposed lot area meets the City's ordinance requirements for minimum lot size.***

All of the improvements, including principal structure, gate house and accessory structures are located on the subject parcel. Section 32-313 establishes that lots containing more than 20 acres do not have a limit on the number of permitted accessory buildings or square footage. ***The proposed amended area for the CUP meets the City's requirements for accessory buildings.***

Setbacks

The request to amend the legal description changes the lot configuration and moves the western property boundary from the Jamaca Avenue right-of-way to the west side of the Justen Trail N., roadway easement area. This request corresponds to the requested minor subdivision (see staff report under separate cover for minor subdivision review). As shown on the Minor Subdivision exhibit, the proposed modification of the westerly property line creates a new side yard setbacks for the structures located on the subject parcel since the existing farmstead and its buildings are accessed from the primary frontage on Dellwood Road North (Hwy 96). The side yard setback of a structure from a street when a corner lot is 65'. As referenced in the minor subdivision, the Applicant has proposed a new westerly lot line that is on the west side of roadway easement, which would encompass the full roadway on the subject property. Regardless of the proposed lot line, which is reviewed within the Minor Subdivision staff report, the side yard setback of structures on a corner is 65-feet from the street right-of-way or easement. The existing indoor riding arena is the closest structure to Justen Trail and is setback approximately 80-feet from Justen Trail.

There are two existing habitable structures on the property – one is the principal structure, and the second is a permitted gatehouse. It is assumed that the gatehouse is the southernmost structure on the subject property and is



approximately 1,800 square feet. As shown on the Minor Subdivision exhibit the structure is located within the front yard setback and does not meet the City's code. The encroachment of this structure is an existing condition, and the proposed amendment does not impact or increase the encroachment. Further review regarding this structure is provided in the Minor Subdivision report, but for purposes of this CUP Amendment there is no impact to the existing encroachment.

No new structures or improvements are proposed as part of this request to amend the CUP. ***All existing structures meet the required setbacks from the proposed westerly boundary, and no further encroachments into required yard setbacks is proposed.***

Grazable Acres

The City Code requires 2 acres of grazable land for each horse, and an increase in density is permitted with a CUP. The 1993 CUP permitted a maximum of 60-horse which corresponding to approximately 1 horse per 1.4 acres of grazable land. The proposed amended reduces the acreage of the site by approximately 17.14 acres. If the ratio of horse to grazable acres is maintained then the number of permitted horses must be amended to correspond to the reduced area.

To determine the grazable acres the total parcel area (Parcel A) is adjusted to except the roadway easement areas, the building footprints, and wetland areas. Based on this analysis the total grazable area remaining is approximately 27.67 acres. Using the approved horse ratio from the 1993 CUP, the number of permitted horses on site would be

$$(1.4 \text{ Horses per grazable acre}) \times (27.67 \text{ grazable acres}) = 39 \text{ Horses}$$

Based on the revised area, staff recommends that Condition #16 would be reduced from a maximum of 60 horses to 39 horses, consistent with the methodology performed in the 1993 CUP.

Engineering Standards

The City Engineer did not have any comments regarding the proposed amendment since the request to amend is based on the intensity of use, and there are no site or physical improvements proposed.

Other Agency Review

The proposed amendment reduces the area associated with the CUP and no other alterations are proposed that represent an expansion of the use. Therefore, no other agencies are required to review the request. However, it should be noted that the conditions as established by the 1993 would remain valid, including, but not limited to, maintaining proper approval and licenses from MPCA, Washington County, etc., related to the operation of the boarding facility.

Action requested



Staff is recommending approval of the Amended CUP with the conditions as noted.

- The legal description must be updated to reflect that the CUP is only recorded against the approved Parcel A configuration. (Note that the subdivision review is provided under separate cover.)
- The Minor Subdivision must be approved, and the accurate legal description provided, for this Amendment to be valid.
- Condition #2 is modified to reflect the approved acreage of Parcel A, depicted as 42.28 acres on the Minor Subdivision exhibit as 42.28, which may be modified based on the recommendation of the Minor Subdivision.
- Condition #16 is modified to permit a maximum of 39 horse.
- Add a condition that any modification or intensification of the proposed use shall require an amendment to the CUP.
- All other conditions noted in the 1993 CUP remain valid and in full force.

Attachments

Attachment A: Application

Attachment B: Minor Subdivision exhibit dated 4/28/2022

Attachment C: 1993 Conditional Use Permit

**CONDITIONAL USE PERMIT
FOR
EDWARD B. McCAULEY AND JEANETTE A. McCAULEY
VICTORIA STATION BOARD STABLE AND INDOOR RIDING ARENA**

File No. _____

Date: April 22, 1993

Legal Description:

That part of the Southwest quarter (SW 1/4) of Section 15, Township 30, Range 21 lying North of the centerline of Trunk Highway No. 96, except that part included in the Plat of Victoria Station No. 3.

82827 And also all the parts of Outlot A, Victoria Station No. 3, not included in the Deed to Alvin H. Brabender and Lucille F. Brabender recorded as Document No. 424416 in the office of the County Recorder for said County, said document more fully described in attached Exhibit A.

Owner: Edward B. and Jeanette A. McCauley
515 Stage Line Road
Hudson, Wisconsin 54016

Address of
Subject Property: 9250 Dellwood Road North
Mahtomedi, Minnesota 55115

Present Zoning District: A-2 Permitted uses set forth in Ordinance 50 Section 505

I. CONDITIONAL USE PERMIT FOR: HORSE BOARDING STABLE PLUS INDOOR RIDING ARENA.

All uses shall be subject to the following conditions and/or restrictions imposed by the Board of Supervisors on the Town of Grant.

General Descriptions:

1. This permit allows for the operation of an equestrian facility as outlined in the submitted application package. Construction of a new 60' x 150' indoor riding arena is allowed, providing all required setbacks are met.

2. The 55 acre parcel shall not be further subdivided.

3. No business of any type not related specifically to the operation of a horse farm as addressed in the conditional use permit shall be permitted on the property.

4. All land legally described in the application is included in this permit.

5. Violation of any conditions of this permit may result in revocation of said permit.

6. Any change in plans or construction of any other facilities or living quarters not specifically permitted in this permit shall require an amended conditional use permit.

7. This permit shall be recorded against the property in the Office of the Washington County Recorder.

8. A permit must be obtained from the Minnesota Pollution Control Agency prior to any animals being boarded on this property. This permit is not valid until evidence is shown that this permit has been obtained.

9. This permit shall be reviewed on an annual basis by the Grant Town Board. It shall also be reviewed each time the property is sold. The Town Board, or its designated agents, and the staff of the Washington County Department of Public Health shall have right of access to all facilities on this property during daytime hours.

10. The applicant attains and complies with all conditions of the Minnesota Pollution Control Agency feedlot permit.

11. The applicant shall provide adequate shelter in accordance with acceptable standards, both inside and outside, for the number of horses to be boarded on the subject property.

12. A building permit shall be obtained prior to the start of construction for the new facilities.

13. A certificate of compliance must be obtained from the Washington County Department of Public Health.

14. A maximum of three (3) horse shows per year are allowed. Adequate on-site parking must be provided.

15. The owner of the subject property shall keep in full force and effect general liability insurance covering personal injury and property damage arising out of the operation of the horse boarding and riding facility on the subject property. The owner shall provide the Township and County with proof of insurance annually. The Township shall be given ten (10) days advance notice of cancellation of the insurance policy.

16. No more horses than allowed by the PCA permit, to a maximum of sixty (60) horses, may be boarded on the property at any time, and no one shall live in any of the buildings other than the main house and the gate house. If the number of horses creates a nuisance, as defined by State statute and Town ordinances, the Town may order a reduction in the number of horses.

17. All construction and use of the property shall be consistent with the site plan.

18. Applicant must take possession of the property within six (6) months or this permit is void.

19. Additional conditions may be added to this permit at a later date if deemed necessary by the Grant Town Board.

20. Applicants shall maintain the right to spread manure on the Costa property pursuant to the existing covenant on that property.

II. REVIEW:

Pursuant to §505.08 of the Zoning Ordinance of the Town of Grant, periodic review of this Conditional Use Permit is imposed as a condition of its grant. This Conditional Use Permit shall be reviewed annually at the direction of the Planning Commission which shall notify the permit holder of the date of the annual review at least ten (10) days prior to the review hearing.

In witness whereof, the parties have set forth their hands and seals.

TOWN OF GRANT:

Date: 12-7-93, 1993

By: Gary Erickson
Chairman

Date: 12-7-93, 1993

By: Sheila Davis
Clerk

Date: 8/4, 1993

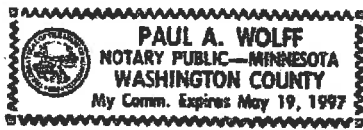
Edward B. McCauley
Edward B. McCauley
Applicant/Permit Holder

Date: 8/4, 1993

Jeanette A. McCauley
Jeanette A. McCauley
Applicant/Permit Holder

STATE OF MINNESOTA)
) ss:
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 7
day of December, 1993, by Gary Erickson and
Shirley S Davis, Chairman and Clerk for the Town of Grant,
to me personally known to be the persons described in and who
executed the foregoing instrument and acknowledged that they
executed the same as their free act and deed of the parties.



Paul A. Wolff
Notary Public

STATE OF MINNESOTA)
) ss:
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 7
day of December, 1993, by Edward B. McCauley and Jeanette
A. McCauley, husband and wife, Applicants/Permit Holders, to me
personally known to be the persons described in and who executed
the foregoing instrument and acknowledged that they executed the
same as their free act and deed.



Diane M. Vredevelde
Notary Public

THIS INSTRUMENT DRAFTED BY:

Paul A. Wolff
ECKBERG, LAMMERS, BRIGGS,
WOLFF & VIERLING
1835 Northwestern Avenue
Stillwater, MN 55082
(612) 439-2878

EXHIBIT A

83831

Except that part lying within the following described lines:
Beginning at the Southeast corner of said Outlot A, said point also being the Southwest corner of Lot 5, Block 3, said Victoria Station No. 3; thence North 00 degrees 59'45" West 636.58 feet along the West line of Lots 3, 4, and 5, said Block 3, to a point on the South line of NE 1/4, Sec. 15-T30N-R21W; thence North 00 degrees 56'40" West 638.42 feet along the West line of Lots 1, 2, and 3, said Block 3, to the Northwest corner of said Lot 1, said point being on the South line of Outlot B, Victoria Station No. 3; thence West 153.5 feet along the southerly line of said Outlot B; thence South 00 degrees 51'34" East 288.91 feet along the Easterly line of said Outlot B; thence West 50 feet along the Southerly line of said Outlot B; thence South 00 degrees 51'34" East 350.00 feet to a point on the South line of NE 1/4 of Sec. 15-T30N-R21W; thence South 89 degrees 51'21" West 650.10 feet along said South line to a point on the West line of SE 1/4 of Sec. 15, said point being the center of said Sec. 15; thence South 00 degrees 51'34" East 634.41 feet along said West line to the Northwest corner of Lot 10 said Block 3; thence East 856.08 feet along the Southerly line of said Outlot A and the Northerly line of Lots 8, 9, and 10, said Block 3, to point of beginning.



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

pd 2/7/22
 1020 Check # 5095 \$470
 #5092 \$3000 Clerk @ cityofgrant.us

Phone: 651.426.3383
 Fax: 651.429.1998

Email: clerk@cityofgrant.com

CONDITIONAL USE PERMIT

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

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

PARCEL IDENTIFICATION NO (PIN): 26 030 21.33.0001	LOT SIZE: 101 Acres
PROJECT ADDRESS: 10151 75th Ave North Stillwater, MN. 55082	OWNER: Name: Mike Regan Address: 6667 Keats Ave No City, State, Zip: Grant, MN. Phone: 651-770-2301 Email: Mike@IH601F.com
	APPLICANT (If different from Owner): Name: Pete Mogren Address: 861 East Ridge Lane City, State, Zip: Stillwater, MN. 55082 Phone: 651-270-8728 Email: Petemogren@gmail.com
BRIEF DESCRIPTION OF REQUEST: Looking to process firewood and sell it Firewood will be kiln dried very little air dried	
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code sections for a detailed description of required submittal documents, and subsequent process. - Division 5. Conditional Use Permits 32-141 through 157, others	

Required Signatures

*** Note: All parties with a fee interest in the real estate must sign this application before the City will review for completion! ***

Applicant

Name: Pete Mogren Mogren's Firewood
(Please print)
 Address: 10151 75th Avenue North
 City, State, Zip: Stillwater, MN 55082
 Phone: _____
 Cell Phone: 651-270-8728
 Email: petemogren@gmail.com
 Signature: [Signature]
 Date: 1/19/2022

Fee Title Property Owner

(If different from Applicant)

Name: Indian Hills G.C. O/B/M Mogren Inc.
(Please print)
 Address: 6667 Keats Ave. No.
 City, State, Zip: Grant, MN.
 Phone: 651-770-2301
 Cell Phone: 612-749-4901
 Email: Mike@IH601F.com
 Signature: [Signature]
 Date: 1/19/2022

Checklist:

Please review the attached checklist. Minnesota State Statute 15.99 provides the City of Grant 15 business days to determine the application's completeness. Completeness depends on whether or not the applicable checklist items are fulfilled and submitted with your application.

Review Deadline and Timeline:

All applications must be received by the deadlines as posted on the City's website. Failure to submit by the date shown may result in a delay in the scheduling of the application for public hearing. Meeting the deadline does not guarantee that an application will be heard at the next meeting. To improve likelihood of appearing on an agenda, it is recommended that applications be submitted earlier than the deadline.

According to Minnesota State Statute 15.99 a Conditional Use Permit has a Statutory review period of 60 days, with the City's ability (which includes city staff and consultants) to extend the review for an additional 60 days if necessary due to insufficient information, directive to provide additional information, the tabling or postponement of an application, lack of quorum, or schedules.

Application for Planning Consideration Fee Statement:

(Please read carefully and understand your responsibilities associated with this land use application.)

The City of Grant has set forth a fee schedule by City Ordinance as posted on the City's website. The City of Grant often utilizes consulting firms to assist in the review of projects. The consultant and city rates are available upon request. By signing this form, the Applicant accepts sole responsibility for any and all fees associated with the land use application from the plan review stage; the construction monitoring stage; and all the way to the release of any financial guarantees for an approved project. In the event the Applicant fails to make payment of all fees associated with the project, the City of Grant will assess any unpaid or delinquent fees related to this application or project against the subject property. If a project is denied by the City Council or withdrawn by the Applicant, the fees associated for the project until such denial or withdrawal, remain the Applicant's responsibility.

I/WE UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant

Fee Title Property Owner
(If different from Applicant)

Pete Mogren

Signature

Pete Mogren

Printed Name

1/19/2022

Date

Michael O. Regan

Signature

Michael O. Regan

Printed Name

1/19/2022

Date

** For Applicant's use and records

Conditional Use Permit Checklist:

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.

COPIES: One (1) Electronic copy of full submission; Two (2) 11x17 half-scale scalable hard copy plan sets.

Site Plan: All plans must be to-scale, scalable, and include a north arrow.

- Property dimensions
- Area in acres and square feet
- Identified setbacks (Front, Side, Rear)
- Identify Buildable area (if applicable)
- Location of existing and proposed buildings (including square footage, foot print, and dimensions to lot lines)
- Location of existing utilities, drainfield locations
- Location of current and proposed curb cuts, driveways and access roads
- Existing and proposed parking (if applicable)
- Off-street loading areas (if applicable)
- Existing and proposed sidewalks and trails (if applicable)
- Sanitary sewer and water-utility plans (if expansion is needed)

Existing Conditions:

- Aerial of site and adjacent properties
- Location of all wetlands (NWI, or similar)
- Topographic contours at 2-foot intervals
- Water bodies, Ordinary High Water Level, 100-year flood elevation

Grading Plan (if applicable): All plans must be to-scale, scalable, and include a north arrow.

- Grading Plan
- Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated
- Stormwater Plan and Calculations (if applicable)

Landscape Plan (if applicable): All plans must be to-scale, scalable, and include a north arrow.

- Landscape plan identifying species and size of trees and shrubs
- Screening plan

Architectural/Building Plan (if applicable): All plans must be to scale, scalable, and include a north arrow.

- Location of existing and proposed buildings and their size including dimensions and total square footage
- Proposed floor plans (if applicable)
- Proposed elevations (if applicable)
- Description of building use for proposed CUP

Written Narrative Describing your request: A written description of your request for the Conditional Use will be required to be submitted as a part of your application. The description must include the following:

- Description of operation or use *Process firewood and sell it - Firewood will be kiln dried*
- Number of employees (if applicable, if not state why) *2 - Father - Son operation*
- Sewer and water flow/user rates (if applicable, if not state why)
- Any soil limitations for the intended use, and plan indicating conservation/BMP's
- Hours of operations, including days and times (if applicable) *8:00 AM - 4:00*
- Describe how you believe the requested conditional use fits the City's Comprehensive Plan

Conditional Use Permit Checklist:

Statement acknowledging that you have contacted the other governmental agencies such as watershed districts, Washington County departments, state agencies, or others that may have authority over your property for approvals and necessary permits.

Paid Application Fee: \$400

Paid Escrow*: \$3,000

*Any remaining funds, after expenses, are returned to the Applicant. Expenses incurred over \$3,000 will be billed to the Applicant.

Materials that may be required upon request:

Survey of the Property: An official survey, by a licensed surveyor, may be requested with the application. The survey shall be scalable and either Full Scale, or Half Scale (11"x17") as requested by the Zoning Administrator.

Full scale plans at a scale not smaller than 1"=100'

Sanitary and stormwater plans. Sanitary and/or stormwater plans may be requested depending on the proposal of the Conditional Use Permit.

Wetland Delineation. If the proposed project is near a potential wetland boundary or setback, delineation may be required to fully evaluate and approve, or deny, the Conditional Use Permit.

Narrative:

In conjunction to the City of Grant's Table of Uses, I am proposing that my operation would fall under Landscape Supply and Agricultural providing firewood for recreational and restaurant use. In addition, the firewood saw dust and scraps can be provided as horse bedding for locals.

During working hours, there will be loading of the product into the kiln dryer and delivery truck by owner, Corey Mogren. In addition, delivery of firewood to customer will be the main source of distributing with the occasional pick-up allowed by appointment only (happening about 1% of the time). Operation will be year-round with Spring/Summer being a slightly slower time, and my hours of operation include the following:

- Running the wood processor from roughly 8:30 am – 3 pm, 1-2 days a week
- Kiln drying process will run consecutively for 36 hours (I am not present on site)
- Loading into my truck for delivery roughly 8:30 am – 3 pm, 1-3 days a week – this time includes delivering meaning I will only be onsite 3-4 time during these hours

Overall, I will be operating out of the space roughly 2-5 days a week for 6-7 hours at a time, these times are subject to change during slower months. In addition, I have purchased an electric processor to replace my current one that will be arriving in June. This will be significantly quieter during the time I am cutting and processing wood.



STAFF REPORT

To: Mayor and City Council
Kim Points, City Clerk/Administrator

Date: June 1, 2022

CC: Brad Reifsteck, PE, City Engineer
David Snyder, City Attorney

RE: Application for a Conditional Use Permit to process firewood at 10151 75th Avenue N

From: Jennifer Haskamp
Consulting City Planner

Background

The Applicant, Pete Mogren, Mogren’s Firewood, is requesting a Conditional Use Permit (CUP) on the subject property to allow for the processing and selling of firewood. The use includes cutting and processing firewood that is dried using a large kiln on site. The Site Plan shows the location of the existing building on the property, the stockpile locations for the processing operations and the location of the kiln.

Public Hearing

A duly noticed public hearing is scheduled for June 8, 2022, and property owners within 1,320-feet were notified of the subject application.

Application Summary

Applicant: Pete Mogren, Mogren’s Firewood Owner: Mike Regan	Site Size: 101.5 Acres
Zoning & Land Use: A2 – Agricultural Small Scale	Request: Conditional Use Permit (CUP)
Address: 10151 75 th Avenue North Grant, MN 55082	Location Description and PIDs: PID 26.030.21.33.0001, subject property generally located west of the 75 th Street N and Lake Elmo N intersection

The Applicant is requesting a CUP on the subject property for the Firewood processing operation. A summary of the proposed use is as follows:

- Cutting and processing the firewood
- Loading and operation of a kiln dryer
- Delivery of firewood
- Occasional customer pick-up
- Year-round operation, with Spring/Summer being the slow season



- Operating hours as detailed below

In the applicant’s narrative they describe the operations as being similar to a landscape supply and agricultural use. As described, the operations would occur on site between two and five days a week, with average time per day between six and seven hours. The applicant has indicated that the variation in hours will occur based on whether it is the busy or slow season. (E.g. there is higher demand for firewood during the cold season). In the applicant’s narrative, they have indicated that they have purchased an electric processor to replace the current processor to reduce the noise associated with the operations. The new electric processor will be quieter than the current processor and is scheduled to arrive in June 2022.

Review Criteria

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.”

Section 32-245 Table of Uses establishes the list of permitted and conditionally permitted uses in the City. Subsection (b) states, “Uses shall be allowed according to the use table in subsection (c) of this section. When a specific use is not listed, the closest similar listed use shall determine the restrictions and conditions which apply.”

Existing Site Conditions

The site is located in the southern portion of the City, which is bordered by Highway 36 on the south. The area is generally used for a mix of agricultural fields and residential uses.

10151 75th Avenue North, PID 26.030.21.33.0001

The parcel is described as being in the Southwest Quarter of Section 26, Township 30 North, Range 21 West. The parcel is approximately 101.5 acres, is fairly regular in shape, and is bordered by 75th Street North on the north. The majority of the site is wooded with a large agricultural field in the central portion of the property.

Comprehensive Plan Review

The site is guided RR/AG – Rural Residential/Agricultural in the City’s adopted Comprehensive Plan. Land within the RR/AG land use designation is generally described as supporting rural residential and agricultural uses with limited non-residential uses that require a CUP. The proposed firewood processing operation is similar to other agricultural and nursery/landscape supply businesses in the City that operate with a CUP. Depending on the conditions established for the firewood processing operations and provided a CUP is



obtained, the proposed firewood processing operation could be consistent with the adopted comprehensive plan.

Zoning/Site Review

The Applicant submitted a Site Plan for the proposed amendment (See attached Exhibit). The following dimensional review is provided for review and consideration.

Dimensional Standards

The following site and zoning requirements in the A2 district related to the proposed application. The following review is conducted focusing on the submitted site plan.

Dimension	Standard
Minimum Lot Area per non-residential structure (Sec. 32-313(b))	5 Acres, or as per permit
Frontage on an Improved Public Road	300'
Front Yard Setback along Arterials	150'
Side Yard Setback (from street in case of corner lot)	65'
Side Yard Setback (from interior lot lines)	20'
Rear Yard Setback	50'
Height of Structure	35'
Accessory Buildings (# and Total SF)	No limit
Impervious surface coverage	50%
Floor Area Ratio	30%

Proposed Use

The Applicant’s narrative describes the proposed use as a firewood processing operation. Section 32-245 Table of uses does not specifically identify firewood processing operations as a use. As indicated previously, subsection (b) of the Table of Uses states that if a use is not expressly identified on the table, then the most similar use should be considered. The Applicant’s narrative suggests that the most similar type of use is an agricultural and landscape supply type of business. The proposed use has similarities with both, however, a landscape supply use is also not on the City’s table of uses. The proposed use is most similar to the nursery/landscape/hardscape businesses that are currently in operation in the City. All businesses of this type (e.g. Hegberg, Buberl, etc.) operate with a Conditional Use Permit in the A-2 zoning district. As such, staff believes that a CUP is the appropriate permit, if the Planning Commission and City Council determine that the use is similar to other uses permitted in the City and on the Table of Uses.

Lot Area and Accessory Building Standards

The subject property is approximately 101.5 acres and is used for a non-residential structure. Section 32-313(b) states that the maximum building size is established for a CUP based on the lot size. As identified, there is no limit on maximum total square footage on lots larger than 20 acres.



There is no limit on number of accessory buildings allowed. For non-accessory, non-dwelling structures, the limit is determined as per the permit.

Setbacks

As shown on the Site Plan, the operation is located in the northwest portion of the property. The kiln is located approximately 300' from the westerly property line and 450' from the northerly property line and 75th Street North frontage. The identified processing area is approximately 345' from the eastern property line and 495' from the northerly property line and road frontage.

The existing building on the site is setback approximately 370' from the eastern property line and 540' from the northerly property line.

The identified operations area (with the kiln, stockpiles, loading and processing area and the existing building) is setback approximately 300' from the easterly property line, 360' from the northerly property line and more than 1,500' from both the westerly and southerly property line.

Operations

The hours of operation given in the narrative are as follows:

- Running the wood processor: 8:30 am – 3:00 pm, 1 – 2 days a week
- Loading truck for delivery: Between 8:30 am – 3 pm, 1 – 3 days a week. This includes delivery of firewood so the delivery truck would be loaded 3 – 4 days onsite between these hours.
- The kiln runs consecutively for 36 hours when no one is present onsite.

It is assumed based on the Applicant's narrative that all firewood product will be delivered, and there is no client pick-up from the site. Staff recommends including a condition that no client pickup is permitted since this would change the onsite needs (e.g. may necessitate the need for improved parking areas, driveways for traffic flow, etc.) Similarly, it is assumed that there will be no onsite retail sales or signage associated with the business since the product will be delivered. Staff recommends a condition that no onsite retail operations are permitted as part of this permit.

Noise

The subject operations were brought to the attention of the City due to a concerned neighbor regarding the noise generated on the Site. The staff investigated the complaint and determined that the operations required a permit to operate. The City's noise standards are established consistent with the MPCA's noise regulations, and all operations must demonstrate compliance with the standards. The applicant has indicated that the new electric processor will be significant quieter than the current processor, however, it is unknown what the noise and/or decibel levels area associated with the operation and if they comply with the noise standards.

Staff recommends discussion by the Planning Commission and with the Applicant at the meeting to understand the noise levels associated with the activities and different equipment. For example it is assumed that the majority of the noise generated is from the processor, however, it is not clear if the kiln also generates



noise. In addition to any conditions that may be brought forward during the meeting, staff would recommend including a condition that all operations must comply with the MPCA's noise standards that set regulations for duration, decibel levels and time of day.

Engineering Standards

There are no new buildings or landscaping being proposed as part of this application.

Other Agency Review

The property is within the Brown's Creek Watershed District, and the Applicant will have to obtain any necessary permits from the Watershed.

Action requested

Staff is recommending approval of the CUP for the Firewood Processing Operation. The following draft conditions are provided for your review and consideration.

- The activities associated with the firewood processing operation shall be limited to the areas identified on the Site Plan which is attached to the Permit.
- The hours of operation shall be limited to the following:
 - No operations shall be permitted on Sundays
 - Running the wood processor: 8:30 am – 3:00 pm, no more than two (2) times per week, limited to Monday through Saturday.
 - Loading truck for delivery: 8:30 am – 3 pm, no more than three days a week. (loading and unloading will occur during the designated time period).
 - The kiln may run at any time, and the hours of operation are not limited provided all other activities occur during the designated hours.
- All activities on site must comply with the MPCA's noise standards and regulations.
- No exterior lighting of the operations is approved as part of this CUP. Any proposed light may require an amendment to the permit.
- No signage is approved as part of this CUP. Any proposed signage may require an amendment to this permit.
- No retail operations on site are permitted, and no client pick-up is permitted. All firewood must be delivered from the site. If any changes are proposed to the delivery operations an amendment to this permit may be required.

Attachments

Attachment A: Application

Attachment B: Site Plan