



CITY COUNCIL MEETING AGENDA
TUESDAY MARCH 7, 2023

CITY COUNCIL MEETING TIME: 6:30 PM

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council Minutes from the February 9, 2023, Special City Council Meeting.
- b. Approval of City Council Minutes from the February 21, 2023, Regular City Council Meeting.
- c. Approval of Accounts Payable; (Batch #1 - Checks No. 21856-21867 and Batch #2 - Checks No. 21868-21882).

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

6. Reports of Boards and Committees by Council and Staff.

7. Senator Warren Limmer (37, R) – Annual City Update.

8. **PUBLIC HEARING:** Consideration of Conduit Bond Issuance.

- a. **RESOLUTION 23-0307-01:** Considering the authorization of the issuance, sale and delivery of revenue bonds for 180 Degrees, Inc. Projects (this includes the renovation and expansion of two facilities; “Minneapolis Project,” and together with the St. Cloud Project, the “Projects”).

9. Windsong Golf Club – North Course Expansion Project: Environmental Assessment Worksheet.

- a. **RESOLUTION NO. 23-0307-02** – Resolution issuing an amendment to the negative declaration of the need for an Environmental Impact Statement for Windsong Golf Club north course expansion project.

10. William Stoddard (Applicant) and John Zeglin (Owner) requests that the City consider the following actions for the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001):

- a. **ORDINANCE NO. 2023-01** – Rezoning of a portion of the property from AG-Agriculture to UC-Urban Commercial.

- b. **RESOLUTION NO. 23-0307-03** – A Resolution approving the following:

- Comprehensive plan amendment to allow a portion of the property to be re-guided to the Urban Commercial - UC zoning district. A portion of the property is already guided Urban Commercial.
- Conditional Use Permit to allow a planned unit commercial development on the subject property. The proposed development would include office warehouse and private garage condominium buildings.
- Site Plan Review to allow the proposed development.
- Preliminary Plat to allow the subdivision of the property into seven (7) residential lots and associated lots to allow the proposed commercial development.

11. Open/Misc.

12. Adjourn.

MINUTES OF A SPECIAL MEETING OF
THE INDEPENDENCE CITY COUNCIL
THURSDAY, FEBRUARY 9, 2023 – 7:30 A.M.
City Hall Chambers

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a special meeting of the Independence City Council was called to order by Mayor Johnson at 7:30 a.m. due to a lack of quorum on the regularly scheduled City Council meeting.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson and Councilors Betts, and Spencer.

ABSENT: McCoy and Grotting.

STAFF: City Administrator Kaltsas, Administrative Services Director Simon

VISITORS: See Sign-in Sheet.

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council Minutes from the January 17, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1: Checks No. 21781-21788, Batch #2: Checks No. 21789-21800, Batch #3: Checks No. 21801-21822).
- c. Agriculture Preserve Application for the following property:
 - 35-118-24-14-0002
- d. Approve Hennepin County Recommended Local Board of Equalization Meeting Date – Tuesday, April 4th, 2023, at 6:00 PM.

Spencer will be absent for the Local Board of Equalization Meeting this year.

Motion by Spencer, seconded by Betts to approve the Consent Agenda. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED. 3.0

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Lake Minnetonka Cable Commission & Mark Lindberg
- Planning Commission mtg

Betts attended the following meetings:

- Planning Commission mtg
- Police Commission

Johnson attended the following meetings:

- Planning Commission mtg
- Orono Healthy Youth Collaborative mtg
- National League of Cities Mtg (virtual) - Energy Environment and Natural Resources
- Lyndale Lutheran church 125th anniversary potluck dinner – (resolution)
- Orono Healthy Youth Collaborative
- Orono School Board meeting and Workshop
- Police Commission
- Loretto Fire Dept – (merger w/ Hamel Fire Dept by 4/1)
- Bill Stoddard meeting
- Curtis Hill's funeral
- Interviews for Regents for U of MN (watched)
- Towards Zero Deaths webinar
- Hennepin County's Active Living Committee (virtual)
- Lake Minnetonka Cable Commission State of the City of Independence taping (misspoke Public Works - meant Public Safety)
- Northwest League mtg – County Sheriff Witt was to speak but rescheduled due to death in the family
- State of the Union Speech (watched)

Kaltsas attended the following meetings:

- Planning Commission mtg
- Police Commission
- MIDCO - Border-to-Border DEED state grant- getting MN legislatures' letters of support (400 residents/30% of City is potentially impacted)
- Lake Minnetonka Cable Commission & Mark Lindberg

Simon attended the following meetings:

- Planning Commission mtg

7. Tom Koch (Applicant/Owner) is requesting that the City consider the following review/discussion for the property generally located at 5865 Koch's Crossing (PID No's. 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) in Independence, MN:

- a. **RESOLUTION 23-0209-01** – Considering approval of the Final Plat and Development Agreement to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.

Kaltsas recapped the Applicant's Request, Property/Site Information, and Discussion from packet for this Final Plat of 33 lot cluster subdevelopment. It is largely represented by the preliminary plat. Property is zoned Rural Residential – 141 acres, 6 individual properties. A rezoning CUP to allow a 33-lot subdivision was done in 2022. It was up to the City to approve final plat thereafter. MN Statutes state that if final plat application is largely consistent with preliminary plat approval, the City would have to move forward with approval of final plat. The Applicant made changes based on conditions of that preliminary plat approval and to help with comments from City and residents. Some of the key provisions that the City recommended include: A future access stub be added to the west if that property west develops. It is not a perfect route, but our ordinance says we provide those connecting points in case it was to develop in the future. 1:5 density in the City. No road will be constructed in that area, just a 165ft long stub drive right of way (shown in pink circle). It will be platted ROW/right of way. We will notify residents for those purchasing properties, so they'll have a letter of awareness for future buyers on that property. The City requested and obtained easement from Applicant to allow future expansion of the cul-de-sac on Brei Kessel as it is a temporary cul-de-sac and will need to be updated to be a permanent cul-de-sac standard. The Applicant is providing for that. The Applicant will also provide a paved trail connection between Brei Kessel and the new cul-de-sac, and it will be a 8.5-ft wide bituminous trail connection linking the 2 developments crossing the creek for a pedestrian/bicycle trail. Those were the primary changes. Significant number of engineering comments and are in the process of being resolved as typical to our process. Details accommodating stormwater management primarily due to the project size, significant number of wetlands, and challenges with some of the grades. The Applicant and engineer are working to resolve this and has already received approval of Co Rd 90 realignment from Hennepin County which would include a right turn lane on to Kochs Crossing. The vacation of Kochs Crossing will have a public hearing at the next meeting for that. It was initially scheduled for February 7th Council mtg due to lack of quorum. Hennepin County already signed the Applicant's plans. Planning Commission reviewed final plat at their meeting and thought the comments had been addressed and that it was consistent with the preliminary plat, giving recommendation for approval of final plat with conditions noted. The City and City Attorney drafted a Development Agreement covering the entire 33 lots noting any minor changes and we're seeking approval on that following the final review of that. The Agreement covers the entire 33 lots, as the Applicant is proposing developing it as one phase to include the construction of the new Kochs Crossing, William Way (new cul-de-sac constructed N-S through the property, the stormwater management system, and other Development Agreement details like Park Dedication. The City would assess Park Dedication on 27 lots – noting 6 existing lots (lots of record) would not be billed for that. Once approved Letters of Awareness will be sent to provide prospective buyers information to understand what their property includes (future road stubs, etc.). Those letters are recorded against the property typically only seen of the initial property owner.

Tom Koch: The original request was going to be for a 4-ft trail, and it is now an 8-ft trail to accommodate more than just the residents of these neighborhoods.

Motion by Johnson, seconded by Spencer to approve RESOLUTION 23-0209-01 approving the Final Plat and Development Agreement to allow a 33-lot Cluster Development to be known as KOCH FARM SANCTUARY. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED. 3.0

8. Chad Greenway (Applicant/Owner) requests that the City consider the following action for the properties located at 2171 Copeland Rd. and 2052 Nelson Rd., Independence, MN (PID No. 19-118-24-14-0001 and 19-118-24-13-0003):

- a. **RESOLUTION 23-0209-02** – Considering approval of a minor subdivision to permit a lot line rearrangement to adjust the property line that runs east and west between the two subject properties.

This minor lot line rearrangement request is between 2 properties where the Applicant owns both properties. The minor subdivision request came after he inquired about a building permit to allow a new accessory structure to be put on the property which did not have a principal structure, and he learned that it was not permitted. The City offered they could realign the property lines in between the two lots to allow for this as long as the structure was put where the principal structure was. The properties are abutting but have access off of different roadways. They would be expanding the 10-acre lot at 2171 Copeland Rd (Parcel B / North) by 2.88-acres and reducing the 60.84-acre lot at 2052 Nelson Rd (Parcel A / South) by that acreage. In the After, the south Parcel A would be 57.96-acres and without a structure, and the north Parcel B would be 12.88-acres with the principal structure and thus allow for the new accessory structure as there is no accessory structure limitations over 10-acres. Both properties meet the eligibility for the Single building. The accessory structure would meet all setback and is located in the SW corner of the property with the barn being the principal structure. So, the lot line rearrangement would just create a slightly larger Copeland Rd parcel. When Planning Commission met, there were no comments made before, during, or after the public hearing, and they were recommending approval.

Mayor Johnson and City Planner Kaltsas discussed where the old road and farm access point may have originally been in relation to the original farmstead and these 2 properties.

Motion by Betts, seconded by Spencer to approve RESOLUTION 23-0209-02 -approving a minor subdivision to allow a lot line rearrangement for the two properties at 2171 Copeland Road and 2052 Nelson Road. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED. 3.0

9. Consider Approval of the Proposed Auditor Contract with BerganKDV and Authorize the Mayor and City Administrator to Execute an Engagement Letter.

As discussed in the workshop, we and many other MN cities have discovered that auditors are short-staffed and dropping clients off their potential audit list. Because Independence is a smaller city with limited audit needs, we are not a great high-priority client. We've been doing a year-to-year audit contract with our auditor and have received a high value, low cost from it. In attempt to find a new auditing firm, we reached out to over half dozen auditing firms. ABDO is the largest but cannot audit us since they provide our financial consulting services. They requested favors and a very high-quality reputable firm, BerganKDV is available for our 2022 audit and the next 3-year option. They cost about \$9,000 more but we've known for 5 years that we were paying lots less than we should be. I recommend the Council Mayor Johnson and I should enter into an agreement with them. Mayor Johnson found the same with others he had talked to and thought they'd have to

pay 2-3 times as much in the next go around. Steve McDonald was instrumental in getting us an auditor.

Motion by Johnson, seconded by Betts to approve the Auditor Contract with BerganKDV and Authorize Mayor and City Administrator to Execute an Engagement Letter. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED. 3.0

10. Open/Misc.

There is a conflict for March 21, 2023, for councilmembers, and we could do March 28th if all are available. Typically, the 3rd Tuesday council meeting is our shorter meeting. We would ask Planning Commission to also meet then if possible.

Motion by Spencer, seconded by Betts to move the March 21st Council meeting to March 28th at 6:30 pm.

North Memorial Ribbon Cutting:

North Memorial is officially operating out of the facility. Police and North Memorial are loving the facility so far with the snow events. A poll for the Police and Councilmembers will be created to find a good daylight afternoon avoiding Friday, 24th for a (League training) and the 22nd (Ash Wednesday).

11. Adjourn.

Motion by Spencer, seconded by Betts to adjourn the City Council Meeting at 8:13 am. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED. 3.0

Meeting Adjourned.

Respectfully submitted,

Linda Johnson, Recording Secretary

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
THURSDAY, FEBRUARY 21, 2023 – 6:30 P.M.
City Hall Chambers

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson and Councilors McCoy, Spencer, Grotting, and Betts (remotely- non-voting).

ABSENT: None.

STAFF: City Administrator Kaltsas

VISITORS: See Sign-in Sheet.

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council Minutes from the February 9, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 - Checks No. 21823-21831 and Batch #2 - Checks No. 21832-21855).
- c. 4th Quarter Building Permit (for information only)
- d. Approval of annual liquor license renewals for the following establishments:
 - i. Ox Yoke Inn - Off Sale, On Sale and Sunday License
 - ii. Windsong Farm Golf Club LLC - Off Sale, On Sale and Sunday License
 - iii. Pioneer Creek Golf LLC – On Sale and Sunday License

Feb 9th Minutes will be approved at the next Council Meeting. The 4th Quarter Building Permit should have stated Financial Report.

Motion by Johnson, seconded by Spencer approval of the 4th Quarter Financial Report subject to audit. Ayes: Johnson, McCoy, Spencer, Grotting, and Betts (remotely- non-voting). Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4.0

Motion by Spencer, seconded by McCoy to approve the Consent Agenda. Ayes: Johnson, McCoy, Spencer, Grotting, and Betts (remotely- non-voting). Nays: None. Absent: None. Abstain: None. MOTION DECLARED CARRIED. 4.0

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Grotting attended the following meetings:

- Attempted Lake Independence Party on the Ice- cancelled due to bad ice
- Planning Commission mtg

Spencer attended the following meetings:

- Drug Task Force Luncheon
- Lake Minnetonka Cable Commission – elected to a post, Council invited to Summit on 3/16 at 6pm -Spring Park
- Planning Commission mtg

Betts attended the following meetings:

McCoy attended the following meetings:

Johnson attended the following meetings:

- Senior Community Services Office – Exec Dir. Presented him a plaque for his years of service.
- WeCAN Breakfast Fundraiser – Mound Legion– cancelled due to building issue.
- Regional Council of Mayors –
- Breakfast with Congressman Phillips- Maple Grove Original Pancake House
- MN Natural Resources Dept re Luce Line Trail – cancelled -Legislature went into session.
- Orono Healthy Youth Collaborative mtg
- Drug Task Force Luncheon - Joint Powers South Lake are joining group.
- Hwy 55 Corridor Coalition with MNDot – missed from out-of-town travel
- League of MN Cities Mtg (virtual) - Energy Environment and Natural Resources - missed

Kaltsas attended the following meetings:

7. Hennepin County Commissioner Kevin Anderson – Annual County Update.

Hennepin County Kevin Anderson serves District 7 since elected in 2020 and has an IT background. He prioritizes investing in physical infrastructure (roads and bridges), broadband expansion (reliable & affordable for all), mental health services, and supporting our Veterans community. Highlights: Hennepin County allocated \$10 million to expand broadband access in all communities and recently partnered with service providers and cities to expand to nearly 1,000 homes including \$250,000 specifically to Independence homes. Infrastructure for the western suburbs can take a long time to get off the ground. (The Hwy 610 Project had been in the making for nearly 50 years. They helped secure final state and federal funding to complete Hwy 610.) He is our Public Works County Advocate for needed projects, too. County Projects included retraining for incarcerated people, tree planting efforts to cool urban areas and help keep clean air, the Co Rd 92 and Hwy 12 reconstruction, and Veterans group support, adding MAC-V's mission for 16 new units in Robbinsdale for veterans dealing with homelessness. Continued work on the

Conservation Easement on Lake Rebecca (privately owned land on northside by Lake Haughey) and Reconstruction of Rd 92 Bridge over Hwy 12. He also convenes mental health roundtables focusing on health providers, schools, and parents as well as hosting a Veterans Summit at a public Townhall. Mayor Johnson is part of Orono Healthy Youth Collaborative, RELATE fitting in. Amy is involved in the Osseo school collaborative. HN Cty helps as a funding stream within schools. If a student needs mental health resources, a provider can help students right there. Youth Sports Grant funding – library expansion hours & Sports grants funding awards. In 2021 Anderson authored to have Arts be eligible as a separate funding as these are often cut in schools, and since many students are struggling with loneliness, these extra connections are vital. A 3.5% Levy increase was passed which is 1% less than previously passed; all programs were funded. Road projects and staffing has been hard for everyone across the state. We continue to use our tax dollars responsibly and invest strategically. (Kaltsas: The City of Independence is applying for HN Cty Broadband Grant (Youth Sports Grant) as a match to the Border-to-Border Broadband Grant. If awarded those grants, then the 30% of Independence that has not been met would be served.) There's never been a point like now with State and Federal grants to get expansion of broadband services! Mayor Johnson appreciates Commissioner Anderson's letter of support. Commissioner Anderson reminded to reach out to him for anything that I can help with.

8. PUBLIC HEARING: Consider Vacation for that portion of Koch's Crossing Right of Way and adjacent Cartway.

- a. **RESOLUTION 23-0221-01 – Approving Vacation**

Johnson opened the Public Hearing. In approving the final plat for the 33-lot Koch's Crossing development, the City is dedicating a new Right of Way allowing for a realignment of Koch's Crossing to the north. The City is being asked to vacate these 2 segments of the old Koch's Crossing to allow for the new road to go in and eliminate the encumbrance this easement has on those properties to be platted with the new homesites. All Serenity Hills residents were sent notices and did not hear back of anything.

Motion by McCoy, seconded by Spencer to close the Public Hearing.

Motion by Spencer, seconded by McCoy to approve RESOLUTION 23-0221-01 approving vacating a portion of Koch's Crossing and adjacent cartway upon a petition of a majority of abutting landowners. Ayes: Johnson, McCoy, Spencer, Grotting, and Betts (remotely- non-voting). Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4.0

9. Consider Approval of Annual Dust Control and Gravel Bids as Recommended by the Public Works Supervisor.

Public Works Supervisor Bode annually gets bids to get the lowest bulk pricing for treating our gravel roads. He recommends Magnesium Chloride for Dust Control and Class 5 Gravel for Sand and Gravel. Bids listed show an overall increase from previous years. Johnson was surprised the delivery rate was not higher considering everything.

Motion by Spencer, seconded by Grotting to approve the Annual Dust Control and Gravel Bids. Ayes: Johnson, McCoy, Spencer, Grotting, and Betts (remotely- non-voting). Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4.0

10. Letter of Support for the Department of Employment and Economic Development (DEED) Border to Border Broadband Grant Application: Consider Approval of a Letter of Support and Resolution.

- a. **RESOLUTION 23-0221-02** – Resolution Supporting the Department of Employment and Economic Development (DEED) Border to Border Broadband Grant Application.

Letters were sent to residents and thankfully the City has received many responses in support already in addition to our Senator's and Representative's letters of support. Commissioner Kevin Anderson also plans on giving us a letter of support.

Motion by Grotting, seconded by Spencer to approve the letter of support under the Mayor's signature for Department of Employment and Economic Development (DEED) Border to Border Broadband Grant Application. Ayes: Johnson, McCoy, Spencer, Grotting, and Betts (remotely- non-voting). Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4.0

Motion by Grotting, seconded by McCoy to approve RESOLUTION 23-0221-02 supporting the Department of Employment and Economic Development (DEED) Border to Border Broadband Grant Application. Ayes: Johnson, McCoy, Spencer, Grotting, and Betts (remotely- non-voting). Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4.0

11. Open/Misc

12. Adjourn

Motion by Spencer, seconded by Grotting to adjourn the City Council Meeting at 7:20 pm. Ayes: Johnson, McCoy, Spencer, Grotting, and Betts (remotely- non-voting). Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 4.0

Meeting Adjourned.

Respectfully submitted,

Linda Johnson, Recording Secretary

City of Independence

Consideration of a Proposal for the Preliminary Approval of the Issuance of Conduit Revenue Bonds

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: March 7, 2023

Discussion:

180 Degrees, Inc. (together with its affiliates, the “Corporation”), a Minnesota nonprofit corporation and a tax-exempt organization under Section 501(c)(3) desires to issue one or more series of revenue bonds or other obligations (the “Bonds”), and loan the proceeds thereof to the Corporation for the purpose of financing:

- (i) the renovation and expansion to approximately 7,500 square-feet of the Corporation’s existing 7,143 square-foot, 12-bed youth shelter facility located at 1111 Washington Memorial Drive in St. Cloud, Minnesota (the “St. Cloud Project”); and
- (ii) the renovation of the Corporation’s existing approximately 15,000 square-foot, 37-bed transitional facility located at 236 Clifton Avenue South in the City of Minneapolis, Minnesota (the “Minneapolis Project,” and together with the St. Cloud Project, the “Projects”).

The City of Independence is authorized by Minnesota Statutes, Sections 469.152 through 469.1655 (the “Act”) and Minnesota Statutes, Section 471.656, as amended, to issue one or more series of revenue obligations in anticipation of the collection of revenues of the Projects. City Council will need to find that it would be desirable and would further the purposes of the Act for the City to finance all or a portion of the costs of the Projects, including the funding of capitalized interest, the funding of any required reserve funds, and the payment of certain costs of issuance (the “Costs”), under the provisions of the Act in the maximum aggregate par amount of \$6,000,000, payable solely from the amounts pledged.

The City has issued conduit revenue bonds in the past and would be compensated by a one-time fee of .45% (~\$25,000). In addition, the Borrower shall pay to the City any and all costs incurred by the City in connection with the Bonds or the financing of the Project.

Recommendation:

The City Council is being asked to consider **RESOLUTION NO. 23-0307-01**, granting *preliminary* approval for the issuance of the conduit revenue bonds.

ATTACHMENTS: **RESOLUTION No. 23-0307-01**
Certification of Minutes



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 23-0307-01

A RESOLUTION GIVING PRELIMINARY APPROVAL TO THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF REVENUE BONDS OR OTHER OBLIGATIONS AND APPROVING A DEED APPLICATION FOR THE 180 DEGREES, INC. PROJECTS;

BE IT RESOLVED by the City Council (the “Council”) of the City of Independence, Minnesota (the “City”), as follows:

Section 1. Background; Findings.

1.01. It is hereby determined that:

(a) the City has been requested by 180 Degrees, Inc. (together with its affiliates, the “Corporation”), a Minnesota nonprofit corporation and a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”) to issue one or more series of revenue bonds or other obligations (the “Bonds”), and loan the proceeds thereof to the Corporation for the purpose of financing:

(i) the renovation and expansion to approximately 7,500 square-feet of the Corporation’s existing 7,143 square-foot, 12-bed youth shelter facility located at 1111 Washington Memorial Drive in St. Cloud, Minnesota (the “St. Cloud Project”); and

(ii) the renovation of the Corporation’s existing approximately 15,000 square-foot, 37-bed transitional facility located at 236 Clifton Avenue South in the City of Minneapolis, Minnesota (the “Minneapolis Project,” and together with the St. Cloud Project, the “Projects”); and

(b) the City is authorized by Minnesota Statutes, Sections 469.152 through 469.1655 (the “Act”) and Minnesota Statutes, Section 471.656, as amended, to issue one or more series of revenue obligations in anticipation of the collection of revenues of the Projects; and

(c) at a public hearing, duly noticed and held on the date hereof, in accordance with Section 469.154, Subdivision 4 of the Act and Section 147(f) of the Code, on the proposal to undertake and finance the Projects, all parties who appeared at

the hearing were given an opportunity to express their views with respect to the proposal to undertake and finance the Projects and interested persons were given the opportunity to submit written comments to the City Administrator before the time of the hearing; and

(d) the City is authorized by the Act to enter into a revenue agreement with any person in such manner that payments required thereby to be made by the contracting party shall be fixed, and revised from time to time as necessary, so as to produce income and revenue sufficient to provide for the prompt payment of principal of and interest on all of its revenue obligations issued under the Act for the benefit of such contracting party when due, and the revenue agreement shall also provide that the contracting party shall be required to pay all expenses of the operation and maintenance of the project including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the project and payable during the term of the revenue agreement; and

(e) based on the public hearing, such written comments (if any) and such other facts and circumstances as this Council deems relevant, this Council finds that it would be desirable and would further the purposes of the Act for the City to finance all or a portion of the costs of the Projects, including the funding of capitalized interest, the funding of any required reserve funds, and the payment of certain costs of issuance (the "Costs"), under the provisions of the Act in the maximum aggregate par amount of \$6,000,000, payable solely from the amounts pledged therefor; and

(f) neither the City nor the State of Minnesota (the "State") nor any political subdivision thereof (other than the City and then only to the extent of the revenues pledged, which shall consist of the payments to be made by the Corporation in accordance with a loan agreement or similar instrument) shall be liable on the Bonds, and the Bonds shall not be a debt of the City or the State or any political subdivision thereof (other than the City and then only to the extent of the revenues pledged herein, which consists of the payments to be made by the Corporation in accordance with the loan agreement or similar instrument), and in any event shall not give rise to a charge against the credit or taxing power of the City, the State, or any political subdivision thereof.

1.02. It is determined that it is necessary and desirable that the City issue and sell its revenue obligations pursuant to the Act to finance all or a portion of the Costs.

1.03. It is a condition of the issuance of the Bonds that all details of the Bonds and the provisions for payment thereof shall be subject to final approval of the Projects by the Minnesota Department of Employment and Economic Development ("DEED") and may be subject to such further conditions as the City may specify. The final approval for the issuance, execution, and delivery of the Bonds and the approval of the necessary Bond documents is expected to be considered and approved by this Council at a later meeting.

1.04 The issuance of Bonds for the St. Cloud Project is subject to the consent and approval of the city of St. Cloud, Minnesota, and the issuance of Bonds for the

Minneapolis Project is subject to the consent and approval of the city of Minneapolis, Minnesota for the Minneapolis Project (together, the "Host Cities"), in accordance with Section 147 of the Code and Minn. Stat. Section 471.656, subd. 2.

Section 2. Preliminary Approval of the Bonds. The issuance of the Bonds is hereby preliminarily approved. The Mayor, City Administrator, and other City officers appointed by the Mayor or City Administrator are hereby authorized to work with AMKO Advisors, LLC; the Corporation; Northland Securities, or another purchaser of the Bonds selected by the Corporation; Dorsey and Whitney LLP as bond counsel to the Corporation; and Kennedy & Graven Chartered as issuer's counsel, to issue and sell the Bonds to finance the Projects. The final approval for the issuance, execution, and delivery of the Bonds and the approval of the necessary Bond documents and/or certificates for the issuance of the Bonds shall be considered and approved by this Council at a later meeting.

Section 3. Approval of Application. The Application to DEED (the "Application"), with attachments, is hereby approved, and the Mayor and City Administrator are authorized to execute said documents on behalf of the City. In accordance with Section 469.154, Subdivision 3 of the Act, the Mayor and City Administrator are hereby authorized and directed to cause the Application to be submitted to DEED for approval of the Projects. The Mayor and City Administrator and other officers, employees and agents of the City are hereby authorized and directed to provide DEED with any information needed for this purpose.

Section 4. Limited Obligations. Nothing in this Resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Projects other than the revenues derived from the Projects or otherwise granted to the City for this purpose. The Bonds shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged for the payment thereof, nor shall the City be subject to any liability thereon. No holders of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment thereon against any property of the City, except such property as may be expressly pledged for the security of the Bonds. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenue and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Section 5. Payment of Costs. The Corporation has agreed and it is hereby determined that any and all costs incurred by the City in connection with the financing of the Projects whether or not the Project is carried to completion and whether or not approved by the City will be paid by the Corporation.

Section 6. Reimbursements. The Corporation may incur expenditures for the Projects prior to the issuance of the Bonds therefor, and such expenditures may be reimbursed from proceeds of the Bonds, when, and if issued. This resolution shall

constitute an “official intent” to reimburse such expenditures for purposes of Treasury Regulations, Section 1.150-2.

ADOPTED AND APPROVED THIS 7th DAY OF MARCH 2023

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

CERTIFICATION OF MINUTES

Municipality: The City of Independence, Minnesota

Governing Body: City Council

Meeting: A regular meeting of the City Council of the City of Independence was held on the 7th day of March, 2023, at 6:30 p.m. at the Independence City Hall, 1920 County Road 90, Independence, Minnesota.

Members present:

Members absent:

Documents: Resolution No. ____ – A RESOLUTION GIVING PRELIMINARY APPROVAL TO THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF REVENUE BONDS OR OTHER OBLIGATIONS AND APPROVING A DEED APPLICATION FOR THE 180 DEGREES, INC. PROJECTS

Certification:

I, Mark Kaltsas, the City Administrator of the City of Independence, Minnesota, do hereby certify the following:

Attached hereto is a true and correct copy of a resolution on file and of record in the offices of the City of Independence, Minnesota, which resolution was adopted by the Independence City Council, at the meeting referred to above. Said meeting was a regular meeting of the Independence City Council, was open to the public, and was held at the time at which meetings of the City Council are regularly held. Councilmember _____ moved the adoption of the attached resolution. The motion for adoption of the attached resolution was seconded by Councilmember _____. A vote being taken on the motion, the following voted in favor of the resolution:

and the following voted against the resolution:

Whereupon said resolution was declared duly passed and adopted. The attached resolution is in full force and effect and no action has been taken by the City Council of the City of Independence, Minnesota, which would in any way alter or amend the attached resolution.

Witness my hand officially as the City Administrator of the City of Independence, Minnesota this ____ day of March, 2023.

By: _____
Its City Administrator

The Mayor stated that this was the time and place fixed for a public hearing to be held on the proposal that the City undertake and finance projects (the "Projects") on behalf of 180 Degrees, Inc., a Minnesota nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Corporation"), pursuant to Minnesota Statutes, Sections 469.152 through 469.1655, as amended. The City Administrator presented an affidavit showing publication of the notice of public hearing at least once not less than 14 nor more than 30 days prior to the date fixed for the public hearing, in the *Crow River News*, the official newspaper of Independence, Minnesota (the "City"). The affidavit was examined, found to be satisfactory and ordered placed on file with the City Administrator.

The Mayor then opened the meeting for the public hearing on the proposal to undertake and finance the Projects on behalf of the Corporation. The purpose of the hearing was explained, the nature of the Projects and of the proposed revenue obligations was discussed, the draft copy of the Application to the Minnesota Department of Employment and Economic Development with draft copies of all attachments and exhibits was available, and all persons present who desired to do so were afforded an opportunity to express their views with respect to the proposal to undertake and finance the Projects, in response to which the following persons either appeared, were recognized and made statements, or filed written comments with the City Administrator before the date set for the hearing, summaries of which appear opposite their respective names:

<u>Name of Speaker</u>	<u>Summary of Views</u>
------------------------	-------------------------

The City Administrator [reported that no written comments had been] [read a summary of the written comments]* filed in his office before the date of the hearing.

After all persons who wished to do so had stated or filed their views on the proposal, the Mayor declared the public hearing to be closed.

*Strike inappropriate language

City of Independence

Windsong Golf Club – North Course Expansion Environmental Assessment Worksheet (EAW)

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: March 3, 2023

Discussion:

Following approval of the negative declaration relating to the need to move beyond an EAW, in November 2022, the MPCA noted that the finding and response provided by Windsong did not address their comments. The City confirmed that the finding of fact and conclusion prepared by Windsong did not include a response to the MPCA. As a result, the City referred the comment back to Windsong in order for them to update the finding of fact and conclusion. Windsong has now prepared an official response and updated the findings of fact and conclusion for the EAW (see pages 9-13 of the FOF attached).

The City reviewed the information and noted that no new material findings were made and no changes in the initial negative declaration are necessary. In order to properly process the additional response, the City has prepared an amendment to the resolution that would officially adopt the changes to the finding of fact and conclusion that now include the response to MPCA comments. This document has been reviewed by the City and found to satisfy all requirements.

Recommendation:

The City Council is being asked to consider adoption of **RESOLUTION NO. 23-0307-02** which replaces the initially approved resolution and finds that no further action is required relating to the conversion of the land into a Golf Course.

Attachments:

- 1. RESOLUTION NO. 23-0307-02**
- 2. Amended Findings of Fact and Conclusions**



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 23-0307-02

A RESOLUTION ISSUING A NEGATIVE DECLARATION OF THE NEED FOR AN
ENVIRONMENTAL IMPACT STATEMENT FOR THE WINDSONG GOLF CLUB
NORTH COURSE EXPANSION PROJECT

WHEREAS, the improvements proposed as part of the Windsong Golf Club North Course Expansion Project (the “project”) will allow for the development of a second golf course; and

WHEREAS, pursuant to Minnesota Environmental Quality Board (EQB) Rules, Chapter 4410.4300 Subpart 36, Land Use Conversion, the project meets the thresholds for an Environmental Assessment Worksheet (EAW), and the City of Independence as the Responsible Governmental Unit (RGU) completed an EAW for the project; and

WHEREAS, copies of the EAW were distributed to all persons and agencies on the official EQB mailing list; and

WHEREAS, a notice was published in the Crow River News on May 5, 2022, and also published in the EQB Monitor on May 10, 2022 to announce the availability of the EAW to interested parties; and

WHEREAS, the 30-day comment period ended on June 8, 2022, and comments received have been considered; and

WHEREAS, based upon the comments received, the City of Independence has prepared the Findings of Fact and Conclusions including written responses; and

WHEREAS, all requirements for environmental review of the project have been met; and

WHEREAS, the EAW and permit processes related to the project have generated information that is sufficient to determine whether the project has the potential for significant environmental effects; and

WHEREAS, the EAW, in conjunction with comment responses, identified permitting and mitigation commitments that, if met, will address environmental effects caused by the project; and

WHEREAS, based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Independence hereby adopts the Findings of Fact and Conclusions (FOFC) for the Windsong Golf Club North Course Project EAW.

BE IT FURTHER RESOLVED, that based on the information contained in the EAW, comments received on the EAW, and the criteria in Minnesota Rules Chapter 4410.1700, the project does not have the potential for significant environmental impact and an Environmental Impact Statement (EIS) will not be prepared.

BE IT FINALLY RESOLVED that the City Council of the City of Independence hereby authorizes the distribution of a negative declaration on the need for an EIS to all parties included on the EAW distribution list and to all persons that commented in writing during the review period.

This resolution was adopted by the City Council of the City of Independence on this 7th day of March 2023, by a vote of _____ ayes and _____ nays.

ATTEST:

Marvin Johnson, Mayor

Mark Kaltsas, City Administrator

FINDINGS OF FACT
and
CONCLUSIONS - ADDENDUM

Windsong Farm Golf Club North Course
CITY OF INDEPENDENCE

Responsible Government Unit: City of Independence

Contact Person:

Mark Kaltsas, City Administrator / Planner
1920 County Road 90
Independence, MN 55359
mkaltsas@ci.independence.mn.us

Proposer: Fox Lake, LLC

Contact Person:

Jon Dailing, Golf Course Superintendent
18 Golf Walk
Maple Plain, MN 55359
763-479-7161
jdailing@wsfarm.com

February 2023

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I. STATEMENT OF ISSUE

Fox Lake, LLC proposes to construct an 18 hole golf course north of the existing Windsong Farm Golf Club south course which will be located on a 125.6-acre tract of land. The land is comprised of rolling farmland, forests and wetlands. The project is privately owned and funded.

This EAW is mandatory under Minnesota Administrative Rule 4410.4300 subpart 36, Land Use Conversion, including golf courses, due to the fact that it will convert more than 80 acres of agricultural land. Fox Lake, LLC, is the project proposer, and the City of Independence is the Responsible Governmental Unit (RGU) for this project, as per Minnesota Rules 4410.4300, Subpart 19.a.C.

The City of Independence's decision in this matter shall be either a negative or positive declaration on the need for an Environmental Impact Statement (EIS). The City must order the preparation of an EIS for the project if it determines that the project has the potential for significant environmental effects.

Based upon information in the record, which is comprised of the EAW for the Proposed Project, the issues raised during the public comment period, the responses to the comments, and other supporting documents, the City makes the following Findings of Fact and Conclusions:

II. ADMINISTRATIVE BACKGROUND

Fox Lake, LLC, is the proposer for the Windsong Farm Golf Club North Course Project. The RGU is the City of Independence. An EAW was prepared for this project as part of the Minnesota Environmental Policy Act (MEPA) to fulfill requirements M.S. 116D and Minnesota Rules Chapter 4410. The EAW is used to provide sufficient environmental documentation for the RGU to base a determination of need for a state EIS or that a Negative Declaration is appropriate.

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review to the required EQB Distribution List. A "notice of availability" was published in the EQB Monitor on May 10, 2022. Appendix A contains a copy of the EQB Monitor listing for the project and members on the EAW Distribution List. A media release was made available to the Delano Herald Journal and Laker Pioneer on April 8, 2022 (see Appendix A).

The EAW was posted on the City of Independence's website at:

<https://www.ci.independence.mn.us/community/news/windsongfoxlake-llc-eaw>. The EAW was also made available for public review at the City of Independence city hall. Comments were formally received through June 9, 2022.

The City of Independence received three comment letters from different government agencies in response to the EAW prepared for the Windsong Farm Golf Club North Course Project. In addition, the City's consultants provided comments. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period are provided in Appendices B and C.

On November 15, 2022, the City of Independence, as the RGU, issued a Negative Declaration on the

need for an EIS. That decision along with the Findings of Fact and Conclusions documentation was distributed to the EAW Distribution List and published in the November 29, 2022 edition of the EQB Monitor. Following the issuance of the Negative Declaration and FOF&C packet, it was brought to the City's attention that the MPCA comment letter had been omitted. As a result, this addendum to the FOF&C has been prepared and a new Negative Declaration decision has been issued by the RGU.

III. FINDINGS OF FACT

A. Project Description

Fox Lake, LLC proposes to construct an 18 hole golf course north of the existing Windsong Farm Golf Club south course which will be located on a 125.6-acre tract of land. The land is comprised of rolling farmland, forests and wetlands. The project is privately owned and funded.

The Project proposes to construct the golf course expansion on six contiguous parcels located on the northeast corner of Watertown Road (CSAH 6) and Copeland Road in Hennepin County, MN. This 125.6- acre tract will be referred to as the Project. The project will consist of an 18-hole golf course, an irrigation pond, and several supporting structures; a starter building, a maintenance building, and a satellite restroom. These buildings will be connected to the electrical grid, have separate septic systems and derive their drinking water from groundwater wells. The starter house and the maintenance building will require natural gas pipes for heating. During operation, irrigation water will be provided from wells and from an irrigation pond that is proposed with the Project.

In preparation for construction, the Project will require removal of a majority of the trees from the Project site, as well as the demolition of an abandoned barn. Landscaping will include grading, grassing, excavating an irrigation pond, installation of irrigation pipes & heads, and establishing native vegetation outside of the fairway. The Project will require construction of paved and unpaved cart paths, cart path bridges, buildings, and the infrastructure mentioned above.

Construction of the Project is anticipated to take 2 years from start to finish: beginning in 2023 and continuing in phased steps until approximately fall 2024.

B. Corrections to the EAW or Changes in the Project since the EAW was Published

No corrections to the EAW or changes in the project took place since the EAW was published.

C. Agency and Public Comments on the EAW and Responses

The City of Independence received three comment letters from different government agencies in response to the EAW prepared for the Windsong Farm Golf Club North Course Project. Those agencies include: the Metropolitan Council, the Minnesota Department of Natural Resources, and the Minnesota Pollution Control Agency. In addition, the City's consultants provided comments. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. A listing of the comments and responses from the Project Proposer is found in Appendix B. Refer to Appendix C for agency comment letters in their entirety.

IV. DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

Minnesota Rule 4410.1700 provides that an environmental impact statement shall be ordered for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

A. Type, extent, and reversibility of environmental impacts

The City of Independence finds that the analysis completed for the EAW is adequate to determine whether the project has the potential for significant environmental effects.

The EAW described the type and extent of impacts to the natural and built environment anticipated to result from the proposed project. This document provides any corrections, changes, and new information since the EAW was published. The proposed design for the project includes features to mitigate the identified impacts.

B. Cumulative potential effects of related or anticipated future projects

This topic was addressed throughout the EAW and in Section 19. The City of Independence's 2040 Comprehensive Plan addresses cumulative impacts to City infrastructure such as roads. Zoning and all permits and approval requirements will be secured prior to construction.

C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority

There are several Federal, State, and local permits required to ensure that specific environmental effects are mitigated. The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to permitting processes. Permits and approvals that have been or may be required prior to project construction are included in Table 1. Permits and Approvals Required.

Table 1. Permits and Approvals Required

Unit of Government	Type of Application	Status
City of Independence	Environmental Assessment Worksheet	Decision Requested
City of Independence/Board of Water and Soil Resources (BWSR)/U.S. Army Corps of Engineers (USACE)	Joint Permit Application (Wetland Delineation Review)	Approved
City of Independence/BWSR/USACE/Minnesota Pollution Control Agency (MPCA)	Wetland Impact and Replacement Plan	To Be Applied For
City of Independence	Conditional Use Permit	To Be Amended
City of Independence	Grading Permit / Stormwater Permit / Floodplain Review	To Be Applied For
City of Independence	Demolition Permit	To Be Applied For
City of Independence	Building Permit: New Construction	To Be Applied For
City of Independence	Building Permit: Septic	To Be Applied For
City of Independence	Tree Clearing Permit	To Be Applied For
City of Independence (West Hennepin Public Safety)	Burn Permit	To Be Applied For
Hennepin County	Access Permit	To Be Applied For
Minnesota Department of Natural Resources (MnDNR)	Water Appropriation Permit	To Be Applied For
MnDNR	Natural Heritage Information System Review	Request Submitted.
Minnesota Pollution Control Agency (MPCA)	NPDES/SDS Permit	To Be Applied For
Pioneer-Sarah Creek Watershed Management Commission (PSCWMC)	Land Development Review	To Be Applied For
State Historical Preservation Office (SHPO)	Letter of Response from SHPO	Initial Response Letter Received. Additional Work Requested.
State of Minnesota	Electrical Permit	To Be Applied For
U.S. Fish and Wildlife	Section 7 Consultation	To Be Initiated
Minnesota Department of Health (MDH)	Water Supply Well Permit	To Be Applied For
Utility Providers	Electrical Service, Natural Gas Service, Telecommunications	To Be Applied For

- D. The extent to which the environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies of the project proposer, including other EISs

The City of Independence finds:

1. The Proposed Project includes various measures to reduce adverse impacts to the environment and existing natural resources.
2. The Proposed Project is subject to City, County, State, and Federal requirements.
3. The Project Proposer will secure all necessary permits and will adhere to all requirements of the permits.
4. Considering the results of environmental review and permitting processes for similar projects, the City of Independence finds that environmental effects of the Proposed Project can be adequately anticipated, controlled, and mitigated.

V. CONCLUSIONS

1. All requirements for environmental review of the Proposed Project have been met.
2. The EAW and the permit development processes related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
3. Areas where potential environmental effects have been identified will be addressed during the final design and site plan approvals of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigation measures are incorporated into project design and have been or will be coordinated with state and federal agencies during the permit process.
4. Based on the criteria in Minnesota Rules part 4410.1700, the Proposed Project does not have the potential for significant environmental effects.
5. An Environmental Impact Statement is not required for the proposed Windsong Farm Golf Club North Course Project in Independence, Minnesota.

For the City of Independence

Mark Kaltsas

City Administrator / Planner
City of Independence

Date

APPENDIX A – EAW PUBLICATION AND NOTIFICATION MATERIALS

EQB Notice of Availability

May 10, 2022

Windsong Farm Gold Club North Course

Location: Independence, Hennepin County

Process: Environmental assessment worksheet (EAW)

Step: Environmental assessment worksheet available

End of comment period: June 9, 2022

Project description: Fox Lake, LLC proposes to construct an 18 hole golf course north of the existing Windsong Farm Golf Club south course which will be located on a 125.6-acre tract of land. The land is comprised of rolling farmland, forests and wetlands. The project is privately owned and funded.

Link to public documents: [Windsong Farm Gold Club North Course EAW](#)

Location of public documents: Independence City Hall, 1920 County Road 90, Independence, MN 55359

Responsible governmental unit and contact: City of Independence, [Mark Kaltsas](#), 612-567-8786

EAW Distribution List

EQB Distribution List for City of Independence - Windsong EAW		
Agency	Distribution	Email Submission
Environmental Quality Board	1 copy by email	*Please use the EQB Monitor Submission Form
Dept of Agriculture	1 copy by email	stephan.roos@state.mn.us
Dept of Commerce	1 copy by email	raymond.kirsch@state.mn.us
Dept of Health	1 copy by email	health.review@state.mn.us
Dept of Natural Resources	1 copy by email	jill.townley@state.mn.us
Pollution Control Agency	1 copy by email	karen.kromar@state.mn.us
Board of Soil & Water Resources	1 copy by email	annie.felix-gerth@state.mn.us
Dept of Transportation	1 copy by email	katherine.lind@state.mn.us
State Archaeologist	1 copy by email	mn.osa@state.mn.us
Indian Affairs Council	1 copy by email	melissa.cerda@state.mn.us
State Historic Preservation Office	1 copy by email	ENReviewSHPO@state.mn.us
Environmental Conservation Library	1 copy by email	govdoc@hclib.org
US Fish & Wildlife Service	1 copy by email	Shauna_Marquardt@fws.gov
US Army Corps of Engineers	1 copy by email	mvp-reg-inquiry@usace.army.mil
US Environmental Protection Agency	1 copy by email	westlake.kenneth@epa.gov
Region 11: Hennepin County Library	1 copy by email	govdoc@hclib.org
Metropolitan Council	1 copy by email	reviewscoordinator@metc.state.mn.us
City of Independence		MKaltsas@ci.independence.mn.us
Bolton & Menk		Bob.Rogers@bolton-menk.com; Andrew.Budde@bolton-menk.com
Other interested parties	1 copy by email	amy@jass.biz; chad.ellos@hennepin.us; environment@hennepin.us; dlash@eorinc.com

EAW Distribution Letter

Lucas Bulger

From: Lucas Bulger
Sent: Monday, May 9, 2022 1:31 PM
To: stephan.roos@state.mn.us; raymond.kirsch@state.mn.us; health.review@state.mn.us; jill.townley@state.mn.us; Karen.kromar@state.mn.us; annie.felix-gerth@state.mn.us; katherine.lind@state.mn.us; mn.osa@state.mn.us; melissa.cerda@state.mn.us; ENVReviewSHPO@state.mn.us; govdoc@hclib.org; Marquardt, Shauna R; mvp-reg-inquiry@usace.army.mil; westlake.kenneth@epa.gov; govdoc@hclib.org; reviewscoordinator@metc.state.mn.us; amy@jass.biz; chad.ellos@hennepin.us; environment@hennepin.us; dlash@eorinc.com
Cc: Mark Kaltsas; Bob Rogers; Andrew Budde
Subject: City of Independence - Windsong Farm Golf Club North Course EAW

Dear Interested Party,

This message is being sent on behalf of the City of Independence, Minnesota.

The City of Independence has completed an Environmental Assessment Worksheet (EAW) for the proposed Windsong Farm Golf Club North Course project. The proposed project would construct an 18-hole golf course, an irrigation pond, and several supporting structures on an approximately 125.6-acre parcel located on the northeast corner of Watertown Road/County State Aid Highway 6 and Copeland Road in Hennepin County, MN. The proposed project would be privately owned and funded.

The public comment period for this EAW will begin on May 10, 2022, and will close on June 8, 2022, at 4:30 PM.

Comments should be emailed to Mark Kaltsas, City Administrator, City of Independence, at mkaltsas@ci.independence.mn.us. Please do not hesitate to contact Mark (763-479-0527) for more information.

The EAW Document and Appendices are available for review at the following link:

https://www.ci.independence.mn.us/Windsong_EAW_final_042622.pdf

Most sincerely,

Lucas Bulger
he/him/his
Environmental Planner
Bolton & Menk, Inc.
111 Washington Avenue South, Suite 650
Minneapolis, MN 55401
Phone: (612) 270-0928
Bolton-Menk.com

MEDIA RELEASE

FOR IMMEDIATE USE – April 28, 2022



Windsong Farm Golf Club North Course – Environmental Review

Independence, MN – The City of Independence has received a development proposal, known as Windsong Farm Golf Club North Course, on an approximately 125.6-acre parcel located on the northeast corner of Watertown Road/County State Aid Highway 6 and Copeland Road in Hennepin County, MN. The proposed project would construct an 18-hole golf course, an irrigation pond, and several supporting structures. The proposed project would be privately owned and funded.

As part of the planning and design phase of project development, an Environmental Assessment Worksheet (EAW) has been prepared and will be available for public and agency review beginning May 10, 2022. The EAW documents the purpose and need of the project along with the anticipated social, economic, and environmental effects. An electronic copy of the EAW is available for review at the City's website at:

<https://www.ci.independence.mn.us/community/news/windsongfoxlake-llc-eaw>

The deadline for submitting comments is Wednesday, June 8, 2022. All comments should be directed to: Mark Kaltsas, City Administrator, City of Independence, 1920 County Road 90, Independence, MN 55359, or via e-mail at: mkaltsas@ci.independence.mn.us

To request this document in an alternative format, please contact the Affirmative Action Office at 651-366-4718 or call 1-800-657-3774 (Greater Minnesota). For Minnesota Relay, call 711 or 1-800-627-3529. You may also send an e-mail to ADArequest.dot@state.mn.us. (Please make your request at least one week in advance).

APPENDIX B – RESPONSE TO COMMENTS

Project Name | Windsong Farm Golf Club North Course
To / Contact info | Mark Kaltsas - City of Independence
Cc / Contact info | Jon Dailing - Fox Lake, LLC (Windsong Farm Golf Club)
Cc / Contact info | Jason Naber / EOR
From / Contact info | Derek R. Lash, PE
Regarding | Response to EAW Comments (Revision 1 for PCA Comments)

Date | Original:
9/07/2022
Revision 1:
1/13/2023

Summary

The City of Independence received ~~two~~ three comment letters from different government agencies in response to the EAW prepared for the Windsong Farm Golf Club North Course Project. In addition, the City's consultants provided comments. The comments have been compiled and categorized by agency. Following are responses to each of the subjects for which comments were received.

1.0 Metropolitan Council

The Metropolitan Council submitted one comment letter (Ms. Angela R. Torres) with comments regarding Section 11. Water Resources AND Section 18. Transportation.

1.1 Item 11. Water Resources – Surface Water

Comment 1: The developer noted they will be working with the City as the Wetland Conservation Act (WCA) authority and will be applying for wetland banking credits. We encourage the developer look within the same watershed/sub-watershed to do the wetland banking replacement.

Response: The proposer (Fox Lake LLC) submitted a Joint Permit Application (JPA) to the Local Government Unit (LGU) and US Army Corps of Engineers (Corps) for permitting of wetland impacts. The proposer indicated in the original JPA they intend to enter into an agreement to purchase credits from an approved and established wetland bank but have not reached a tentative agreement to utilize specific bank credits yet. The review of the Board of Water and Soil Resources (BWSR) database indicates there are credits available in the major watershed (South Fork Crow River), but none in the minor watershed (Pioneer Sarah Creek) or in Hennepin County. Since submitting the original JPA the proposer has entered into a tentative purchase agreement to purchase credits from a bank in the same major watershed.

Comment 2: The applicant makes note of how the project would improve stormwater management from the land's current agricultural state. The applicant does not address how the use of pesticides and fertilizers for golf course maintenance would impact surrounding waters. The developer should use organic fertilizers when possible and apply fertilizers in a safe way that protects air, water, and soil quality.

Response: Golf course staff are trained and licensed by the Minnesota Department of Agriculture (MDA) to apply pesticides with a non-commercial pesticide applicators license. All handling and usage of pesticides and fertilizers are done in accordance with the written label and Safety Data Sheets (SDS) of the products. All Environmental Protection Agency (EPA) and MDA rules and regulations are followed. In addition, the golf course does intend to use Milorganite Fertilizer and Humic Coated Urea organic fertilizers as well as only 1.80 pounds of Nitrogen per 1000 square feet for the entire year. Furthermore, all wetlands including Fox Lake are required to have vegetated buffers that minimize impacts from runoff.

Comment 3: The developer should consider placing a small layer of sand on greens to improve aeration and water drainage.

Response: The greens construction will be based on United States Golf Association (USGA) guidelines with 12" of approved sand mix over 4" of gravel and drain tile.

Comment 4: We commend the applicant for the use of an irrigation pond to limit stress on groundwater sources. We recommend the applicant look into water reuse to further conserve water, and reuse water when possible.

Response: To ensure the irrigation ponds capture the most drainage possible, they are being placed at the lowest points on the site that capture the most runoff while being located outside of wetlands to ensure no impact. This will ensure the most runoff water is reused.

1.2 Item 11. Water Resources – Water Supply

Comment 1: The project should work with the Minnesota Department of Health (MDH) and Department of Natural Resources (DNR) to ensure that the repurposing of the identified unsealed well is of condition to be repurposed and acquire any necessary permits for new wells and water appropriation.

Response: The proposer will work with the Minnesota Department of Health (MDH) and the Department of Natural Resources (DNR) to secure permits to properly repurpose, seal, and drill new wells, as well as for water appropriations for water usage.

Comment 2: The EAW should be more explicit about any potable water needs beyond the maintenance building or if no additional potable water is needed.

Response: The proposer will repurpose an existing well for the maintenance building, drill a new well for the starter building, and drill a new well for the satellite restroom.

Comment 3: Pumping of groundwater for course irrigation should be limited to those times when the irrigation pond cannot meet the course needs. Pumping groundwater into the irrigation pond for storage or future need should be avoided to limit evaporative loss and limit unnecessary energy consumption. Utilizing best practices to help limit evaporation from the irrigation pond surface will help preserve the water needed for irrigation and conserve the energy needed to pump additional water.

Response: The proposer intends to irrigate only during evening hours and pump groundwater during the same hours.

Comment 4: Ensuring the course irrigation system is “smart” will help the course managers to be efficient in the water and energy use. Smart irrigation systems utilize real-time weather data and other information to determine the need for irrigated water helping landscape managers to take the guesswork out of irrigation. If such a system is not feasible for the course itself the development would still benefit from including these controllers for any irrigated non-course areas.

Response: The proposer intends to irrigate only during evening hours. Each sprinkler head is adjustable to dial in the water arc of the heads and minimize wasted water usage. In addition, the heads can be controlled based on the current evapotranspiration rates. Lastly the golf course has been designed to have less irrigated areas that will reduce water usage by 30 to 40% compared to the existing south golf course.

Comment 5: We recommend working with the University of Minnesota Extension Turfgrass Science Program to identify grass species that will meet the course needs, work well in Minnesota, and help limit the need for irrigation and lower fertilizer use. The extension will also be able to provide information regarding smart irrigation systems. <https://turf.umn.edu/>

Response: All bent grass species proposed to be used are bred for drought tolerance and disease resistance. The strength of these species is evaluated by the National Turfgrass Evaluation Program (NTEP). Information such as turfgrass quality, color, density, resistance to diseases and insects, tolerance to heat, cold, drought and traffic is collected and summarized by NTEP annually. The golf course is a member of the Minnesota Golf Course Superintendents Association, which works closely with the University of Minnesota to ensure golf courses are properly maintained (including grass species) that minimizes impacts on the environment.

Comment 6: Planting native prairie plants and pollinator species where feasible will contribute natural beauty to the course, increase area biodiversity, while lowering the carbon footprint of the course. Limiting herbicide, pesticide, and fertilizer use and considering chemical alternatives where feasible will also help to maintain habitat and limit negative impacts to wildlife, insects, groundwater, and surface waters.

Response: The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping.

Comment 7: Cart paths and other impervious surfaces could be developed with pervious pavement or other pervious materials to lower runoff and promote shallow groundwater recharge. This may also help limit the need for groundwater pumping by ensuring adequate infiltration that replenishes the shallow aquifer and maintains surface water levels, particularly during periods of high heat or drought.

Response: The cart paths are intended to be asphalt pavement where a hard surface is necessary. This course has been designed to mirror golf as it was played before there were golf carts. Therefore, cart paths are limited to strongly encourage walking on the course, as there are also no long walks between greens and tees.

1.3 Item 18. Transportation - Transit

Comment 1: Transit service in the area is available with Transit Link through the Metropolitan Council.

Response: There are currently no pedestrian or bicycle facilities along the parcel on Watertown Road or Copeland Road due to the location's rural setting. Additionally, there is no routine transit service that is provided to this area of Hennepin County. Because of this, it is assumed that all trips to the site would be vehicle trips. It should be noted that the Metropolitan Council operates Transit Link in this area, which is a shared ride service available in parts of the metro where routine transit service is unavailable.

2.0 Department of Natural Resources

The Department of Natural Resources (Ms. Melissa Collins) submitted one comment letter with comments regarding Section 11. Water Resources, Section 13 Fish, Wildlife, Plant Communities, and Ecological Resources AND Section 16 Air.

2.1 Section 11. Water Resources

Comment 1: Page 11, Groundwater. If unknown wells are encountered onsite, they should be sealed in accordance with guidance from the Minnesota Department of Health.

Response: The proposer will work with the Minnesota Department of Health (MDH) to secure permits to properly seal unknown wells if encountered onsite.

Comment 2: Page 12, Wastewater. We appreciate that mound systems will be used and that the depth to the surficial water table has been verified. It would be helpful to identify the placement of the mound system drainfields on figure maps, as well as any secondary drainfield locations preserved for when the life of the initial system has been exhausted. It will be important that these areas are sectioned off and excluded from grading activities and spoil pile/equipment storage in order to preserve soil structure and function and extend the longevity of the system.

Response: A grading plan has been prepared that indicates mound septic system locations. There is a primary and secondary septic field location for the satellite restroom, as well as a primary and secondary septic field location to be used jointly by the maintenance and starter buildings. These areas will be marked off during construction with silt fence or a similar measure.

Comment 3: Page 13, Post Construction Site Runoff. This section states that unmaintained vegetation will be utilized throughout the golf course. We strongly encourage the development to use weed-free, suitable, native seed mixes and plants in project stormwater features and landscaping in order to provide pollinator habitat and reduce the loss of wildlife habitat onsite. Native species also require very little fertilizing or irrigation. The Board of Soil and Water Resources' website contains many great resources for choosing seed mixes and establishing native plants.

Response: The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping. All of the seed is certified to be 99.99% weed free from the seed manufacturer.

Comment 4: Page 14, Water Appropriations. A single DNR Water Appropriation Permit can be used for establishing the turf and providing the long-term irrigation of the golf course provided the proposer uses the same well and pond for the irrigation. We appreciate that portions of the golf course will utilize native fescues in order to reduce irrigation needs.

Response: The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary and long-term water usage.

Comment 5: Page 14, Water Appropriations. It is likely that a temporary DNR Water Appropriation Permit will be required for the construction of the golf course. If construction dewatering exceeds 10,000 gallons in a day or one million gallons in a year, a DNR Water Appropriation Permit will be required.

Response: The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary water usage if dewatering exceeds 10,000 gallons in a day or one million gallons in a year.

2.2 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources

Comment 6: Page 19, Rare Features. DNR concurs that impacts to rare features are not anticipated as a result of this project.

Response: The DNR concurs with the approach to the project. The proposer will avoid impacts to ecological resources in the manner described in the EAW; primarily avoiding wetlands and conducting tree removal in the winter.

Comment 7a: Page 21, Ecological Impact Mitigation. It is still unclear from the EAW how much of the site will be planted in native fescue versus what portion of the site will be “unmaintained” as described in the Stormwater section. It is also unclear how the unmaintained areas will be managed for invasive species.

Response: A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping as well as pollinator blends. Regarding maintenance of the unmaintained areas: once they are established, the unmaintained areas will be mowed once per year, as well as receive one application of preemergent treatment in the spring followed by spot treatments of broad leaf herbicide throughout the season.

Comment 7b: Page 21, Ecological Impact Mitigation. From an ecological perspective, traditional golf courses are essentially “green deserts” that maintain turf monocultures while providing very little wildlife habitat. Some golf courses have found ways to maintain necessary turf while utilizing rough and landscaped areas to actually improve wildlife habitat. This course is located within a Regional Ecological Corridor as well as a Low Potential Zone for the federally-listed Rusty patched bumble bee, which could become a High Potential Zone as maps are revised in the near future. Given that, there is an opportunity to improve habitat for pollinators and other wildlife utilizing the site by actively planting more diverse native vegetation that includes flowering plants, and managing it to prevent the spread of invasive species.

Response: The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping. The grassing plan indicates areas proposed for pollinator species.

2.3 Section 16. Air

Comment 8: Page 25, Dust and Odors. Please do not use products that contain calcium chloride or magnesium chloride for dust control in areas that drain to public waters. Please note that the use of more than 10,000 gallons of water in a day, or one million gallons in year, for dust control requires a DNR Water Appropriation Permit.

Response: The proposer will only use water for controlling dust. The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary water usage if dewatering exceeds 10,000 gallons in a day or one million gallons in a year.

3.0 City of Independence

The City of Independence (Mr. Mark Kaltsas) submitted one comment letter with comments regarding Section 7 Cover Types AND Section 11 Water Resources.

3.1 Section 7. Cover Types

Comment 1: Provide more information related to overall site vegetation (areas planned for native fescue versus unmaintained areas).

Response: A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping as well as pollinator blends.

3.2 Section 11. Water Resources

Comment 2: Provide details for post construction stormwater management.

Response: The proposer has prepared a stormwater management plan that includes hydrology and water quality calculations. Based on the land cover changes, which are converting the existing agricultural area on the site to either maintained grass areas or unmaintained native grass or landscaping areas, the proposed project will be improving land cover conditions by retaining more water on the site and decreasing runoff rates and volumes. There are no proposed structural stormwater BMPs for the site as the land cover change will meet the stormwater management requirements for PSCWMC and the City.

Comment 3: Will the site preserve/protect an area for replacement septic/mounds?

Response: A grading plan has been prepared that indicates mound septic system locations. There is a primary and secondary septic field location for the satellite restroom, as well as a primary and secondary septic field location to be used jointly by the maintenance and starter buildings. These areas will be marked off during construction with silt fence or a similar measure.

Comment 4: What types of fertilizers (organic?) are planned to be used on the course?

Response: The golf course does intend to use Milorganite Fertilizer and Humic Coated Urea organic fertilizers as well as only 1.80 pounds of Nitrogen per 1000 square feet for the entire year.

4.0 Other

In addition to the comments received from the Metropolitan Council, the Department of Natural Resources, and the City of Independence, additional information was submitted by the Department of Natural Resources (Ms. Samantha Bump) for the Natural Heritage Information System review, as well as from Nienow Cultural Consultants, LLC for the Phase 1A Archaeological and Cultural Resources review, both a part of preparing the EAW.

4.1 Minnesota Department of Natural Resources

4.1.1 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources

Comment 1: As requested, the above project has been reviewed for potential effects to rare features. Given the project details provided on the cover page, I do not believe the proposed project will negatively affect any known occurrences of rare features. To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool.

Response 1: This letter is the response to the Natural Heritage Information System (NHIS) review that was requested by the proposer. The letter was not received until after the EAW was published and is included in the comments for informational purposes.

Response 2: The proposer produced an IPaC Resource list from the U.S. Fish and Wildlife Service (USFWS's) online tool that was the basis for the discussion and conclusions in Section 13 of the EAW.

Comment 2: The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed below, all seven of Minnesota's bats, including the federally threatened northern long-eared bat (*Myotis septentrionalis*), can be found throughout Minnesota. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided during the months of June and July.

Response: To avoid an impact to the wetlands as it meets the definition by the U.S. Army Corps of Engineers, tree removal will be completed under frozen ground conditions or with equipment that does not impact the wetlands / Waters of the US. This work will be completed outside of the months of June and July.

Comment 3: The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist

within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

Response 1: This letter is the response to the Natural Heritage Information System (NHIS) review that was requested by the proposer. The letter was not received until after the EAW was published and is included in the comments for informational purposes.

Response 2: The letter's conclusions underline the conclusions from the proposer's internal review which was conducted via a licensed access to the same database. The proposer concluded that no impacts to rare natural features are anticipated by the project. Notably, these conclusions were also supported by the previous DNR letter authored by Ms. Melissa Collins (see 2.0 Department of Natural Resources, 2.2 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources, Comment 6).

4.2 Nienow Cultural Consultants, LLC

4.2.1 Section 14. Historic Properties

Comment 1: To address Section 14. Historic Properties, the proposer (Fox Lake LLC) completed a Phase 1A Archaeological and Cultural Resources Desktop Assessment technical memorandum. The technical memorandum was submitted to the MnSHPO with a request for Project Review and photographs of the farmstead. The MnSHPO responded to the request to comment on the effects the Project may have on potentially historic properties and resources. Because modeling indicates a moderate to high probability of pre-contact archaeological sites in the Project site, they requested that the Project area be inventoried by a professional archaeologist for archaeological resources. The proposer (Fox Lake LLC) contracted with Nienow Cultural Consultants LLC to review the project area, which they did not identify any cultural materials during the survey.

5.0 Minnesota Pollution Control Agency

The Minnesota Pollution Control Agency submitted one comment letter (Ms. Karen Kromar) with comments regarding Section 8. Permits and Approvals, Section 11. Water Resources AND Section 12 Contamination/Hazardous Materials/Waste.

5.1 Item 8. Permits and Approvals Required

Comment 1: The US Army Corps of Engineers (USACE) Wetland Conservation Act (WCA) Section 404 Permit is included in Table 3, Permits and Approvals Required, Please be aware that is a USACE Section 404 Individual Permit is required for any project activity, then an MPCA Clean Water Act Section 401 Water Quality Certification must also be obtained as part of the permitting process.

Response: The proposer has reduced wetland impacts to fall under the threshold of Nationwide Permit 42. Recreational Facilities therefore a USACE Section 404 Individual Permit is not required.

5.2 Item 11. Water Resources – Stormwater

Comment 1: The 125-acre golf course is a continuation of a previous portion of the Project constructed in 2001. The EAW indicates that 100 acres will be graded. Since the Project will disturb more than 50 acres and also has the ability to discharge to waters with construction-related impairments, the Stormwater Pollution Prevention Plan (SWPPP) for the Project will require review and approval from the MPCA before National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) coverage is obtained.

Response: The proposer has prepared a Stormwater Pollution Prevention Site Plan and Binder (narrative) to include with their NPDES/SDS CSW Permit Application.

Comment 2: The EAW does not adequately describe the best management practices (BMPs) to be utilized during construction or additional BMPs required for discharges to impaired waters. The EAW only states soils will be seeded as soon as feasible after grading and does not mention plans for temporary stabilization except for the steep slopes. Temporary stabilization of any exposed soils must be initiated immediately and completed within 7 days on any portions of the site where soils will not be actively worked for 7 or more days. The Project proposer should also phase the grading to limit the amount of soils exposed at one time. Also, temporary sediment ponds will be required where 5 or more acres drain to a common location.

Response 1: The Erosion & Sediment Control Plan and the SWPPP Site Plan includes locations, labels, and quantities for installing erosion control blanket on steep slopes, single & double row silt fence surrounding wetlands and at the perimeter of the project, construction exits to access the site, and other BMPs such as sediment control logs, filter berms, bale barriers, and sediment traps.

Response 2: The Erosion & Sediment Control Plan and the SWPPP Site Plan includes notes that reference specific NPDES/SDS CSW Permit Section 23.9 –

Permittees must immediately initiate stabilization of exposed soil areas, as described in item 8.4, and complete the stabilization within seven (7) calendar days after the construction activity in that portion of the site temporarily or permanently ceases. [Minn. R. 7090]

AND Section 8.4 with adjustments for the seven (7) calendar day requirement –

Permittees must stabilize all exposed soil areas, including stockpiles. Stabilization must be initiated immediately to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding ~~14~~ seven (7) calendar days.

Stabilization must be completed no later than ~~14~~ seven (7) calendar days after the construction activity has ceased. Stabilization is not required on constructed base components of roads, parking lots and similar surfaces. Stabilization is not required on temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) but permittees must provide sediment controls at the base of the stockpile. [Minn. R. 7090].

Response 3: The Erosion & Sediment Control Plan and the SWPPP Site Plan includes a note that states the Contractor should also phase the grading to limit the amount of soils exposed at one time.

Response 4: The Erosion & Sediment Control Plan and the SWPPP Site Plan includes notes that reference specific NPDES/SDS CSW Permit Section 23.10 –

Permittees must provide a temporary sediment basin as described in Section 14 for common drainage locations that serve an area with five (5) or more acres disturbed at one time. [Minn. R. 7090]

AND Section 14.2 with adjustments for the five (5) or more acre of disturbed soils threshold requirement –

Where ~~ten (10)~~ five (5) or more acres of disturbed soil drain to a common location, permittees must provide a temporary sediment basin to provide treatment of the runoff before it leaves the construction site or enters surface waters. Permittees may convert a temporary sediment basin to a permanent basin after construction is complete. The temporary basin is no longer required when permanent cover has reduced the acreage of disturbed soil to less than ~~ten (10)~~ five (5) acres draining to a common location. [Minn. R. 7090]

Comment 3: The Project will result in several acres of new impervious surfaces which the EAW states will be “disconnected” but does not specifically describe how stormwater will be managed in a manner that meets CSW Permit requirements. The Project requires use of a permanent stormwater management method meeting MPCA requirements to retain 1 inch of stormwater volume from all impervious surfaces via a volume reduction method, such as through use of an infiltration practice, unless prohibited for reasons specified in the CSW Permit. The EAW includes plans for an irrigation pond but does not specify whether the pond is also intended to serve as a stormwater treatment system for the new impervious surfaces. The wetlands on the site cannot be utilized for retention of stormwater unless they have gone through the wetland mitigation process. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us..

Response 1: The Natural Resource Conservation Service soil survey results for the area indicate Hydrologic Soil Groups (HSG) C, C/d, and D soils. In addition, soil borings were drilled and the results indicate yellow and blue clay.

To meet the regulations for volume control stormwater runoff volume must be infiltrated/abstracted onsite in the amount equivalent to 1.1-inch of runoff generated from new impervious surface. As described above the project area has soils that are unsuitable for infiltration, therefore biofiltration BMPs are proposed. The proposed project utilizes disconnection of impervious surfaces with the cart paths construction to meet this requirement, as well as biofiltration BMPs to provide a water quality treatment volume. Additionally, the land cover change from cultivated cropland areas, which is considered a managed and disturbed vegetation type, to a native grassland for the “Outer Rough” areas of the course, will reduce runoff volume from the project area.

Response 2: The irrigation ponds are not being used for stormwater treatment.

Response 3: The wetlands on the site are not being used for stormwater treatment.

5.3 Item 11. Water Resources – Surface Waters & Wetlands

Comment 1: Final wetland impacts have not been determined. However, the EAW indicates that approximately 2 acres of wetland may be impacted. If wetlands are impacted, there must be a mitigation plan that includes the replacement ratios and location. The mitigation plan must be submitted to all appropriate agencies and approved by each agency before construction can begin.

In addition, as defined by MN Stat. § 115.01, subd. 22 Waters of the state, even though there may be surface waters that are determined to be US Army Corp of Engineer non-jurisdictional or exempt from the Wetland Conservation Act, all surface waters are regulated by the MPCA, and any surface water impact, needs to be described in the application and may require mitigation.

Also, a recent Supreme Court decision overruled the vacatur of the 2020 Federal 401 rule. In response, the MPCA has reinstated the process steps defined in that rule, and applicants must request a pre-filing meeting with the MPCA at least 30 days prior to making a request for a 401 Certification. In addition, the applicant must also submit to the MPCA the Antidegradation Assessment in accordance with water quality standards Minn R. 7050.0265 and should review the antidegradation requirements in 7050.0285.

For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Jim.Brist@state.mn.us or Bill Wilde at 651-757-2825 or William.wilde@state.mn.us.

Response 1: The proposer (Fox Lake LLC) submitted a Joint Permit Application (JPA) to the Local Government Unit (LGU) and US Army Corps of Engineers (Corps) for permitting of wetland impacts. The proposer indicated in the original JPA they intend to enter into an agreement to purchase credits from an approved and established wetland bank but have not reached a tentative agreement to utilize specific bank credits yet. The review of the Board of Water and Soil Resources (BWSR) database indicates there are credits available in the major watershed (South Fork Crow River), but none in the minor watershed (Pioneer Sarah Creek) or in Hennepin County. Since submitting the original JPA the

proposer has entered into a tentative purchase agreement to purchase credits from a bank in the same major watershed. The mitigation plan is included in the JPA.

Response 2: As stated in Response 1, the proposed submitted a JPA to the LGU and Corps. The quantity of impacts falls within the threshold of Nationwide Permit 42, Recreational Facilities therefore a Corps Section 404 Individual Permit is not required.

5.4 Item 12. Contamination, Hazardous Materials, and Waste

Comment 1: Please be aware that farmsteads have the potential for releases or threatened releases of agricultural chemicals. The Minnesota Department of Agriculture (MDA) is the regulatory agency charged with managing the response and cleanup of fertilizers and pesticides. Information regarding the MDA is available on the website at: <https://www.mda.state.mn.us/pesticide-fertilizer/spills-cleanup>. For questions regarding agricultural chemicals, please contact Cathy Villas-Horns with the MDA at 651-201-6697. For questions regarding waste pesticide containers, please contact Jane Boerboom with the MDA at 651-201-6540.

Response: If any agricultural chemicals are discovered, the proposer will work with the MDA to manage the response and cleanup of fertilizers and pesticides at the existing farmstead.

Comment 2: In the event the existing barn was/is painted with lead-based paint, please be aware that the soil in the area around the barn may be impacted with elevated concentrations of lead due to past scraping or peeling of the barn paint. The MPCA recommends that the Project proposer obtain an environmental consultant and work with the MPCA Voluntary Investigation and Cleanup (VIC) Program to identify the presence of contamination in the location of the barn and prepare a plan for any remediation or mitigation that may be necessary. Information regarding the MPCA's VIC Program can be found on the MPCA's website at: <http://www.pca.state.mn.us/cleanup/vic.html>.

Response: The proposer will obtain an environmental consultant and work with the MPCA VIC Program to identify the presence of contamination in the location of the barn and prepare a plan for any remediation or mitigation that may be necessary.

Appendix: Comment Letters

Appendix A: Metropolitan Council



June 7, 2022

Mark Kaltsas, City Administrator/Planner
City of Independence
1290 County Road 90
Independence, MN 55359

**RE: City of Independence - Environmental Assessment Worksheet (EAW) –
Windsong Farm Golf Club North Course**
Metropolitan Council Review No. 22759-1
Metropolitan Council District 1

Dear Mark Kaltsas:

The Metropolitan Council received the EAW for the Windsong Farm Golf Club North Course project on May 9, 2022. The Project proposes to construct a golf course expansion to the existing Windsong Golf Club on six contiguous parcels located on the northeast corner of Watertown Road (CSAH 6) and Copeland Road in Independence. The proposed development consists of 125.6 acres with plans for an 18-hole golf course, an irrigation pond, several supporting structures, starter building, maintenance building, and a satellite restroom. The land is comprised of farmland, forests, and wetlands.

The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes. We offer the following comments for your consideration.

Item 11. Water Resources - Surface Water (Maureen Hoffman, 651-602-1279)

- The developer noted they will be working with the City as the Wetland Conservation Act (WCA) authority and will be applying for wetland banking credits. We encourage the developer look within the same watershed/sub-watershed to do the wetland banking replacement.
- The applicant makes note of how the project would improve stormwater management from the land's current agricultural state. The applicant does not address how the use of pesticides and fertilizers for golf course maintenance would impact surrounding waters. The developer should use organic fertilizers when possible and apply fertilizers in a safe way that protects air, water, and soil quality.
- The developer should consider placing a small layer of sand on greens to improve aeration and water drainage.
- We commend the applicant for the use of an irrigation pond to limit stress on groundwater sources. We recommend the applicant look into water reuse to further conserve water, and reuse water when possible.

Item 11. Water Resources - Water Supply (John Clark, 651-602-1452)

- The project should work with the Minnesota Department of Health (MDH) and Department of Natural Resources (DNR) to ensure that the repurposing of the identified unsealed well is of condition to be repurposed and acquire any necessary permits for new wells and water appropriation.

- The EAW should be more explicit about any potable water needs beyond the maintenance building or if no additional potable water is needed.
- Pumping of groundwater for course irrigation should be limited to those times when the irrigation pond cannot meet the course needs. Pumping groundwater into the irrigation pond for storage or future need should be avoided to limit evaporative loss and limit unnecessary energy consumption. Utilizing best practices to help limit evaporation from the irrigation pond surface will help preserve the water needed for irrigation and conserve the energy needed to pump additional water.
- Ensuring the course irrigation system is “smart” will help the course managers to be efficient in the water and energy use. Smart irrigation systems utilize real-time weather data and other information to determine the need for irrigated water helping landscape managers to take the guesswork out of irrigation. If such a system is not feasible for the course itself the development would still benefit from including these controllers for any irrigated non-course areas.
- We recommend working with the University of Minnesota Extension Turfgrass Science Program to identify grass species that will meet the course needs, work well in Minnesota, and help limit the need for irrigation and lower fertilizer use. The extension will also be able to provide information regarding smart irrigation systems. <https://turf.umn.edu/>
- Planting native prairie plants and pollinator species where feasible will contribute natural beauty to the course, increase area biodiversity, while lowering the carbon footprint of the course. Limiting herbicide, pesticide, and fertilizer use and considering chemical alternatives where feasible will also help to maintain habitat and limit negative impacts to wildlife, insects, groundwater, and surface waters.
- Cart paths and other impervious surfaces could be developed with pervious pavement or other pervious materials to lower runoff and promote shallow groundwater recharge. This may also help limit the need for groundwater pumping by ensuring adequate infiltration that replenishes the shallow aquifer and maintains surface water levels, particularly during periods of high heat or drought.

Item 18. Transportation -Transit (Patrick Haney, 612-349-7451)

Transit service in the area is available with Transit Link through the Metropolitan Council.

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Freya Thamman, Principal Reviewer, at 651-602-1750 or via email at Freya.Thamman@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Senior Manager
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Judy Johnson, Metropolitan Council District 1
Freya Thamman, Sector Representative/Principal Reviewer
Reviews Coordinator

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Appendix B: Department of Natural Resources

Division of Ecological and Water Resources
Region 3 Headquarters
1200 Warner Road
Saint Paul, MN 55106

Transmitted by Email

June 9, 2022

Mark Kaltsas, City Administrator/Planner
City of Independence
1920 County Road 90
Independence, MN 55359

Dear Mark Kaltsas,

Thank you for the opportunity to review the Windsong Farm Golf Club North Course EAW located in Hennepin County. The DNR respectfully submits the following comments for your consideration:

1. Page 11, Groundwater. If unknown well are encountered onsite, they should be sealed in accordance with guidance from the Minnesota Department of Health.
2. Page 12, Wastewater. We appreciate that mound systems will be used and that the depth to the surficial water table has been verified. It would be helpful to identify the placement of the mound system drainfields on figure maps, as well as any secondary drainfield locations preserved for when the life of the initial system has been exhausted. It will be important that these areas are sectioned off and excluded from grading activities and spoil pile/equipment storage in order to preserve soil structure and function and extend the longevity of the system.
3. Page 13, Post construction Site Runoff. This section states that unmaintained vegetation will be utilized throughout the golf course. We strongly encourage the development to use weed-free, suitable, native seed mixes and plants in project stormwater features and landscaping in order to provide pollinator habitat and reduce the loss of wildlife habitat onsite. Native species also require very little fertilizing or irrigation. The Board of Soil and Water Resources' [website](#) contains many great resources for choosing seed mixes and establishing native plants.
4. Page 14, Water Appropriations. A single DNR Water Appropriation Permit can be used for establishing the turf and providing the long-term irrigation of the golf course provided the proposer uses the same well and pond for the irrigation. We appreciate that portions of the golf course will utilize native fescues in order to reduce irrigation needs.
5. Page 14, Water Appropriations. It is likely that a temporary DNR Water Appropriation Permit will be required for the construction of the golf course. If construction dewatering exceeds 10,000 gallons in a day or one million gallons in a year, a DNR Water Appropriation Permit will be required.

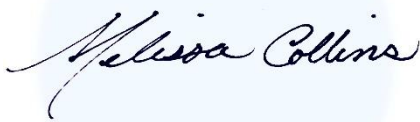
6. Page 19, Rare Features. DNR concurs that impacts to rare features are not anticipated as a result of this project.
7. Page 21, Ecological Impact Mitigation. It is still unclear from the EAW how much of the site will be planted in native fescue versus what portion of the site will be “unmaintained” as described in the Stormwater section. It is also unclear how the unmaintained areas will be managed for invasive species.

From an ecological perspective, traditional golf courses are essentially “green deserts” that maintain turf monocultures while providing very little wildlife habitat. Some golf courses have found ways to maintain necessary turf while utilizing rough and landscaped areas to actually improve wildlife habitat. This course is located within a Regional Ecological Corridor as well as a Low Potential Zone for the federally-listed Rusty patched bumble bee, which could become a High Potential Zone as maps are revised in the near future. Given that, there is an opportunity to improve habitat for pollinators and other wildlife utilizing the site by actively planting more diverse native vegetation that includes flowering plants, and managing it to prevent the spread of invasive species.

8. Page 25, Dust and Odors. Please do not use products that contain calcium chloride or magnesium chloride for dust control in areas that drain to public waters. Please note that the use of more than 10,000 gallons of water in a day, or one million gallons in year, for dust control requires a DNR Water Appropriation Permit.

Thank you again for the opportunity to review this document. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Melissa Collins". The signature is written in a cursive style and is positioned above a light blue rectangular background.

Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources
Minnesota Department of Natural Resources

Phone: 651-259-5755

Email: melissa.collins@state.mn.us

CC: Jon Dailing, Fox Lake, LLC

Equal Opportunity Employer

Appendix C: City of Independence

Derek Lash

From: Mark Kaltsas <MKaltsas@ci.independence.mn.us>
Sent: Thursday, June 23, 2022 2:24 PM
To: Derek Lash
Cc: John Dailing ; Chris Long
Subject: Re: Windsong EAW Next Steps

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Blue Category

Derek,

See request for additional information below (from City engineer)...let me know if you have any additional questions. Based on the list of comments that you noted as received, I think that you have everything that the City does.

The applicant (golf course owners/developer) can provide additional details on a couple items it would be good to do so....such as post construction stormwater management, overall site vegetation (areas planned for native fescue vs. "unmaintained areas"), will the site preserve/protect an area for replacement septic/mounds, and what type of fertilizers (organic?) are planned to be used on the course. These items should be addressed in the "Response to Comments" section of the Findings of Fact and Conclusions (FOF&C) document. The new information regarding the cultural resource survey findings and MNDNR NHIS findings should go in the portion of the document meant to provide "Additional Information Obtained Since Publication of the EAW."

Thanks,

Mark Kaltsas | City Administrator | City of Independence
mkaltsas@ci.independence.mn.us
D: 763.479.0044 | O: 763.479.0527

From: Derek Lash <dlash@eorinc.com>
Date: Thursday, June 23, 2022 at 2:18 PM
To: Mark Kaltsas <MKaltsas@ci.independence.mn.us>
Cc: John Dailing <jdailing@wsfarm.com>, Chris Long <clong@eorinc.com>
Subject: RE: Windsong EAW Next Steps

Good afternoon Mark,

I thought I would quickly check-in to see when you might be sending over EAW or CUP comments.

Thanks,

Derek R. Lash, PE, CPESC, ICSD, ICCSPPI
Senior Civil Engineer
EOR: water | ecology | community

Appendix D: Other - Department of Natural Resources



Formal Natural Heritage Review - Cover Page

See next page for results of review. A draft watermark means the project details have not been finalized and the results are not official.

Project Name: Windsong Farm Golf Club North Course

Project Proposer: Fox Lake, LLC

Project Type: Development, Recreational/Entertainment

Project Type Activities: Tree Removal;Wetland impacts (e.g., discharge, runoff, sedimentation, fill, excavation)

TRS: T118 R24 S29, T118 R24 S32

County(s): Hennepin

DNR Admin Region(s): Central

Reason Requested: State EAW

Project Description: The Project is an expansion of the Windsong Farm Golf Club that lies directly to the south of the Project Site across Watertown Highway. The Project proposes ...

Existing Land Uses: A majority of the Project Site is in corn-soybean rotation (~93 acres). Wetlands with the Project Site (which excludes Fox Lake) account for about 14 acres, ...

Landcover / Habitat Impacted: A majority of land that will be impacted is cropland. About 10 acres of trees will be removed from the Project Site which includes areas of forest, brushland, and tree lines along field margins.

Waterbodies Affected: Between 1-2 acres of wetlands will be impacted. Impacts include fill (from grading), tree removal, and excavation to create an irrigation pond and a narrow ...

Groundwater Resources Affected: Yes, The Project will require a permanent groundwater permit for irrigation, and likely a temporary permit for construction.

Previous Natural Heritage Review: No

Previous Habitat Assessments / Surveys: No

SUMMARY OF AUTOMATED RESULTS

Category	Results	Response By Category
Project Details	No Comments	No Further Review Required
Ecologically Significant Area	No Comments	No Further Review Required
State-Listed Endangered or Threatened Species	No Comments	No Further Review Required
State-Listed Species of Special Concern	No Comments	No Further Review Required
Federally Listed Species	No Records	Visit IPaC For Federal Review



Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

April 22, 2022

Natural Heritage Review #: 2022-00259

Christopher Long
Emmons & Olivier Resources, Inc.
1919 University Avenue West, Suite 300
St. Paul, MN 55104

RE: Automated Natural Heritage Review of the proposed Windsong Farm Golf Club North Course
See Cover Page for location and project details.

Dear Christopher Long,

As requested, the above project has been reviewed for potential effects to rare features. Given the project details provided on the cover page, I do not believe the proposed project will negatively affect any known occurrences of rare features. To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#).

Project Type and/or Project Type Activity Comments

- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed below, all seven of Minnesota's bats, including the federally threatened northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided during the months of June and July.

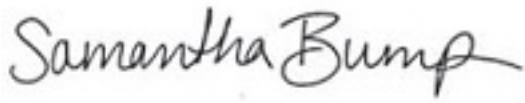
The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and the project description provided on the cover page. If project details change or construction has not occurred within one year, please resubmit the project for review.

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

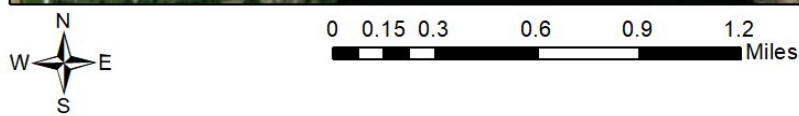
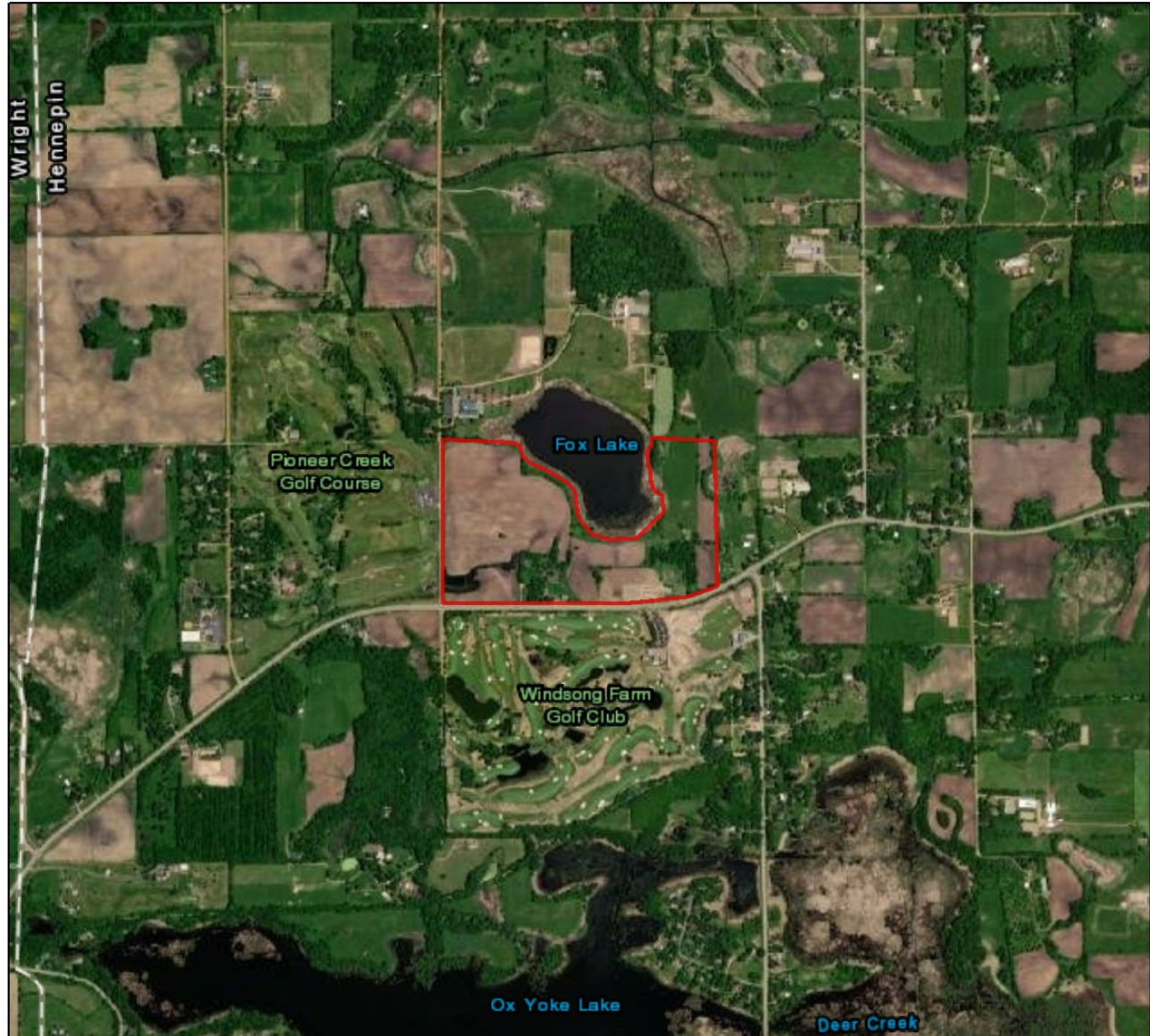
A handwritten signature in black ink that reads "Samantha Bump". The signature is written in a cursive, flowing style.

Samantha Bump
Natural Heritage Review Specialist
Samantha.Bump@state.mn.us

Links: USFWS Information for Planning and Consultation (IPaC) tool
[Information for Planning and Consultation \(IPaC\) tool](#)
DNR Regional Environmental Assessment Ecologist Contact Info
https://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html

Windsong Farm Golf Club North Course

Aerial Imagery With Locator Map



Project Boundary

Project Type: Development, Recreational/Entertainment

Project Size (acres): 124.47

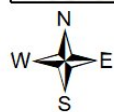
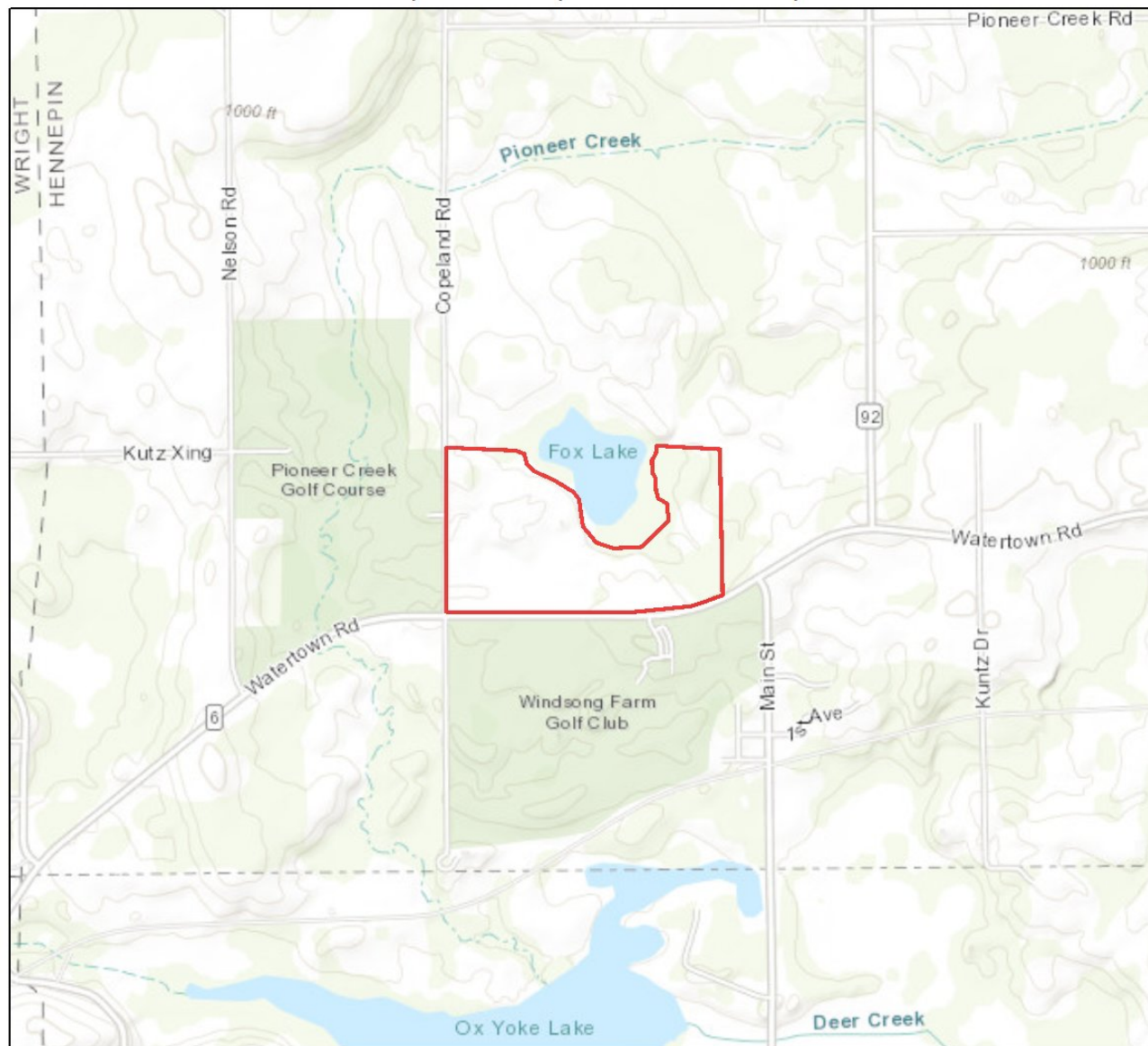
County(s): Hennepin

TRS: T118 R24 S29, T118 R24 S32

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri



Windsong Farm Golf Club North Course USA Topo Basemap With Locator Map



0 0.15 0.3 0.6 0.9 1.2 Miles

Project Boundary

Project Type: Development, Recreational/Entertainment

Project Size (acres): 124.47

County(s): Hennepin

TRS: T118 R24 S29, T118 R24 S32

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User



Appendix E: Other - Nienow Cultural Consultants, LLC

April 29, 2022

Jon Dailing
Fox Lake, LLC
18 Golf Walk
Maple Plain, MN 55359

Nienow Cultural Consultants
200 Plato Blvd. East
St. Paul, MN 55107



RE: NCC Phase I Archaeological Survey for Fox Lake, LLC, Maple Plain, Hennepin County,
Minnesota

Dear Mr. Dailing,

This letter is a summary of fieldwork completed by Nienow Cultural Consultants LLC (NCC) the week of April 25, 2022. This work is associated with the Fox Lake, LLC golf course expansion. The project area is located in Maple Plain, Minnesota in the N ½ of the NW ¼ and the E ½ of the NE ¼ of Section 32, Township 118N, Range 24W (Figure 1). The project proposes a northern expansion of the Windsong Golf Course. Fieldwork consisted of a surface survey of all cultivated areas followed by shovel testing in the northeast corner of the project area due to a lack of surface visibility. A total of six shovel tests were completed. No cultural materials were identified during survey.

Methodology

NCC's Principal Investigator for this project was Jeremy Nienow, PhD., RPA. A literature review was previously completed for this project by Emmons & Olivier Resources, Inc. in February of 2022. NCC conducted a brief literature review April 7, 2022 prior to fieldwork in order to identify any archaeological sites which may have been reported since the previous literature review was completed (see literature review results below).

Fieldwork consisted of surface survey of all cultivated fields, followed by shovel testing in the northeastern corner of the project area due to a lack of surface visibility. Shovel tests were excavated in a single transect on a 15-meter interval. The tested transect was placed on the highest area of the field overlooking the wetland located north-center within the project area. Shovel tests were typically 35-40 centimeters (cm) wide and at least 70cm deep. All soils were screened through ¼" mesh screen, detailed profile notes completed, photographs taken, and GPS points collected for each shovel test. All shovel tests were negative for prehistoric cultural materials.

Updated Literature Review

The archaeological site search includes all sites within a 2-mile radius of the edges of the project area. There are no known archaeological sites previously recorded within the project area. Six formally identified archaeological sites have been recorded within two miles of the project area, along with a single alpha site (Table 1.) Alpha sites are potential site leads identified via literature or mapping resources (i.e. *The History of Hennepin County* cited below). These have not been field-verified through archaeological survey. SHPO records contained no previously recorded architectural sites within the project area.

Table 1: Archaeological Sites Within Two Miles of the Fox Lake LLC Project Area

Site Number	Site Name	Site Type/ Details	Time Period/ Cultural Tradition	T/R/S	Distance from Project Area	Reference
21HE0171	Burkett	Artifact Scatter and Possible Human Burial	Pre-Contact	T118N, R24W, S20 NE ¼ of NE ¼ of SW ¼	1.37 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21HE0172	Evans Mounds and Habitation	Earthwork and Artifact Scatter	Pre-Contact: Woodland Period	T118N, R24W, S20 SE ¼ of SW ¼ of NW ¼	1.5 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21CR0066	-	Artifact Scatter	Pre-Contact	T117N, R25W, S1 SW ¼ of SE ¼ of NE ¼	1.55 Miles	Lofstrom (1980) An Archaeological Survey of Carver County
21HE0176	Pioneer Creek Overlook	Isolated Lithic Core	Pre-Contact	T118N, R24W, S27 NW ¼ of NW ¼ of NW ¼ of NW ¼	1.55 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21CR0067	Lukes Mounds	Mounds and Lithic Scatter	Pre-Contact	T117N, R25W, S1 S ½ of SW ¼ of NE ¼	1.66 Miles	Lofstrom (1980) An Archaeological Survey of Carver County
21HE0173	Brick Kiln	Remnants of a brick kiln	Post-Contact	T118N, R24W, S19 W ½ of NE ¼ of NW ¼	1.91 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21HEbd	Armstrong	Ghost Town	Post-Contact	T118N, R24W, S22	1.61 Miles	Neill (1881) History of Hennepin County

Five of the identified sites are Pre-Contact in origin, with the remaining formal site and the alpha site having originated in the Post-Contact Period. The Pre-Contact sites include a combination of artifact scatters (21HE0172, 21CR0066), isolated lithics (21HE0176), one earthwork (not-verified as burial-related, 21HE0172), one burial mounds site (21CR0067), and one artifact scatter with a potential human burial (21HE0171). The Post-Contact sites include a brick kiln (21HE0173) and a Ghost Town alpha site (21HEbd) for the town of Armstrong. None of these sites are within a mile of the project area, and the majority are located along the south fork of the Crow River to the west.

An historic farmstead is located along the southern edge of the project area just west of center. The farmstead appears to be first marked in Section 32 on the 1898 Plat of Independence Township (T118N, R24W) in Hennepin County. A 1937 aerial illustrates a large barn and at least five other structures, including two silos, present at the farmstead. Aerials between 1937 and today indicate structures were added and removed over time, but between 2012 and 2016, all farmstead structures besides the original barn, its shed addition, and the adjacent silo (also present since pre-1937) were demolished. The barn, attached shed, and adjacent silo were confirmed standing during the field survey on April 25, 2022 (Figures 8 through 11). A small wetland just north of the farmstead and another in the north-central portion of the project area are both present in the earliest aerials and appear to be majorly unchanged through today. The remainder of the project area was consistently cultivated historically. A monopole cell tower was installed just to the west of the farmstead between 2003 and 2004. NCC does not currently complete historic architectural reviews. NCC recommends the client communicate with a qualified architectural historian to see if evaluation of the barn is necessary.

Fieldwork Results

At the time of survey, the majority of the fields had been previously plowed (save for a section in the northeastern corner of the project area) allowing for a surface visibility of between 50% and 90% (see Figures 4 and 5 for examples of surface visibility). In areas of lowest visibility (50% to 60%) surface survey was completed on a 7 to 10-meter interval. In areas of highest visibility (60% to 90%) surface survey was completed on a 15-meter interval (See Figures 4 and 5 for visibility examples). Recent historic farmstead materials (i.e. shotgun shells, stoneware, whiteware), and modern debris (i.e. plastics, aluminum cans, golf balls) were encountered, but not collected. The project area contains several wetland areas containing thick brush. During survey, it was observed brush removal had begun adjacent to the southeasternmost wetland (Figure 6).

Six shovel tests were placed in a 15-meter interval on a transect overlooking the wetland in the north-center portion of the project area. Shovel tests were placed targeting the length of a high knoll. Soils were relatively consistent with an average profile of 10YR 2/1 Silty Clay Loam from 0 to 25cmbs, followed by 10YR 2/1 Silty Clay Loam mottled with 10YR 3/6 Clay from 25cmbs to 30cmbs, and finished with 10YR 3/6 Clay from 30cmbs to shovel test termination at 70cmbs. Tests were stopped once they were determined to be at least 30cmbs into culturally sterile subsoils. No prehistoric cultural materials were identified during surface survey or shovel testing. See Figure 3 for pedestrian survey and shovel testing locations.

Summary and Recommendation

NCC completed a Phase I Archaeological Survey including both surface survey and shovel testing within the Fox Lake, LLC project area for the Windsong Golf Course expansion. Shovel testing demonstrated consistent agricultural soils. No prehistoric cultural materials were identified during survey. Based on these results, *Nienow Cultural Consultants does not recommend any additional archaeological fieldwork at this time.*

With any project there is the chance of unanticipated discovery. Should archaeological materials surface during any future construction, it is advised a professional archaeologist be consulted. Minnesota Statute 307.08 protects unplatted cemeteries (including burial mounds) and issues guidelines for dealing with unexpected finds. Should human remains be encountered during earth moving activity, all work must stop and local law enforcement must be called.

If you have any additional questions about this work, do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, reading "Jeremy L. Nienow". The signature is written in dark ink and is positioned above the printed name and title.

Jeremy L. Nienow, Ph.D., RPA
Nienow Cultural Consultants LLC.

Included: Figures 1-11

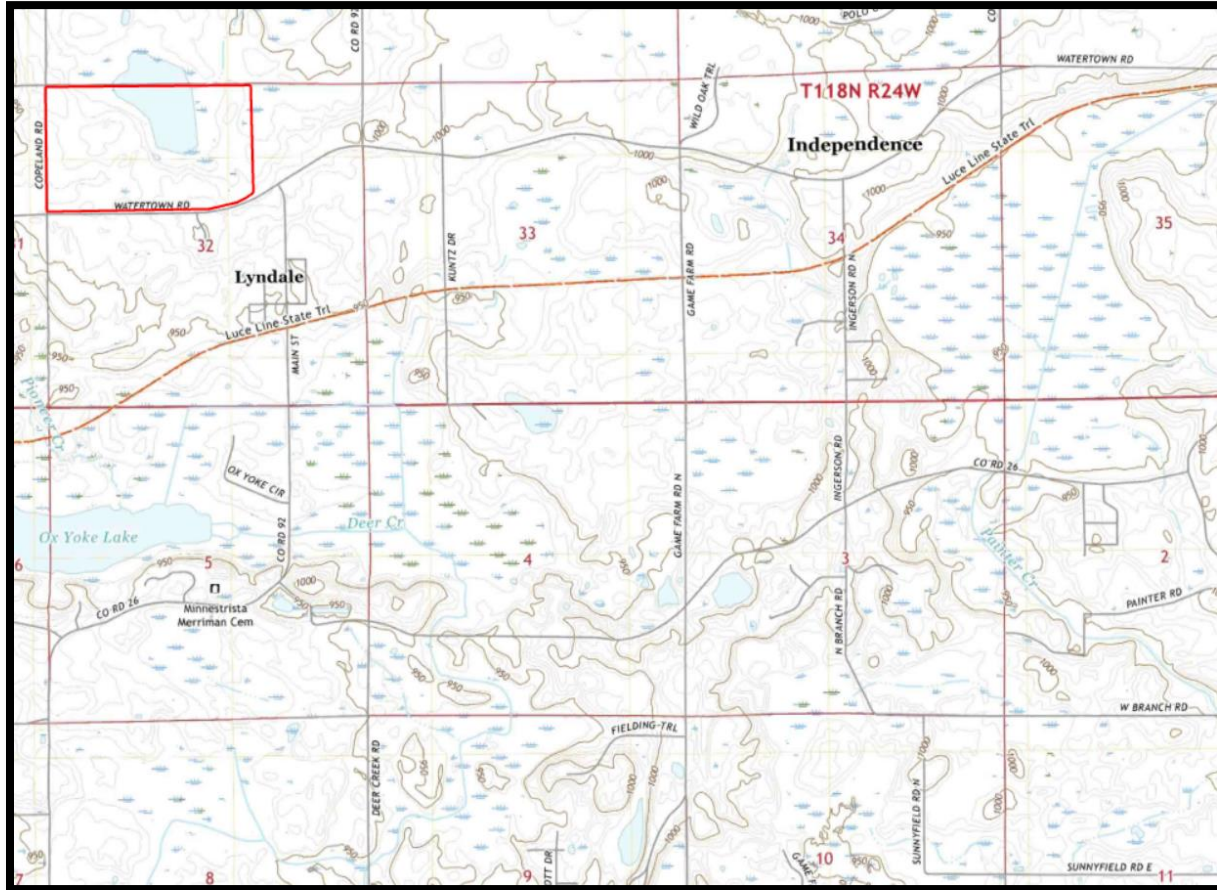


Figure 1: USGS Map of Project Area (red polygon).
7.5' Mound Quadrangle 2022, 1:24,000



Figure 4: Project Area Map (provided by EOR)

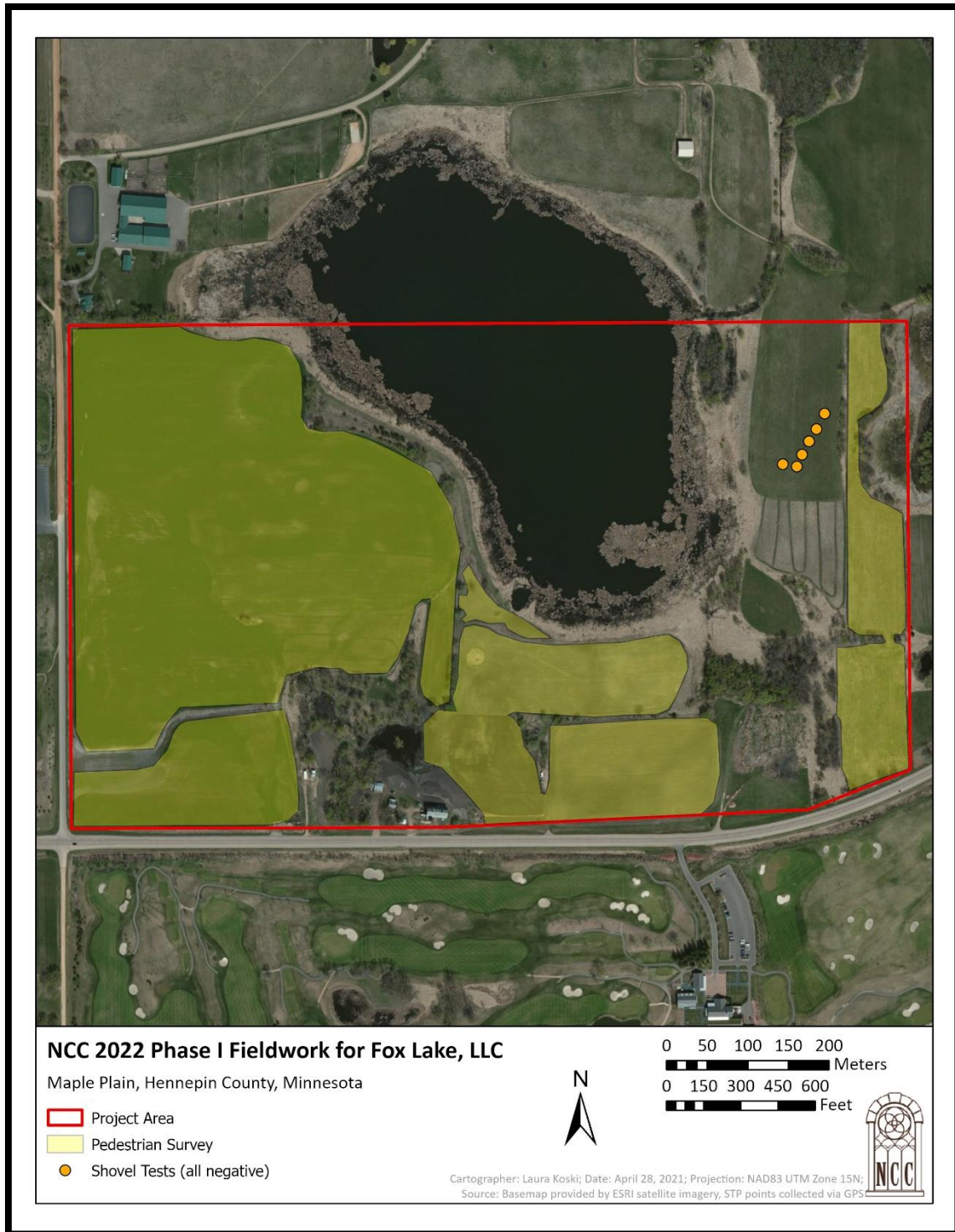


Figure 3: Close-Up Map of Shovel Testing Locations.



Figure 4: Surface visibility within easternmost fields within project area.



Figure 5: Field visibility and conditions in western and southern fields within project area.



Figure 6: Noted tree and brush removal within southeastern portion of project area.



Figure 7: Example shovel test pit.



Figure 8: Barn on Southern Edge of the Property Facing Northeast.



Figure 9: Barn on Southern Edge of the Property Facing Southeast.



Figure 10: Barn on Southern Edge of the Property Facing Southwest.



Figure 11: Barn on Southern Edge of the Property Facing Northwest.

Appendix F: Other – Minnesota Pollution Control Agency

June 1, 2022

Mark Kaltsas
City Administrator
City of Independence
1920 County Road 90
Independence, MN 55359

Re: Windsong Farm Golf Club North Course Environmental Assessment Worksheet

Dear Mark Kaltsas:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Windsong Farm Golf Club North Course project (Project) located in Independence, Hennepin County, Minnesota. The Project consists of the expansion of the golf course. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Permits and Approvals (Item 8)

The US Army Corps of Engineers (USACE) Wetland Conservation Act (WCA) Section 404 Permit is included in Table 3, Permits and Approvals Required. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA Clean Water Act Section 401 Water Quality Certification must also be obtained as part of the permitting process.

Water Resources (Item 11)

Stormwater

- The 125-acre golf course is a continuation of a previous portion of the Project constructed in 2001. The EAW indicates that 100 acres will be graded. Since the Project will disturb more than 50 acres and also has the ability to discharge to waters with construction-related impairments, the Stormwater Pollution Prevention Plan (SWPPP) for the Project will require review and approval from the MPCA before National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) coverage is obtained.
- The EAW does not adequately describe the best management practices (BMPs) to be utilized during construction or additional BMPs required for discharges to impaired waters. The EAW only states soils will be seeded as soon as feasible after grading and does not mention plans for temporary stabilization except for the steep slopes. Temporary stabilization of any exposed soils must be initiated immediately and completed within 7 days on any portions of the site where soils will not be actively worked for 7 or more days. The Project proposer should also phase the grading to limit the amount of soils exposed at one time. Also, temporary sediment ponds will be required where 5 or more acres drain to a common location.

- The Project will result in several acres of new impervious surfaces which the EAW states will be “disconnected” but does not specifically describe how stormwater will be managed in a manner that meets CSW Permit requirements. The Project requires use of a permanent stormwater management method meeting MPCA requirements to retain 1 inch of stormwater volume from all impervious surfaces via a volume reduction method, such as through use of an infiltration practice, unless prohibited for reasons specified in the CSW Permit. The EAW includes plans for an irrigation pond but does not specify whether the pond is also intended to serve as a stormwater treatment system for the new impervious surfaces. The wetlands on the site cannot be utilized for retention of stormwater unless they have gone through the wetland mitigation process. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Surface Water

Final wetland impacts have not been determined. However, the EAW indicates that approximately 2 acres of wetland may be impacted. If wetlands are impacted, there must be a mitigation plan that includes the replacement ratios and location. The mitigation plan must be submitted to all appropriate agencies and approved by each agency before construction can begin.

In addition, as defined by MN Stat. § 115.01, subd. 22 Waters of the state, even though there may be surface waters that are determined to be US Army Corp of Engineer non-jurisdictional or exempt from the Wetland Conservation Act, all surface waters are regulated by the MPCA, and any surface water impact, needs to be described in the application and may require mitigation.

Also, a recent Supreme Court decision overruled the vacatur of the 2020 Federal 401 rule. In response, the MPCA has reinstated the process steps defined in that rule, and applicants must request a pre-filing meeting with the MPCA at least 30 days prior to making a request for a 401 Certification. In addition, the applicant must also submit to the MPCA the Antidegradation Assessment in accordance with water quality standards Minn R. 7050.0265 and should review the antidegradation requirements in 7050.0285. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Jim.Brist@state.mn.us or Bill Wilde at 651-757-2825 or William.wilde@state.mn.us.

Contamination/Hazardous Materials/Wastes (Item 12)

- Please be aware that farmsteads have the potential for releases or threatened releases of agricultural chemicals. The Minnesota Department of Agriculture (MDA) is the regulatory agency charged with managing the response and cleanup of fertilizers and pesticides. Information regarding the MDA is available on the website at: <https://www.mda.state.mn.us/pesticide-fertilizer/spills-cleanup>. For questions regarding agricultural chemicals, please contact Cathy Villas-Horns with the MDA at 651-201-6697. For questions regarding waste pesticide containers, please contact Jane Boerboom with the MDA at 651-201-6540.
- In the event the existing barn was/is painted with lead-based paint, please be aware that the soil in the area around the barn may be impacted with elevated concentrations of lead due to past scraping or peeling of the barn paint. The MPCA recommends that the Project proposer obtain an environmental consultant and work with the MPCA Voluntary Investigation and Cleanup (VIC) Program to identify the presence of contamination in the location of the barn and prepare a plan for any remediation or mitigation that may be necessary. Information regarding the MPCA's VIC Program can be found on the MPCA's website at: <http://www.pca.state.mn.us/cleanup/vic.html>.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,

Karen Kromar

This document has been electronically signed.

Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:rs

cc: Dan Card, MPCA, St. Paul
Roberta Getman, MPCA, Rochester
Bill Wilde, MPCA, St. Paul
Cathy Villas-Horns, MDA, St. Paul
Jane Boerboom, MDA, St. Paul

APPENDIX C – COMMENTS RECEIVED



June 7, 2022

Mark Kaltsas, City Administrator/Planner
City of Independence
1290 County Road 90
Independence, MN 55359

**RE: City of Independence - Environmental Assessment Worksheet (EAW) –
Windsong Farm Golf Club North Course
Metropolitan Council Review No. 22759-1
Metropolitan Council District 1**

Dear Mark Kaltsas:

The Metropolitan Council received the EAW for the Windsong Farm Golf Club North Course project on May 9, 2022. The Project proposes to construct a golf course expansion to the existing Windsong Golf Club on six contiguous parcels located on the northeast corner of Watertown Road (CSAH 6) and Copeland Road in Independence. The proposed development consists of 125.6 acres with plans for an 18-hole golf course, an irrigation pond, several supporting structures, starter building, maintenance building, and a satellite restroom. The land is comprised of farmland, forests, and wetlands.

The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes. We offer the following comments for your consideration.

Item 11. Water Resources - Surface Water (Maureen Hoffman, 651-602-1279)

- The developer noted they will be working with the City as the Wetland Conservation Act (WCA) authority and will be applying for wetland banking credits. We encourage the developer look within the same watershed/sub-watershed to do the wetland banking replacement.
- The applicant makes note of how the project would improve stormwater management from the land's current agricultural state. The applicant does not address how the use of pesticides and fertilizers for golf course maintenance would impact surrounding waters. The developer should use organic fertilizers when possible and apply fertilizers in a safe way that protects air, water, and soil quality.
- The developer should consider placing a small layer of sand on greens to improve aeration and water drainage.
- We commend the applicant for the use of an irrigation pond to limit stress on groundwater sources. We recommend the applicant look into water reuse to further conserve water, and reuse water when possible.

Item 11. Water Resources - Water Supply (John Clark, 651-602-1452)

- The project should work with the Minnesota Department of Health (MDH) and Department of Natural Resources (DNR) to ensure that the repurposing of the identified unsealed well is of condition to be repurposed and acquire any necessary permits for new wells and water appropriation.

- The EAW should be more explicit about any potable water needs beyond the maintenance building or if no additional potable water is needed.
- Pumping of groundwater for course irrigation should be limited to those times when the irrigation pond cannot meet the course needs. Pumping groundwater into the irrigation pond for storage or future need should be avoided to limit evaporative loss and limit unnecessary energy consumption. Utilizing best practices to help limit evaporation from the irrigation pond surface will help preserve the water needed for irrigation and conserve the energy needed to pump additional water.
- Ensuring the course irrigation system is "smart" will help the course managers to be efficient in the water and energy use. Smart irrigation systems utilize real-time weather data and other information to determine the need for irrigated water helping landscape managers to take the guesswork out of irrigation. If such a system is not feasible for the course itself the development would still benefit from including these controllers for any irrigated non-course areas.
- We recommend working with the University of Minnesota Extension Turfgrass Science Program to identify grass species that will meet the course needs, work well in Minnesota, and help limit the need for irrigation and lower fertilizer use. The extension will also be able to provide information regarding smart irrigation systems. <https://turf.umn.edu/>
- Planting native prairie plants and pollinator species where feasible will contribute natural beauty to the course, increase area biodiversity, while lowering the carbon footprint of the course. Limiting herbicide, pesticide, and fertilizer use and considering chemical alternatives where feasible will also help to maintain habitat and limit negative impacts to wildlife, insects, groundwater, and surface waters.
- Cart paths and other impervious surfaces could be developed with pervious pavement or other pervious materials to lower runoff and promote shallow groundwater recharge. This may also help limit the need for groundwater pumping by ensuring adequate infiltration that replenishes the shallow aquifer and maintains surface water levels, particularly during periods of high heat or drought.

Item 18. Transportation -Transit (Patrick Haney, 612-349-7451)

Transit service in the area is available with Transit Link through the Metropolitan Council.

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Freya Thamman, Principal Reviewer, at 651-602-1750 or via email at Freya.Thamman@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Senior Manager
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Judy Johnson, Metropolitan Council District 1
Freya Thamman, Sector Representative/Principal Reviewer
Reviews Coordinator

N:\CommDev\LP\Communities\Independence\Letters\Independence 2022 Windsong Golf Course EAW Complete 22759-1.docx



Division of Ecological and Water Resources
Region 3 Headquarters
1200 Warner Road
Saint Paul, MN 55106

Transmitted by Email

June 9, 2022

Mark Kaltsas, City Administrator/Planner
City of Independence
1920 County Road 90
Independence, MN 55359

Dear Mark Kaltsas,

Thank you for the opportunity to review the Windsong Farm Golf Club North Course EAW located in Hennepin County. The DNR respectfully submits the following comments for your consideration:

1. Page 11, Groundwater. If unknown well are encountered onsite, they should be sealed in accordance with guidance from the Minnesota Department of Health.
2. Page 12, Wastewater. We appreciate that mound systems will be used and that the depth to the surficial water table has been verified. It would be helpful to identify the placement of the mound system drainfields on figure maps, as well as any secondary drainfield locations preserved for when the life of the initial system has been exhausted. It will be important that these areas are sectioned off and excluded from grading activities and spoil pile/equipment storage in order to preserve soil structure and function and extend the longevity of the system.
3. Page 13, Post construction Site Runoff. This section states that unmaintained vegetation will be utilized throughout the golf course. We strongly encourage the development to use weed-free, suitable, native seed mixes and plants in project stormwater features and landscaping in order to provide pollinator habitat and reduce the loss of wildlife habitat onsite. Native species also require very little fertilizing or irrigation. The Board of Soil and Water Resources' [website](#) contains many great resources for choosing seed mixes and establishing native plants.
4. Page 14, Water Appropriations. A single DNR Water Appropriation Permit can be used for establishing the turf and providing the long-term irrigation of the golf course provided the proposer uses the same well and pond for the irrigation. We appreciate that portions of the golf course will utilize native fescues in order to reduce irrigation needs.
5. Page 14, Water Appropriations. It is likely that a temporary DNR Water Appropriation Permit will be required for the construction of the golf course. If construction dewatering exceeds 10,000 gallons in a day or one million gallons in a year, a DNR Water Appropriation Permit will be required.

6. Page 19, Rare Features. DNR concurs that impacts to rare features are not anticipated as a result of this project.
7. Page 21, Ecological Impact Mitigation. It is still unclear from the EAW how much of the site will be planted in native fescue versus what portion of the site will be “unmaintained” as described in the Stormwater section. It is also unclear how the unmaintained areas will be managed for invasive species.

From an ecological perspective, traditional golf courses are essentially “green deserts” that maintain turf monocultures while providing very little wildlife habitat. Some golf courses have found ways to maintain necessary turf while utilizing rough and landscaped areas to actually improve wildlife habitat. This course is located within a Regional Ecological Corridor as well as a Low Potential Zone for the federally-listed Rusty patched bumble bee, which could become a High Potential Zone as maps are revised in the near future. Given that, there is an opportunity to improve habitat for pollinators and other wildlife utilizing the site by actively planting more diverse native vegetation that includes flowering plants, and managing it to prevent the spread of invasive species.

8. Page 25, Dust and Odors. Please do not use products that contain calcium chloride or magnesium chloride for dust control in areas that drain to public waters. Please note that the use of more than 10,000 gallons of water in a day, or one million gallons in year, for dust control requires a DNR Water Appropriation Permit.

Thank you again for the opportunity to review this document. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Collins". The signature is written in black ink on a light blue rectangular background.

Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources
Minnesota Department of Natural Resources

Phone: 651-259-5755

Email: melissa.collins@state.mn.us

CC: Jon Dailing, Fox Lake, LLC

Equal Opportunity Employer

Derek Lash

From: Mark Kaltsas <MKaltsas@ci.independence.mn.us>
Sent: Thursday, June 23, 2022 2:24 PM
To: Derek Lash
Cc: John Dailing ; Chris Long
Subject: Re: Windsong EAW Next Steps

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Blue Category

Derek,

See request for additional information below (from City engineer)...let me know if you have any additional questions. Based on the list of comments that you noted as received, I think that you have everything that the City does.

The applicant (golf course owners/developer) can provide additional details on a couple items it would be good to do so....such as post construction stormwater management, overall site vegetation (areas planned for native fescue vs. "unmaintained areas"), will the site preserve/protect an area for replacement septic/mounds, and what type of fertilizers (organic?) are planned to be used on the course. These items should be addressed in the "Response to Comments" section of the Findings of Fact and Conclusions (FOF&C) document. The new information regarding the cultural resource survey findings and MNDNR NHIS findings should go in the portion of the document meant to provide "Additional Information Obtained Since Publication of the EAW."

Thanks,

Mark Kaltsas | City Administrator | City of Independence

mkaltsas@ci.independence.mn.us

D: 763.479.0044 | O: 763.479.0527

From: Derek Lash <dslash@eorinc.com>
Date: Thursday, June 23, 2022 at 2:18 PM
To: Mark Kaltsas <MKaltsas@ci.independence.mn.us>
Cc: John Dailing <jdailing@wsfarm.com>, Chris Long <clong@eorinc.com>
Subject: RE: Windsong EAW Next Steps

Good afternoon Mark,

I thought I would quickly check-in to see when you might be sending over EAW or CUP comments.

Thanks,

Derek R. Lash, PE, CPESC, ICSD, ICCSPPI

Senior Civil Engineer

EOR: water | ecology | community

Windsong Farm Golf Club North Course

MCE #: 2022-00259

Page 1 of 5



Formal Natural Heritage Review - Cover Page

See next page for results of review. A draft watermark means the project details have not been finalized and the results are not official.

Project Name: Windsong Farm Golf Club North Course

Project Proposer: Fox Lake, LLC

Project Type: Development, Recreational/Entertainment

Project Type Activities: Tree Removal;Wetland impacts (e.g., discharge, runoff, sedimentation, fill, excavation)

TRS: T118 R24 S29, T118 R24 S32

County(s): Hennepin

DNR Admin Region(s): Central

Reason Requested: State EAW

Project Description: The Project is an expansion of the Windsong Farm Golf Club that lies directly to the south of the Project Site across Watertown Highway. The Project proposes ...

Existing Land Uses: A majority of the Project Site is in corn-soybean rotation (~93 acres). Wetlands with the Project Site (which excludes Fox Lake) account for about 14 acres, ...

Landcover / Habitat Impacted: A majority of land that will be impacted is cropland. About 10 acres of trees will be removed from the Project Site which includes areas of forest, brushland, and tree lines along field margins.

Waterbodies Affected: Between 1-2 acres of wetlands will be impacted. Impacts include fill (from grading), tree removal, and excavation to create an irrigation pond and a narrow ...

Groundwater Resources Affected: Yes, The Project will require a permanent groundwater permit for irrigation, and likely a temporary permit for construction.

Previous Natural Heritage Review: No

Previous Habitat Assessments / Surveys: No

SUMMARY OF AUTOMATED RESULTS

Category	Results	Response By Category
Project Details	No Comments	No Further Review Required
Ecologically Significant Area	No Comments	No Further Review Required
State-Listed Endangered or Threatened Species	No Comments	No Further Review Required
State-Listed Species of Special Concern	No Comments	No Further Review Required
Federally Listed Species	No Records	Visit IPaC For Federal Review



Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

April 22, 2022

Natural Heritage Review#: 2022-00259

Christopher Long
Emmons & Olivier Resources, Inc.
1919 University Avenue West, Suite 300
St. Paul, MN 55104

RE: Automated Natural Heritage Review of the proposed Windsong Farm Golf Club North Course
See Cover Page for location and project details.

Dear Christopher Long,

As requested, the above project has been reviewed for potential effects to rare features. Given the project details provided on the cover page, I do not believe the proposed project will negatively affect any known occurrences of rare features. To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#).

Project Type and/or Project Type Activity Comments

- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed below, all seven of Minnesota's bats, including the federally threatened northern long-eared bat (*Myotis septentrionalis*), can be found throughout Minnesota. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided during the months of June and July.


The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and the project description provided on the cover page. If project details change or construction has not occurred within one year, please resubmit the project for review.

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

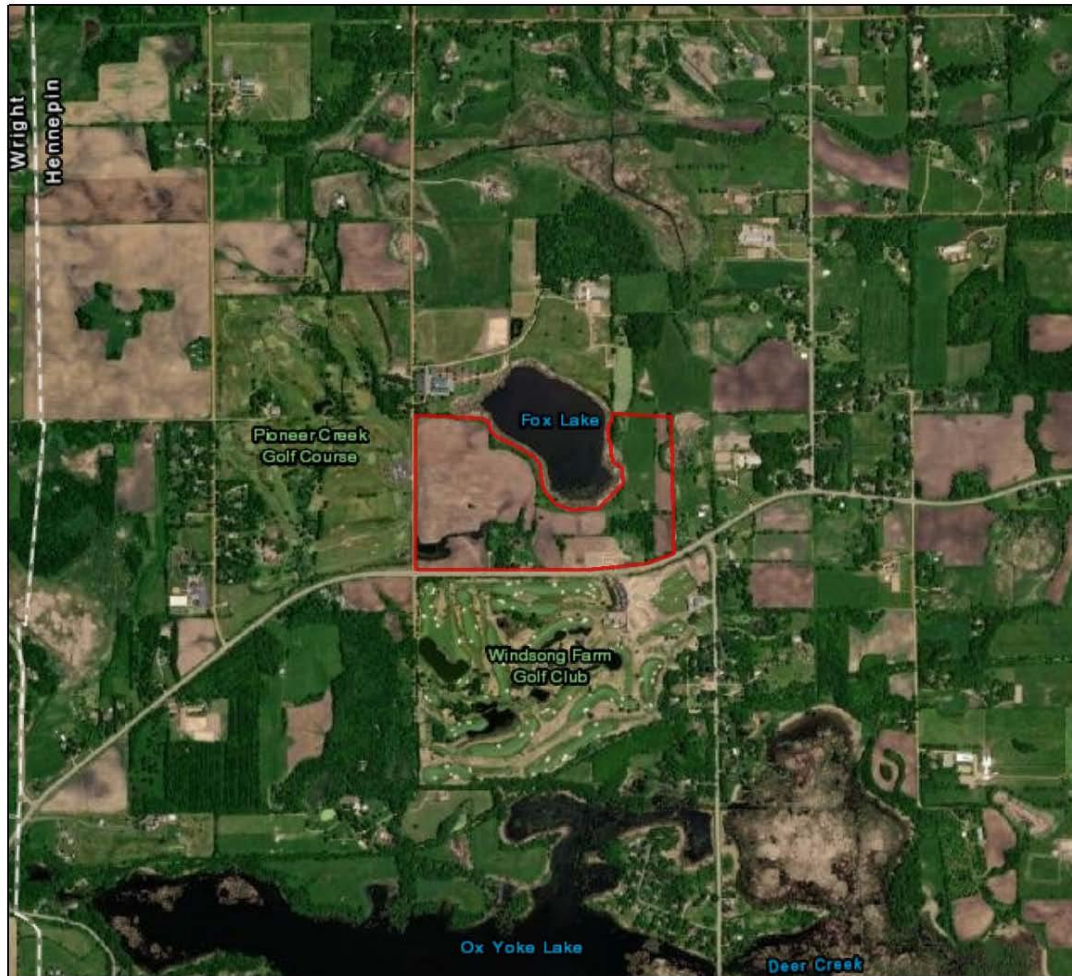
Sincerely,



Samantha Bump
Natural Heritage Review Specialist
Samantha.Bump@state.mn.us

Links: USFWS Information for Planning and Consultation (IPaC) tool
[Information for Planning and Consultation \(IPaC\) tool](#)
DNR Regional Environmental Assessment Ecologist Contact Info
https://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html

Windsong Farm Golf Club North Course Aerial Imagery With Locator Map



0 0.15 0.3 0.6 0.9 1.2 Miles

 Project Boundary

Project Type: Development, Recreational/Entertainment

Project Size (acres): 124.47

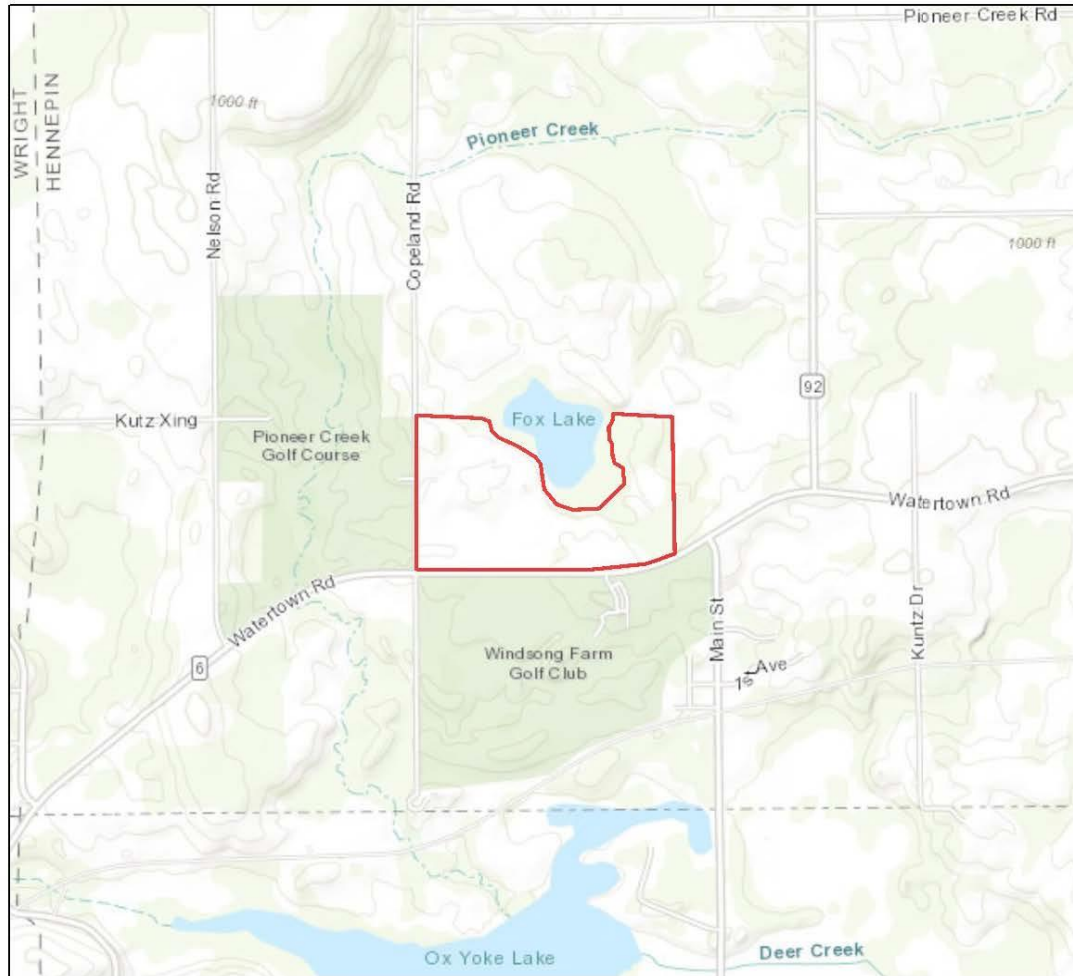
County(s): Hennepin

TRS: T118 R24 S29, T118 R24 S32

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri



Windsong Farm Golf Club North Course USA Topo Basemap With Locator Map



0 0.15 0.3 0.6 0.9 1.2 Miles

 Project Boundary

Project Type: Development, Recreational/Entertainment

Project Size (acres): 124.47

County(s): Hennepin

TRS: T118 R24 S29, T118 R24 S32

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User



April 29, 2022

Jon Dailing
Fox Lake, LLC
18 Golf Walk
Maple Plain, MN 55359

Nienow Cultural Consultants
200 Plato Blvd. East
St. Paul, MN 55107



RE: NCC Phase I Archaeological Survey for Fox Lake, LLC, Maple Plain, Hennepin County, Minnesota

Dear Mr. Dailing,

This letter is a summary of fieldwork completed by Nienow Cultural Consultants LLC (NCC) the week of April 25, 2022. This work is associated with the Fox Lake, LLC golf course expansion. The project area is located in Maple Plain, Minnesota in the N ½ of the NW ¼ and the E ½ of the NE ¼ of Section 32, Township 118N, Range 24W (Figure 1). The project proposes a northern expansion of the Windsong Golf Course. Fieldwork consisted of a surface survey of all cultivated areas followed by shovel testing in the northeast corner of the project area due to a lack of surface visibility. A total of six shovel tests were completed. No cultural materials were identified during survey.

Methodology

NCC's Principal Investigator for this project was Jeremy Nienow, PhD., RPA. A literature review was previously completed for this project by Emmons & Olivier Resources, Inc. in February of 2022. NCC conducted a brief literature review April 7, 2022 prior to fieldwork in order to identify any archaeological sites which may have been reported since the previous literature review was completed (see literature review results below).

Fieldwork consisted of surface survey of all cultivated fields, followed by shovel testing in the northeastern corner of the project area due to a lack of surface visibility. Shovel tests were excavated in a single transect on a 15-meter interval. The tested transect was placed on the highest area of the field overlooking the wetland located north-center within the project area. Shovel tests were typically 35-40 centimeters (cm) wide and at least 70cm deep. All soils were screened through ¼" mesh screen, detailed profile notes completed, photographs taken, and GPS points collected for each shovel test. All shovel tests were negative for prehistoric cultural materials.

Updated Literature Review

The archaeological site search includes all sites within a 2-mile radius of the edges of the project area. There are no known archaeological sites previously recorded within the project area. Six formally identified archaeological sites have been recorded within two miles of the project area, along with a single alpha site (Table 1.) Alpha sites are potential site leads identified via literature or mapping resources (i.e. *The History of Hennepin County* cited below). These have not been field-verified through archaeological survey. SHPO records contained no previously recorded architectural sites within the project area.

Table 1: Archaeological Sites Within Two Miles of the Fox Lake LLC Project Area

Site Number	Site Name	Site Type/ Details	Time Period/ Cultural Tradition	T/R/S	Distance from Project Area	Reference
21HE0171	Burkett	Artifact Scatter and Possible Human Burial	Pre-Contact	T118N, R24W, S20 NE ¼ of NE ¼ of SW ¼	1.37 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21HE0172	Evans Mounds and Habitation	Earthwork and Artifact Scatter	Pre-Contact: Woodland Period	T118N, R24W, S20 SE ¼ of SW ¼ of NW ¼	1.5 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21CR0066	-	Artifact Scatter	Pre-Contact	T117N, R25W, S1 SW ¼ of SE ¼ of NE ¼	1.55 Miles	Lofstrom (1980) An Archaeological Survey of Carver County
21HE0176	Pioneer Creek Overlook	Isolated Lithic Core	Pre-Contact	T118N, R24W, S27 NW ¼ of NW ¼ of NW ¼ of NW ¼	1.55 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21CR0067	Lukes Mounds	Mounds and Lithic Scatter	Pre-Contact	T117N, R25W, S1 S ½ of SW ¼ of NE ¼	1.66 Miles	Lofstrom (1980) An Archaeological Survey of Carver County
21HE0173	Brick Kiln	Remnants of a brick kiln	Post-Contact	T118N, R24W, S19 W ½ of NE ¼ of NW ¼	1.91 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21HEbd	Armstrong	Ghost Town	Post-Contact	T118N, R24W, S22	1.61 Miles	Neill (1881) History of Hennepin County

Five of the identified sites are Pre-Contact in origin, with the remaining formal site and the alpha site having originated in the Post-Contact Period. The Pre-Contact sites include a combination of artifact scatters (21HE0172, 21CR0066), isolated lithics (21HE0176), one earthwork (not-verified as burial-related, 21HE0172), one burial mounds site (21CR0067), and one artifact scatter with a potential human burial (21HE0171). The Post-Contact sites include a brick kiln (21HE0173) and a Ghost Town alpha site (21HEbd) for the town of Armstrong. None of these sites are within a mile of the project area, and the majority are located along the south fork of the Crow River to the west.

An historic farmstead is located along the southern edge of the project area just west of center. The farmstead appears to be first marked in Section 32 on the 1898 Plat of Independence Township (T118N, R24W) in Hennepin County. A 1937 aerial illustrates a large barn and at least five other structures, including two silos, present at the farmstead. Aerials between 1937 and today indicate structures were added and removed over time, but between 2012 and 2016, all farmstead structures besides the original barn, its shed addition, and the adjacent silo (also present since pre-1937) were demolished. The barn, attached shed, and adjacent silo were confirmed standing during the field survey on April 25, 2022 (Figures 8 through 11). A small wetland just north of the farmstead and another in the north-central portion of the project area are both present in the earliest aerials and appear to be majorly unchanged through today. The remainder of the project area was consistently cultivated historically. A monopole cell tower was installed just to the west of the farmstead between 2003 and 2004. NCC does not currently complete historic architectural reviews. NCC recommends the client communicate with a qualified architectural historian to see if evaluation of the barn is necessary.

Fieldwork Results

At the time of survey, the majority of the fields had been previously plowed (save for a section in the northeastern corner of the project area) allowing for a surface visibility of between 50% and 90% (see Figures 4 and 5 for examples of surface visibility). In areas of lowest visibility (50% to 60%) surface survey was completed on a 7 to 10-meter interval. In areas of highest visibility (60% to 90%) surface survey was completed on a 15-meter interval (See Figures 4 and 5 for visibility examples). Recent historic farmstead materials (i.e. shotgun shells, stoneware, whiteware), and modern debris (i.e. plastics, aluminum cans, golf balls) were encountered, but not collected. The project area contains several wetland areas containing thick brush. During survey, it was observed brush removal had begun adjacent to the southeasternmost wetland (Figure 6).

Six shovel tests were placed in a 15-meter interval on a transect overlooking the wetland in the north-center portion of the project area. Shovel tests were placed targeting the length of a high knoll. Soils were relatively consistent with an average profile of 10YR 2/1 Silty Clay Loam from 0 to 25cmbs, followed by 10YR 2/1 Silty Clay Loam mottled with 10YR 3/6 Clay from 25cmbs to 30cmbs, and finished with 10YR 3/6 Clay from 30cmbs to shovel test termination at 70cmbs. Tests were stopped once they were determined to be at least 30cmbs into culturally sterile subsoils. No prehistoric cultural materials were identified during surface survey or shovel testing. See Figure 3 for pedestrian survey and shovel testing locations.

Summary and Recommendation

NCC completed a Phase I Archaeological Survey including both surface survey and shovel testing within the Fox Lake, LLC project area for the Windsong Golf Course expansion. Shovel testing demonstrated consistent agricultural soils. No prehistoric cultural materials were identified during survey. Based on these results, *Nienow Cultural Consultants does not recommend any additional archaeological fieldwork at this time.*

With any project there is the chance of unanticipated discovery. Should archaeological materials surface during any future construction, it is advised a professional archaeologist be consulted. Minnesota Statute 307.08 protects unplatted cemeteries (including burial mounds) and issues guidelines for dealing with unexpected finds. Should human remains be encountered during earth moving activity, all work must stop and local law enforcement must be called.

If you have any additional questions about this work, do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, reading "Jeremy L. Nienow". The signature is written in a cursive, flowing style with a large initial "J" and a stylized "N".

Jeremy L. Nienow, Ph.D., RPA
Nienow Cultural Consultants LLC.

Included: Figures 1-11

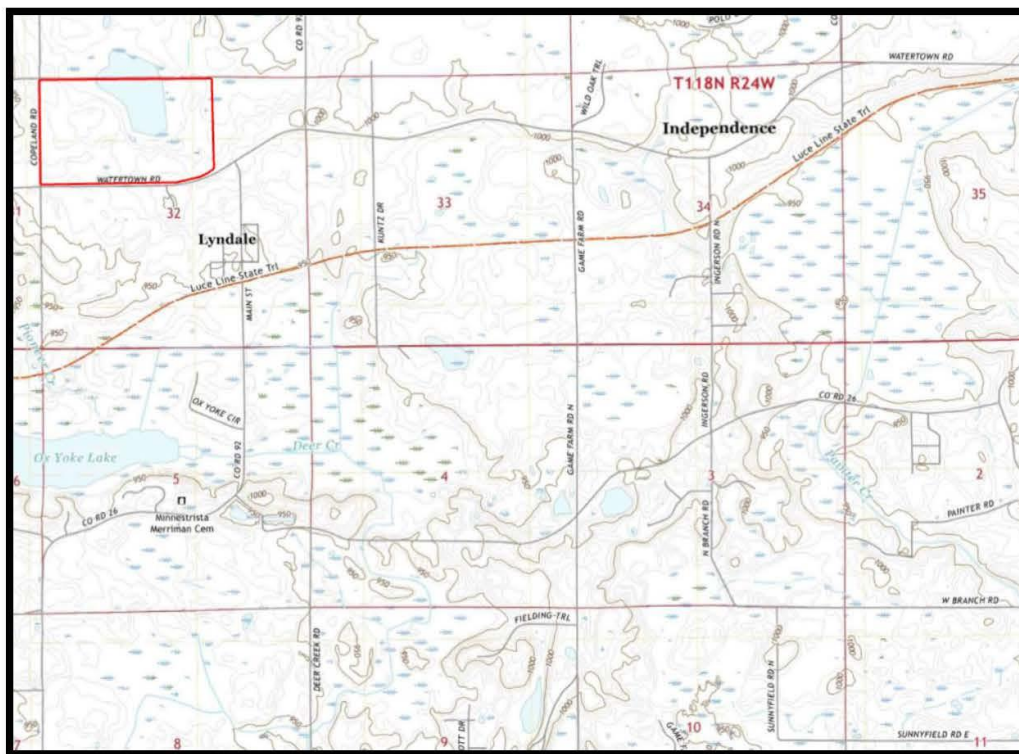


Figure 1: USGS Map of Project Area (red polygon).
7.5' Mound Quadrangle 2022, 1:24,000



Figure 4: Project Area Map (provided by EOR)



Figure 3: Close-Up Map of Shovel Testing Locations.

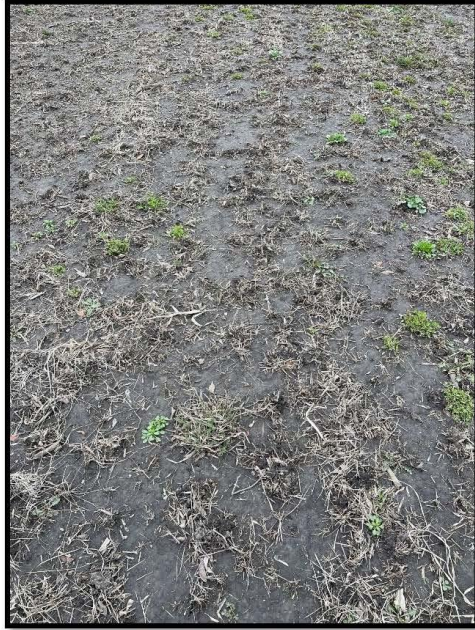


Figure 4: Surface visibility within easternmost fields within project area.



Figure 5: Field visibility and conditions in western and southern fields within project area.



Figure 6: Noted tree and brush removal within southeastern portion of project area.



Figure 7: Example shovel test pit.



Figure 8: Barn on Southern Edge of the Property Facing Northeast.



Figure 9: Barn on Southern Edge of the Property Facing Southeast.



Figure 10: Barn on Southern Edge of the Property Facing Southwest.



Figure 11: Barn on Southern Edge of the Property Facing Northwest.



520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

June 1, 2022

Mark Kaltsas
City Administrator
City of Independence
1920 County Road 90
Independence, MN 55359

Re: Windsong Farm Golf Club North Course Environmental Assessment Worksheet

Dear Mark Kaltsas:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Windsong Farm Golf Club North Course project (Project) located in Independence, Hennepin County, Minnesota. The Project consists of the expansion of the golf course. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Permits and Approvals (Item 8)

The US Army Corps of Engineers (USACE) Wetland Conservation Act (WCA) Section 404 Permit is included in Table 3, Permits and Approvals Required. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA Clean Water Act Section 401 Water Quality Certification must also be obtained as part of the permitting process.

Water Resources (Item 11)

Stormwater

- The 125-acre golf course is a continuation of a previous portion of the Project constructed in 2001. The EAW indicates that 100 acres will be graded. Since the Project will disturb more than 50 acres and also has the ability to discharge to waters with construction-related impairments, the Stormwater Pollution Prevention Plan (SWPPP) for the Project will require review and approval from the MPCA before National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) coverage is obtained.
- The EAW does not adequately describe the best management practices (BMPs) to be utilized during construction or additional BMPs required for discharges to impaired waters. The EAW only states soils will be seeded as soon as feasible after grading and does not mention plans for temporary stabilization except for the steep slopes. Temporary stabilization of any exposed soils must be initiated immediately and completed within 7 days on any portions of the site where soils will not be actively worked for 7 or more days. The Project proposer should also phase the grading to limit the amount of soils exposed at one time. Also, temporary sediment ponds will be required where 5 or more acres drain to a common location.

- The Project will result in several acres of new impervious surfaces which the EAW states will be “disconnected” but does not specifically describe how stormwater will be managed in a manner that meets CSW Permit requirements. The Project requires use of a permanent stormwater management method meeting MPCA requirements to retain 1 inch of stormwater volume from all impervious surfaces via a volume reduction method, such as through use of an infiltration practice, unless prohibited for reasons specified in the CSW Permit. The EAW includes plans for an irrigation pond but does not specify whether the pond is also intended to serve as a stormwater treatment system for the new impervious surfaces. The wetlands on the site cannot be utilized for retention of stormwater unless they have gone through the wetland mitigation process. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Surface Water

Final wetland impacts have not been determined. However, the EAW indicates that approximately 2 acres of wetland may be impacted. If wetlands are impacted, there must be a mitigation plan that includes the replacement ratios and location. The mitigation plan must be submitted to all appropriate agencies and approved by each agency before construction can begin.

In addition, as defined by MN Stat. § 115.01, subd. 22 Waters of the state, even though there may be surface waters that are determined to be US Army Corp of Engineer non-jurisdictional or exempt from the Wetland Conservation Act, all surface waters are regulated by the MPCA, and any surface water impact, needs to be described in the application and may require mitigation.

Also, a recent Supreme Court decision overruled the vacatur of the 2020 Federal 401 rule. In response, the MPCA has reinstated the process steps defined in that rule, and applicants must request a pre-filing meeting with the MPCA at least 30 days prior to making a request for a 401 Certification. In addition, the applicant must also submit to the MPCA the Antidegradation Assessment in accordance with water quality standards Minn R. 7050.0265 and should review the antidegradation requirements in 7050.0285. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Jim.Brist@state.mn.us or Bill Wilde at 651-757-2825 or William.wilde@state.mn.us.

Contamination/Hazardous Materials/Wastes (Item 12)

- Please be aware that farmsteads have the potential for releases or threatened releases of agricultural chemicals. The Minnesota Department of Agriculture (MDA) is the regulatory agency charged with managing the response and cleanup of fertilizers and pesticides. Information regarding the MDA is available on the website at: <https://www.mda.state.mn.us/pesticide-fertilizer/spills-cleanup>. For questions regarding agricultural chemicals, please contact Cathy Villas-Horns with the MDA at 651-201-6697. For questions regarding waste pesticide containers, please contact Jane Boerboom with the MDA at 651-201-6540.
- In the event the existing barn was/is painted with lead-based paint, please be aware that the soil in the area around the barn may be impacted with elevated concentrations of lead due to past scraping or peeling of the barn paint. The MPCA recommends that the Project proposer obtain an environmental consultant and work with the MPCA Voluntary Investigation and Cleanup (VIC) Program to identify the presence of contamination in the location of the barn and prepare a plan for any remediation or mitigation that may be necessary. Information regarding the MPCA's VIC Program can be found on the MPCA's website at: <http://www.pca.state.mn.us/cleanup/vic.html>.

Mark Kaltsas
Page 3
June 1, 2022

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,



This document has been electronically signed.

Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:rs

cc: Dan Card, MPCA, St. Paul
Roberta Getman, MPCA, Rochester
Bill Wilde, MPCA, St. Paul
Cathy Villas-Horns, MDA, St. Paul
Jane Boerboom, MDA, St. Paul

**APPENDIX D – NEGATIVE DECLARATION
ON THE NEED FOR AN EIS**

ADD RESOLUTION

■City of Independence

Review of a Proposed Business Park and Residential Development on the
Property Located at 9285 Highway 12

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	March 7, 2023
<i>Applicant:</i>	William Stoddard
<i>Owner:</i>	J F Zeglin Jr & M D Zeglin
<i>Location:</i>	9285 Highway 12

Request:

William Stoddard (Applicant) and J F Zeglin Jr & M D Zeglin (Owner) requests that the City consider the following actions for the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001):

- a. A comprehensive plan amendment to allow a portion of the property to be re-guided to the Urban Commercial - UC zoning district. A portion of the property is already guided Urban Commercial.
- b. Rezoning of a portion of the property from AG-Agriculture to UC-Urban Commercial.
- c. Conditional Use Permit to allow a planned unit commercial development on the subject property. The proposed development would include office warehouse and private garage condominium buildings.
- d. Site Plan Review to allow the proposed development.
- e. Preliminary Plat to allow the subdivision of the property into seven (7) residential lots and associated lots to allow the proposed commercial development.

Property/Site Information:

The property is located on the south side of Highway 12 and west side of Nelson Rd. The property has frontage on both roads and is comprised primarily of agriculture land, woodlands

and wetlands. There is an existing home and several detached accessory structures on the subject property.

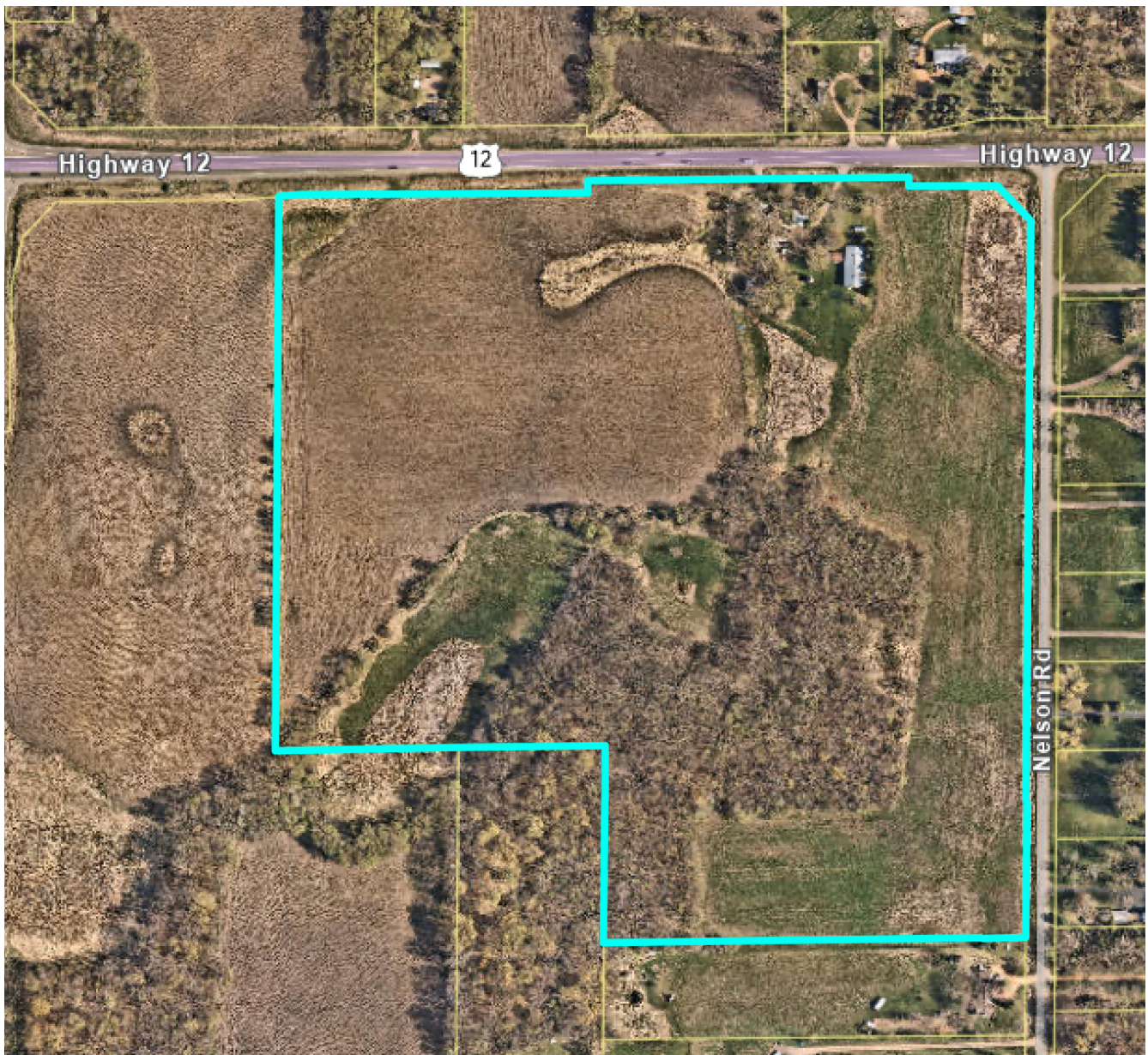
Property Information: 9285 Highway 12

Zoning: Agriculture

Comprehensive Plan: Agriculture/Urban Commercial

Acreage: ~58 acres

9285 Highway 12



UPDATE:

The City reviewed the proposed development in January 2023 and provided feedback and comments to the developer and staff. Following the meeting, the City has worked with the developer to make revisions to the plans in order to address comments provided by the City and its consultants (see attached review letters and applicant responses attached to this report). In addition, the City has been working with MNDOT to identify an acceptable access plan. The City has also prepared the parameters for the PUD that would allow for the subject development. The following summary points detail the changes, outstanding comments and general considerations that should be noted by the Planning Commission:

- One of the primary issues that was identified during the initial review of this projects relates to the proposed access to the site. The City noted that it strongly discourages any commercial connection to Nelson Rd. To support this standing, the City noted that the site development standards contain the following prohibition:

530.11. - Lot standards.

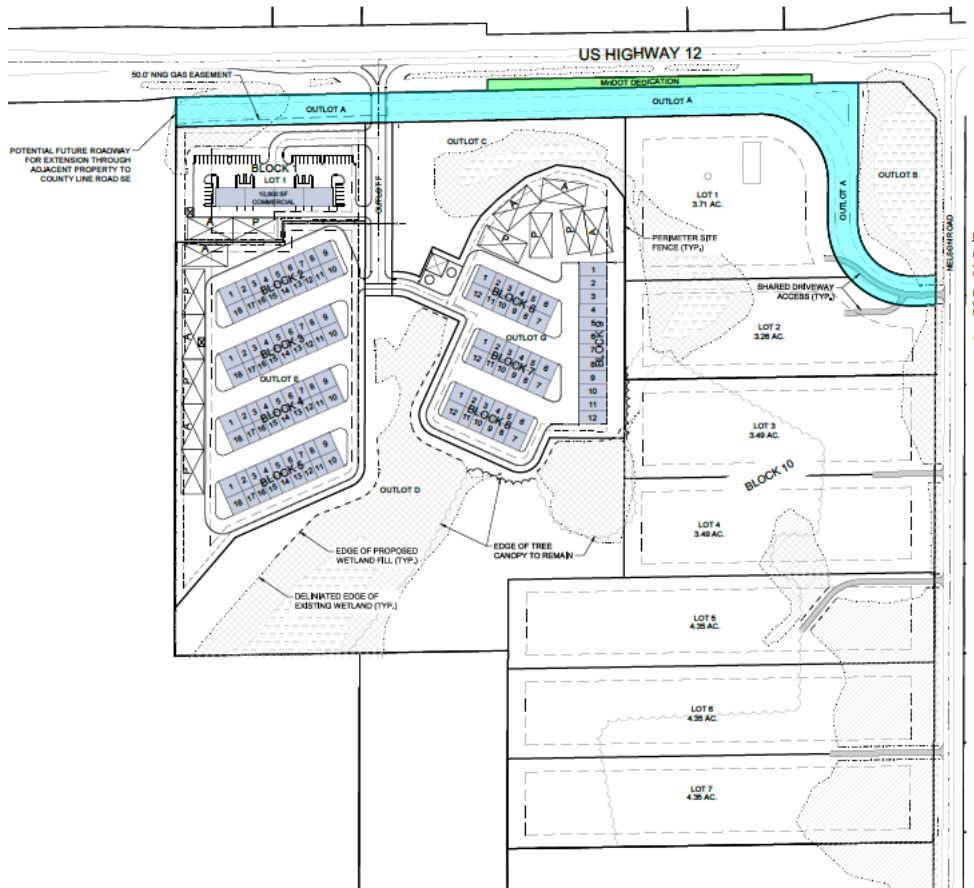
Subd. 10. *Access streets.* Streets servicing a commercial-light industrial area must have direct access to a collector street or higher-capacity street. **No street servicing commercial-light industrial establishments may have access to local residential streets nor may business-oriented traffic be routed or directed to local residential streets.**

The City discussed the possibility of providing for a future frontage road across the property to provide for a future east/west connection to County Line Road. The applicant is agreeable to providing this future ROW and has revised the drawings to provide for this future access. The City met with MNDOT and offered that this future ROW would be acquired by the City and allow for a future frontage road. This would likely allow Nelson Road residents to access the future roundabout at County Line Road and Highway 12 without having to go onto Highway 12. Following additional review by MNDOT, they have agreed to allow the proposed right in/right out as a temporary access that would need to be removed at the time a frontage road can be constructed to County Line Rd. However, MNDOT also wants a full frontage road connection made to Nelson Road within the within the right of way shown on the revised plans. This is not in keeping with the City's ordinances and would definitely increase the number of turning movements made from west bound Highway 12 onto Nelson Road (left turn off of Highway 12 onto Nelson Road from westbound Highway 12 lane). This turning movement is considered the most dangerous based on crash data.

Staff has asked to meet with MNDOT again relating to this issue noting the aforementioned points. The Planning Commission reviewed this information and recommended approval of the proposed right in/right out, dedication of future right of way and no physical connection to Nelson Road, consistent with the City's ordinances relating to commercial development. Staff has considered additional solutions should MNDOT not agree to allow the access as proposed. This would include looking at a one-

way street option (westbound traffic only) that would allow a right turn only off of Nelson Road and into the commercial development.

- Based on the proposed revisions, the applicant has reduced the number of residential properties to seven from eight. This reduction will allow for the future frontage road right of way and eliminate the lot directly adjacent to Highway 12.



- The applicant has revised the plans to add additional detail to the proposed 10,000 SF commercial building. The City has reviewed the updated site plan related information and generally finds that it meets applicable standards. The City reviewed parking relating to the proposed commercial and made the following findings:
 - 1 space per 250 SF ($10,600 \div 250 = 42.4$ = 43 parking spaces)
 43 parking spaces required
 49 parking spaces provided
- The applicant has provided photometric and lighting plans for the proposed development. The lighting plans have been reviewed by the City and found to meet all applicable requirements. The lights proposed by the applicant are cut-off type fixtures that will have limited visibility outside of the proposed development. One exception is with the

proposed commercial building. The City will want to see light poles within the proposed parking lot that will provide adequate light levels to the entire parking area.

- The applicant has provided architectural plans and building elevations for all buildings within the proposed development. The City notes that the architectural standards adopted for the Urban Commercial zoning district state the following:

Subd. 3. Design standards.

- (a) Height. The maximum height of all buildings must not exceed the lesser of 2½ stories or 35 feet. This height limitation does not apply to farm buildings, grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, or electric transmission lines.
- (b) Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:
 - (1) Brick;
 - (2) Natural stone or stone veneers;
 - (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
 - (4) Glass curtain wall panels;
 - (5) Stucco or synthetic stucco;
 - (6) Exterior insulation and finish systems (EIFS).
- (c) All exterior vertical surfaces must be treated as a front and have an equally attractive or same fascia on all sides of the structure.
- (d) Mechanical protrusions. All necessary mechanical protrusions visible to the exterior must be screened or painted in a manner so they are not visually obvious and are compatible with the surrounding development. Satisfaction of this requirement must be demonstrated by the screening of the equipment in such a manner that it is not visible from a point six feet above any common property line or street right-of-way. Screening must consist of either a parapet wall along the roof's edge or by an opaque screen constructed of the same material as the building's primary vertical exposed exterior finish. The zoning administrator may determine that the equipment may be painted a neutral earth tone color, or color deemed similar by the zoning administrator or must be designed to be compatible with the architectural treatment of the principal building, which will satisfy the screening requirement. All mechanical protrusions must be highlighted on the site plan.

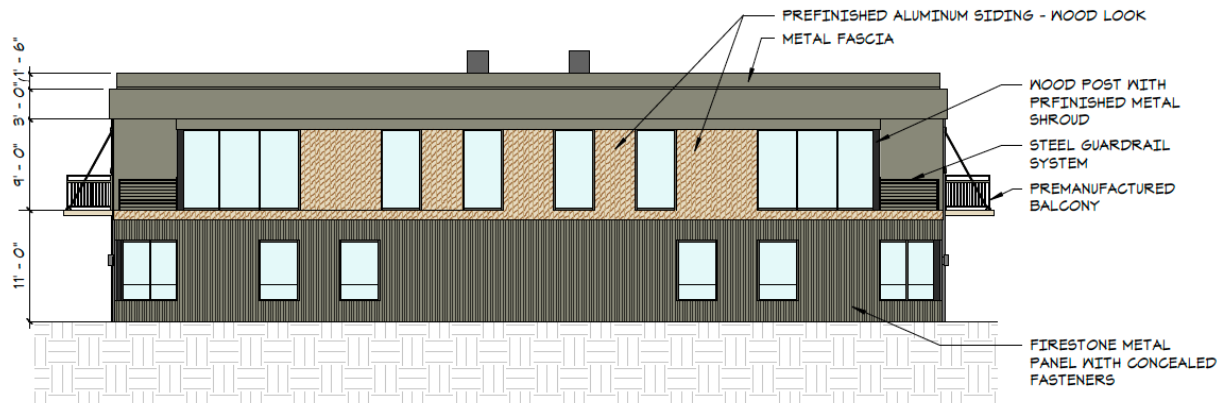
(Added, Ord. No. 2006-09)

Subd. 4. New materials. The city recognizes that technologies change and new products are continually available which may not be listed as allowed under these building design requirements. If an applicant wishes to utilize a non-listed material, an application to amend the zoning code text must be submitted per the requirements of city Code. In reviewing such an application to consider including a new material to the list of allowed materials in subdivision 3(b), the city will consider the following:

- (a) Is the proposed material of sufficient quality to ensure on-going maintenance will not be of concern (applicant should provide detailed information on the proposed product and its history of use);
- (b) Will the style, color, and appearance of the proposed product integrate with adjacent commercial/industrial properties and other materials currently allowed within the commercial/industrial zoning district;

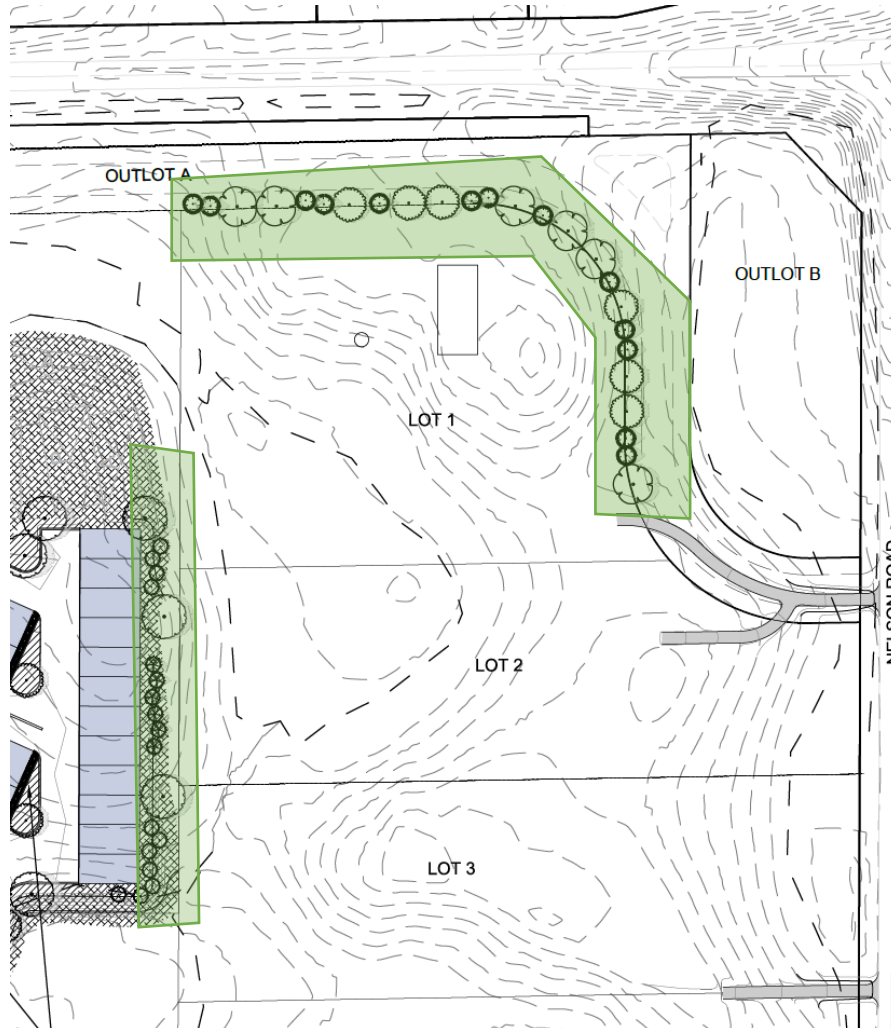
- (c) Will the style, color, and appearance of the proposed product be acceptable in cases when visible from residential units on adjacent properties.

The applicant is proposing to construct the buildings using primarily metal paneling (see illustrative elevation below). The City will request examples of the proposed materials. The proposed architecture is consistent throughout the development, utilizes significant amounts of glass and glazed surfaces and appears to meet the design intent of the ordinance. Staff will be seeking additional discussion and direction from Planning Commission relating to the proposed building materials and architecture.



4
A3.1 **MOTOR CONDOS - SIDE ELEVATION**
3/32" = 1'-0"

- The applicant does not currently identify and mechanical equipment on the plans. All mechanical equipment will need to be shown and if proposed to be on the exterior of the building or roof, will need to be screened from view.
- A preliminary plat has now been submitted. The PP will need to be revised to reflect the City's standard 10' perimeter drainage and utility easements and provide all lot dimensions, easements and similar information.
- The City has reviewed the plans with the Delano Fire Chief. The applicant has provided an exhibit (attached to this report) which provides fire truck simulated turning movements which verify fire apparatus access. The City will want to further define no parking areas (using signage and striping) within the auto condo and commercial development areas. This will be further detailed as the project progresses.
- The applicant has provided an updated landscape plan for the proposed development. The plan provides a high level of landscaping around the commercial building, entrance drives and within the proposed lifestyle garage condos. The City does believe that additional landscaping screening may be warranted in several locations shown below.



- The City has prepared a draft of the Planned Development standards that would apply to the commercial development. It should be noted that the residential lots will be subject to the requirements of the AG-Agriculture physical and lot standards. The City will need to waive the minimum lot width for requirement for Lots 5, 6 and 7. The following Planned Development Standards would be incorporated in the Planned Development Agreement:

PLANNED DEVELOPMENT STANDARDS

(A) *Permitted uses.* Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the Planned Development under the conditions specified. No building or lot shall be devoted to any use other than a use permitted hereunder:

- (1) Any use not expressly permitted but consistent with the intent of the district which, by approval of the city council, shall be permitted except for eating and drinking establishments, coffee shops and similar food service businesses

which shall not be permitted until such time as a frontage road is constructed which provides a public access from the proposed retail development to County Line Road.

- (2) Office and retail sales.
- (3) Contractor and construction supply shops conducted wholly within an enclosed building, including but not limited to plumbing, HVAC, roofing and electrical with a principle building or office with no outdoor storage.
- (4) Light manufacturing, production, processing, assembly, fabricating, servicing and repairing of materials, goods or products with no outdoor storage.
- (5) Auto Condos in accordance with the following provisions:
 - i. Auto Condos shall be for the private storage and private leisure by the owner(s) of such space. No commercial activities or businesses shall be permitted in the auto condos, nor shall any auto condo be ever occupied for residential purposes and the following additional conditions shall apply:
 - a) Individual signs shall not be permitted for any units within the development.
 - b) No outdoor storage will be permitted.
 - c) Parking shall be permitted only in the designated parking spaces.

(B) *Accessory uses.* None.

(C) *Conditional uses.* The following conditional uses may be permitted by action of the city council pursuant to subsections [520.09](#), [520.11](#) and [520.13](#):

- (1) Telecommunications towers approved pursuant to [section 540](#) of this Code;
- (2) Any other use determined by the city council to be similar in character to a permitted use, but potentially requiring special conditions to ensure compatibility.

(D) *Physical standards.*

- (1) Minimum Lot Size: per approved general plan
- (2) Minimum Lot Width: per approved general plan
- (3) Front Yard: 50 feet

- | | |
|------------------------------|---------|
| (4) Side Yard: | 20 feet |
| (5) Corner Side Yard: | 20 feet |
| (6) Rear Yard: | 30 feet |
| (7) Residential Properties: | 40 feet |
| (8) Agriculture Properties: | 40 feet |
| (9) Parking and Drive Aisle: | |
| a. Front Yard: | 15 feet |
| b. Side Yard: | 5 feet |
| c. Rear Yard: | 5 feet |

Planning Commission Discussion and Recommendation:

Planning Commissioners reviewed the requested actions and asked questions of staff and the petitioner. Commissioners recommended that the City amend the Planned Development language to suggest that no restaurant type uses would be permitted, until such time as the frontage road is connected to County Line Road. Commissioners discussed the access to the site. Commissioners noted that the ordinance does not permit a commercial development to connect to a residential road. Commissioners believed that the limited number of trips generated by the development could be served by the proposed right in/right out. Commissioners noted that the revised plans with the proposed right of way for a future frontage road satisfied the City's concerns relating to future access. Commissioners recommended that the City Council approve the plans as presented relating to access and the dedication of the future right of way. Commissioners discussed that the recommended landscape plan revisions should be made by the applicant. Commissioners noted the outstanding planning and engineering comments will need to be addressed by the applicant and any approval should be subject to those revisions. Commissioners noted that the proposed building architecture met the criteria outlined in the Urban Commercial zoning district provisions. Commissioners recommended approval of the proposed development to the City Council with the findings and conditions stated in this report.

Discussion:

The City reviewed a concept site plan in 2022 for this property and provided feedback to the applicant and staff. The applicant considered the feedback and direction and has now made a formal application to develop the subject property. The applicant has revised the proposed development to include eight (8) single-family lots along Nelson Road, 120-130 lifestyle auto condominiums and 10,600 SF of commercial/retail space. The proposed lifestyle auto

condominiums would be developed to allow for vehicle storage and would include amenities associated with this type of product (i.e., loft, bathroom, etc.). The applicant and City would work to establish regulations to prohibit overnight stays and limit and define any larger events (i.e., auto show) that could occur on the property. It is acknowledged that the proposed lifestyle auto condominiums would produce less traffic, require fewer public resources, and provide more market valuation than the initial commercial/warehouse development. The facility would be secured, professionally managed, and generally concealed from Highway 12 and Nelson Road.

Approximately 10,600 SF of commercial retail is proposed by the applicant. This area would have Highway 12 frontage and visibility consistent with the City's Comprehensive Plan. The City has reviewed the initial site plan layout and is generally in agreement with the proposed layout. The City would require a more detailed site plan specifically for the proposed Lot 9 development. The plan will need to provide more detail relating to allowed and proposed uses, parking and drive aisle dimensions, landscaping and lighting. In addition, the City will want to consider how/if the site could or would accommodate retail sales such as a drive thru and restaurant. A more detailed parking analysis would need to be completed

In order for the City to consider approval of the proposed plan, the following approvals and steps would be required:

1. Amend the Comprehensive Plan.
 - a. This would re-guide a portion of the property (~16 acres) from AG-Agriculture to Urban Commercial.
2. Rezone that portion of the property indicated from AG-Agriculture to Urban Commercial.
3. Consider Site Plan Review.
4. Consider a Conditional Use Permit to allow a planned unit commercial development on the subject property.
5. Consider Preliminary Plat approval.
6. Consider Final Plat approval.

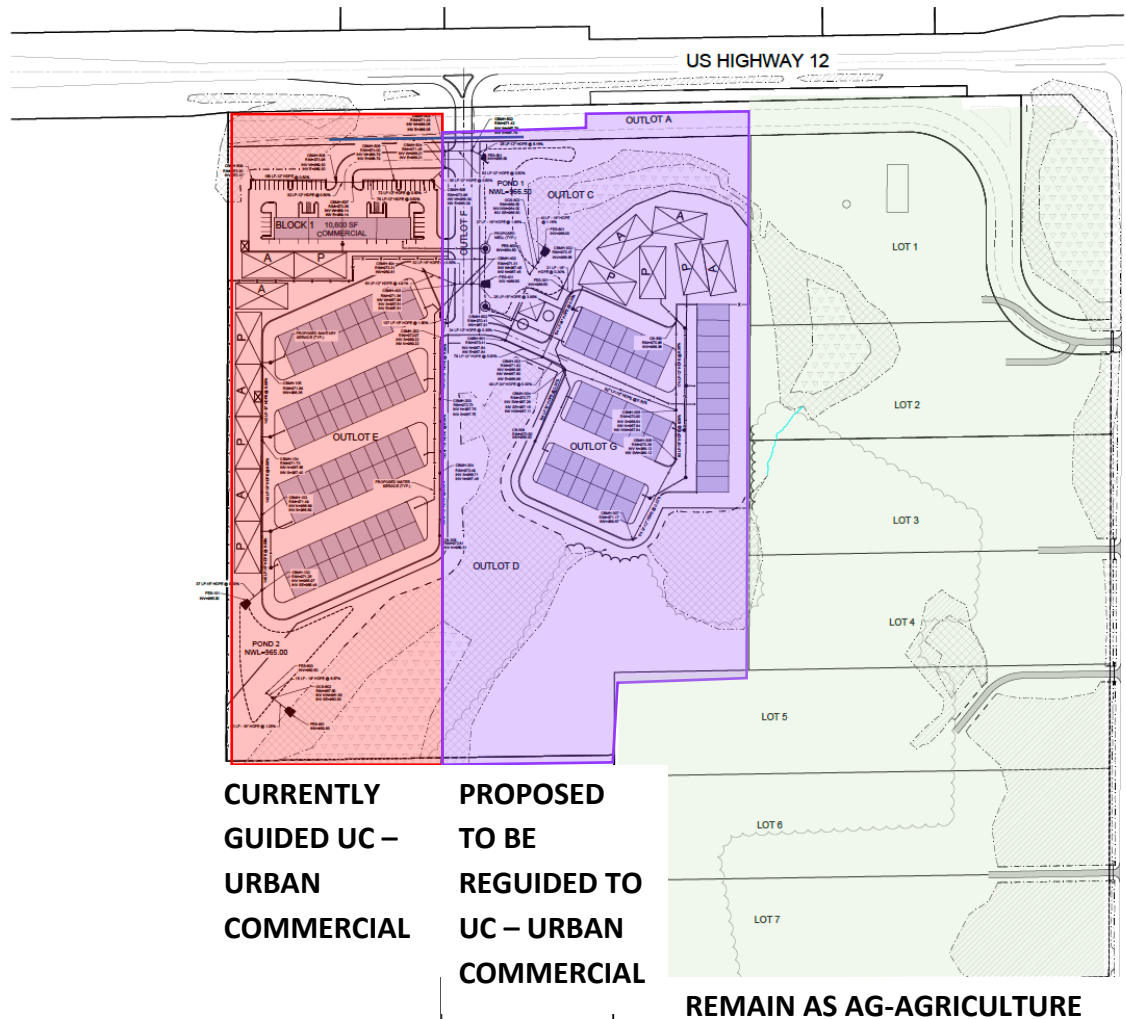
The following land uses are proposed by the applicant (plans attached):

- Commercial office/retail (10,600 SF on ~ 2.33 acres)
- Lifestyle auto condominiums (102 units on ~ 11.98 acres)
- Seven (7) Residential Lots (approximately 3.26 – 4.35 acres each)
- Frontage Road ROW (3.22 acres)

There are several key points of information that should be noted relating to the proposed development:

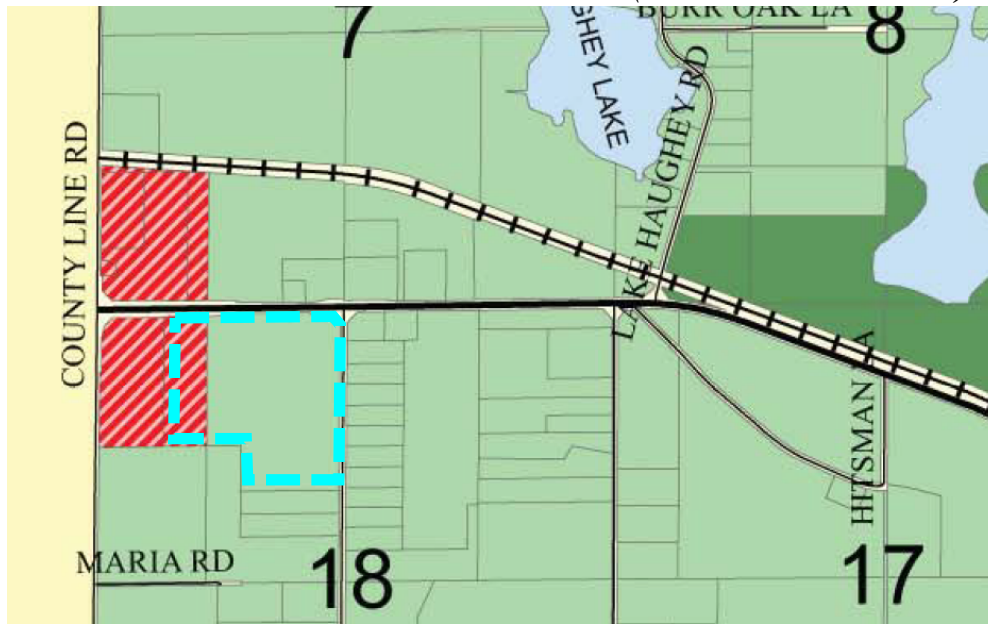
- The entire property is currently zoned AG-Agriculture.
- A portion of the property, approximately 12 acres on the west side is guided by the City's Comprehensive Land Use Plan for Urban Commercial.

- The applicant is asking the City to consider rezoning a larger portion of the property from AG-Agriculture to Urban Commercial (~16 acres).



- The remainder of the property (~28 acres) would remain as AG-Agriculture.
- In order for the property to be rezoned, the City would first need to approve a Comprehensive Plan Amendment. A comprehensive plan amendment process would be subject to approval by the Metropolitan Council.

- **COMPREHENSIVE PLAN MAP (CLIP OF TOTAL MAP)**



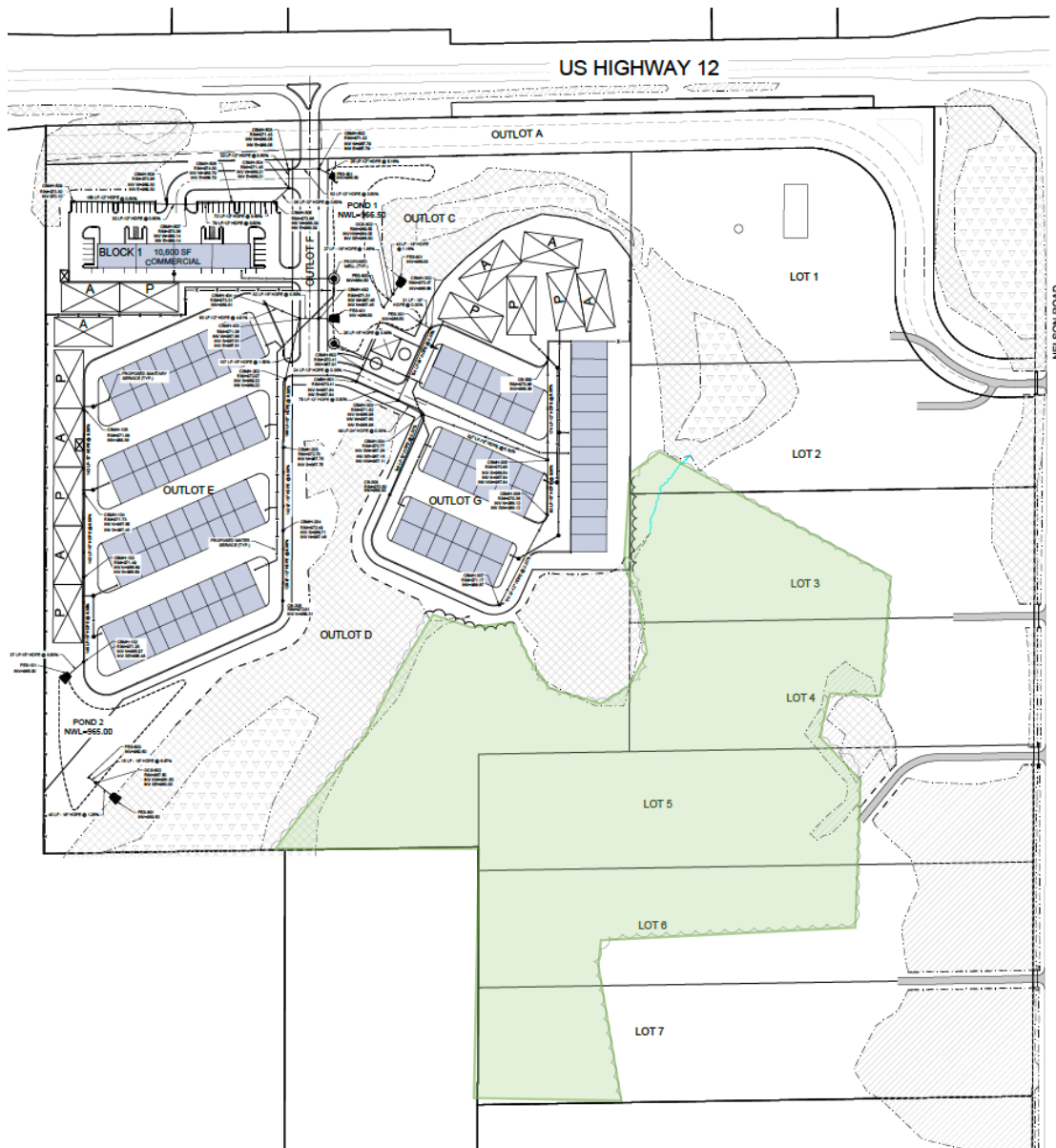
- The initial submittal considered access to Nelson Road and the applicant was notified that the City would not support any commercial access to Nelson Road. The plans submitted include a right in/right out only onto Highway 12 with a future frontage road connection to the west that could connect to County Line Road (shown on site plan). MNDOT has reviewed the plan and provided formal comments to the City and applicant. MNDOT has commented that they would recommend access to this site be provided via a connection to Nelson Road or County Line Road rather than a right in/right out as proposed. As a result of the MNDOT review, access has not been finalized. The issue of access will need to be resolved prior to the City finalizing a decision relating to this application.
- The applicant has provided the City with a traffic study as requested. The study indicates that the proposed development would generate a total of 7 entering and 1 exiting trips during the morning traffic peak and 2 entering and 7 exiting during the afternoon traffic peak hour. A total of 68 trips per day would be generated by the proposed auto condos and commercial retail uses. This would equate to approximately 1 trip every 7 minutes during peak times and approximately 2 trips per hour throughout the remainder of the day (see table below). It is noted that the proposed right in/right out would allow access to the proposed development until such time as a frontage road could be constructed to connect to County Line Road. Staff is seeking direction relating to access and the overall proposal from the Planning Commission and City Council.

Table 1
Trip Generation Zeglin Property

Land Use	ITE Code	AM Peak Hour		PM Peak Hour		Daily Trips
		Enter	Exit	Enter	Exit	
Mini Warehouse (120 Units)	151	1 Trip	0 Trips	1 Trip	1 Trip	19 Trips
Commercial/LI (10.6 k-sf)	110	6 Trips	1 Trips	1 Trip	6 Trips	49 Trips
TOTAL		8 Trips		9 Trips		68 Trips

- Following discussion with Planning and Council, the applicant has revised the plans to include eight (8) residential lots along Nelson Rd. The proposed residential lots mirror the lots across Nelson Rd. to the east. Development of the west side of Nelson into residential lots that are similar to those in existence would provide additional buffering of the proposed commercial development. It is noted that the existing residential lots directly across and on the east side of Nelson Road from the subject property have approximately 200 LF of frontage. The City's current ordinance would require 250 LF of frontage for all lots greater than 3.49 acres. This would include Lots 1, 2 & 6-8. Lots 3-5 comply with the frontage requirements. The applicant could revise the plan to reduce the acreage of the proposed lots or increase the frontages to meet the specified requirements. The applicant is attempting to mirror the lots across the street; however, those lots are all less than 3.49 acres in size.
- The City noted in its initial review that the potential wetland impact associated with the development of driveways to serve the lots was a concern. The applicant has revised the plans to show the extent of the wetland impacts and is now proposing to utilize shared driveways for Lots 1&2, 3&4 and 6&7. Utilization of shared driveways would reduce the wetland impacts and the number of driveways located along Nelson Road.
- The applicant is proposing to provide on-site sewer (septic) and on-site water to serve the proposed development. The applicant has provided a report indicating how the development of on-site water would serve the fire suppression requirements for the proposed development. The City is continuing to evaluate and study the possibility of establishing a municipal well/water service in the location of the Urban Commercial to serve commercial development on the north and south sides of Highway 12. Should the proposed development move forward, the City will provide additional information relating to a municipal well to Council for consideration.
- The applicant has completed a wetland delineation for the property. The City initially provided feedback to the applicant relating to the potential wetland impacts. The applicant is proposing to mitigate the impacted wetlands utilizing the purchase of wetland credits. Approximately 31.36 acres of the subject property is wetlands. The applicant is proposing to impact 2.48 acres of the total wetland area (> 8%). The potential wetland impacts would need to be reviewed and approved by the City. Further review of the wetland mitigation plan would occur following an initial City approval.

- Stormwater management has been proposed for the development. The City has completed an initial review of the stormwater management plan and provided high level comments to the applicant. The proposal includes 3 stormwater ponds that would accommodate stormwater generated from the commercial portion of the proposed development. The City will continue to work with the applicant and would anticipate a more detailed submittal and calculations relating to the stormwater plan should the project proceed to final plat.
- The applicant is proposing to preserve a large portion of the mature trees on the property (see gray area below).



The applicant has provided the City with a robust package of details and information relating to the proposed development. The proposed lifestyle auto condominium illustrations appear to utilize high quality building materials and a sophisticated design that is unique for this product in the metro area. There are many details that will need to be finalized prior to the City being able to formally act on the proposed site development and preliminary plat. Due to the significant number of pieces included in the proposed site development, staff would like additional direction and feedback relating to the overall proposal so that additional review and direction can be provided to the applicant. In particular, staff is seeking additional review and direction relating to the proposed land use, expansion of the UC – Urban Commercial zoning district, access to the property and the development of the residential properties on Nelson Road. It is anticipated that following discussion and additional direction, the City would be able to work with the applicant to finalize the preliminary plans and bring back additional information and any revisions recommended for further consideration. It is also anticipated that the City and applicant will have further discussions with MNDOT relating to their recommended access for this property.

Recommendation:

The Planning Commission recommended approval of the proposed development and applications with the following findings and conditions:

1. The proposed Rezoning, Site Plan Review, Conditional Use Permit and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Rezoning, Site Plan Review, Conditional Use Permit and Preliminary Plat will be subject to the following:
 - a. The Applicant shall make all revisions required and as noted within this report, by the Planning Commission and City Council. The revisions include but are not limited to the following:
 - i. Revise the preliminary plat to address all applicable comments and to provide for all requisite easements.
 - ii. Provide a legal description for the property.
 - iii. Revise the landscape plans as requested and noted in the staff report.
 - iv. Revise the lighting plans to incorporate the requested parking lot lighting for the proposed commercial retail building.
 - v. Revise the building plans to indicate mechanical equipment locations and if applicable, proposed screening of all equipment.

- vi. Provide the City with all reports and certifications relating to the proposed septic fields as shown on the plans.
 - vii. Revise the plans to address all Fire Department comments and requirements.
- b. The Applicant shall address all comments and applicable requirements pertaining to the water resources and engineering as outlined in the respective review letters from Hakanson Anderson Associates and Bolton & Menk, Inc.
 - c. The Applicant shall make all recommended and required revisions and receive final approval for all proposed and regulated improvements from MNDOT.
 - d. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Commission.
 - e. The Applicant shall enter into a development agreement with the City for this development.
 - f. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - g. The Applicant shall dedicate the future frontage road right of way as depicted on the preliminary plat.
 - h. The Applicant shall provide the City with copies of the final lifestyle garage condominium covenants, including information related to the maintenance of the common private roads.
 - i. The Applicant shall provide the City with a shared driveway and maintenance agreement and requisite easements for those proposed residential lots with a shared driveway condition.
 - j. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
 - k. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
- 3. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary plat and conditional use permit.
 - 4. The Applicant shall enter into a Planned Development Agreement with the City. The Planned Development Agreement will stipulate all standards associated with the planned development and will be considered for adoption concurrently with the final plat.

5. The Applicant shall submit the final plat and title work to the City within ninety (90) days of the City Council approval of the Preliminary Plat.

Attachments:

- 1. ORDINANCE 2023-01**
- 2. RESOLUTION No. 2023-0307-03**
3. Application
4. Applicants Narrative
5. Site Plan Package
6. Building Illustrations
7. Wetland Mitigation Plans
8. Access Assessment
9. Traffic Report
10. Fire Truck Turning Simulation Plan



ORDINANCE OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 2023-01

**AN ORDINANCE AMENDING THE CITY OF INDEPENDENCE
ZONING CODE, INCLUDING ZONING MAPS**

THE CITY OF INDEPENDENCE, MINNESOTA DOES ORDAIN:

Section 1. The City of Independence Zoning Code be amended to rezone 16 acres of the property identified as (PID No. 18-118-24-21-0001) from A-Agriculture to UC-Urban Commercial and legally described as follows:

(LEGAL DESCRIPTION TO BE INSERTED)

Section 2. The City Administrator is hereby directed to amend the City of Independence Zoning Ordinance, including Zoning Maps, in accordance with the foregoing amendment.

Section 3. Effective date. This ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Adopted this 7th day of March 2023.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 23-0307-03

**RESOLUTION APPROVING AN AMENDMENT TO THE 2040 COMPREHENSIVE
PLAN, A CONDITIONAL USE PERMIT TO ALLOW A PLANNED DEVELOPMENT,
SITE PLAN REVIEW OF A COMMERCIAL DEVELOPMENT AND A PRELIMINARY
PLAT AS RECOMMENDED BY THE CITY OF INDEPENDENCE PLANNING
COMMISSION AND CITY COUNCIL**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2019 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, William Stoddard (Applicant) and J F Zeglin Jr & M D Zeglin (Owners) request approval of a comprehensive plan amendment, conditional use permit, site plan review and preliminary plat to support the development of the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001) (the “Property”); and

WHEREAS, the Property is legally described on **Exhibit A** attached hereto; and

WHEREAS, the preliminary plat and site plan is further depicted on **Exhibit B** attached hereto; and

WHEREAS, the Property is zoned AG-Agriculture and UC-Urban Commercial; and

WHEREAS, the City of Independence (hereinafter the City), in accordance with the Land Use Planning Act (Minn. Stat. 473.145-473.871) has developed a Comprehensive Plan; and

WHEREAS, in December 2019 the City of Independence adopted the 2040 Comprehensive Plan to promote the health, safety and welfare of the City by effectively guiding long-range growth and development within the City; and

WHEREAS, a public hearing was held on January 17th and February 21, 2023 wherein the following Comprehensive Plan amendment herein adopted was reviewed and commented on by members of the public; and

WHEREAS, the City of Independence Planning Commission reviewed the Comprehensive Plan Amendment, found the amendment to be consistent with the vision of the Comprehensive Plan; and

WHEREAS, after said public hearing, the City Council will decide whether to adopt the proposed amendment to the Comprehensive Plan subject to approval by the Metropolitan Council; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Independence; and

WHEREAS, this Comprehensive Plan may from time to time be amended; and

WHEREAS, a public hearing was held on January 17th and February 21, 2023 to also consider and review the applications for rezoning, conditional use permit, site plan review and preliminary plat following mailed and published notice as required by law; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Independence City Council that the recommended Comprehensive Plan amendment is hereby adopted as a part of the City of Independence Comprehensive Plan, subject to the approval of the Metropolitan Council; and

BE IT FURTHER RESOLVED, by the City of Independence City Council that it should and hereby does approve the application by William Stoddard for rezoning, site plan review, conditional use permit and preliminary plat to allow the proposed development of the subject property per the City's zoning and subdivision regulations with the following findings and conditions:

1. The proposed Rezoning, Site Plan Review, Conditional Use Permit and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Rezoning, Site Plan Review, Conditional Use Permit and Preliminary Plat will be subject to the following:
 - a. The Applicant shall make all revisions required and as noted within this report, by the Planning Commission and City Council. The revisions include but are not limited to the following:
 - i. Revise the preliminary plat to address all applicable comments and to provide for all requisite easements.
 - ii. Provide a legal description for the property.

- iii. Revise the landscape plans as requested and noted in the staff report.
 - iv. Revise the lighting plans to incorporate the requested parking lot lighting for the proposed commercial retail building.
 - v. Revise the building plans to indicate mechanical equipment locations and if applicable, proposed screening of all equipment.
 - vi. Provide the City with all reports and certifications relating to the proposed septic fields as shown on the plans.
 - vii. Revise the plans to address all Fire Department comments and requirements.
- b. The Applicant shall address all comments and applicable requirements pertaining to the water resources and engineering as outlined in the respective review letters from Hakanson Anderson Associates and Bolton & Menk, Inc.
 - c. The Applicant shall make all recommended and required revisions and receive final approval for all proposed and regulated improvements from MNDOT.
 - d. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Commission.
 - e. The Applicant shall enter into a development agreement with the City for this development.
 - f. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - g. The Applicant shall dedicate the future frontage road right of way as depicted on the preliminary plat.
 - h. The Applicant shall provide the City with copies of the final lifestyle garage condominium covenants, including information related to the maintenance of the common private roads.
 - i. The Applicant shall provide the City with a shared driveway and maintenance agreement and requisite easements for those proposed residential lots with a shared driveway condition.
 - j. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
 - k. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.

3. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary plat and conditional use permit.
4. The Applicant shall enter into a Planned Development Agreement with the City. The Planned Development Agreement will stipulate all standards associated with the planned development and will be considered for adoption concurrently with the final plat.
5. The Applicant shall submit the final plat and title work to the City within ninety (90) days of the City Council approval of the Preliminary Plat.

This resolution was adopted by the City Council of the City of Independence on this 7th of March 2023, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

EXHIBIT B

(Site Plan and Preliminary Plat)

***Mixed Use Development Application for a 58 Acre Parcel
Located on State Hwy 12 & Nelson Road in Independence for a
Business Park, Upscale Life-Style Auto Condo & Residential
Home Development***

Proposed Application Summary:

Our proposed development by SH Ventures, Inc. (Stoddard Companies) is for a Mixed Use Development to include commercial space, upscale Life-Style Auto Condos and eight single family home lots abutting Nelson Road. We are proposing to create one commercial building along the south border of Hwy 12, approximately eight buildings containing approximately 120-130 auto condos and eight residential lots along Nelson Road of approximately 3.21-4.35 acres each and 200+ feet of Nelson Road frontage. The property is Zoned Agricultural on this Future Comprehensive Planned property of Urban Commercial and Agricultural.

We are applying for:

- Comp Plan Amendment to add a portion of the property from Ag to Urban Commercial;
- Rezoning to allow the property to be rezoned;
- Conditional Use Permit to consider a PUD;
- Site Plan Review; and
- Preliminary Plat.

Since Our Concept Stage Application we have reduced the density, scale and mass of our proposed development significantly by omitting the two larger structures and increased our proposed residential lots from three lots to eight. We are proposing one commercial building over 10,000 sf on the property fronting Hwy 12, with our private, gated auto condo phase south of the commercial. We are proposing access to this phase of the development from Hwy 12 in our Legal 60 ft. wide MnDot open access area-refer to Exhibit #12. We have also added an area to permit commercial/auto condo access directly to County Line Road if we are able to work our something with our Western neighbor.

We additionally have enhanced the rural feel of our project by developing around the existing wetlands therefore allowing more space between buildings and have also increased our residential area to eight lots on 30.5 acres which is also 52.6% of the

58 acre site. Only residential access from the eight residential Lots is proposed on Nelson Road. We are proposing to keep the existing metal outbuilding and small concrete silo on Lot 1 while demolishing the existing house and other outbuildings in that area for our redevelopment.

Mixed Use Development Features:

Commercial: We are proposing one building of 10,600 sf to eventually be home to likely 1-3 businesses to serve the community.

Life-Style Auto Condos: We are proposing approximately 151,900 sf of 120-130 upscale Life-Style Auto Condos. Additional on-site parking will accommodate potential events about 6-8 times/year to be competitive in the marketplace. We will have supervised event parking and private security for events and a Condo Homeowners Association will be required of all members to control storage, prohibit overnight stays and maintain grounds maintenance.

Residential Lots: We have increased the amount of proposed residential Lots to eight total to enhance the rural nature of the surrounding area to be compatible with the residential Lots on the east side of Nelson Road. Lots will have a minimum of 200 ft. Nelson Road frontage and be similar or larger than the residential Lots on the east side of Nelson Road.

City of Independence Comprehensive Plan:

The City of Independence Comprehensive Plan 2040 states various Visions, Goals and Policies it desires with its land planning including:

- Promoting & attracting quality industrial and commercial business to the City of Independence;
- Working to update official controls and ordinances to accommodate the projected comprehensive plan; and
- Maintaining an economic balance and enhance the geographic advantage of the City.

Our proposed development helps realize Independence's Vision by:

- Entitling our proposed mixed use development paving the way for constructing buildings featuring commercial with employment opportunities, auto condo and residential home options on underutilized land on this transportation corridor;
- Taking geographic advantage of the abutting City of Delano's commercial offerings to our western Independence location; and
- Increase the Tax Base by a conservative number of \$47,000,000.00 for the community which potentially helps offset other property taxes citywide.

There has been a strong demand for similar projects and our proposed development aims to raise the bar and deliver beautifully designed commercial and auto condo space designed by award winning ESG Architects with ample open outdoor space. This market is burgeoning, and our proposed development may add north of \$47,000,000.00 to the local tax base, while not requiring municipal sewer service. Municipal water service would be a strong plus however project is possible with water well service.

We have designed ample open space with setbacks from abutting properties to the east, west and south. We have attached architectural renderings and civil engineering plans in attached Exhibits. This Narrative and accompanying Plans & Exhibits will further detail items as requested by City requirements with additional information on Legal Site access, market research, septic system design, life safety and traffic analysis 7 trip generation also in attached Exhibits 1 thru 12.

Application Information:

- (a) **General Information:** Names and addresses of existing landowner and applicant found on attached Exhibit #1- PID's & Legal Description of Property and on City Application Form. Professional Consultants for our proposed development include:

Architect:	ESG Architecture & Design 500 S. Washington Ave. #1080 Minneapolis, MN 55415
------------	------------------------------------------------------------------------------------

Civil Engineer: Anderson Engineering of MN, LLC
13605 1st Ave. N #100
Plymouth, MN 55441

Traffic Engineer: Swing Traffic Solutions
4290 Norwood Land North
Plymouth, MN 55442

Attorney/Legal: Messerli & Kramer
1400 Fifth Street Towers
100 South Fifth St.
Minneapolis, MN 55402

Title Company: Custom Homes Builders Title LLC
10850 Old County Rd 15 #100
Plymouth, MN 55441

The place-setter name of “Independence Mixed Use Development” will be used until next Application stage. Applicant and landowner confirm that a valid purchase agreement exists, and a title commitment is provided from Custom Homes Builders Title LLC of Plymouth, MN.

- (b) **Present Status:** Address of vacant land is 9285 US Highway No. 12 with property Identification Information and legal addresses attached. Existing Zoning is Agricultural and is guided for Urban Commercial and Ag in the Comprehensive Land Use Plan. The Comprehensive Land Use Plan is attached as Exhibit #2 and the Wetland Investigation Report and Notice of Decision is attached as Exhibit #3. An updated site survey is being currently obtained.
- (c) **Site Conditions:** Site conditions depict a relatively flat site currently being farmed with a farmhouse, outbuildings and large wooded area. Topography, drainage patterns and any other significant features per Survey.
- (d) **Architectural Renderings of Proposed Development:** Refer to attached Exhibit #4 -Architectural Renderings by ESG Architects depicting Upscale Auto Condos and Commercial featuring external façade showcasing glass panel, metal architectural ornamentation and more for low maintenance requirements.

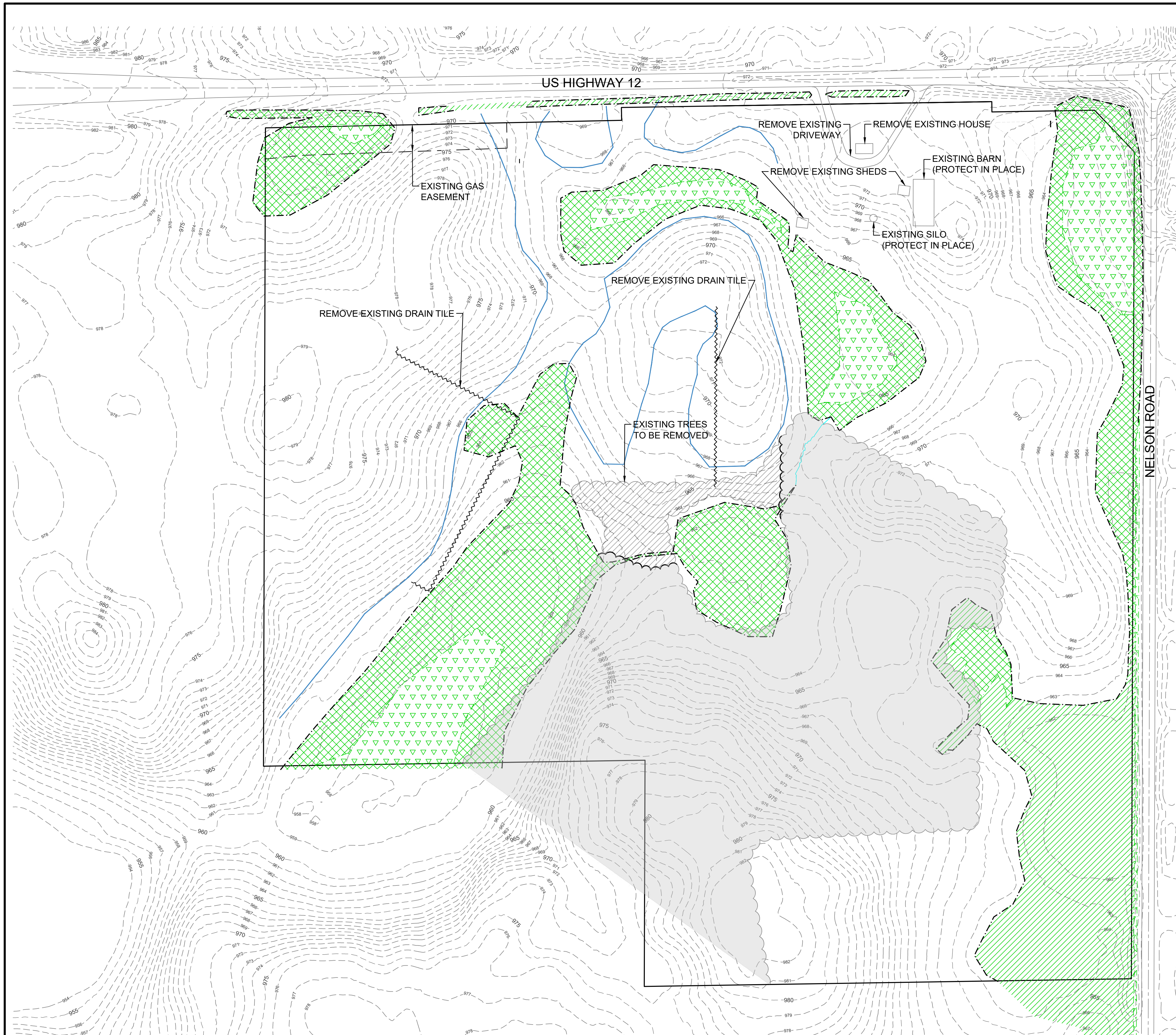
- (e) **Civil Engineering & Landscape Plan by Anderson Engineering:** Please refer to attached Exhibit #5 for plans featuring very large areas of open space being left untouched in our development per our site plan.
- (f) **Utilities Plan:** A Utilities plan will is attached with the sanitary septic designed by a registered engineer & designer. Ample space exists for this low usage need and while City water would be a huge advantage to this development, water can be provided for its water needs including fire safety refer to Exhibit #9- Water Well Capacity Memorandum by Anderson Engineering.
- (g) **Legal Opinion of Hwy 12 MnDot Access:** A Legal Opinion Letter regarding our Hwy 12 MnDot Access by Messerli & Kramer is provided in Exhibit #6.
- (h) **Trip Generation Analysis:** A Trip Generation Analysis concluding the limited amount of traffic generated by our proposed development along with a right-in/right/out safety access lane per STS Traffic Solutions, Vern Swing, PE is attached in Exhibit #12.
- (i) **Additional Exhibits:** Additional Exhibits are attached for information including Market Research, Septic System, Concept Life Safety Fire Suppression Systems and more in attached Exhibits.
- (j) **Additional Information:** Applicant will forward any additional information as requested by City in prompt fashion.

Refer to next page for list of Exhibits

ATTACHED EXHIBITS:

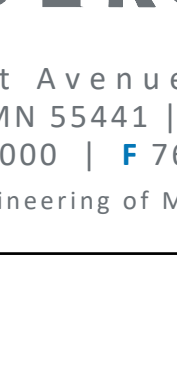
- 1. Property Identification (PID) & Legal Description of Property;**
- 2. Comprehensive Land Use Plan Map;**
- 3. Wetland Investigation Report & Notice of Decision (NOD);**
- 4. Architectural Renderings by ESG Architects;**
- 5. Civil Engineering & Landscape Plan Package by Anderson Engineering;**
- 6. Legal Opinion Letter Regarding Hwy 12 MnDot Access by Messerli & Kramer Law Firm;**
- 7. Market Research/Opinion Letter by Maxfield Research & Consulting;**
- 8. Neighboring Nelson Road Map of SFH Lot Sizes Depicting Proposed New Lots Compatibility with Surrounding Neighborhood;**
- 9. Water Well Capacity Memorandum by Anderson Engineering;**
- 10. Septic System Primary & Alternate Size Design by Homestead Septic;**
- 11. Concept Life Safety Fire Suppression System Options from Summit Fire Consulting; and**
- 12. Trip Generation Analysis by STS Traffic Solutions, Vern Swing, PE.**

Cc: Mark Kaltas
Amber Simon

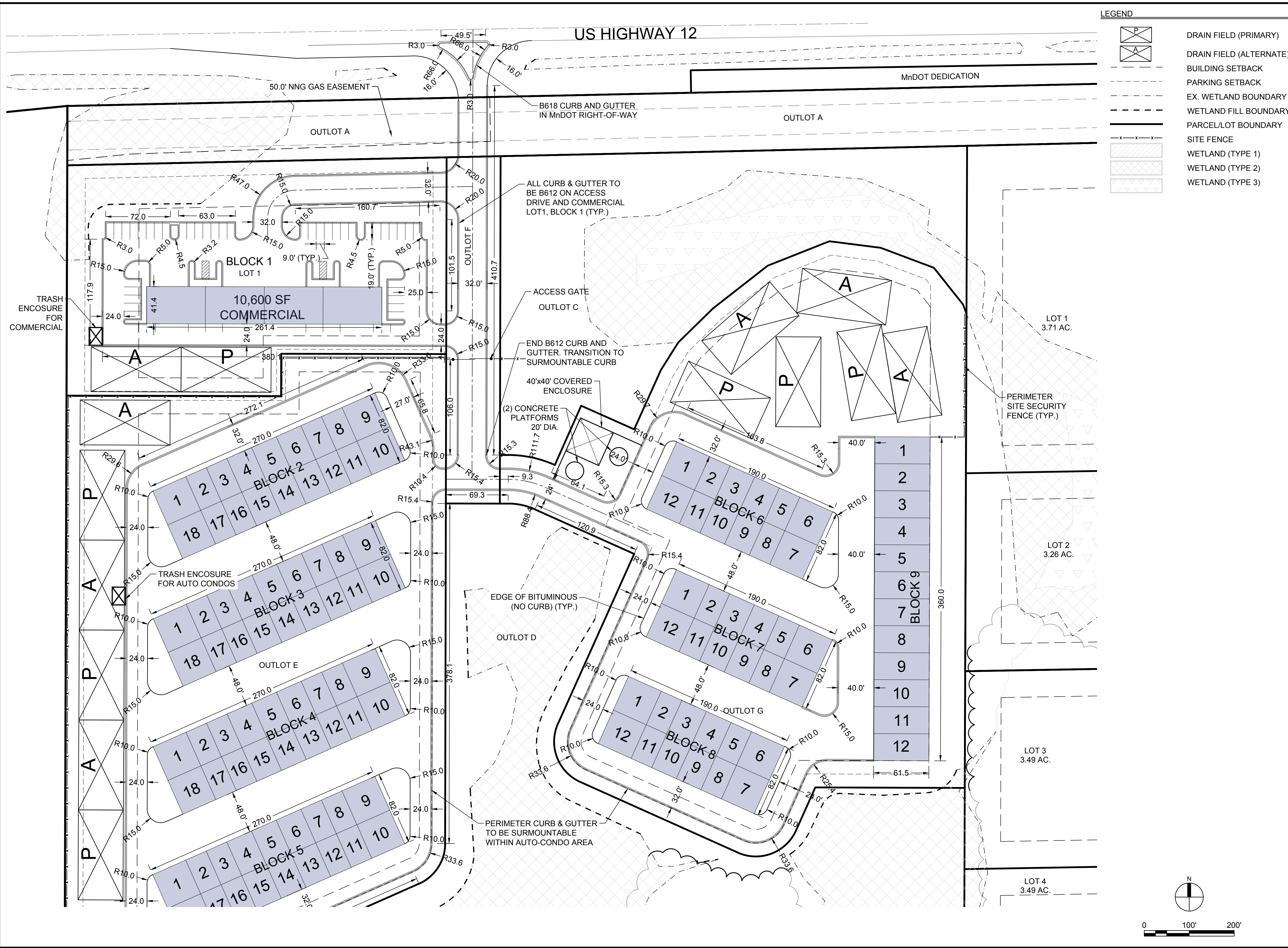


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INDEPENDENCE, MINNESOTA

STODDARD COMPANIES

REVISION LOG

NO.	DATE	DESCRIPTION OF REVISIONS

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DESIGNED:	DRAWN:	CHECKED BY:
LRK	BN/MM	LRK

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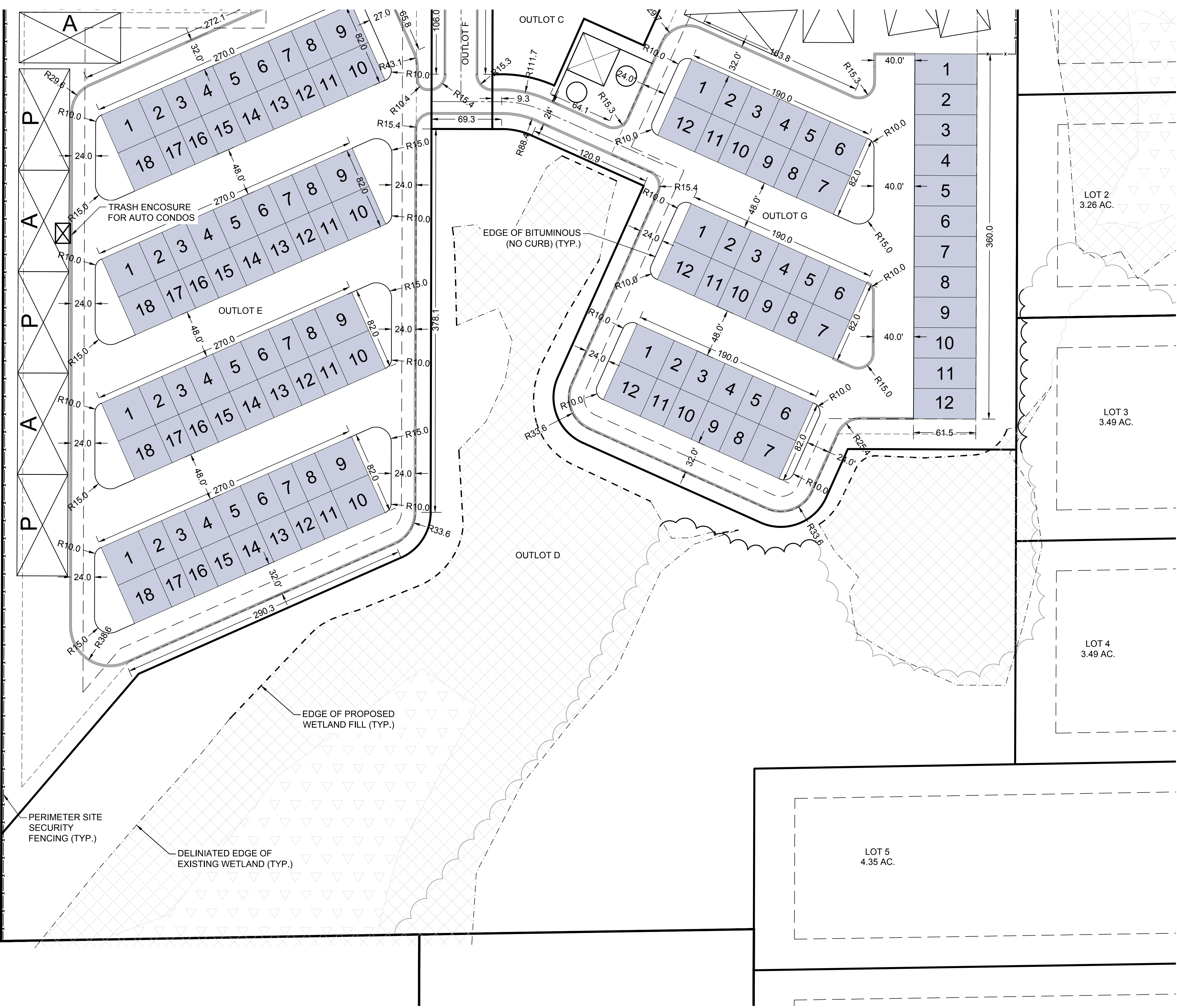
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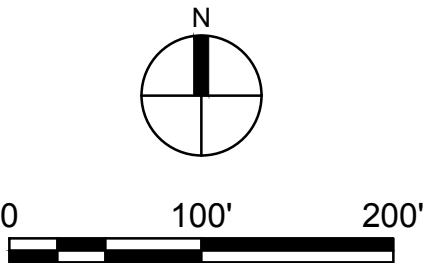
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LEGEND	
	DRAIN FIELD (PRIMARY)
	DRAIN FIELD (ALTERNATE)
	BUILDING SETBACK
	PARKING SETBACK
	EX. WETLAND BOUNDARY
	WETLAND FILL BOUNDARY
	PARCEL/LOT BOUNDARY
	SITE FENCE
	WETLAND (TYPE 1)
	WETLAND (TYPE 2)
	WETLAND (TYPE 3)





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REVISION LOG

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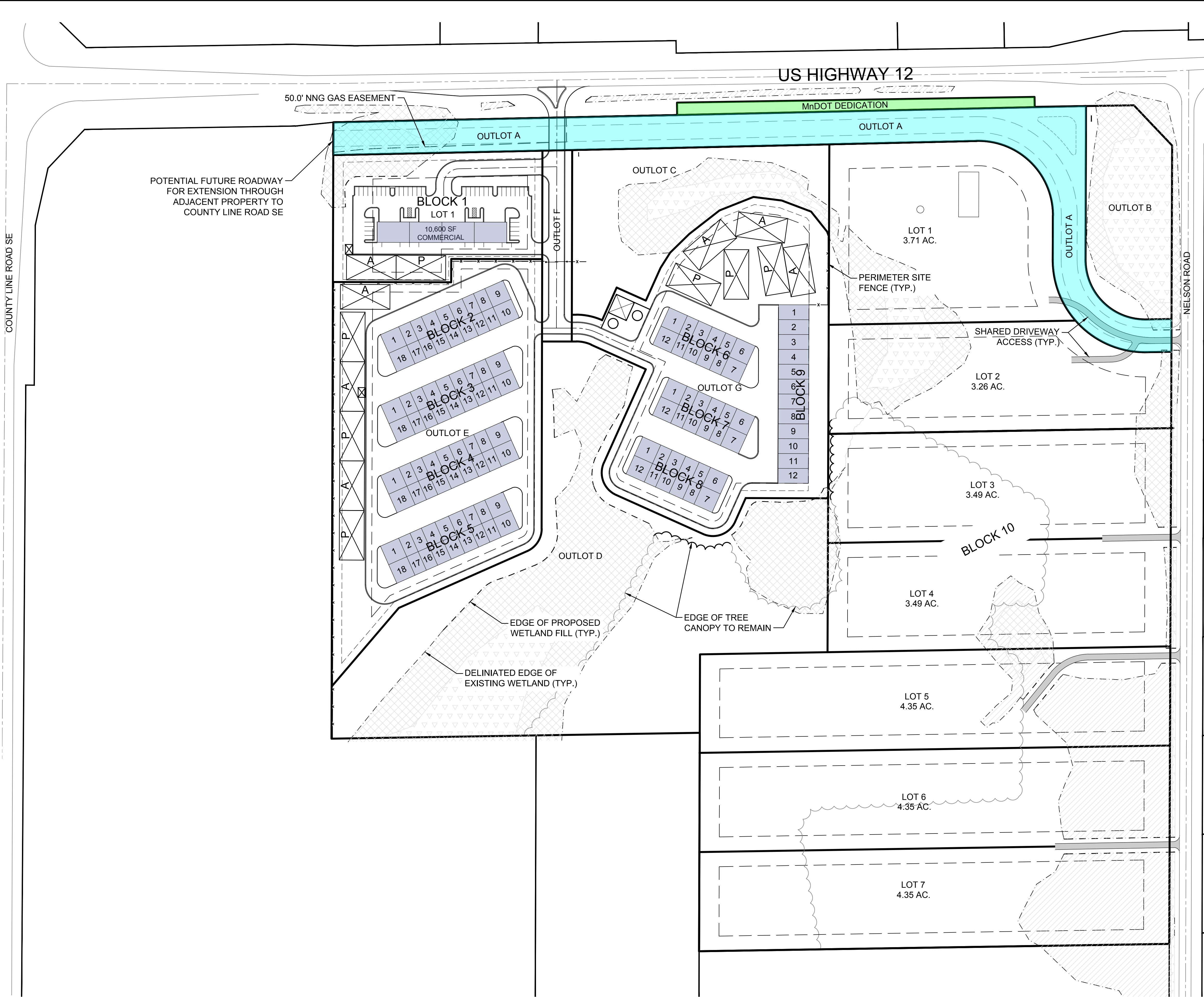
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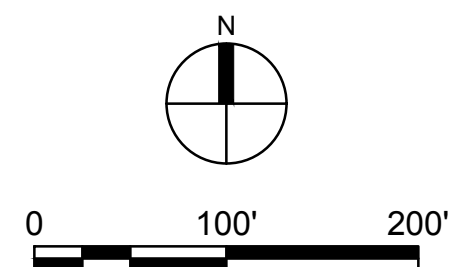
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LEGEND

	DRAIN FIELD (PRIMARY)
	DRAIN FIELD (ALTERNATE)
	BUILDING SETBACK
	PARKING SETBACK
	EX. WETLAND BOUNDARY
	WETLAND FILL BOUNDARY
	PARCEL/LOT BOUNDARY
	DEDICATED TO MNDOT (0.34 ACRES)
	FRONTAGE ROAD (3.22 ACRES)
	WETLAND (TYPE 1)
	WETLAND (TYPE 2)
	WETLAND (TYPE 3)

PARCEL AREAS		
RESIDENTIAL	27.00 ACRES	46.3%
AUTOCONDOS	11.98 ACRES	20.6%
COMMON SPACE/		
OUTLOTS	13.40 ACRES	23.0%
FRONTAGE RD	3.23 ACRES	5.5%
COMMERCIAL	2.33 ACRES	4.0%
MnDOT DEDICATION	0.34 ACRES	0.6%
TOTAL	58.28 ACRES	



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REVISION LOG

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COUNTY LINE ROAD SE

US HIGHWAY 12

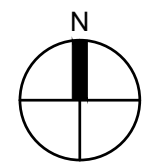
NELSON ROAD

LEGEND

- PROPERTY LIMITS
- PROPOSED WATERMAIN
- FUTURE SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED FENCE
- PRIMARY SEPTIC DRAINFIELD
- ALTERNATE SEPTIC DRAINFIELD
- PROPOSED WATER WELL
- PROPOSED SANITARY MANHOLE
- PROPOSED STORM INLETS
- FES

GENERAL NOTES:

- ALL WATERMAIN ARE REQUIRED TO BE INSTALLED AT 7.5 FEET MINIMUM DEPTH FROM FINISHED GRADE AND PROVIDE MINIMUM 10' HORIZONTAL AND 18" VERTICAL SEPARATION OF ALL WATERMAIN CROSSINGS FROM STORM OR SANITARY SEWER. WATERMAIN TO BE INSULATED PER C.E.A.M. SPECIFICATIONS, WHERE COVER DEPTHS CANNOT BE ACHIEVED. CONTRACTOR SHALL CONTACT THE ENGINEER IF THERE ARE AREAS WHERE MINIMUM COVER DEPTH CANNOT BE MET.
- ALL NEW NON METALLIC SANITARY AND WATER SERVICE PIPE SHALL HAVE TRACER WIRE, PER SPECIFICATIONS.
- SUBSTITUTIONS FROM INFO. SHOWN HERON SHALL BE REVIEWED AND APPROVED BY THE ENGINEER OF RECORD.
- ALL PORTIONS OF THE STORM SEWER SYSTEM LOCATED WITHIN 10 FEET OF THE BUILDING OR WATER SERVICE LINE MUST BE TESTED IN ACCORDANCE WITH MINNESOTA RULES, CHAPTER 4714, SECTION 1109.0.
- PVC SANITARY SEWER MUST MEET ASTM STANDARDS LISTED IN MINNESOTA RULES, CHAPTER 4714, TABLE 701.1 AND INSTALLATION STANDARD 1. FITTINGS MUST COMPLY WITH ASTM D1866, D2665, OR F794 RESPECTIVELY. JOINTS MUST BE APPROVED MECHANICAL OR PUSH-ON UTILIZING ELASTOMERIC SEAL, OR SOLVENT WELDING USING ASTM F656 AND ASTM D2564. THE INSTALLATION MUST COMPLY WITH ASTM D232.
- HDPE STORM SEWERS MUST MEET ASTM F714 (SEE MINNESOTA RULES, CHAPTER 4714, SECTION 1102.4 AND INSTALLATION STANDARD 1.) WATER TIGHT JOINTS MUST BE USED AT ALL CONNECTIONS, INCLUDING STRUCTURES. THE INSTALLATION MUST COMPLY WITH ASTM D2321.
- WATER SERVICE MATERIALS SHALL BE PVC C900. CONTRACTOR SHALL VERIFY EXISTING SERVICE SIZE AND MATERIALS PRIOR TO CONSTRUCTION. ALL INSTALLED PIPE WILL REQUIRE TESTING PER CITY AND STATE REQUIREMENTS. THIS WILL INCLUDE, AT A MINIMUM, CONDUCTIVITY AND PRESSURE TESTING, AS WELL AS TESTING FOR BACTERIA AND PROPER DISINFECTION. FOLLOW C.E.A.M. STANDARD SPECIFICATIONS UNLESS NOTED OTHERWISE. INSTALL TRACER WIRE, JOINT RESTRAINTS AND THRUST BLOCKING ON ALL WATERMAIN PIPE AND FITTING, PER CITY OF MEDINA STANDARDS.
- SANITARY SEWER PIPE MATERIALS SHALL BE PVC SDR 26. PIPE SHALL BE INSULATED PER CITY AND C.E.A.M. STANDARDS WHERE 7.5 FOOT COVER DEPTHS ARE NOT ACHIEVED. THIS APPLIES TO ALL PROPOSED NEW PIPE FOR THIS PROJECT. ALL SANITARY SEWER PIPE WILL REQUIRE TESTING PER CITY AND C.E.A.M. STANDARDS. THIS WILL INCLUDE, AT A MINIMUM, LEAKAGE AND ALIGNMENT TESTING.
- ALL JOINTS AND CONNECTIONS IN THE STORM SEWER SYSTEM SHALL BE WATER TIGHT. APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATER TIGHT CONNECTIONS TO MANHOLES AND CATCH BASINS.



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MIXED USE DEVELOPMENT

INDEPENDENCE,
MINNESOTA

STODDARD COMPANIES

REVISION LOG

NO.	DATE	DESCRIPTION OF REVISIONS

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UTILITY PLAN

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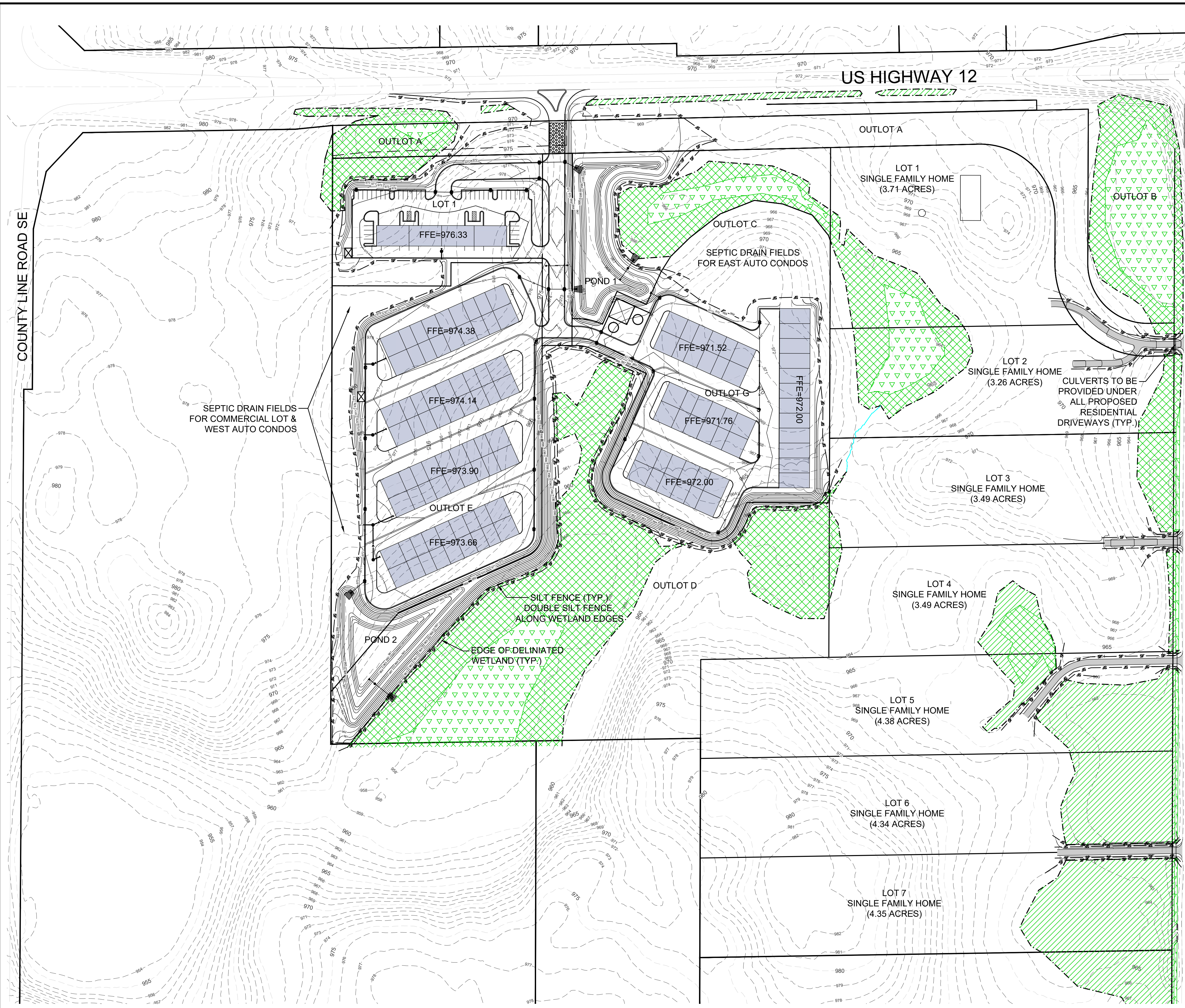
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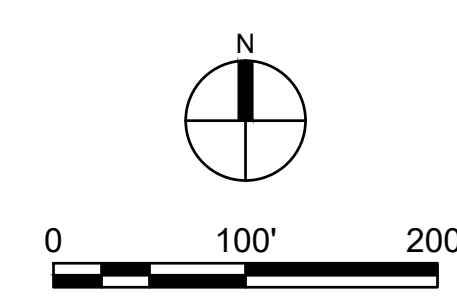


LEGEND

—	PROPERTY LIMITS
- - - 966 - - -	EXISTING MINOR CONTOUR
- - - 965 - - -	EXISTING MAJOR CONTOUR
— 966 —	PROPOSED MINOR CONTOUR
— 965 —	PROPOSED MAJOR CONTOUR
× 959.4	EXISTING SPOT ELEVATION
⇒	DRAINAGE ARROW
—●—●—●—	BIOROLL EROSION CONTROL
—s—s—s—	SILT FENCE
—●—●—●—	PROPOSED STORM SEWER
⊙	INLET PROTECTION
■	RIP RAP FLARED END
▨	ROCK CONSTRUCTION ENTRANCE

NOTES

- ALL EROSION CONTROL MEASURES CALLED FOR ON THESE PLANS, WHICH MAY INCLUDE SILT FENCE, SEDIMENTATION BASINS OR TEMPORARY SEDIMENT TRAPS, SHALL BE CONSTRUCTED AND SERVICEABLE IN THE FOLLOWING ORDER:
 - A. ROCK CONSTRUCTION ENTRANCES.
 - B. SILT FENCE.
 - C. COMMON EXCAVATION AND EMBANKMENT (GRADING)
 - D. SEED AND MULCH OR SOD.
 - E. BIOROLL BARRIERS IN FINISHED GRADED AREAS.
 - F. INLET AND OUTLET FACILITIES SUBSEQUENT TO STORM SEWER WORK.
- GRADING CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL EROSION CONTROL MEASURES AS MAY BE SHOWN ON THESE PLANS OR SPECIFICATIONS. GRADING CONTRACTOR SHALL IMPLEMENT ANY ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED TO PROTECT ADJACENT PROPERTY.
- ALL EROSION CONTROL FACILITIES SHALL BE MAINTAINED BY THE CONTRACTOR DURING GRADING OPERATIONS. ANY TEMPORARY FACILITIES WHICH ARE TO BE REMOVED AS CALLED FOR ON THESE PLANS AND SPECIFICATIONS SHALL BE REMOVED BY THE GRADING CONTRACTOR WHEN DIRECTED BY THE ENGINEER. THE GRADING CONTRACTOR SHALL THEN RESTORE THE SUBSEQUENTLY DISTURBED AREA IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS.
- ALL DISTURBED AREAS, EXCEPT AREAS TO BE PAVED AND/OR SPECIFICALLY DESIGNED BY A LANDSCAPE PLAN, SHALL BE COVERED WITH A MINIMUM 6" OF TOP SOIL. ALL DISTURBED AREAS SHALL BE SEEDED & MULCHED AT THE PRESCRIBED RATES WITHIN 72 HOURS OF FINAL GRADING UNLESS OTHERWISE NOTED.
- ALL EXPOSED SOIL AREAS WITH A CONTINUOUS POSITIVE SLOPE WITHIN 200 LINEAL FEET OF ANY SURFACE WATER, MUST HAVE TEMPORARY EROSION PROTECTION OR PERMANENT COVER FOR THE EXPOSED SOIL AREAS YEAR ROUND, ACCORDING TO THE FOLLOWING TABLE OF SLOPES AND TIME FRAMES.
- IT IS REQUIRED THAT SOILS TRACKED FROM THE SITE BY MOTOR VEHICLES BE CLEANED DAILY FROM PAVED ROADWAY SURFACES THROUGHOUT THE DURATION OF CONSTRUCTION.
- ALL REQUIREMENTS OF THE LOCAL WATERSHED DISTRICT SHALL BE SATISFIED PER THE APPROVED PERMIT.
- ALL EROSION & SEDIMENT CONTROL MEASURES SHOWN ON THIS PLAN AND IMPLEMENTED IN THE FIELD AS DIRECTED BY THE ENGINEER SHALL CONFORM TO THE MPCA'S "PROTECTING WATER QUALITY IN URBAN AREAS: BEST MANAGEMENT PRACTICES FOR MINNESOTA".
- ALL SOLID WASTE/ CONSTRUCTION DEBRIS SHALL BE DISPOSED OF IN ACCORDANCE WITH MPCA REQUIREMENTS. HAZARDOUS MATERIALS SHALL BE STORED/ DISPOSED OF IN COMPLIANCE WITH MPCA REGULATIONS
- INLET SEDIMENTATION CONTROL IS TO BE PROVIDED TO ALL STORM SEWER CATCH BASINS THROUGHOUT CONSTRUCTION. MEASURES APPLIED SHALL COMPLY WITH BEST MANAGEMENT PRACTICES FOR MINNESOTA AND APPLICATIONS OF NPDES PHASE II AS APPROPRIATE FOR PHASE OF CONSTRUCTION.
- CONTRACTOR SHALL PREVENT SOIL LOSS DURING CONSTRUCTION DUE TO WIND EROSION. DUST SHALL BE SUPPRESSED THROUGH THE APPLICATION OF WATER AS DEEMED NECESSARY BY THE CONTRACTOR, OR THROUGH EQUIVALENT BMP'S AS APPROVED BY THE ENGINEER.



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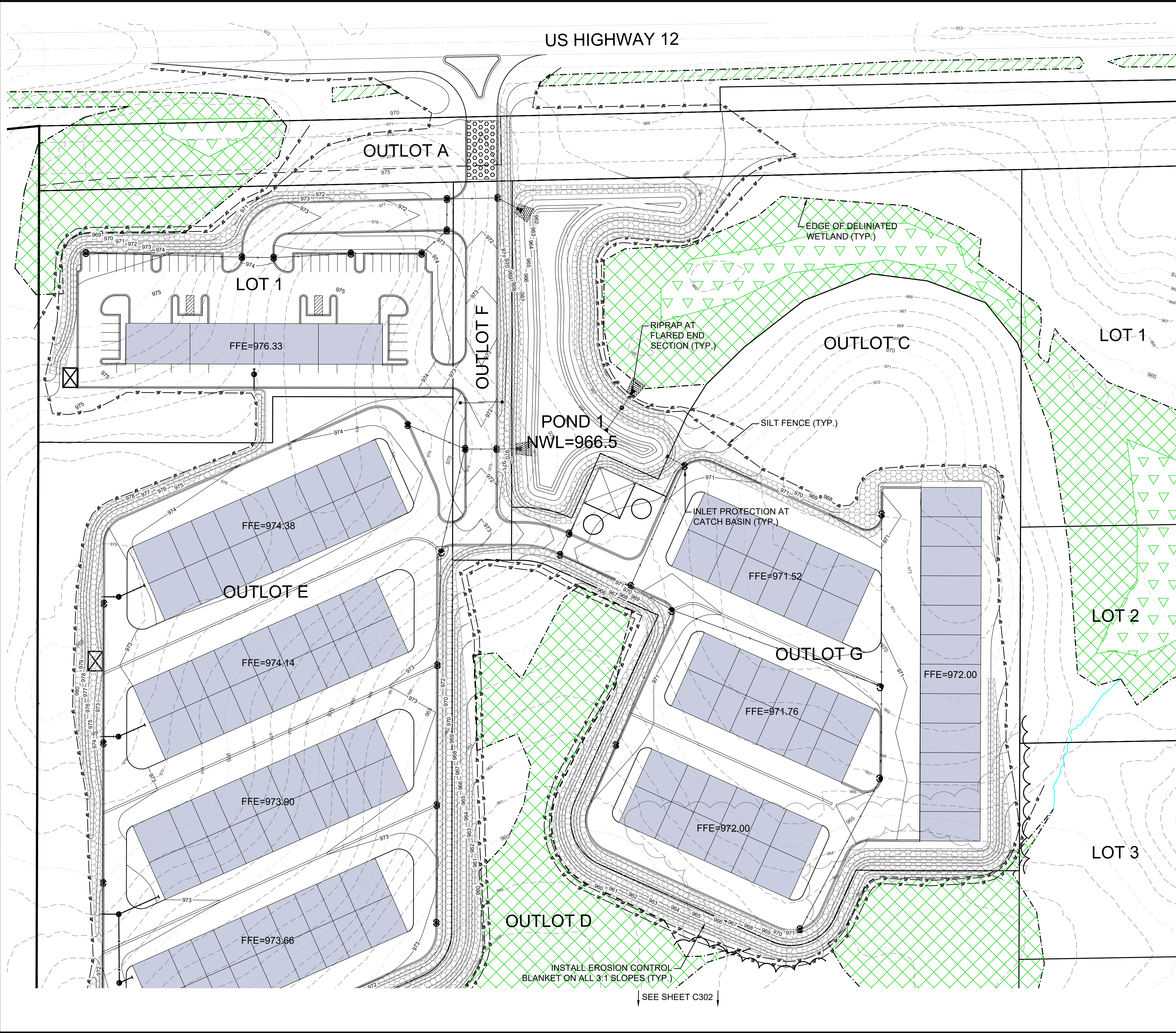
MIXED USE DEVELOPMENT

INDEPENDENCE, MINNESOTA

STODDARD COMPANIES

REVISION LOG		
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M:\\Miller



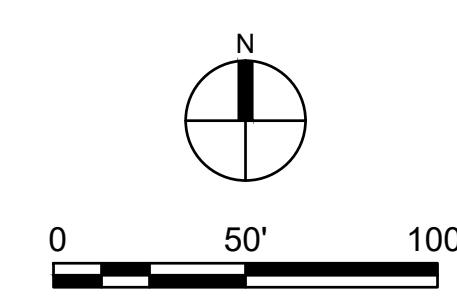
LEGEND

	PROPERTY LIMITS
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	EXISTING SPOT ELEVATION
	DRAINAGE ARROW
	BIOROLL EROSION CONTROL
	SILT FENCE
	WETLAND DELINIATION PROPOSED
	STORM SEWER
	INLET PROTECTION
	RIP RAP FLARED END
	ROCK CONSTRUCTION ENTRANCE

NOTES

- ALL EROSION CONTROL MEASURES CALLED FOR ON THESE PLANS AND SPECIFICATIONS, WHICH MAY INCLUDE SILT FENCE, SEDIMENTATION BASINS OR TEMPORARY SEDIMENT TRAPS, SHALL BE CONSTRUCTED AND SERVICEABLE IN THE FOLLOWING ORDER:
A. ROCK CONSTRUCTION ENTRANCES.
B. SILT FENCE.
C. COMMON EXCAVATION AND EMBANKMENT (GRADING)
D. SEED AND MULCH OR SOD.
E. BIO-ROLL BARRIERS IN FINISHED GRADED AREAS.
F. INLET AND OUTLET FACILITIES SUBSEQUENT TO STORM SEWER WORK.

GRADING CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL EROSION CONTROL MEASURES AS MAY BE SHOWN ON THESE PLANS OR SPECIFICATIONS. GRADING CONTRACTOR SHALL IMPLEMENT ANY ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED TO PROTECT ADJACENT PROPERTY.
- ALL EROSION CONTROL FACILITIES SHALL BE MAINTAINED BY THE CONTRACTOR DURING GRADING OPERATIONS. ANY TEMPORARY FACILITIES WHICH ARE TO BE REMOVED AS CALLED FOR ON THESE PLANS AND SPECIFICATIONS SHALL BE REMOVED BY THE GRADING CONTRACTOR WHEN DIRECTED BY THE ENGINEER. THE GRADING CONTRACTOR SHALL THEN RESTORE THE SUBSEQUENTLY DISTURBED AREA IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS.
- ALL DISTURBED AREAS, EXCEPT AREAS TO BE PAVED AND/OR SPECIFICALLY DESIGNED BY A LANDSCAPE PLAN, SHALL BE COVERED WITH A MINIMUM 6" OF TOP SOIL. ALL DISTURBED AREAS SHALL BE SEEDED & MULCHED AT THE PRESCRIBED RATES WITHIN 72 HOURS OF FINAL GRADING UNLESS OTHERWISE NOTED.
- ALL EXPOSED SOIL AREAS WITH A CONTINUOUS POSITIVE SLOPE WITHIN 200 LINEAL FEET OF ANY SURFACE WATER, MUST HAVE TEMPORARY EROSION PROTECTION OR PERMANENT COVER FOR THE EXPOSED SOIL AREAS YEAR ROUND, ACCORDING TO THE FOLLOWING TABLE OF SLOPES AND TIME FRAMES.
- IT IS REQUIRED THAT SOILS TRACKED FROM THE SITE BY MOTOR VEHICLES BE CLEANED DAILY FROM PAVED ROADWAY SURFACES THROUGHOUT THE DURATION OF CONSTRUCTION.
- ALL REQUIREMENTS OF THE LOCAL WATERSHED DISTRICT SHALL BE SATISFIED PER THE APPROVED PERMIT.
- ALL EROSION & SEDIMENT CONTROL MEASURES SHOWN ON THIS PLAN AND IMPLEMENTED IN THE FIELD AS DIRECTED BY THE ENGINEER SHALL CONFORM TO THE MPCA'S "PROTECTING WATER QUALITY IN URBAN AREAS: BEST MANAGEMENT PRACTICES FOR MINNESOTA".
- ALL SOLID WASTE/ CONSTRUCTION DEBRIS SHALL BE DISPOSED OF IN ACCORDANCE WITH MPCA REQUIREMENTS. HAZARDOUS MATERIALS SHALL BE STORED/ DISPOSED OF IN COMPLIANCE WITH MPCA REGULATIONS
- INLET SEDIMENTATION CONTROL IS TO BE PROVIDED TO ALL STORM SEWER CATCH BASINS THROUGHOUT CONSTRUCTION. MEASURES APPLIED SHALL COMPLY WITH BEST MANAGEMENT PRACTICES FOR MINNESOTA AND APPLICATIONS OF NPDES PHASE II AS APPROPRIATE FOR PHASE OF CONSTRUCTION. CONTRACTOR SHALL PREVENT SOIL LOSS DURING CONSTRUCTION DUE TO WIND EROSION. DUST SHALL BE SUPPRESSED THROUGH THE APPLICATION OF WATER AS DEEMED NECESSARY BY THE CONTRACTOR, OR THROUGH EQUIVALENT BMP'S AS APPROVED BY THE ENGINEER.



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STODDARD COMPANIES

REVISION LOG		
NO.	DATE	DESCRIPTION OF REVISIONS

PRELIMINARY

DESIGNED: LRK	DRAWN: BN/MM	CHECKED BY: LRK
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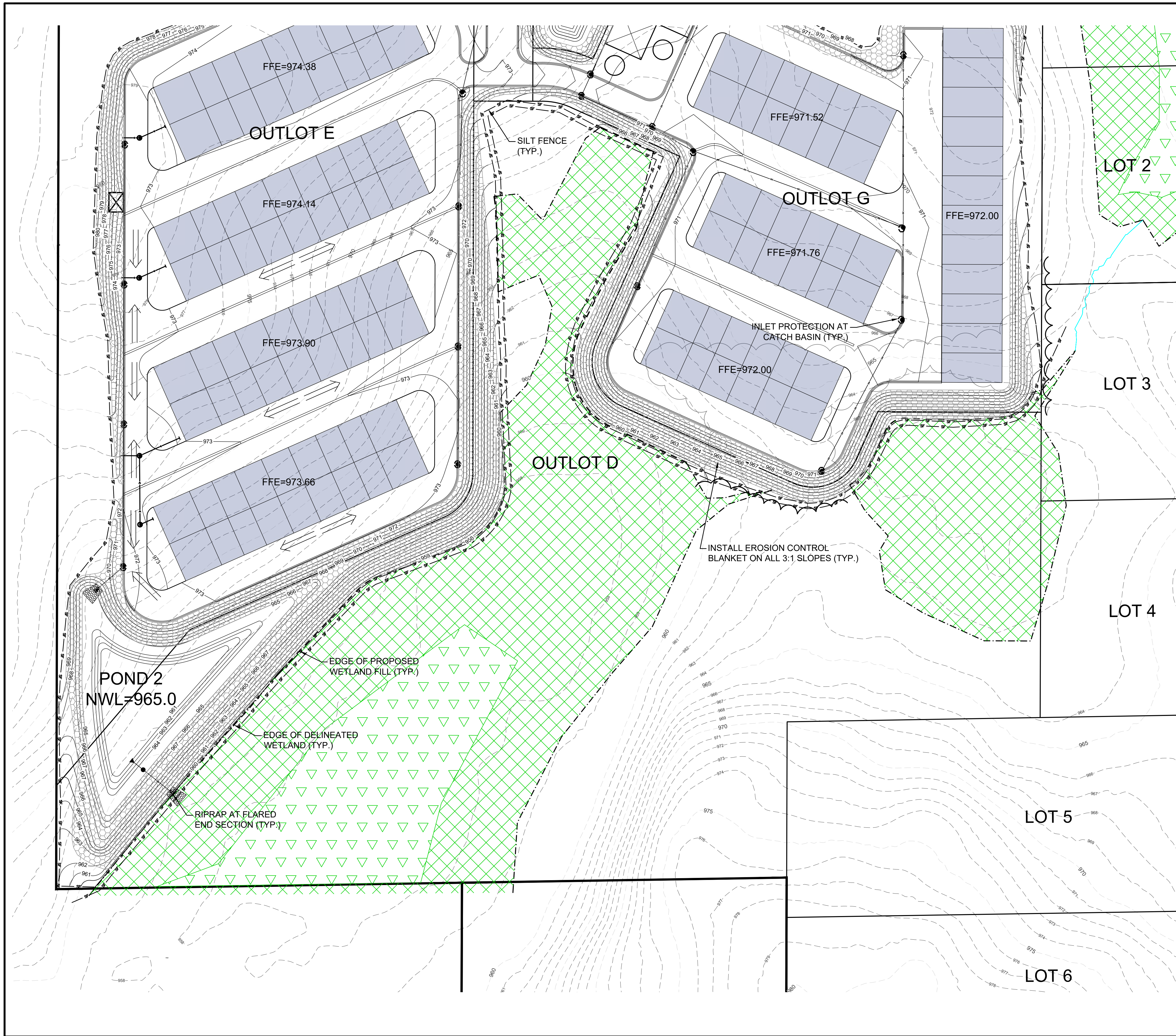
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EROSION CONTROL PLAN (NORTH)

DRAWING NO.

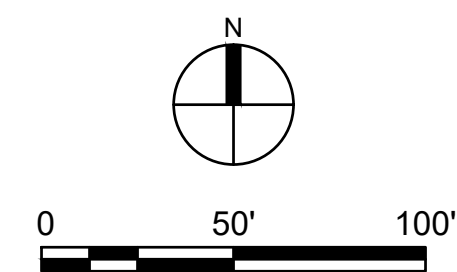
C301

PLOTTED: 02/10/2023	COMM. NO. 16915
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LEGEND	
	PROPERTY LIMITS
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	EXISTING SPOT ELEVATION
	DRAINAGE ARROW
	BIOROLL EROSION CONTROL
	SILT FENCE
	PROPOSED STORM SEWER
	INLET PROTECTION
	RIP RAP FLARED END

- # NOTES
-
1. ALL EROSION CONTROL MEASURES CALLED FOR ON THESE PLANS, WHICH MAY INCLUDE SILT FENCE, SEDIMENTATION BASINS OR TEMPORARY SEDIMENT TRAPS, SHALL BE CONSTRUCTED AND SERVICEABLE IN THE FOLLOWING ORDER:
 - A. ROCK CONSTRUCTION ENTRANCES.
 - B. SILT FENCE.
 - C. COMMON EXCAVATION AND EMBANKMENT (GRADING)
 - D. SEED AND MULCH OR SOD.
 - E. BIO-ROLL BARRIERS IN FINISHED GRADED AREAS.
 - F. INLET AND OUTLET FACILITIES SUBSEQUENT TO STORM SEWER WORK.
 - GRADING CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL EROSION CONTROL MEASURES AS MAY BE SHOWN ON THESE PLANS OR SPECIFICATIONS. GRADING CONTRACTOR SHALL IMPLEMENT ANY ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED TO PROTECT ADJACENT PROPERTY.
 2. ALL EROSION CONTROL FACILITIES SHALL BE MAINTAINED BY THE CONTRACTOR DURING GRADING OPERATIONS. ANY TEMPORARY FACILITIES WHICH ARE TO BE REMOVED AS CALLED FOR ON THESE PLANS AND SPECIFICATIONS SHALL BE REMOVED BY THE GRADING CONTRACTOR WHEN DIRECTED BY THE ENGINEER. THE GRADING CONTRACTOR SHALL THEN RESTORE THE SUBSEQUENTLY DISTURBED AREA IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS.
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 4. ALL EXPOSED SOIL AREAS WITH A CONTINUOUS POSITIVE SLOPE WITHIN 200 LINEAL FEET OF ANY SURFACE WATER, MUST HAVE TEMPORARY EROSION PROTECTION OR PERMANENT COVER FOR THE EXPOSED SOIL AREAS YEAR ROUND. ACCORDING TO THE FOLLOWING TABLE OF SLOPES AND TIME FRAMES.
 5. IT IS REQUIRED THAT SOILS TRACKED FROM THE SITE BY MOTOR VEHICLES BE CLEANED DAILY FROM PAVED ROADWAY SURFACES THROUGHOUT THE DURATION OF CONSTRUCTION.
 6. ALL REQUIREMENTS OF THE LOCAL WATERSHED DISTRICT SHALL BE SATISFIED PER THE APPROVED PERMIT.
 7. ALL EROSION & SEDIMENT CONTROL MEASURES SHOWN ON THIS PLAN AND IMPLEMENTED IN THE FIELD AS DIRECTED BY THE ENGINEER SHALL CONFORM TO THE MPCA'S "PROTECTING WATER QUALITY IN URBAN AREAS: BEST MANAGEMENT PRACTICES FOR MINNESOTA".
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 10. CONTRACTOR SHALL PREVENT SOIL LOSS DURING CONSTRUCTION DUE TO WIND EROSION. DUST SHALL BE SUPPRESSED THROUGH THE APPLICATION OF WATER AS DEEMED NECESSARY BY THE CONTRACTOR, OR THROUGH EQUIVALENT BMP'S AS APPROVED BY THE ENGINEER.



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REVISION LOG

[illegible]

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DRAWING TITLE

EROSION CONTROL PLAN (SOUTH)

DRAWING NO.

C302

PLOTTED:
02/10/2023

COMM. NO.
16915

Feb 10, 2023 - 12:39pm
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MMiller

COUNTY LINE ROAD SE

US HIGHWAY 12

OUTLOT A

OUTLOT B

OUTLOT C

OUTLOT D

EDGE OF DELINIATED
WETLAND (TYP.)

POND 1
NWL= 966.5

POND 2
NWL= 965.0

LOT 8

LOT 9

LOT 10

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

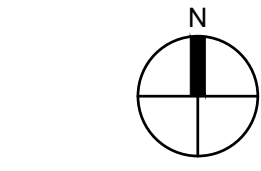
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LEGEND

- PROPERTY LIMITS
- WETLAND DELINEATION LINE
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- DRAINAGE ARROW
- PROPOSED CONCRETE C&G
- SPOT ELEVATION
- FINISHED FLOOR ELEVATION

NOTE

- ALL DISTURBED AREAS TO BE SEEDED OR SODDED PER LANDSCAPE PLAN.
- PROPOSED CONTOURS AND SPOT ELEVATIONS ARE TO FINISHED GRADE.
- NO GRADED SLOPES SHALL EXCEED 3:1 (HOR:VER)
- FINISHED PAVEMENT SHALL BE FLUSH WITH EXISTING ADJACENT PAVEMENT.
- SEE WETLAND MITIGATION PLAN C500 FOR WETLAND IMPACTS.



0 100' 200'



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DRAWING TITLE

OVERALL GRADING
PLAN

DRAWING NO.

C400

PLOTTED: 02/10/2023	COMM. NO. 16915
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US HIGHWAY 12

LEGEND

- PROPERTY LIMITS
- WETLAND DELINEATION LINE
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- DRAINAGE ARROW
- PROPOSED CONCRETE C&G
- SPOT ELEVATION

NOTE

- ALL DISTURBED AREAS TO BE SEED OR SODDED PER LANDSCAPE PLAN.
- PROPOSED CONTOURS AND SPOT ELEVATIONS ARE TO FINISHED GRADE.
- NO GRADED SLOPES SHALL EXCEED 3:1 (HOR:VER)
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- SEE WETLAND MITIGATION PLAN C500 FOR WETLAND IMPACTS.



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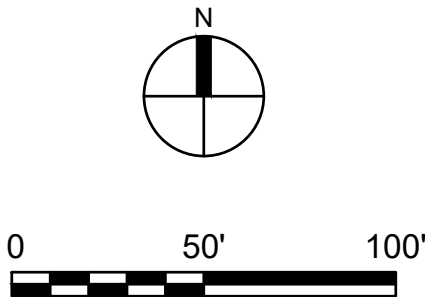
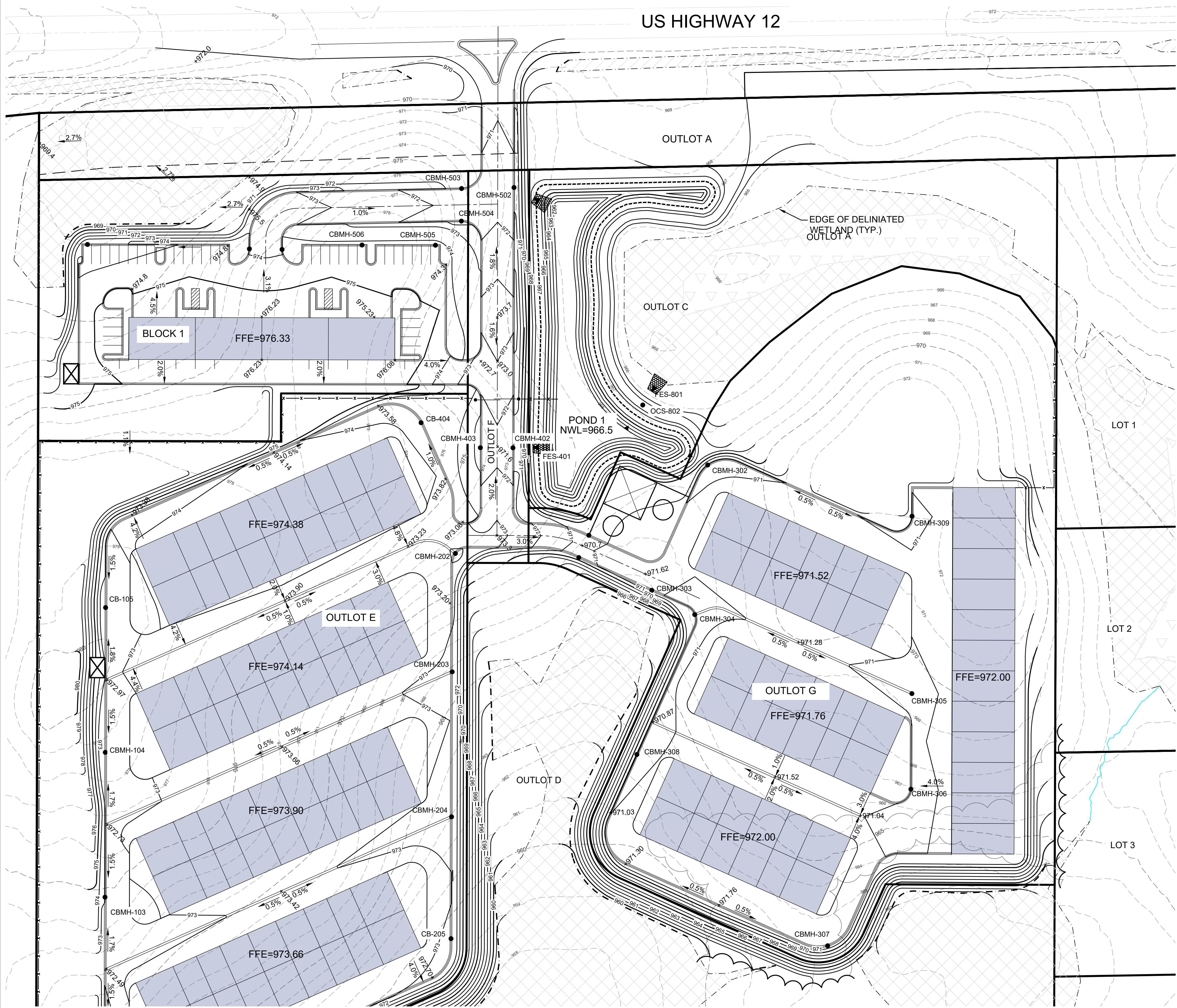
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GRADING PLAN
NORTH

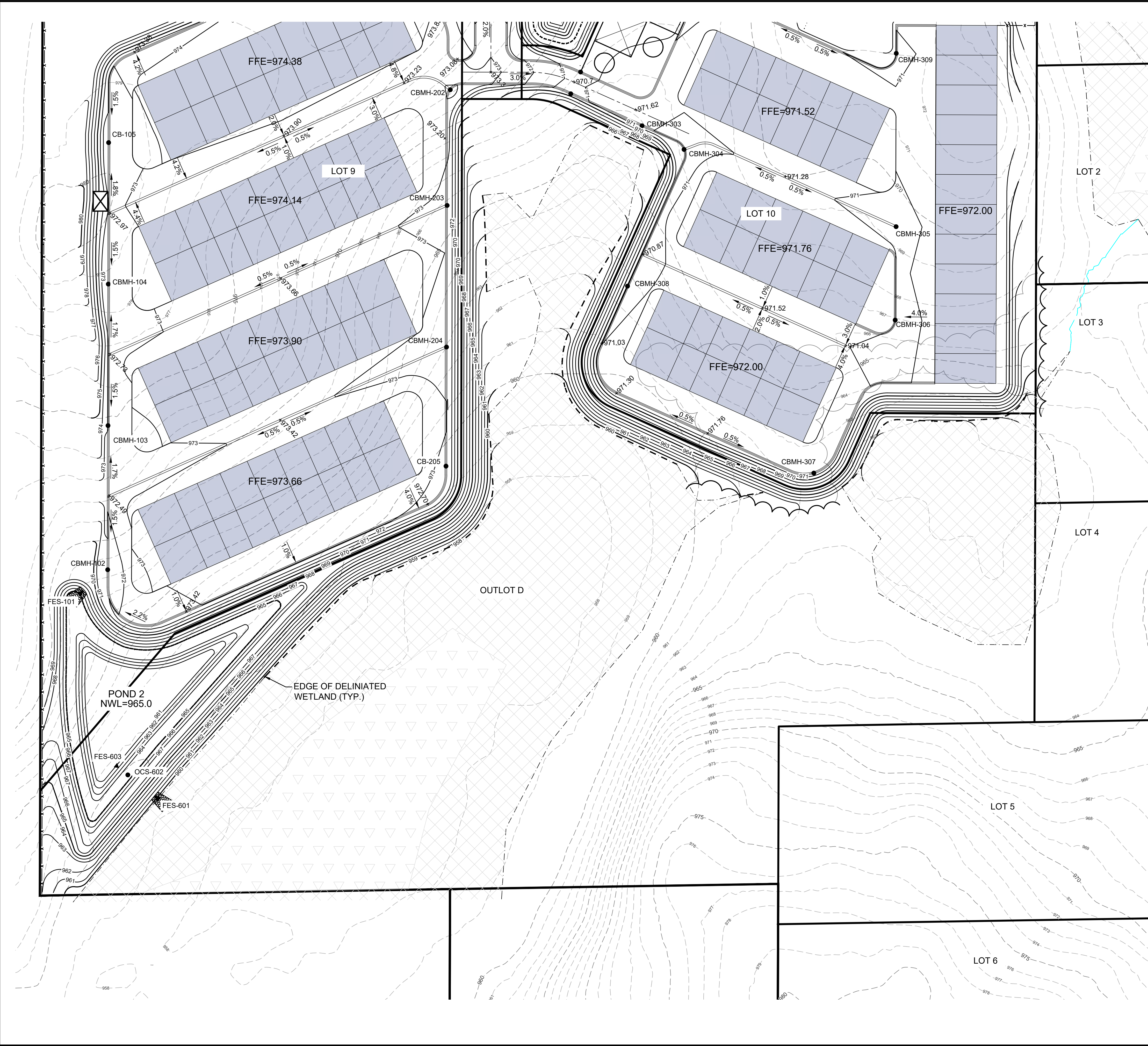
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LEGEND

- PROPERTY LIMITS
- WETLAND DELINEATION LINE
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- DRAINAGE ARROW
- PROPOSED CONCRETE C&G
- SPOT ELEVATION

NOTE

- ALL DISTURBED AREAS TO BE SEED OR SODDED PER LANDSCAPE PLAN.
- PROPOSED CONTOURS AND SPOT ELEVATIONS ARE TO FINISHED GRADE.
- NO GRADED SLOPES SHALL EXCEED 3:1 (HOR:VER)
- FINISHED PAVEMENT SHALL BE FLUSH WITH EXISTING ADJACENT PAVEMENT.
- SEE WETLAND MITIGATION PLAN C500 FOR WETLAND IMPACTS.



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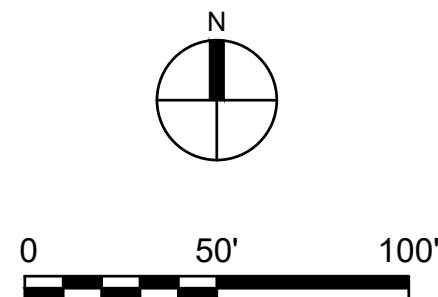
GRADING PLAN
SOUTH

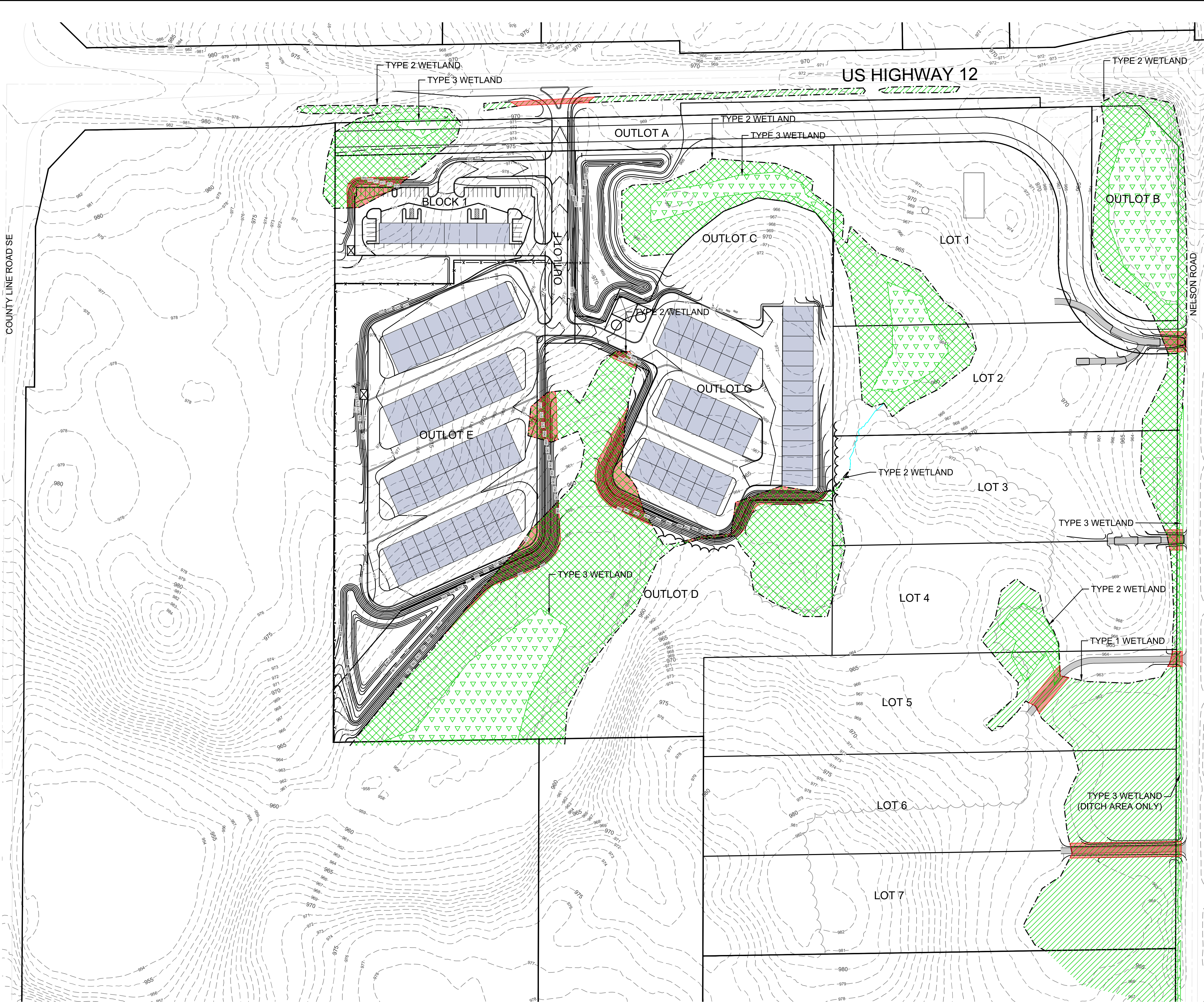
DRAWING NO.

C402

PLOTTED:
02/10/2023

COMM. NO.
16915





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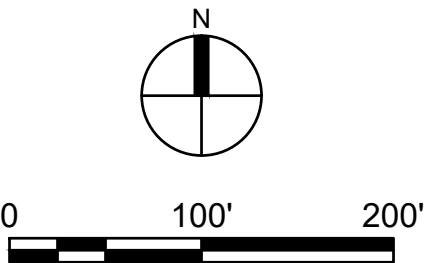
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	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	TYPE 1 WETLAND
	TYPE 2 WETLAND
	TYPE 3 WETLAND
	WETLAND IMPACT AREA

WETLAND AREAS

TYPE 1 = 185,968 SF. (4.27 AC.)
TYPE 2 = 377,554 SF. (8.67 AC.)
TYPE 3 = 119,507 SF. (2.74 AC.)
TOTAL = 638,029 SF. (15.68 AC.)

WETLAND IMPACT AREAS

TYPE 1 = 10,469 SF. (0.24 AC.)
TYPE 2 = 40,483 SF. (0.93 AC.)
TYPE 3 = 452 SF. (0.01 AC.)
TOTAL = 51,404 SF. (1.18 AC.)



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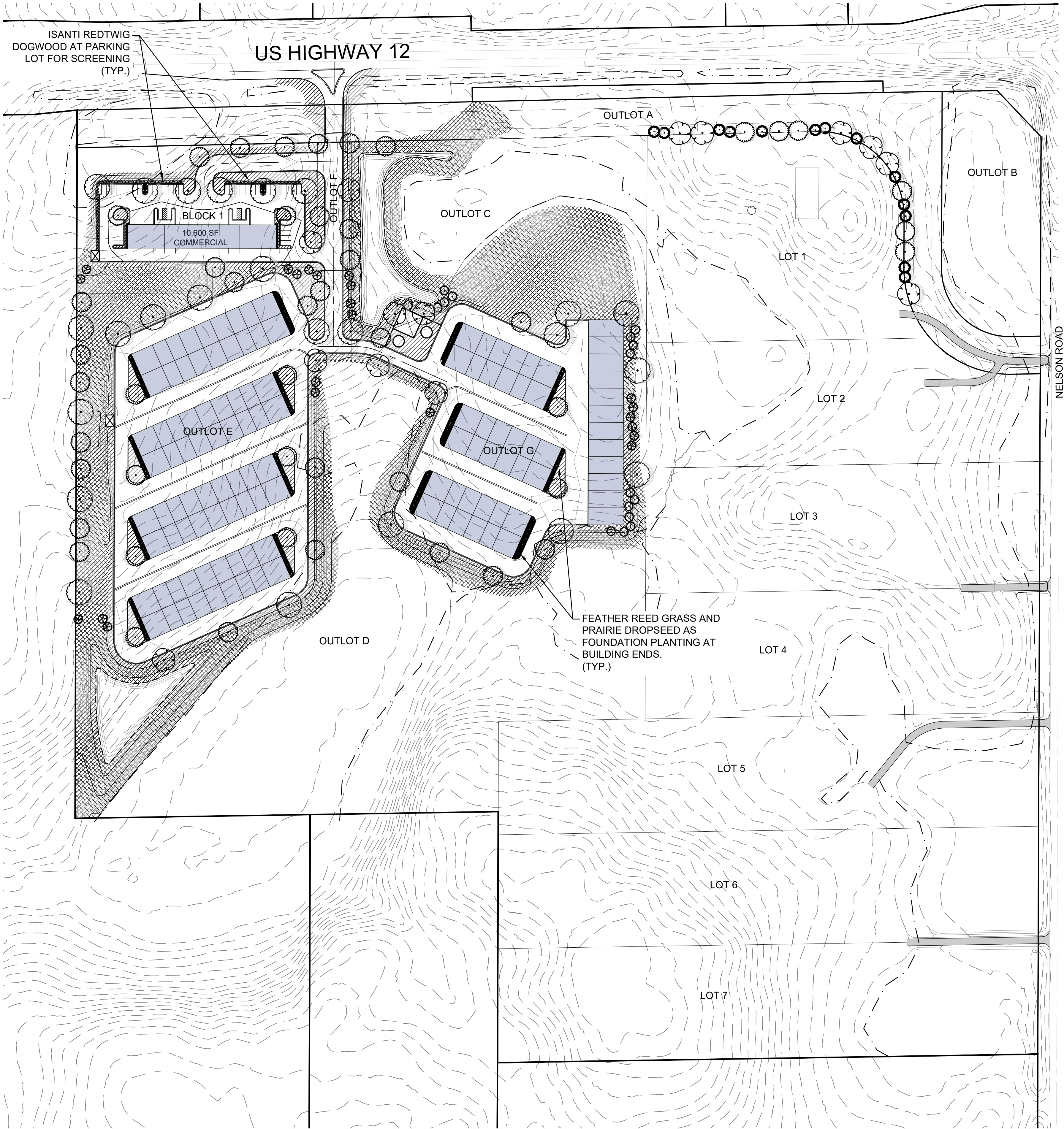
**WETLAND
MITIGATION**

DRAWING NO.

C500

PLOTTED: 02/10/2023	COMM. NO. 16915
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Feb 10, 2023 - 12:40pm
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LEGEND

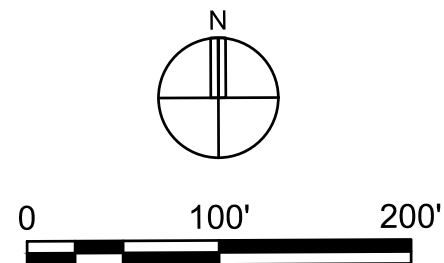
- PROPERTY LIMITS
- ADJACENT PROPERTY
- DELINEATED WETLAND
- NEW NATIVE SEED MIX
MNDOT 33-261
- NEW TURF SEED MIX
MNDOT 25-131
- 3" DEEP, SHREDDED
HARDWOOD MULCH
- COMMERCIAL GRADE POLY
EDGER
- DECIDUOUS
OVERSTORY TREES
- CONIFEROUS TREES

NOTES

- REFER TO PLAN SHEET L2 FOR SODDING, SEEDING, FERTILIZER AND TOPSOIL NOTES
- ALL LANDSCAPING DISTURBED BEYOND THE NEW PLANTINGS SHALL BE REPLACED IN KIND.

PLANT SCHEDULE

TREES	QTY	COMMON / BOTANICAL NAME	CONT.	SIZE	REMARKS
	46	AUTUMN BLAZE® FREEMAN MAPLE ACER X FREEMANII 'JEFFERSRED'	B&B	2 - 1/2" CAL.	
	16	BLACK HILLS WHITE SPRUCE PICEA GLAUCA 'DENSATA'	B&B	6' HT.	
	22	AUSTRIAN PINE PINUS NIGRA	B&B	6' HT.	
	13	AUSTRIAN PINE PINUS NIGRA	B&B	8' HT.	
	14	SWAMP WHITE OAK QUERCUS BICOLOR	B&B	2 - 1/2" CAL.	
	24	JEFFERSON AMERICAN ELM ULMUS AMERICANA 'JEFFERSON'	B&B	2 - 1/2" CAL.	
SHRUBS	QTY	COMMON / BOTANICAL NAME	CONT.	SIZE	REMARKS
	82	ISANTI RED TWIG DOGWOOD CORNUS SERICEA 'ISANTI'	CONT.	5 GAL.	MIN. 5 CANES @ 12" HT.
PERENNIALS	QTY	COMMON / BOTANICAL NAME	CONT.	SIZE	REMARKS
	832	PRAIRIE DROPSEED SPOROBOLUS HETEROLEPIS	POT	3 GAL.	
GRASSES	QTY	COMMON / BOTANICAL NAME	CONT.	SIZE	REMARKS
	614	FEATHER REED GRASS CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	CONT.	5 GAL.	



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DRAWING TITLE

RESTORATION
PLAN

DRAWING NO.

L100

PLOTTED: 02/10/2023	COMM. NO. 16915
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GENERAL LANDSCAPE NOTES:

1. LANDSCAPE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO BECOME COMPLETELY FAMILIAR WITH SITE CONDITIONS.
2. ALL ROUGH AND FINISH GRADING TO BE DONE BY OTHERS.
3. NO PLANTING SHALL BE INSTALLED UNTIL ALL GRADING, BUILDING, CONSTRUCTION, UTILITY WORK & IRRIGATION (IF APPLICABLE) HAS BEEN COMPLETED IN THE AREAS TO BE PLANTED.
4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO IDENTIFY ALL UNDERGROUND CABLES, CONDUITS, WIRES, ETC., ON THE PROPERTY.
5. IF THERE IS A DISCREPANCY BETWEEN THE NUMBER OF PLANTS SHOWN ON THE PLAN AND THE NUMBER OF PLANTS SHOWN IN THE PLANT LIST, THE NUMBER OF PLANTS SHOWN ON THE PLAN WILL TAKE PRECEDENCE.
6. ALL PROPOSED PLANT MATERIAL SHALL BE LOCATED CAREFULLY AS SHOWN ON THE PLAN. IF THE CONTRACTOR BELIEVES AN ERROR HAS BEEN MADE REGARDING SPACING OR LOCATION OF THE PLANT MATERIAL INDICATED ON THE PLAN, NOTIFY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
7. THE CONTRACTOR IS RESPONSIBLE FOR COMPLETE MAINTENANCE OF THE PLANT MATERIAL (WATERING, SPRAYING, FERTILIZING, MOWING, ETC.) UNTIL THE WORK HAS BEEN ACCEPTED, BY THE OWNER.
8. THE CONTRACTOR IS RESPONSIBLE FOR ALL REPAIRS TO PROPERTY DAMAGE FROM PLANTING OPERATIONS AT NO COST TO THE OWNER.
9. ALL NEWLY PLANTED PLANT MATERIAL SHALL BE GUARANTEED THROUGH ONE CALENDAR YEAR STARTING FROM THE DATE OF ACCEPTANCE ESTABLISHED BY THE OWNER.
10. THE CONTRACTOR SHALL MEET WITH THE OWNER OR OWNERS REPRESENTATIVE ON SITE WHEN THEY FEEL THE PROJECT IS COMPLETE ACCORDING TO THE CONTRACT DOCUMENTS. IF ALL WORK IS SATISFACTORY AND COMPLETE ACCORDING TO THE CONDITIONS OF THE CONTRACT DOCUMENTS, THEN THE OWNER MUST DECLARE THE PROJECT COMPLETE. THIS DECLARATION WILL CONSTITUTE AS THE BEGINNING OF THE ONE (1) YEAR WARRANTY PERIOD FOR ALL PLANT MATERIAL. THE OWNER SHALL PROVIDE A LETTER WITH SIGNATURE STATING THE DATE OF ACCEPTANCE.
11. WIND BURN OR OTHERWISE DAMAGED PLANT MATERIAL WILL NOT BE ACCEPTED.
12. CONTRACTOR CAN SUBSTITUTE MACHINE MOVED MATERIAL USING APPROPRIATE SIZE TREE SPADE FOR B & B WITH OWNER APPROVAL.
13. THE PRACTICE OF STAKING SHOULD NOT ALLOW NAILS, SCREWS, WIRES, ETC. TO PENETRATE THE OUTER SURFACE OF THE TREES.
14. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE REMOVAL OF ALL TREE STAKES, GUYS, STRAPS AND TRUNK PROTECTION MEASURES FOLLOWING THE COMPLETION OF THE WARRANTY PERIOD OR AS DIRECTED BY THE OWNER.
15. LANDSCAPE CONTRACTOR IS REQUIRED TO PROVIDE THE OWNER WITH MAINTENANCE INFORMATION DURING THE GUARANTEE PERIOD RELATING TO WATERING, FERTILIZING, PRUNING, PEST CONTROL, AND RELATED ITEMS. THIS WILL BE PREPARED AND DELIVERED TO THE OWNER AFTER PROVISIONAL INSPECTION APPROVAL HAS BEEN GIVEN BY THE OWNER AND/OR LANDSCAPE ARCHITECT.
16. INSTALL CORRUGATED PLASTIC TREE GUARDS, WHITE IN COLOR, WITH THE SIZE OF TUBE 1" DIA. (MIN.) LARGER THAN THE CALIPER OF THE TREE TO BE PROTECTED.
17. CONTRACTOR TO FURNISH & STALL PLASTIC EDGING AS SHOWN ON THE PLANS & DETAILS. PLASTIC EDGING SHALL BE MEDIUM DENSITY

- POLYETHYLENE WITH U.V. INHIBITOR, BLACK IN COLOR, WITH A TOTAL DEPTH OF 5" (1" DIA. TOP AND 4" SHAFT WITH 1.5" V EVERY 3-1/2 FEET OF EDGING.
18. LANDSCAPE FABRIC (FILTER MAT) TO HAVE A COMBINED WEIGHT OF 4.5-5.5 OZ. PER S.Y. FABRIC SHOULD BE U.V. STABILIZED AND HAVE A FIVE YEAR MINIMUM WEATHERABILITY FACTOR IN FULL SUNLIGHT. FABRIC TO BE PHILLIPS DUON R OR EQUIVALENT. SAMPLE REQUIRED FOR APPROVAL.
19. LANDSCAPE BED MULCH SHALL BE SHREDDED HARDWOOD MULCH. MULCH SHALL BE INSTALLED AT A DEPTH OF 3" WITH NO WEED BARRIER LANDSCAPE FABRIC.
20. 3" DEPTH SHREDDED HARDWOOD MULCH SHALL BE INSTALLED UNDER ALL TREES AND SHRUBS THAT ARE ISOLATED FROM GROUNDCOVER AREAS AND GENERAL SHRUB MASSES.
21. CALIPER OF TREES UP TO AND INCLUDING 4" SHALL BE MEASURED AT 6" ABOVE GROUND LEVEL, AND 12" ABOVE GROUND LEVEL FOR LARGER SIZES.
22. FOR BALLED & BURLAP PLANT MATERIAL, REMOVE THE TOP HALF OF THE BURLAP FROM THE ROOT BALL. WIRE CAGES, STRAPS, ETC. SHALL BE REMOVED FROM THE TOP HALF OF THE ROOTBALL BEFORE INSTALLATION.
23. ALL CONTAINER MATERIAL SHALL HAVE BEEN GROWN IN CONTAINER FOR A MINIMUM OF 6 MONTHS PRIOR TO INSTALLATION.
24. SHRUBS AND GROUNDCOVER SHALL BE PLANTED A MINIMUM OF ONE HALF THEIR ON-CENTER SPACING FROM PAVING EDGE UNLESS OTHERWISE NOTED.
25. DECIDUOUS SHRUBS SHALL HAVE MINIMUM OF FIVE (5) CANES AT SPECIFIED HEIGHT UNLESS OTHERWISE NOTED IN PLANT SCHEDULE.
26. LANDSCAPE CONTRACTOR SHALL PROVIDE AND INSTALL NURSERY GROWN PLANT MATERIAL CONFORMING TO THE REQUIREMENTS AND RECOMMENDATIONS OF THE LATEST EDITION OF ANSI Z60.1 STANDARDS UNLESS OTHERWISE NOTED IN THE PLANS OR SPECIFICATIONS.

GENERAL SODDING, SEEDING & TOPSOIL NOTES:

1. LANDSCAPE CONTRACTOR SHALL ENSURE THAT NEW TREES MOVED ONTO THE SITE ARE DUG FROM SIMILAR SITES WITH SIMILAR SOILS TO THE SOILS OF THIS PROJECT (HEAVY TO HEAVY, LIGHT TO LIGHT. HEAVY TO LIGHT SOILS). CONTRACTOR SHALL REVIEW SOIL CONDITIONS/TYPES WITH OWNER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
2. ALL NEWLY INSTALLED PLANT MATERIAL SHALL BE PLANTED IN WELL-DRAINED AREAS. NOTIFY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION IF ANY PLANT MATERIAL IS LOCATED IN DRAINAGE SWALES OR WET & POORLY DRAINED AREAS.
3. ALL PLANTINGS SHALL RECEIVE FERTILIZER AS FOLLOWS:

3.1. SUMMER AND FALL PLANTING: 0-20-20 GRANULAR (IN SAUCER AROUND PLANT AT THE RATE OF 12 OZ. PER 2-3" CAL. TREE & 6 OZ. PER SHRUB).

3.2. SPRING PLANTING: 10-10-10 GRANULAR (APPLY ABOVE REFERENCED FERTILIZER AT A RATE OF 12 OZ. PER 1-1/2" CAL. TREE OR LARGER & 6 OZ. PER SHRUB & PERENNIAL).
4. ALL PLANTINGS SHALL RECEIVE AN AMENDED SOIL MIX CONSISTING OF THREE (3) PARTS:

4.1. 45% APPROVED TOPSOIL (ONE SITE PREFERRED)

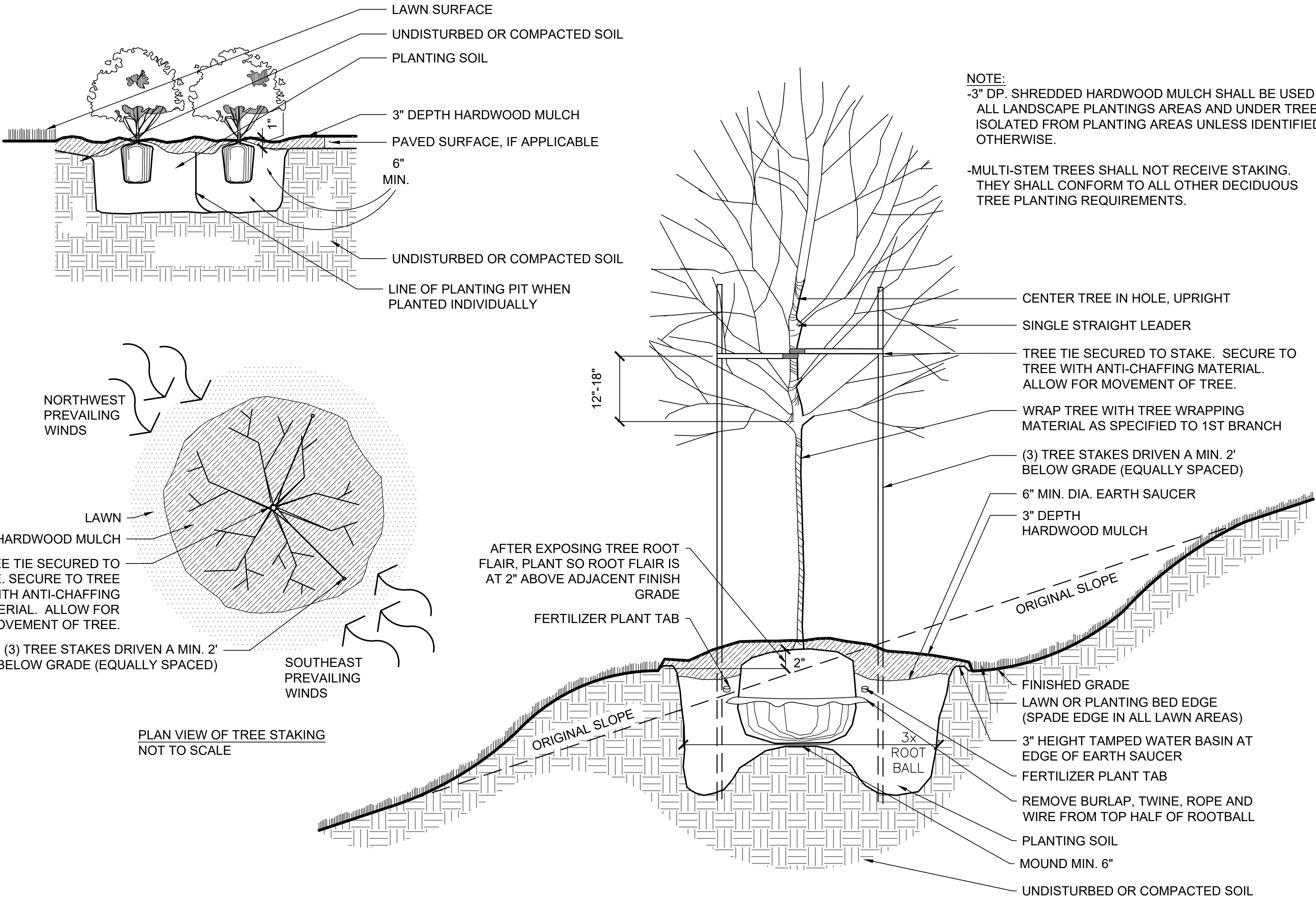
4.2. 45% ORGANIC MATTER (TYPE 1 SPHAGNUM PEAT MOSS FINELY DIVIDED WITH A PH OF 3.1 - 5.0.)

4.3. 10% SAND (FINE CLEAN MASONRY SAND)
5. AREAS CONFINED TO A MASS PLANTING AREA (PLANTING BED) SHALL RECEIVE THE AMENDED SOIL MIX AT MIN. 12" DEPTH THROUGHOUT THE PLANTING AREA. AMENDED SOIL MIX SHALL BE MIXED THOROUGHLY AND INSTALLED IN 6" LIFTS.
6. AREAS TO RECEIVE SOD OR SEED SHALL HAVE A 6" MINIMUM DEPTH OF TOPSOIL. TOPSOIL SHALL PROVIDE FERTILE, FRIABLE, NATURAL LOAM, SURFACE SOIL, REASONABLY FREE OF SUBSOIL, CLAY CLUMPS, BRUSH WEEDS AND OTHER LITTER, AND FREE OF ROOTS, STUMPS, STONE LARGER THAN 1" IN ANY DIMENSION, AND OTHER EXTRANEIOUS OR TOXIC MATTER HARMFUL TO PLANT GROWTH.
7. SOD SHALL BE HIGHLAND SOD, 30" X 100' ROLLS PREFERRED WHERE APPLICABLE, TO BE LAID PARALLEL WITH THE CONTOURS AND HAVE STAGGERED JOINTS. ON SLOPES STEEPER THAN 3:1 OR DRAINAGE SWALES, THE SOD SHALL BE STAKED INTO THE GROUND. SCARIFY THE EXISTING GRADES WITH FIELD CULTIVATOR PRIOR TO PLACING OF TOPSOIL AND FINISH GRADING FOR SOD. IMMEDIATELY PRIOR TO PLACING SOD, CONTRACTOR SHALL APPLY 10-6-4 FERTILIZER AT THE RATE OF 10 POUNDS PER 1000 SQ. FT.
8. ALL AREAS SPECIFIED AS 'GENERAL LAWN SEED' TO BE SEEDED WITH PREMIUM SUNNY SEED MIX INCLUDING:

8.1. 20% RAVEN STAR KENTUCKY BLUEGRASS 10%

MIDNIGHT STAR KENTUCKY BLUEGRASS 15%
WASHINGTON KENTUCKY BLUEGRASS 5%
THERMAL BLUE BLUEGRASS 35%
SPLENDID PERENNIAL RYEGRASS 15%
ZODIAC CHEWINGS FESCUE(SEED MIX AVAILABLE AT GERTENS 1-651-450-1501). SEED SHALL BE APPLIED AT A RATE OF 150 LBS./AC. WITH 2 TONS SHREDDED AND PUNCHED IN PLACE STRAW PER ACRE. HYDROSEEDING & MULCHING IS AND ACCEPTABLE ALTERNATE.

9. ALL AREAS SPECIFIED AS 'ROUGH SEED' TO BE SEEDED WITH MNDOT SEED MIX 250 AT A RATE OF 150 LBS./AC. WITH 2 TONS SHREDDED AND PUNCHED IN PLACE STRAW PER ACRE. HYDROSEEDING & MULCHING IS AN ACCEPTABLE ALTERNATE.
10. ALL AREAS SPECIFIED AS 'WET AREA SEED' TO BE SEEDED WITH MNDOT MIX 310. BROAD CAST, DRILL AND/OR HYDROSEED AT A RATE OF 150 LBS./AC. WITH 2 TONS SHREDDED AND PUNCHED IN PLACE STRAW PER ACRE. SEED MIX SHALL BE ABLE TO WITHSTAND PERIODIC FLOODING.
11. ALL AREAS SPECIFIED AS "MNDOT 25-131" TO BE SEEDED PER MNDOT RECOMMENDED APPLICATION RATES AND METHODS. "MNDOT 25-131" OR APPROVED EQUAL IS A BASIS OF DESIGN. CONTRACTOR IS RESPONSIBLE FOR ALL EROSION CONTROL NEEDS TO ESTABLISH VIGOROUS GROWTH PER MNDOT 2014 SEEDING MANUAL STANDARDS.



NOTE:
-3" DP. SHREDDED HARDWOOD MULCH SHALL BE USED IN ALL LANDSCAPE PLANTINGS AREAS AND UNDER TREES ISOLATED FROM PLANTING AREAS UNLESS IDENTIFIED OTHERWISE.

-MULTI-STEM TREES SHALL NOT RECEIVE STAKING. THEY SHALL CONFORM TO ALL OTHER DECIDUOUS TREE PLANTING REQUIREMENTS.



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INDEPENDENCE, MINNESOTA

STODDARD COMPANIES

REVISION LOG

NO.	DATE	DESCRIPTION OF REVISIONS

PRELIMINARY

DESIGNED: LRK	DRAWN: BN/MM	CHECKED BY: LRK
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DRAWING TITLE

LANDSCAPE DETAILS

DRAWING NO.

L101

PLOTTED: 02/10/2023	COMM. NO. 16915
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This architectural rendering depicts a modern industrial or commercial building complex. The primary building on the left is a long, two-story structure with a dark, flat roof. It features extensive glass windows on the upper level and large glass-paned doors on the ground floor, some of which are labeled with numbers like '1101' and '1102'. The building's exterior is clad in vertical metal panels. A balcony with a glass railing is visible on the upper floor. In front of the building is a dark asphalt parking lot with several cars, including a silver sedan and a white car. Landscaping with green shrubs and small trees is placed around the building and in the parking areas. To the right, another similar building is partially visible. The sky is bright blue with scattered white clouds.

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Condos at
Independence

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Independence, MN

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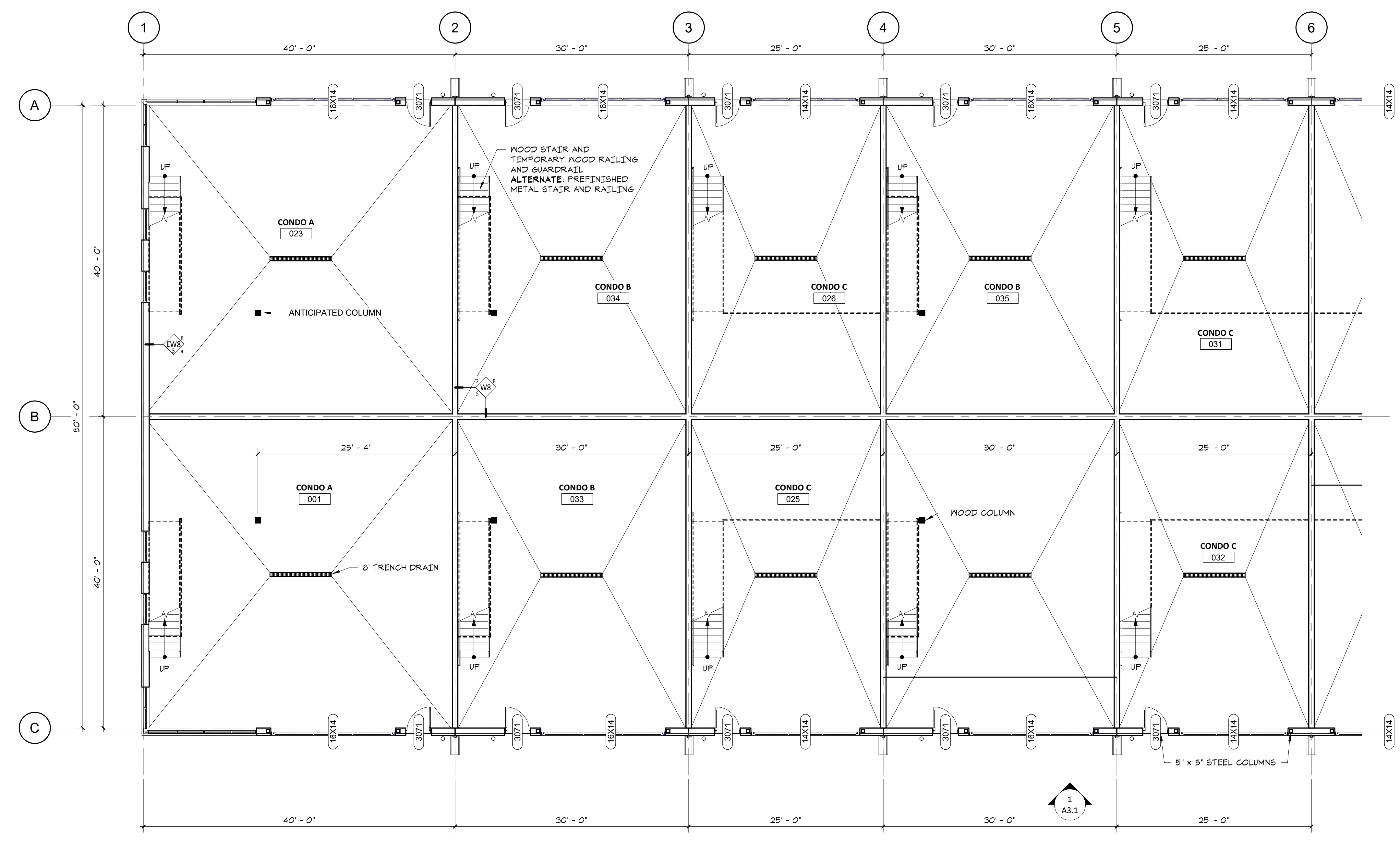
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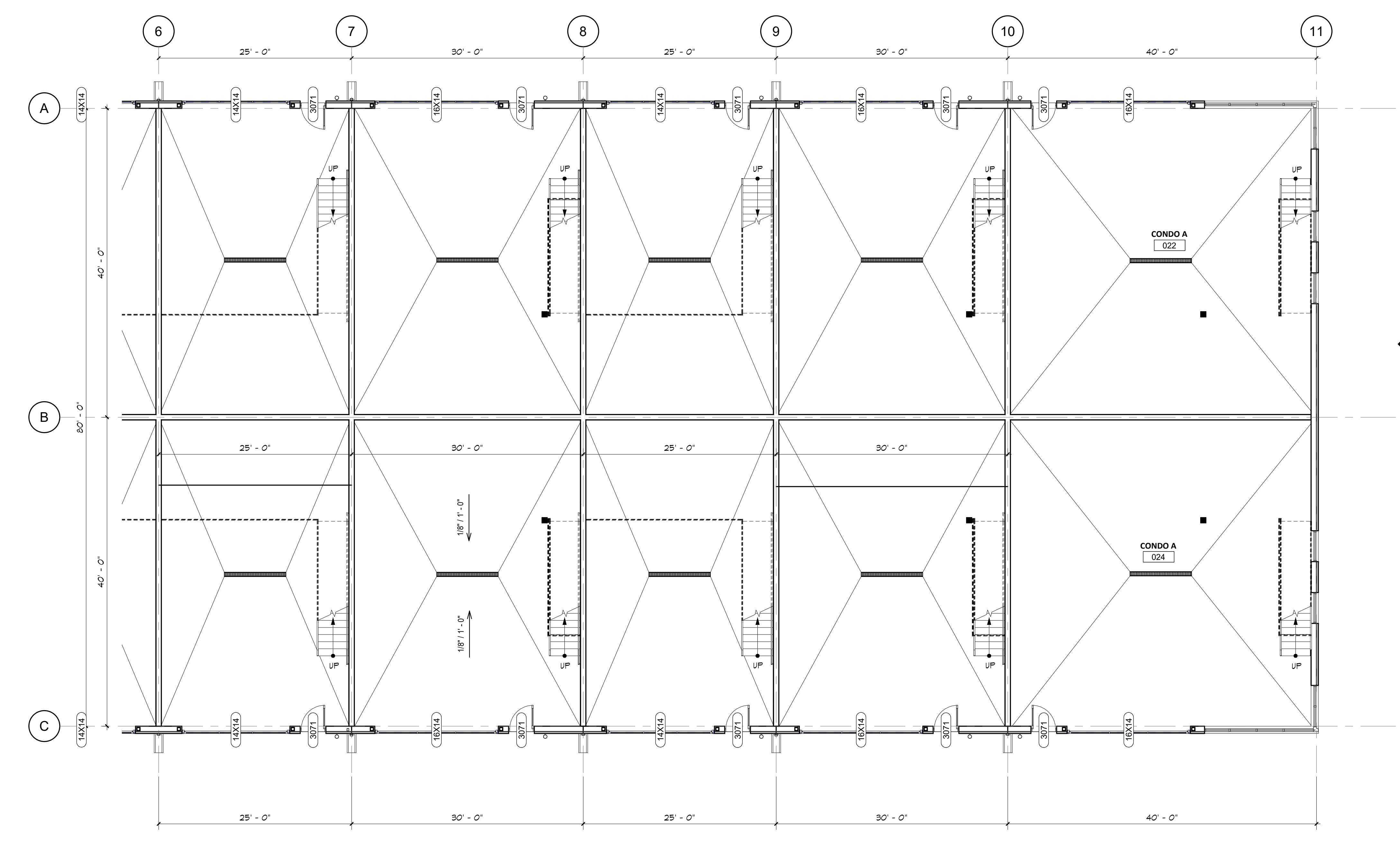
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CONSTRUCTION



2 LEVEL 1 FLOOR PLAN - WEST
A1.1 1/8" = 1'-0"



1 LEVEL 1 FLOOR PLAN - EAST
A1.1 1/8" = 1'-0"

- FLOOR PLAN GENERAL NOTES
- DIMENSIONING STANDARDS:
 - A. MASONRY WALL DIMENSIONS ARE TO FACE OF MASONRY.
 - B. INTERIOR STUD WALL DIMENSIONS ARE TO CENTERLINE OF STUD.
 - EXTERIOR WALL DIMENSIONS ARE TO FACE OF SHEATHING.
 - PROVIDE FIRE EXTINGUISHER CABINETS WHERE INDICATED ON PLANS- MATCH BUILDING STANDARD.
 - PROVIDE WOOD OR SHEET METAL BLOCKING FOR ALL EQUIPMENT MOUNTED IN GYP BOARD PARTITIONS. MAINTAIN INTEGRITY OF FIRE AND/OR SMOKE RATING WHERE ACCESSORIES ARE IN RATED WALLS.
 - PROVIDE DIAGONAL BRACING TO SLAB AT DOUBLE STUDS AT DOOR OPENINGS AND AT DROP ARCHES/BULKHEADS AT 60" O.C. MAX.
 - ALL GLASS SHALL BE CLEAR TEMPERED SAFETY GLASS.
 - PROVIDE FLAMMABLE WASTE TRAP SYSTEM TO SERVE ALL GARAGE DRAINS.

SCHEMATIC
DESIGN

ORIGINAL ISSUE:
02/10/23

REVISIONS:
No. Description Date

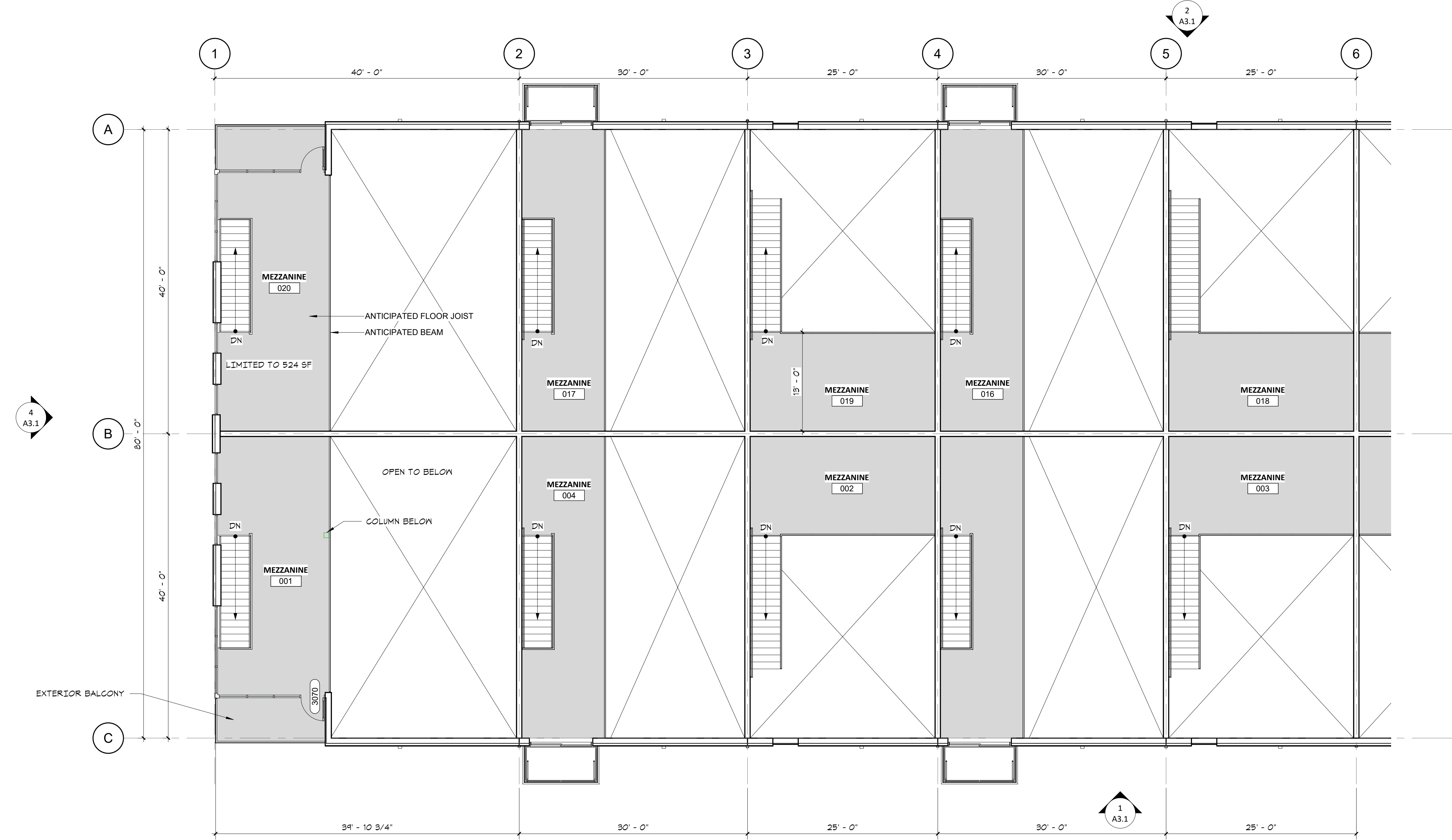
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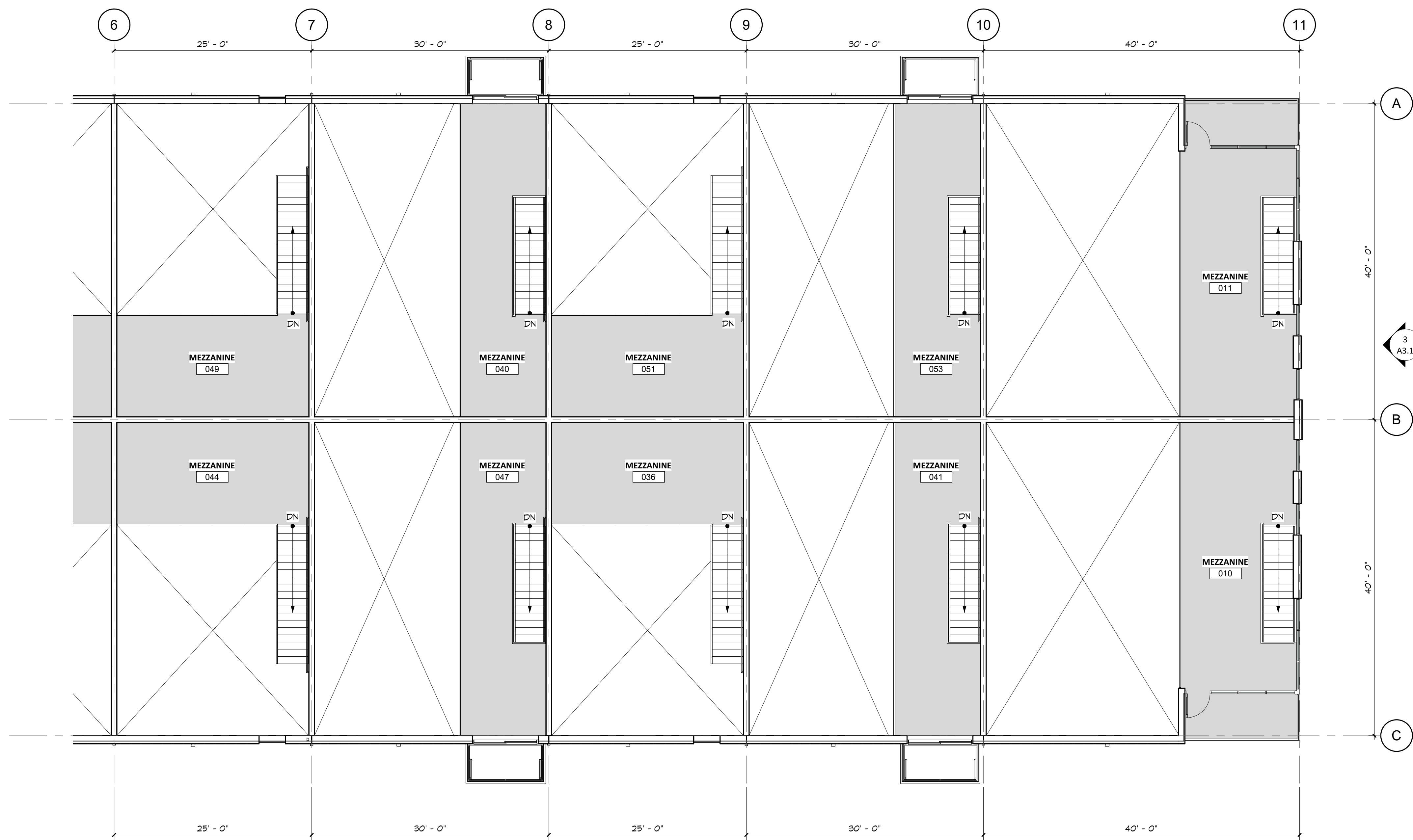
KEY PLAN

FLOOR PLAN - LEVEL 1

A1.1



2 MEZZANINE FLOOR PLAN - WEST
A1.2 1/8" = 1'-0"



1 MEZZANINE FLOOR PLAN - EAST
A1.2 1/8" = 1'-0"

FLOOR PLAN GENERAL NOTES

- DIMENSIONING STANDARDS:
 - A. MASONRY WALL DIMENSIONS ARE TO FACE OF MASONRY.
 - B. INTERIOR STUD WALL DIMENSIONS ARE TO CENTERLINE OF STUD.
- EXTERIOR WALL DIMENSIONS ARE TO FACE OF SHEATHING.
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- PROVIDE DIAGONAL BRACING TO SLAB AT DOUBLE STUDS AT DOOR OPENINGS AND AT DROP ARCHES/BULKHEADS AT 60" O.C. MAX.
- ALL GLASS SHALL BE CLEAR TEMPERED SAFETY GLASS.
- PROVIDE FLAMMABLE WASTE TRAP SYSTEM TO SERVE ALL GARAGE DRAINS.

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KEY PLAN

FLOOR PLAN -
MEZZANINE

A1.2

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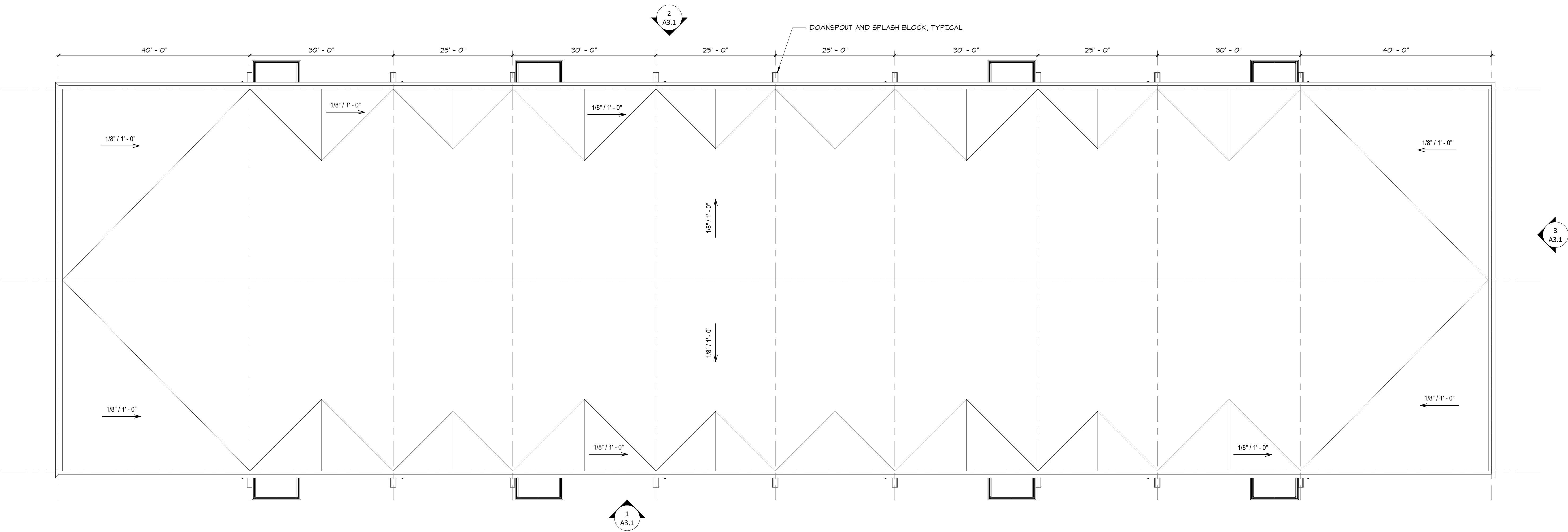
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1 ROOF PLAN
A1.3 3/32" = 1'-0"

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KEY PLAN

ROOF PLAN

A1.3

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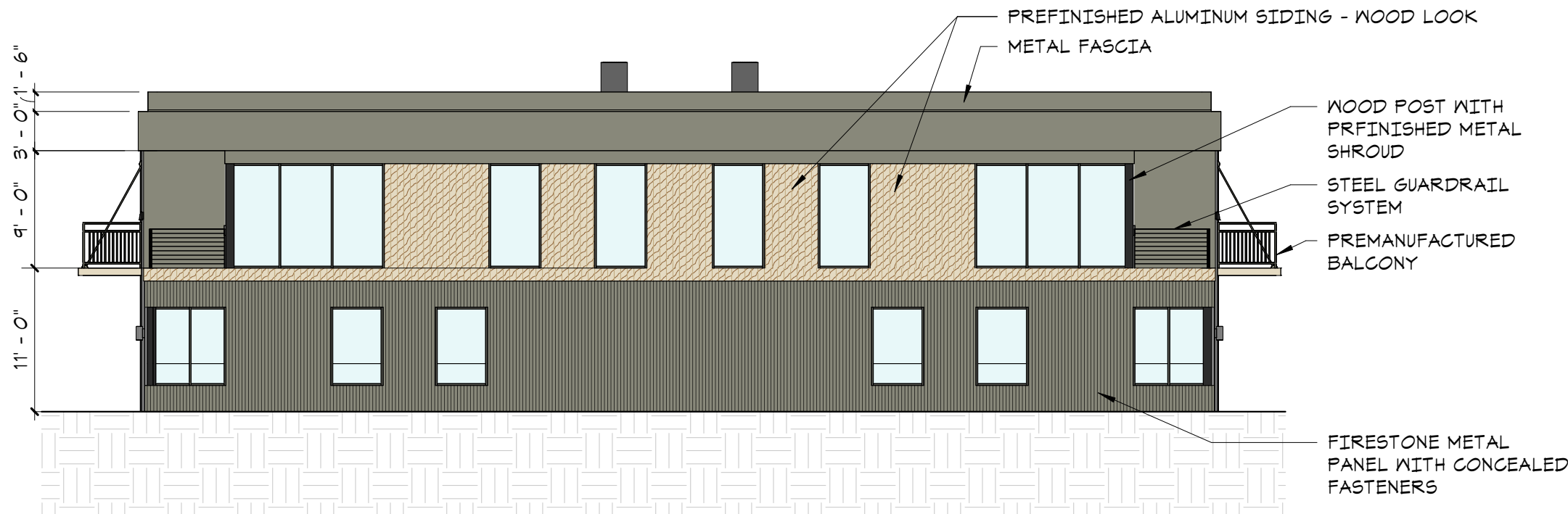
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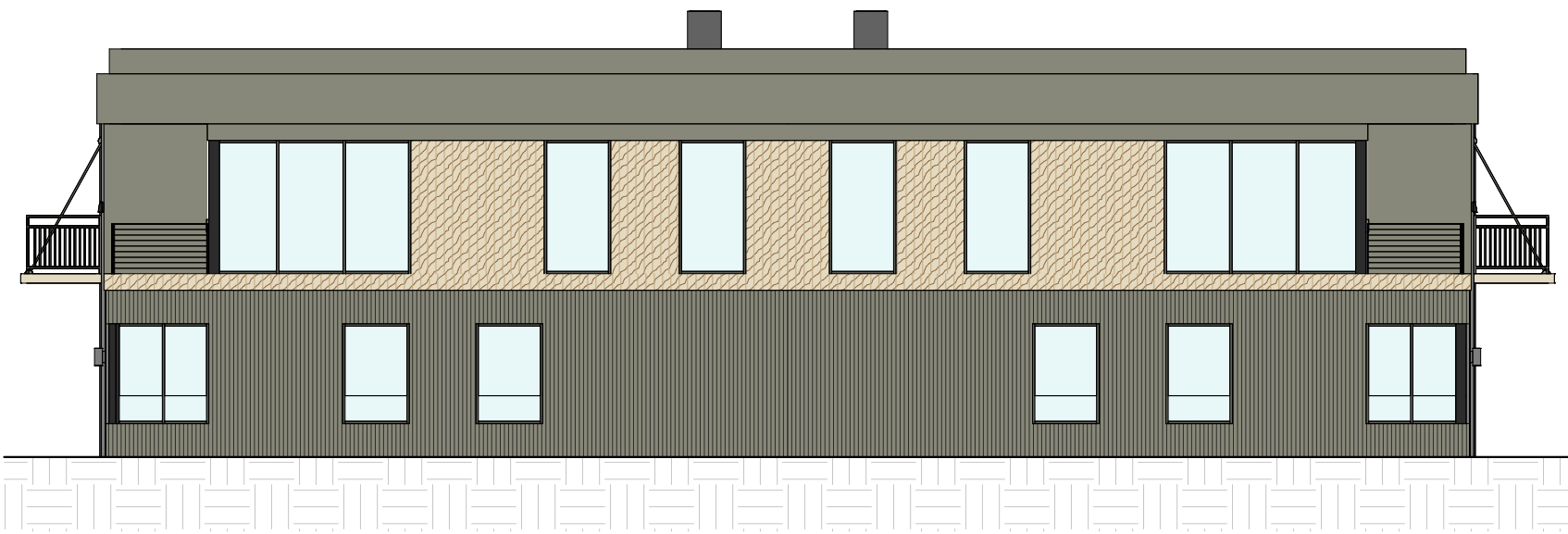
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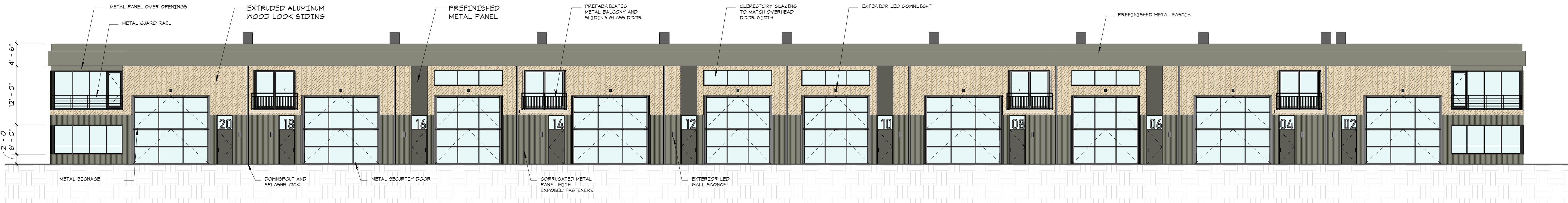
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4 MOTOR CONDOS - SIDE ELEVATION
A3.1 3/32" = 1'-0"



3 MOTOR CONDOS - SIDE ELEVATION
A3.1 3/32" = 1'-0"



2 MOTOR CONDOS - BACK ELEVATION
A3.1 3/32" = 1'-0"



1 MOTOR CONDOS - FRONT ELEVATION
A3.1 3/32" = 1'-0"

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KEY PLAN

BUILDING ELEVATIONS -
MOTOR CONDOS

A3.1

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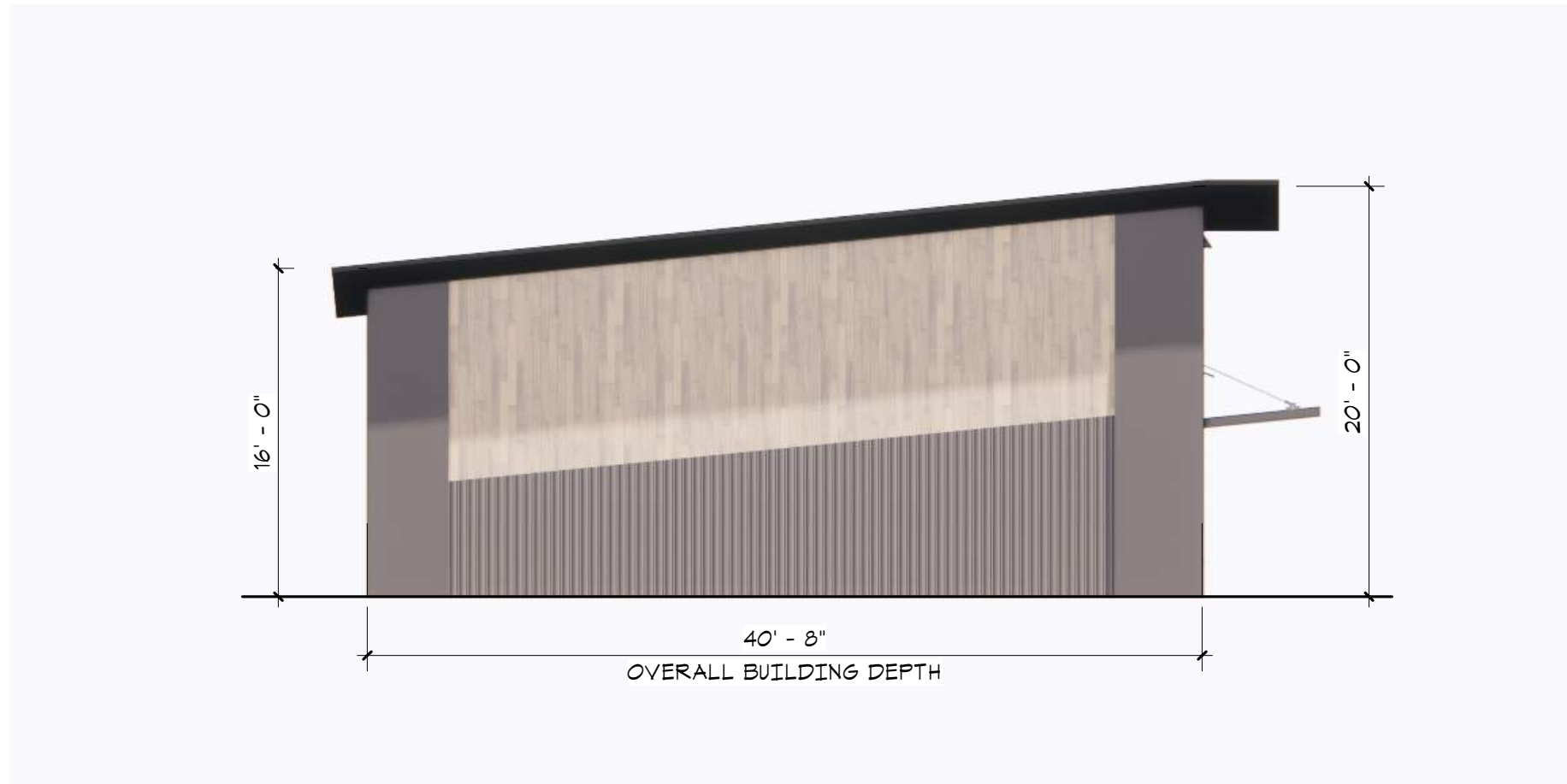
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2
A3.2
COMMERCIAL BUILDING - SIDE ELEVATION
1/8" = 1'-0"



1
A3.2
COMMERCIAL BUILDING - FRONT ELEVATION
1/8" = 1'-0"

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KEY PLAN

BUILDING ELEVATIONS -
COMMERCIAL

A3.2

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EXTERIOR RENDERING - MOTOR CONDOS

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KEY PLAN

EXTERIOR RENDERING -
MOTOR CONDOS

A3.3



AERIAL - COMMERCIAL BUILDING



PERSPECTIVE - COMMERCIAL BUILDING

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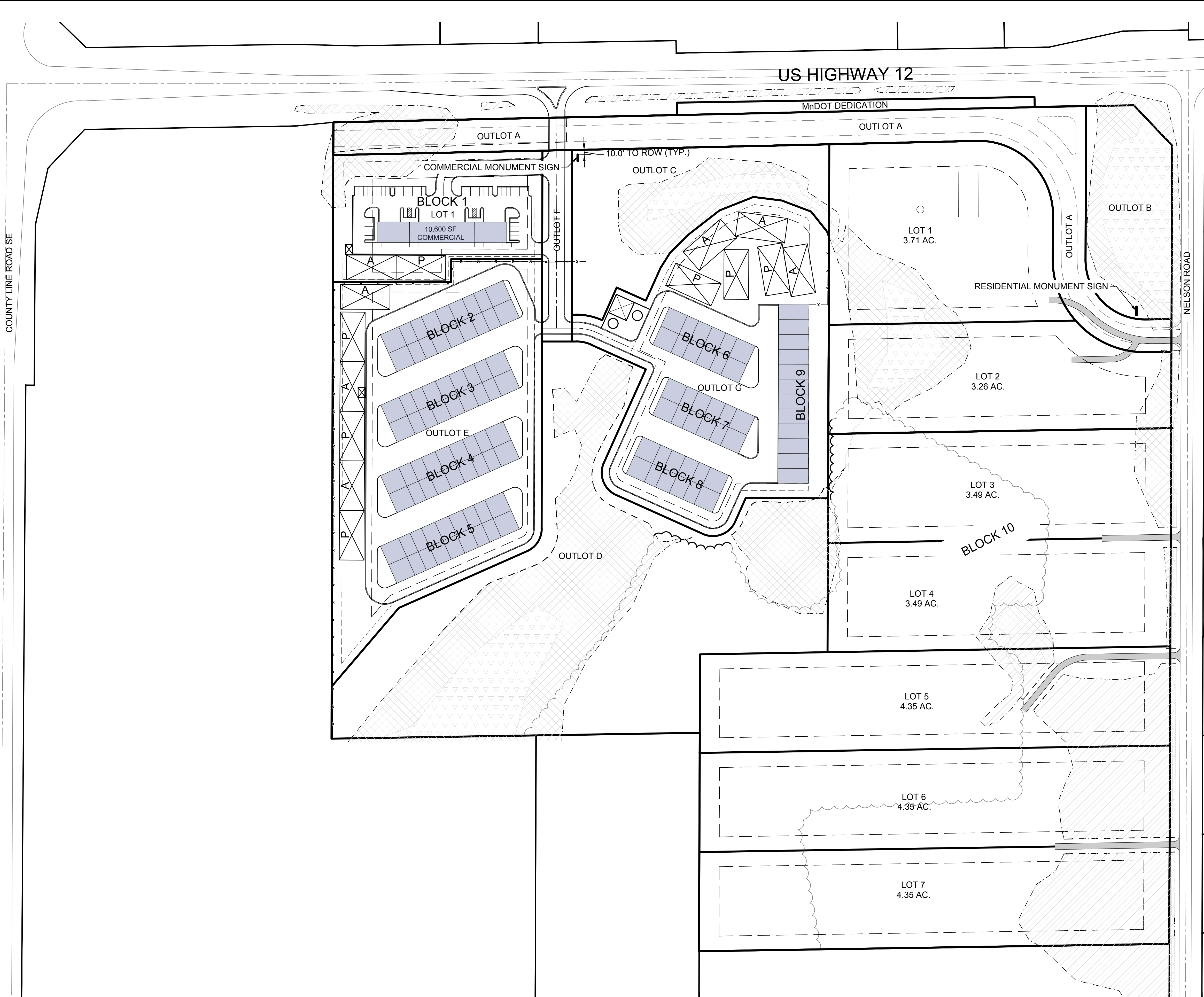
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KEY PLAN

EXTERIOR RENDERINGS -
COMMERCIAL

A3.4

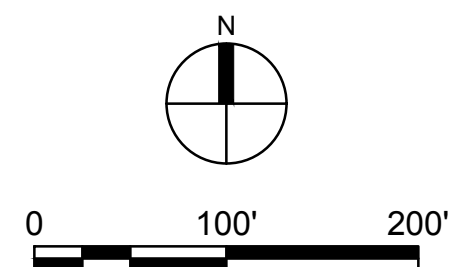
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LEGEND

	DRAIN FIELD (PRIMARY)
	DRAIN FIELD (ALTERNATE)
	BUILDING SETBACK
	PARKING SETBACK
	EX. WETLAND BOUNDARY
	WETLAND FILL BOUNDARY
	PARCEL/LOT BOUNDARY
	ZONING BOUNDARY
	WETLAND (TYPE 1)
	WETLAND (TYPE 2)
	WETLAND (TYPE 3)

- NOTES**
1. COMMERCIAL TWO SIDED SIGN 80 SF MAX. SETBACK 10 FT FROM ROW.
 2. RESIDENTIAL TWO SIDED SIGN 32 SF MAX.
 3. SIGNAGE TO CONFORM TO CITY SIGN REGULATIONS SECTION NO. 550.



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REVISION LOG

NO.	DATE	DESCRIPTION OF REVISIONS

PRELIMINARY

DESIGNED: LRK	DRAWN: BN/MM	CHECKED BY: LRK
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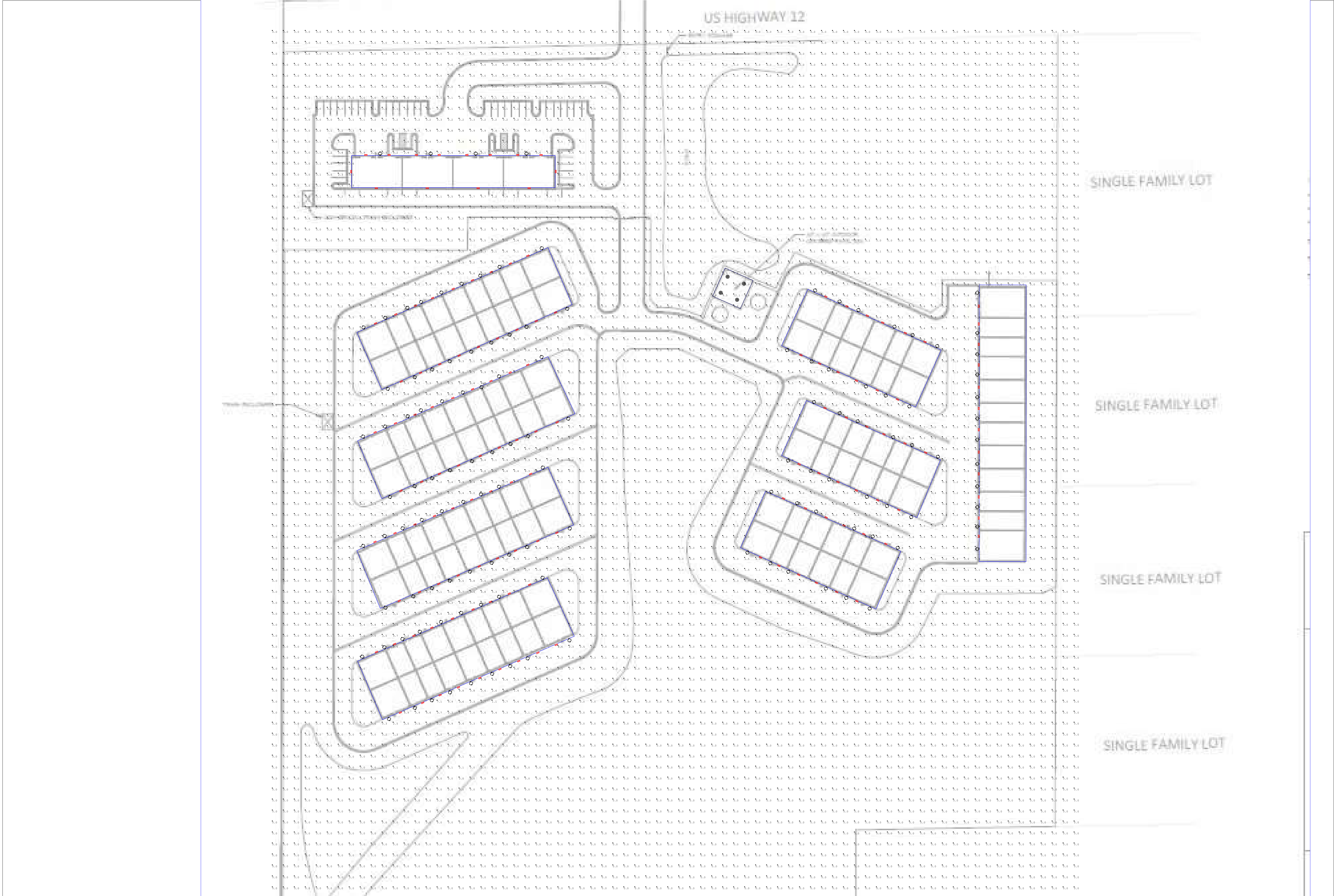
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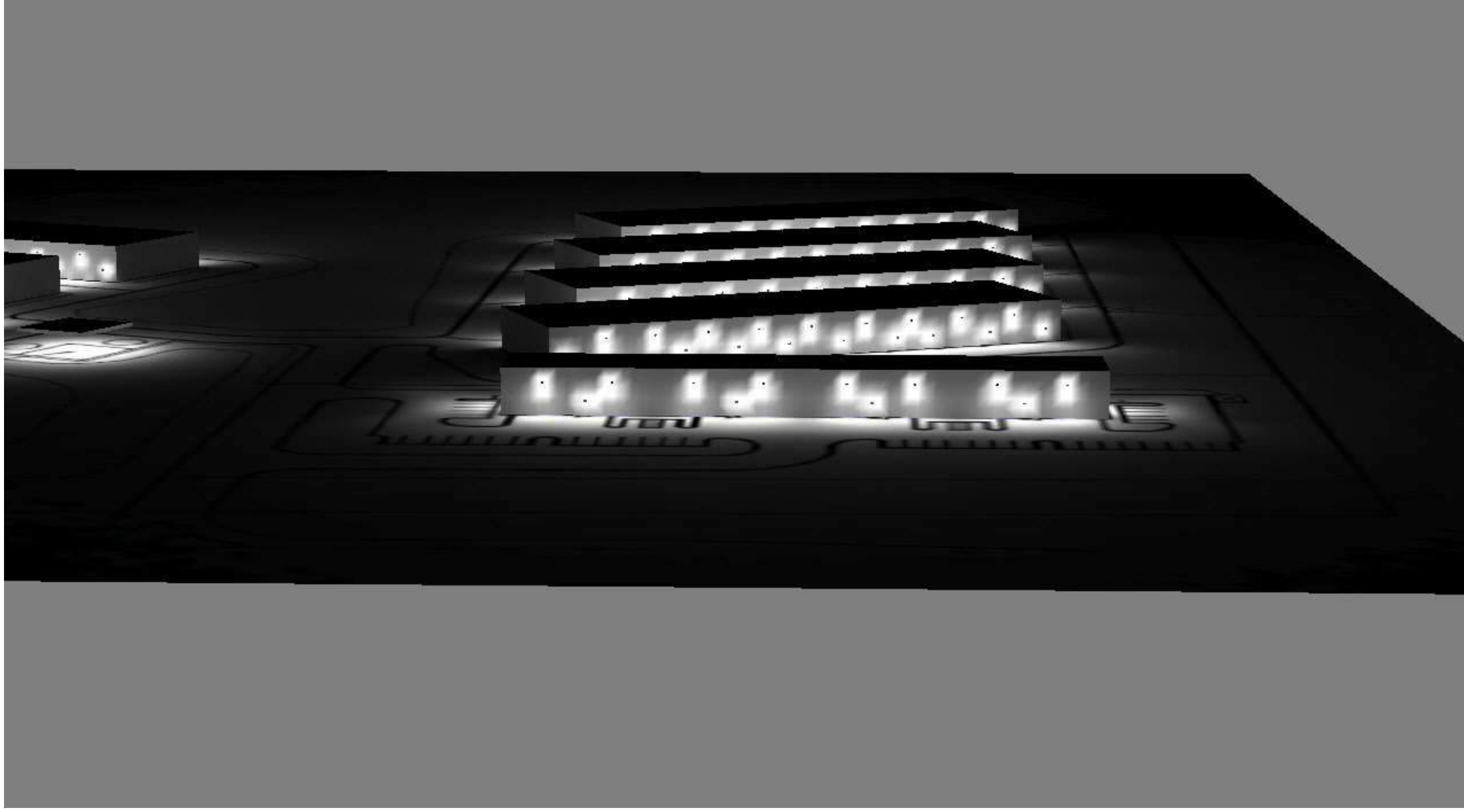
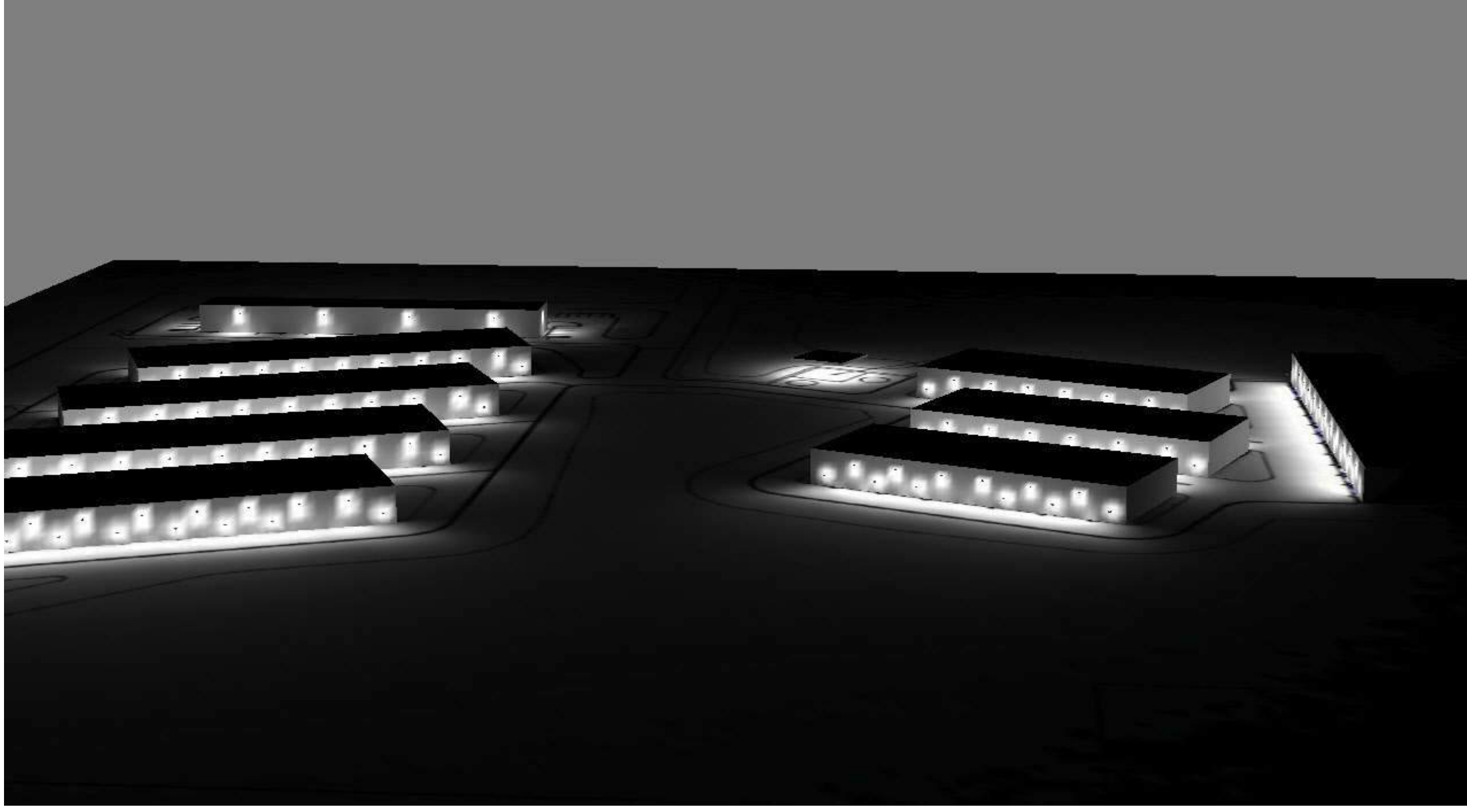
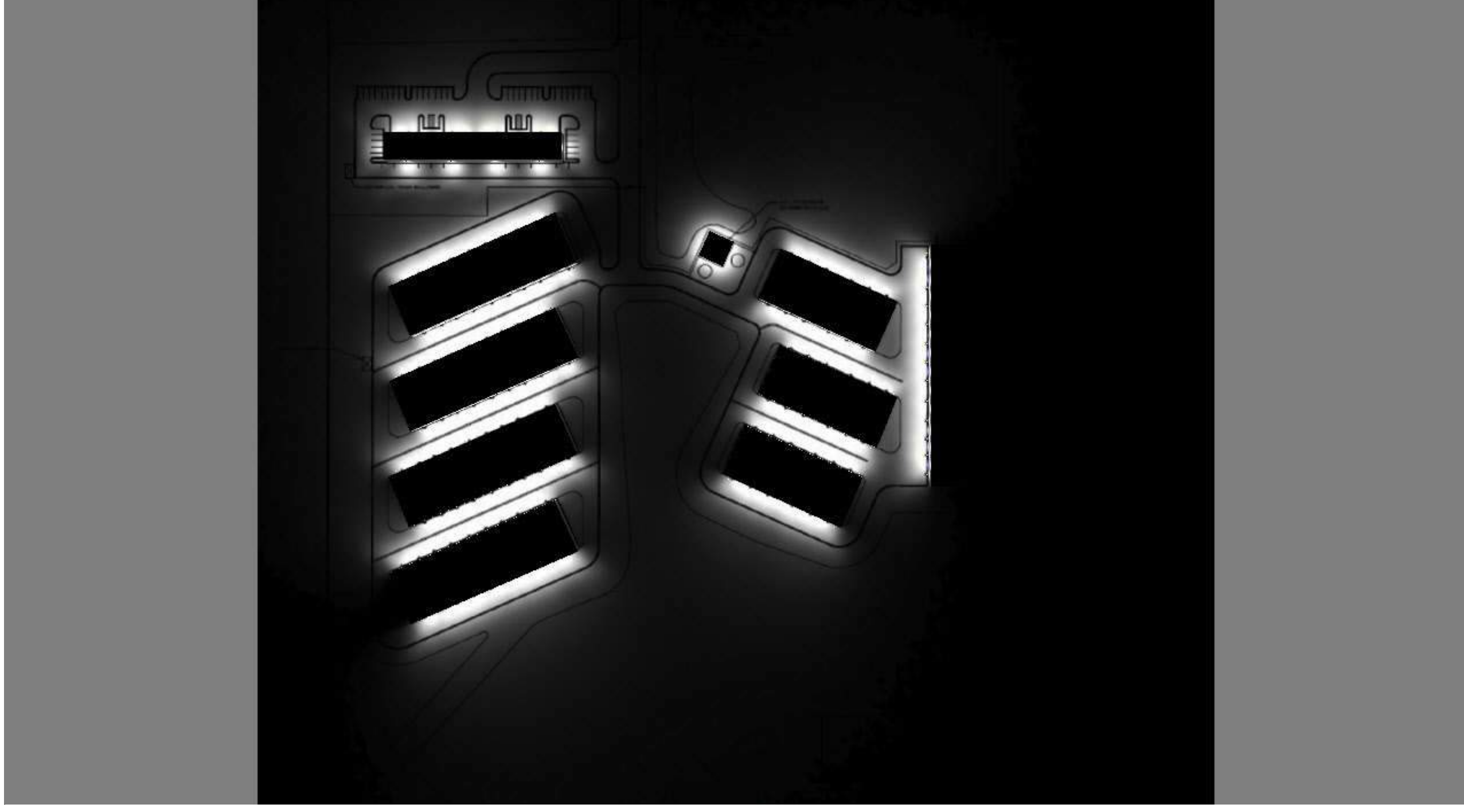
SIGNAGE PLAN

DRAWING NO.

C104

PLOTTED: 02/10/2023	COMM. NO. 16915
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[illegible]



Color: Bronze

Weight: 6.8 lbs

Project:

Type:

Prepared By:

Date:

Driver Info

Type	Constant Current
120V	0.40A
208V	0.30A
240V	0.20A
277V	0.15A
Input Watts	37.7/38.2/38.2W

LED Info

Watts	40W
Color Temp	3000K/4000K/5000K
Color Accuracy	80 CRI
L70 Lifespan	100,000 Hours
Lumens	4595/5421/4826 lm
Efficacy	121.9/141.8/126.5 lm/W

Technical Specifications**Field Adjustability****Field Adjustable:**

Color temperature selectable by 3000K, 4000K and 5000K

Compliance**UL Listed:**

Suitable for wet locations

IESNA LM-79 & LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80

Dark Sky Conformance:

Conforms to (allows for conformance to) the IDA's fully shielding requirement, emitting no light above 90 degrees (with the exclusion of incidental light reflecting from fixture housing, mounts, and pole).

IP Rating:

Ingress protection rating of IP65 for dust and water

DLC Listed:

This product is listed by Design Lights Consortium (DLC) as an ultra-efficient premium product that qualifies for the highest tier of rebates from DLC Member Utilities. Designed to meet DLC 5.1 requirements.

DLC Product Code: PL3FKMCN05F0

Performance**Lifespan:**

100,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

Wattage Equivalency:

Equivalent to 200W Metal Halide

LED Characteristics**LEDs:**

Long-life, high-efficiency, surface-mount LEDs

Electrical**Driver:**

Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.40A, 208V: 0.30A, 240V: 0.20A, 277V: 0.15A

Dimming Driver:

Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims down to 10%.

Photocell:

120-277V selectable photocell that can be turned on and off.

Construction**Cold Weather Starting:**

The minimum starting temperature is -40°C (-40°F)

Maximum Ambient Temperature:

Suitable for use in up to 50°C (122°F)

Technical Specifications (continued)

Construction

Housing:

Precision die-cast aluminum housing and door frame.

Lens:

Polycarbonate lens

Mounting:

Hinged wiring access and conduit entries on the back, slides, top and bottom make installation a snap

Cut Off:

Full cutoff (0°)

Finish:

Formulated for high durability and long-lasting color

Green Technology:

Mercury and UV free. RoHS-compliant components.

Other

Note:

All values are typical (tolerance +/- 10%)

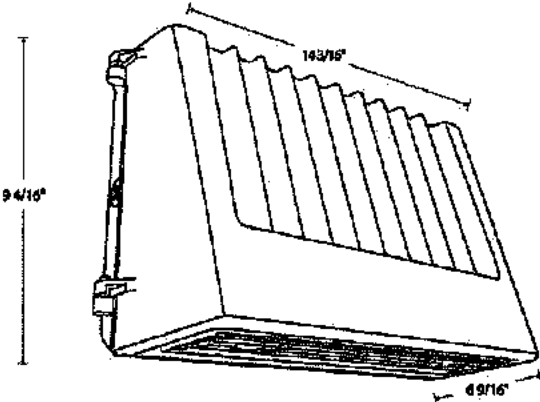
5 Yr Limited Warranty:

The RAB 5-year, limited warranty covers light output, driver performance and paint finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Dimensions



Features

- Selectable CCT
- Full cutoff
- Selectable on/off photocell
- 0-10V dimming, standard

Ordering Matrix

Family	Style	Wattage
SLIM17FA	FC	40
FC = Full cutoff		40 = 40W
		60 = 60W



Economical cylinders with field adjustable options to fit any indoor or outdoor application.

Color: Black

Weight: 3.3 lbs

Project:

Type:

Prepared By:

Date:

Driver Info

Type	Constant Current
120V	0.18A
208V	0.11A
240V	0.09A
277V	0.08A
Input Watts 20W	

LED Info

Watts	20W
Color	Field Adjustable
Temp	5000K/4000K/3000K
Color Accuracy	80 CRI
L70 Lifespan	100,000 Hours
Lumens	1,693 lm
Efficacy	94

Technical Specifications

Performance

Description:

This 4-inch CD34 cylinder with integrated photocell is ideal for wall mounting in outdoor applications. Field adjustable light output (up/down/both) and color temperature (5000/4000/3000K).

Product Type:

Economy Cylinder

Wattage Equivalency:

Equivalent to 100W Incandescent

Input Wattage:

20W

Lumens (Nominal):

1,693 Lm

Efficacy:

94 Lm/W

Note:

Lumens and efficacy values are based on the highest wattage output at 3000K

L70 Lifespan:

100,000-Hour LED lifespan based on IES LM-70 results

Electrical

Driver:

Constant Current, Non-Isolated Driver, 50/60 Hz, 120-277V, 120V: 0.18A, 208V: 0.11A, 240V: 0.09A, 277V: 0.08A

THD:

<20%

Power Factor:

>0.9

Dimmable:

No

Input Voltage:

120-277V

Operating Frequency:

50/60Hz

Technical Specifications (continued)

Electrical

Operating Temperature:

-22°F - 122°F (30°C - 50°C)

Flicker:

<30%

LED Characteristics

LEDs:

LED array provides a uniform source with high efficiency and no pixilation

Color Temperature:

Field Adjustable: 5000K/4000K/3000K

Color Accuracy (CRI):

80 CRI

R9 Value:

High color performance with R9 less than or equal to 1

Color Consistency:

<5-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color

Installation

Mounting:

Wall mount

Construction

Size:

4"

Shape:

Cylinder

Finish:

Formulated for high durability and long-lasting color

Housing Material:

Cylinder aluminum extrusion/cover aluminum die casting

Gaskets:

Gasket included can achieve restrictive airflow and wet location without any additional gasket or caulk

Lens:

Regressed lens constructed from impact resistant polycarbonate. Convex lens gives the optic a similar lamp-like appearance. Provides smooth and diffuse light distribution.

Lens Finish:

Clear

Optical

Beam Angle:

50°

Compliance

Indoor/Outdoor:

Suitable for indoor and outdoor use

Environment:

Suitable for use in dry, damp, and wet environments

Fixture Rating:

Open

ENERGY STAR V2.2:

ENERGY STAR® Version 2.2 Certified

Energy Star ID:

2400418

Energy Star Model Number:

CD1004(CD34FA4W-20-508-KC)

California Energy Commission (CEC) Status:

Not lawful for sale in California

IESNA LM-79 & LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80

RoHS:

Mercury and UV free. RoHS-compliant components.

FCC:

Complies with Part 15 of the FCC Rules

Other

5 Yr Limited Warranty:

The RAB 5-year, limited warranty covers light output, driver performance and paint finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

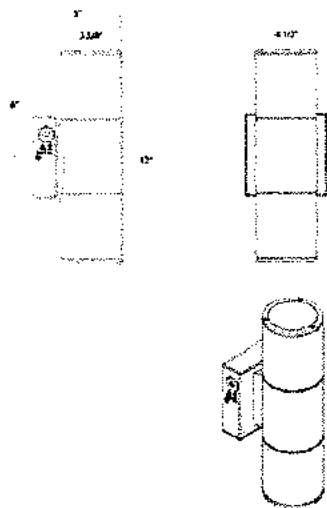
Note:

All values are typical (tolerance +/- 10%)

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Dimensions



Features

- Aluminum extrusion housing and die-casting covers
- Field adjustable light output, select from up/down/both
- Field adjustable color temperatures between 5000/4000/3000K
- Integrated photocell
- IP65 rated

Ordering Matrix

Family	Size	Mounting	Wattage Distribution	Optic	Color Temp	CRI	Finish	Voltage	Lens
CD34FA	4	W	20	50		8	K		C
	3 = 3"	W = Wall Mount	10 = 5W up/5W down (3" only)	50 = 50° beam ¹	Blank = 5000K/4000K/3000K Selectable	8 = 80 CRI	W = White K = Black Z = Bronze	Blank = 120-277V	C = Clear
	4 = 4"		20 = 10W up/10W down (4" only)	70 = 70° beam ²					
	6 = 6"		35 = 18W up/18W down (6" only)						

¹ 3" and 4" models only available in 50Å°
² 6" models only available in 70Å°



Color: Bronze

Weight: 7.0 lbs

Project:

Type:

Prepared By:

Date:

Driver Info

Type	Constant Current
120V	0.39A
208V	0.22A
240V	0.19A
277V	0.17A
Input Watts	46W

LED Info

Watts	45W
Color Temp	5000K (Cool)
Color Accuracy	73 CRI
L70 Lifespan	100,000 Hours
Lumens	6,045 lm
Efficacy	131.4 lm/W

Technical Specifications

Compliance

UL Listed:

Suitable for wet locations

IP Rating:

Ingress protection rating of IP66 for dust and water

Title 24 Compliant:

An IVEPARK edgelit garage fixture with a WS2 control option can be used to comply with 2016 Title 24 Part 6 Section 130.2 (a,b,c)

IESNA LM-79 & LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80

DLC Listed:

This product is listed by Design Lights Consortium (DLC) as an ultra-efficient premium product that qualifies for the highest tier of rebates from DLC Member Utilities.
DLC Product Code: PL28GIXV

LED Characteristics

LEDs:

Long-life, high-efficacy, surface-mount LEDs

Color Stability:

LED color temperature is warrantied to shift no more than 200K in color temperature over a 5-year period

Color Uniformity:

RAB's range of Correlated Color Temperature follows the guidelines of the American National Standard for Specifications for the Chromaticity of Solid State Lighting (SSL) Products, ANSI C78.377-2017.

Performance

Lifespan:

Up to 100,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

Wattage Equivalency:

Equivalent to 150W Metal Halide

Construction

Cold Weather Starting:

The minimum starting temperature is -20°C (-4°F)

Maximum Ambient Temperature:

Suitable for use in up to 40°C (104°F)

Mounting:

Surface mount standard (accessories available for wall, pole and trunnion mount)

Lens:

Diffused Polymethyl Methacrylate (PMMA)

Technical Specifications (continued)**Construction****Finish:**

Formulated for high durability and long-lasting color

Green Technology:

Mercury and UV free. RoHS-compliant components.

Other**Warranty:**

RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Electrical**Driver:**

Class 2, 50/60Hz, 120-277V, 4kV standard, 10kV optional, 120V: 0.38A, 208V: 0.22A, 240V: 0.19A, 277V: 0.17A

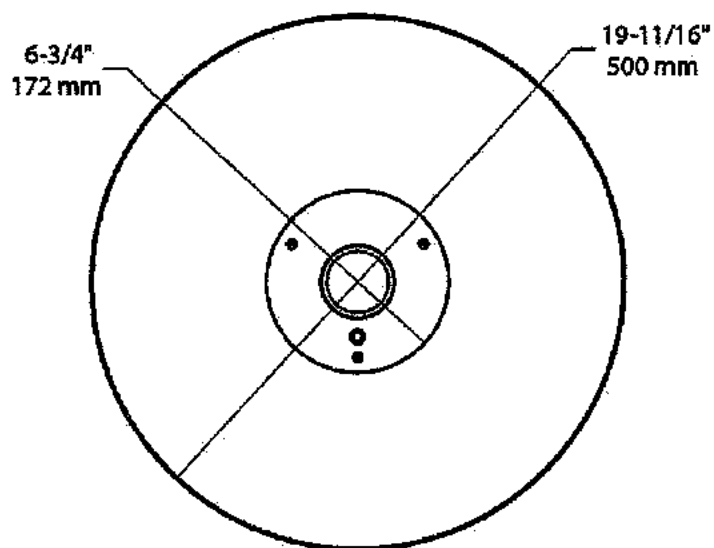
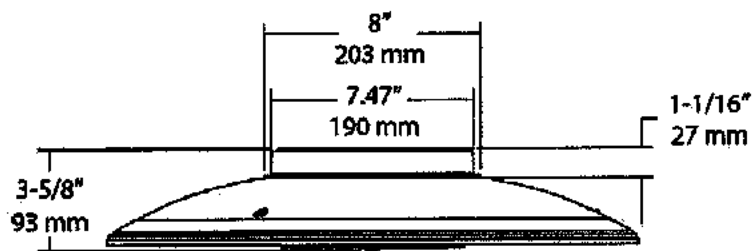
THD:

13.18% at 120V, 13.27% at 277V

Power Factor:

98.8% at 120V, 95.33% at 277V

Dimensions

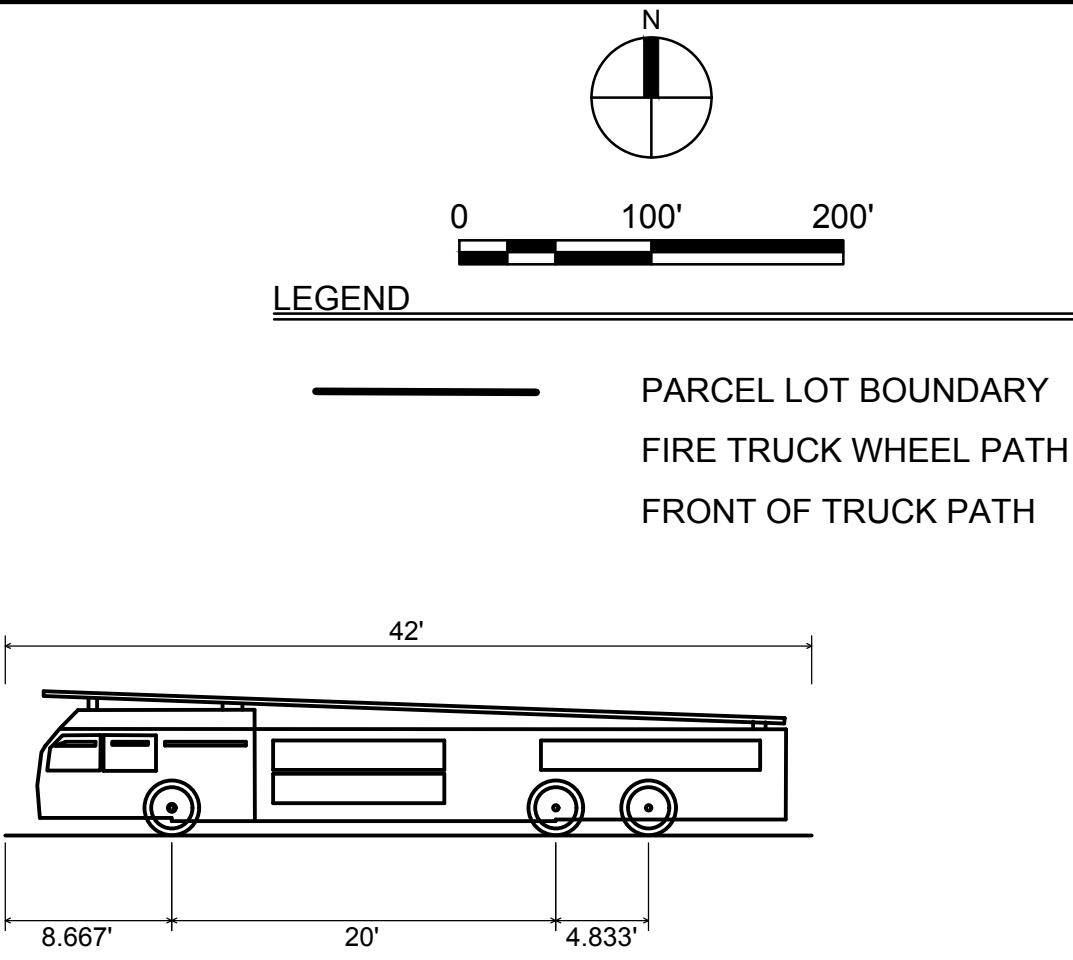
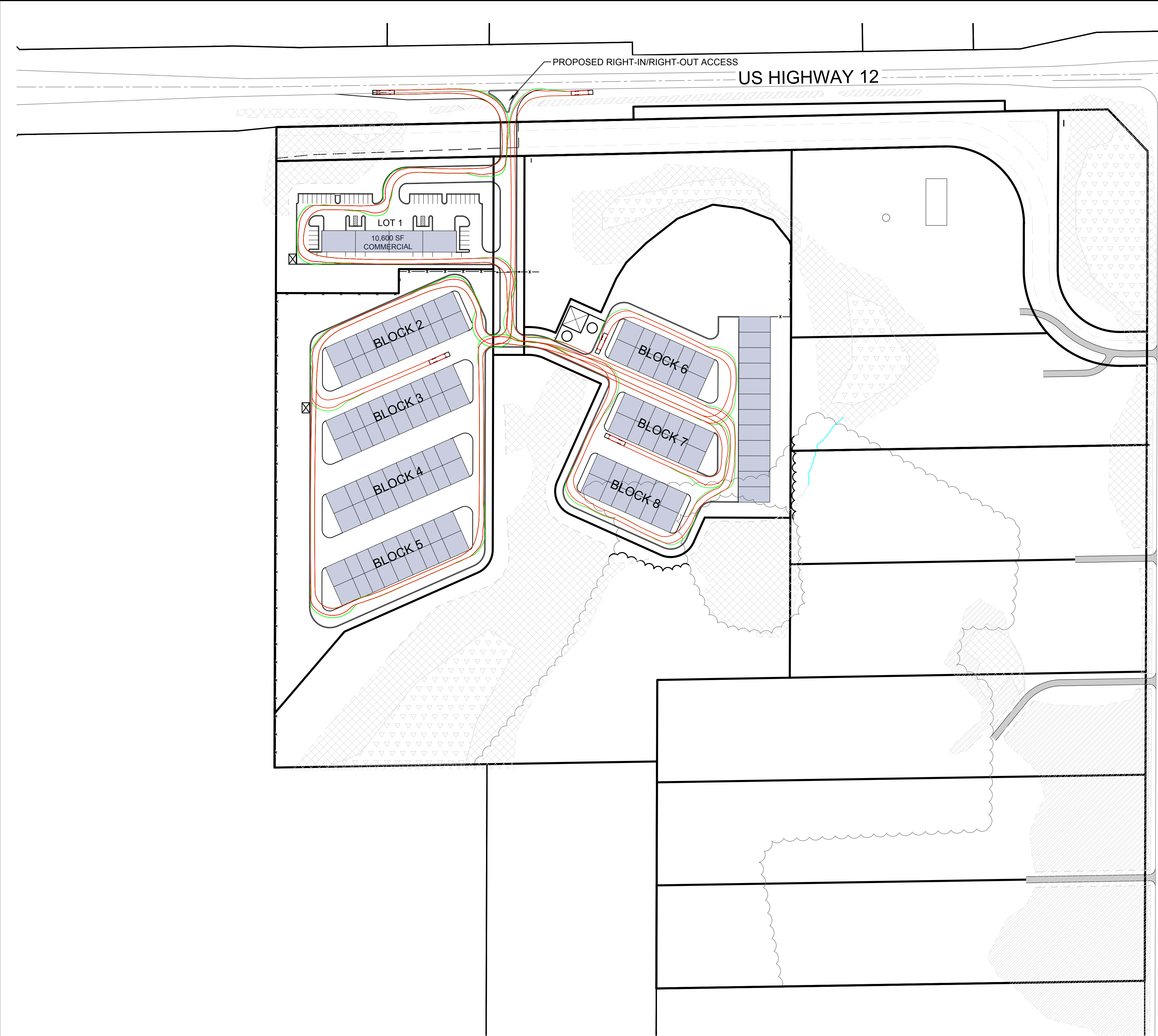


Ordering Matrix

Family	Distribution		Lumen Output	CRI/Color Temp	Finish	Voltage/Driver	Sensor Options	Lightcloud	Emergency Option
IVG	T5	-	50L	750	Z	U			
	T5 = Type V Wide		30L = 3,600 lumens (28W)	750 = 70CRI 5000K	Z = Bronze	U = 120-277V 0-10V Dimming	Blank = No Options /WS = 8ft lens Wattstopper	Blank = No Lightcloud*	Blank = No Options
	T5C = Type V Concentrated		50L = 5,500 lumens (45W)	740 = 70CRI 4000K	W = White	4 = 480V 0-10V Dimming ³	/WS2 = 20ft lens Wattstopper	/LC = Lightcloud* Controller ¹	/E2 = Emergency ²
	T5U = Type V Wide with Uplight		70L = 7,500 lumens (69W)	730 = 70CRI 3000K					
	T5CU = Type V Concentrated with Uplight								

¹ Available only for T5 and T5C distribution² Applies to 120-277V³ Consult Factory

Feb 15, 2023 - 10:43am
Xref Filename: \\16915_22x34_TileBlock\\16915_c_base\\
M:Miller
Y:\\16900\\16915 STODDARD - 58 ACRE - INDEPENDENCE_07 Civil_01 CAD files_01 SHEETS\\16915_AUTOTURN.dwg



Pierce Velocity 100' Heavy-Duty Aerial Tower
Overall Length 42.000ft
Overall Width 8.167ft
Overall Body Height 10.333ft
Min Body Ground Clearance 0.750ft
Track Width 8.167ft
Lock-to-lock time 5.00s
Max Wheel Angle 45.00°

ANDERSON
13605 1st Avenue N. #100
Plymouth, MN 55441 | ae-mn.com
P 763.412.4000 | F 763.412.4090
Anderson Engineering of Minnesota, LLC

MIXED USE DEVELOPMENT

INDEPENDENCE,
MINNESOTA

STODDARD COMPANIES

REVISION LOG		
NO.	DATE	DESCRIPTION OF REVISIONS

PRELIMINARY		
DESIGNED: LRK	DRAWN: BN/MM	CHECKED BY: LRK

DRAWING TITLE

FIRE TRUCK TURNING EXHIBIT

DRAWING NO.	
A	
PLOTTED: 02/10/2023	COMM. NO. 16915



January 30, 2023

Bill Stoddard
Stoddard Companies
925 Excelsior Blvd.
Excelsior, MN 55331

RE: Site Plan Review and Associated Zoning Submittals – 9285 Highway 12

Dear Bill:

The City received an initial submittal for the development of the subject property on November 16th, 2022, and a second updated submittal on December 5th, 2022. The City subsequently received several additional items on December 16th, 2022 but has not yet received all documents requested in our last correspondence. The City has completed a detailed review of the information submitted and pertaining to the following applications:

- A Comprehensive Plan Amendment to allow a portion of the property to be re-guided to the Urban Commercial - UC zoning district. A portion of the property is already guided Urban Commercial.
- Rezoning of a portion of the property from AG-Agriculture to UC-Urban Commercial.
- Conditional Use Permit to allow a planned unit commercial development on the subject property. The proposed development would include office warehouse and private garage condominium buildings.
- Site Plan Review to allow the proposed development.
- Preliminary Plat to allow the subdivision of the property into eight (8) residential lots and associated lots to allow the proposed commercial development.

As a formality and in accordance with Minnesota State Statute 15.99, the City is required to notify you that the applications are still found to be incomplete due to not all items identified in the previous correspondence being submitted. There are still several items/plans that are required to be submitted in order for the applications to be considered complete. Those items are further detailed below.

- Geotechnical Report
- Lighting Plan
- Dimensioned Site Plan

I offer the following comments for your review and possible revision:

Applicant has provided responses in red text to each comment (see below):

1. A dimensioned site plan was not submitted with the initial or subsequent plan submittals. Please provide a fully dimensioned site plan that provides dimensions of the proposed roads and driveways, parking spaces, turning radius, building dimensions, etc.

A dimensioned Site Plan is attached in Exhibit No. 1, Anderson Engineering's Civil Engineering Plan Set.

2. The overall plan provides proposed setbacks for parking, residential and commercial building setbacks. Please note that the residential lots will be zoned AG-Agriculture and subject to all applicable building setbacks and lot standards pertaining to the AG zoning district. For the commercial development, the City would recommend the following building and parking setbacks:

Applicant has updated Building and Parking Setbacks to generally agree with recommendations. However, there are some alternate setbacks dimensions we are proposing to minimize wetland impacts.

	<u>Recommended</u>	<u>Proposed</u>
<u>Building Setbacks</u>		
Front yard setback:	50 ft (including corner yard setbacks)	50 ft
Side yard setback:	20 feet	20 ft
Rear yard setback:	40 feet Setback from boundary of agricultural or residential district: 100 feet	80 ft from agricultural 40 ft from residential
<u>Parking and Drive Aisle Setbacks</u>		
Front yard setback:	20 feet	15 ft (from future frontage road)
Side yard setback:	10 feet	5ft - 15 ft (varies)
Rear yard setback:	10 feet	5ft - 15 ft (varies)
Setback from boundary of agricultural or residential district:	20 feet	20 ft from agricultural 40 ft from residential

3. The proposed principal access drive off of Highway 12 and the future frontage road stubs are not dimensioned and it is unclear if these are intended to be dedicated to the public at some point now or in the future? It may be necessary for right of way to be dedicated which could accommodate a future public frontage road. The minimum width of a City right of way is 66'.

There is a narrow portion of land along the south side of Highway 12 that is anticipated to be dedicated to MnDOT with the plat (See green hatch on Dedication Plan). We have also reserved a 66-ft wide strip of land along the south side of Highway 12 (See blue hatch on "Dedication Plan", also identified as Outlot A on Preliminary Plat) to be dedicated to the City for the future construction of a public frontage road from Nelson Road to the west property line of this proposed development, and potential extension across the adjacent property to the west to provide a connection to County Line Road SE.

4. The City will want to ensure fire apparatus access to and around the proposed retail and lifestyle condominiums. The City is in the process of reviewing the plans with the fire department and will provide additional comments once more detail is provided. The City will want to verify that the specified fire apparatus can maneuver into, through and around the proposed site and buildings.

We contacted Delano Fire Chief, Bob VanLith, who informed us that their largest fire truck is a Pierce, Velocity model with 100' midmount platform ladder. We used AutoTurn software to ensure our design of the private roads accommodate this design vehicle.

5. The City requires all paved areas serving commercial development to be paved and curbed with B-6-12 or better concrete curbing. The plans are not clear on what is proposed and where. The City could consider elimination of the curb provisions inside the lifestyle auto condos area.

Curbing is now detailed on our Anderson Engineering Plan package as attached. The design includes B618 curb & gutter for the right-in/right-out island within the MnDOT right-of-way in accordance with MnDOT specifications, B612 curb & gutter within the commercial area and main entry drive, and surmountable curb around the outside perimeter of all private drives within the Auto Condo area.

6. The north south lifestyle auto condo building located on Lot 11 appears to be located approximately 25' from the east property line which separates the commercial and residential property. The City would like to maintain minimum setbacks between commercial and residential as noted above. There appear to be alternative ways to accomplish an increased setback.

We have increased subject Block 9 Auto Condo building east property setback to 40 ft and are also adding a Restrictive Covenant to the newly created residential lots to prohibit the cutting of healthy trees within 150 ft of their rear property line/subject property line. Refer to attached Exhibit No. 2, Proposed Residential Lot Restrictive Covenants.

7. The City's current commercial ordinance requires a landscape island for every commercial parking lot that has more than 20 consecutive parking spaces. The City would like to see landscape islands installed along the north side of the proposed commercial building. All landscape islands shown should have a minimum interior width of 8' to accommodate a deciduous tree.

Landscape Islands have been added of appropriate size with vegetation per attached Plans.

8. The plans indicate a dumpster enclosure in the southwest corner of the proposed commercial lot. More information should be provided relating to the proposed enclosure, including materials, size, etc.

Two total dumpsters (one on commercial site and one on auto condo site) have been added to our development per the attached plans. Dumpsters shall have lids and full enclosures on all four sides with a latched gate on the front of both dumpsters built with siding materials complementing their respective main building components.

9. The lifestyle auto condos do not indicate any centralized waste or trash collection point. Please provide additional information relating to trash collection for the proposed lifestyle auto condo development.

An auto condo central dumpster enclosure has been added (Refer to above Answer 8).

10. More detail will be required to be added to the proposed landscape plan. Generally, the City will want to establish a high level of landscaping along Highway 12 and within the proposed commercial development property. This would include street or access driveway deciduous overstory trees, entry landscaping, landscaping against the building, groundcover, landscape islands, etc. Please label all plants and provide a table indicating species, size, condition, etc.

We have revised the Landscape Plan and added a table that meets City desires attached.

11. The plans show an entrance gate into the proposed lifestyle auto condos. The City noted that a fence or security may be necessary between the lifestyle auto condos and the adjacent residential property and also along the north side of the property to separate and secure the condo area. The inclusion of a security fence should be further considered and discussed.

We have added a security fence along the north, east and west sides as depicted in attached plans. Auto Condo owners and City safety and fire personal will have codes to security gate.

12. Please provide information relating to the proposed commercial building architecture, floor plan, entries, overhead doors, etc. In addition, mechanical equipment will need to be screened and should be shown on the proposed plans. Please provide more detail relating to the proposed commercial building. The City will want to review proposed building architecture and generally configuration of the interior spaces.

Updated Commercial Building design, renderings and elevations by ESG Architecture & Design have been submitted as Exhibit No. 3 for your review. Mechanical equipment will be either rooftop or ground mounted for the commercial building. For the auto condo building heated floors with individual boilers will be located inside each respective unit, with air conditioning, if any, likely either be wall mounted mini-split systems or roof mounted. All mechanical equipment shall be screened from neighboring views.

13. A lighting plan was not provided. A lighting plan (photometric) will need to be submitted. The plan should indicate the proposed light fixtures, pole heights, and photometric readings. Cut sheets of all proposed fixtures should also be submitted.

535.07. General application.

- Subd. 1. All light sources must be installed and shielded to prevent glare and trespass light. All light sources must be installed and shielded in accordance with the requirements of subsection 535.11 of this Code.*

- Subd. 2. Glare is prohibited in all districts.*
- Subd. 3. Trespass light must not exceed five-tenths footcandle, as measured on the property line when abutting any residential lot, and one footcandle on any abutting commercial or industrial lot, between the hours of sunset and sunrise.*
- Subd. 4. No light source may be mounted or installed at a height above the ground exceeding 35 feet.*
- Subd. 5. Blinking, flashing, or changing intensity lights are not permitted, except as authorized by subsection 550.07, subdivision 1 of this Code.*
- Subd. 6. It is the responsibility of every installer of lighting and every owner or occupant of property on which a light source is located to comply with the provisions of these lighting regulations.*

A lighting & Signage Plan by ESG Architecture & Design has been added and attached as Exhibit No. 4. Cut Sheets of proposed fixtures (or equivalent) have also been submitted along with a Photometric Plan. Lighting shall be installed and shielded in accordance with the requirements of City Code 535.11. No parking lot “pole mounted” lights are proposed.

14. The preliminary plat should indicate the edge of delineated wetlands, wetland buffers, applicable drainage and utility easements and allowable building pads (for all commercial and residential lots).

Preliminary Plat has been updated to include edge of delineated wetlands. We have not yet added wetland buffers to plans, but intend to do so with our next submittal. The proposed plat will locate all existing wetlands and buffers to remain and proposed stormwater ponds within Outlots C and D with a blanket drainage and utility easement across each of the outlots. All commercial building pads are shown and dimensioned on the Preliminary Plat drawings. We are not proposing any defined building pads for the residential lots, as we would like to maintain flexibility required to locate septic fields after soils investigations are performed in the field.

15. The proposed residential lots should show the location on the plan where a primary and secondary septic site can be located along with a corresponding report verifying the locations.

Site locations will be determined by field investigation with report submitted to City in Spring when field conditions permit entry.

16. The City’s current residential ordinance requires 250 LF of frontage for all lots greater than 3.49 acres. This would include Lots 1, 2 & 6-8. Lots 3-5 comply with the frontage requirements. The applicant could revise the plan to reduce the acreage of the proposed lots or increase the frontages to meet the specified requirements. The applicant is attempting to mirror the lots across the street; however, those lots are all less than 3.49 acres in size.

We have reduced the proposed residential lot configuration to seven (7) lots fronting Nelson Road to bring lots 2-4 into conformance with City Ordinance. However, we are requesting flexibility under the PUD application for Lots 5-7 to mirror the lot widths to the east of Nelson Road as we feel this is a better Plan than adding another Outlot to the rear of those subject Lots or making the auto condo site larger. Future residents will LOVE the larger lot sizes anyway! And as earlier mentioned we are adding a Restrictive Covenant to prevent tree cutting from the rear 150 ft of all residential lots.

17. Please find attached, the engineering review comments prepared by Hakanson Anderson and dated, January 27, 2023.

We have addressed most of the January 27, 2023, Hakanson Anderson comments with our revised Civil Plans by Anderson Engineering. As you are aware, some forthcoming comments by us will require geotechnical findings and detailed boundary survey dimensions. However, current winter conditions will delay some of these efforts until Spring. We have used County GIS parcel mapping and LiDAR topographic data as a basis for our initial design. We intend to initiate a geotechnical study shortly along with an ALTA survey with complete boundary and topographic information this Spring as soon as weather permits.

18. Please find attached, MNDOT review comments dated, January 12, 2023.

We are in basic agreement with the updated MnDOT comments regarding Hwy 12 site access and elimination of the planned acceleration lane per their February 3, 2023 correspondence. If any Pedestrian/Bicycle lane is to be added along this south Hwy 12 site we insist it be located within the newly dedicated 66 Ft wide ROW land and adjacent land we are dedicating to MnDOT. We will conform with MnDOT's water resource rules and other review and permit procedures and requirements.

Please review this letter and make changes and revisions necessary to address all applicable comments. Please provide a point-by-point response letter along with revised plans and subsequent information as requested no later than Friday, February 10, 2022. Following the review of additional information or revisions as requested, the City may have additional comments or require additional information. It is noted that the City and applicant have had discussions with MNDOT relating to the site access. Further review of the plans by the City may be dependence on the level of resolution relating to the site access issue. With this noted, should the City and applicant identify an acceptable access resolution, it is anticipated that this application will be considered again at the February 21, 2023, Planning Commission Meeting. If you have any questions, please contact me at (763) 479-0044.

We greatly appreciate your time in consideration and review of our attached information as we strive to be the premier business park & Upscale Life-Style Auto Condo and Residential development in the greater area and will forward any additional information as requested by city in prompt fashion.

Sincerely,

William J. Stoddard & Team

Sincerely,



Mark Kaltsas, PLA
City Planner



**ENGINEERING REVIEW
by
Hakanson Anderson**

Submitted to: Mark Kaltsas, City Administrator

**cc: SH Ventures, Inc., Applicant
Lee Koppy, Anderson Engineering of MN**

Reviewed by: Shane Nelson, P.E.

Date: January 27, 2023

Proposed

Project: Mixed Use Highway 12 Development

Street Location: 2858 Nelson Road

Applicant: SH Ventures, Inc.

Owners of Record: John F Zeglin JR

**Jurisdictional Agencies: City of Independence, MnDOT, BWSR, MnDNR, MPCA,
(but not limited to) PSCWMC**

**Permits Required: City Approval, MnDOT Access Permit, NPDES
(but not limited to) Construction Permit, WCA Wetland Replacement Plan,
PSCWMC Permit, Water Appropriations Permit**

INFORMATION AVAILABLE

Development Narrative

Preliminary Plans, dated November 15, 2022, prepared by Anderson Engineering of Minnesota, LLC. – Updated Preliminary Plans are dated February 10, 2023.

Stormwater Management Plan, dated December 16, 2022, prepared by Anderson Engineering of Minnesota, LLC. – Updated Stormwater Management Plan will be prepared as soon as geotechnical study is complete and better soils information is available including infiltration rates and groundwater elevations.

Wetland Delineation Report, dated May 6, 2022, prepared by Anderson Engineering of Minnesota, LLC.

Trip Generation Study, dated November 14, 2022, prepared by S² Traffic Solutions.

SITE ACCESS / VEHICULAR TRAFFIC

1. The commercial and auto condos portion of the project is proposed to receive access from Highway 12, which is under MnDOT jurisdiction. The Applicant shall be required to obtain a permit from MnDOT for the improvements necessary to support this development. The new street access must meet all design and safety criteria as per MnDOT requirements and the Applicant shall be responsible for providing a design that meets MnDOT standards and shall be solely responsible for all costs associated with the construction of the new access and associated turn lanes, including right-of-way acquisition if necessary.

We understand the requirement and fully intend to obtain a permit from MnDOT for the improvements. We further understand the requirements stated above related to safety criteria and responsibility for payment for such improvements.

2. The preliminary plans depict a frontage road connection to the (Johnson Trustee) property to the west, which is supported by Staff. It is assumed that the frontage road will be Privately Owned and a cross easement will be recorded to provide legal access to the adjoining property, which could then be reciprocated at the time the adjoining property is developed.

We are proposing to dedicate 3.23 Acres of land along the north property line to the City of Independence for the future construction of the proposed frontage road. We believe the frontage road should be a public roadway.

3. We would recommend that the access aisles around the car condos are designed to accommodate emergency service vehicles. A turning radius exhibit for a fire truck maneuvering the site should be provided for City review. We recommend that a fire truck is able to navigate around the site with single-turn maneuvers without the need to reverse.

We contacted Delano Fire Chief, Bob VanLith, who informed us that their largest fire truck is a Pierce, Velocity model with 100' midmount platform ladder. We used AutoTurn software to ensure our design of the private roads accommodate this design vehicle.

4. The proposed single family lots are proposed to access Nelson Road via shared driveways (to reduce wetland impacts). Staff generally supports this.

We have maintained the design of shared driveways, and further refined to reduce the total number of access points to four (4), reduced from the previous total of six (6) driveways on the previously most recent version Preliminary Plat submitted on 12/16/2022.

PRELIMINARY PLAT

1. The Preliminary Plat is not certified by the preparer. A certified Preliminary Plat is required to be submitted.

Anderson Engineering has used County GIS parcel mapping and LiDAR topographic data as a basis for our initial design. We would prefer to refrain from signing the Preliminary Plat document until we have completed a boundary and topographic survey of the property.

2. The Preliminary Plat shall depict zoning classifications.

We have added the existing zoning and guiding designations to the Preliminary Plat.

3. The wetlands shall be labeled as Exceptional, High, Medium, or Low and appropriate buffer widths depicted on the Preliminary Plat.

The Wetland Mitigation Plan, Sheet C500 includes the designations of Type I, Type II, Type III for the existing wetlands. We will add the buffer widths to the plans with the next issue of the plans.

4. Drainage and utility easements shall depicted on the Preliminary Plat. Drainage and utility easements shall be provided to the HWL of the wetlands, or to the edge of the buffer, whichever is greater, and over all stormwater conveyances and stormwater ponds.

The proposed plat will locate all existing wetlands and buffers to remain and proposed stormwater ponds within Outlots C and D with a blanket drainage and utility easement across each of the outlots. All commercial building pads are shown and dimensioned on the Preliminary Plat drawings. We are not proposing any defined building pads for the residential lots, as we would like to maintain flexibility required to locate septic fields after soils investigations are performed in the field.

5. The bearings and lengths of the property boundary shall be depicted on the Preliminary Plat. The found iron monuments shall be depicted on the Preliminary Plat.

We have used County GIS parcel mapping data as a basis for our initial design. We intend to initiate a complete boundary survey by a registered land surveyor this Spring as soon as weather permits. We will add bearings and lengths and found iron monuments to the Preliminary Plat as soon as we have obtained this information.

6. The lengths of the proposed lot lines shall be labeled on the Preliminary Plat.

See response to #5 immediately above.

GRADING AND EROSION CONTROL

1. As per the wetland and stormwater comments below, revisions to the Grading Plan are likely necessary to comply with City Code requirements, Watershed Rules, and the NPDES Permit. Please revise the Grading Plan as required to conform to all applicable requirements.

We will continue to refine the Grading and Erosion

2. Proposed grading is not depicted for the residential lots. Please depict proposed grading, particularly for the shared driveways. Please also label minimum floor elevations and allowable lowest opening elevations.

We have added proposed grading required to construct shared driveways, including storm sewer culverts to maintain drainage within the existing ditch along the west side of Nelson Road. We will label minimum floor elevations and allowable lowest opening elevations as soon as we are able to complete the geotechnical study, which will in turn, allow us to complete the Stormwater Management Report for the project by determining the 100-year flood elevations for all existing wetlands.

3. Please identify locations of primary and alternate septic sites for the residential lots.

Site locations will be determined by field investigation with report submitted to City in Spring when field conditions permit entry.

4. Redundant silt fence is required for sediment control adjacent to wetlands. Please depict on the erosion control plan.

Erosion Control Plans have been updated to show redundant silt fence at the required locations.

5. A stabilized construction exit will be required to prevent sediment tracking onto Highway 12. Please depict on the erosion control plan.

Erosion Control Plans have been updated to show a rock construction entrance at the specified location.

6. A complete erosion control plan and SWPPP will be required with the final development plans.

Noted. Anderson Engineering will prepare a SWPPP for the proposed construction when the final development plans are submitted.

7. Please label normal water level and 100-year high water level on all existing wetlands and proposed basins on the Grading Plans. Final Grading Plans shall also label emergency over flow elevations and locations throughout the development.

We will add this information to the plans as soon as the geotechnical study and subsequent Stormwater Management Plan are completed.

8. Please depict access routes for maintenance of stormwater ponds and stormwater structures on the plans. Access routes shall be a minimum of 10 feet wide, a 10% maximum grade, and 10:1 maximum cross slope.

We will add the proposed maintenance access routes to the plans once we have determined that the pond sizes are sufficient. This will be determined by the completion of the Stormwater Management Plan.

9. Please depict the pre-treatment for the infiltration/filtration basins on the plans.

We will incorporate pre-treatment to the plans once we have the results of the geotechnical study to determine which pre-treatment method(s) are appropriate for this site.

WETLANDS

1. A wetland delineation report was reviewed and approved by the TEP. A Notice of Decision approving the wetland boundary and type was issued on 8/5/2022. The decision is valid for 5 years.

Noted.

2. There are several proposed impacts to existing wetlands. A Wetland Replacement Plan has not been submitted at this time. Wetland impacts are subject to a sequencing analysis in which first wetland impacts must be avoided, and if they cannot be avoided they must be minimized. Although the shared driveways for the residential lots achieves some level of minimization of those specific wetlands, minimization of the impacts associated with the commercial development / car condos has not been demonstrated. If the wetland impacts are not approved, revisions to the site layout may be necessary.

We are aware of the requirements for a Wetland Replacement Plan and the minimization requirements that go with it. The application that was submitted on November 15, 2022 was not the first design developed for this site which initially impacted over 4 acres of wetlands with the proposed sizes of our office/warehouse which we drastically reduced with Staff input. The current plans were also able to reduce the total proposed wetland fill area by more than 12-percent from 58,592 SF in the 11/15/22 submittal to 51,404 SF with this resubmittal dated 2/10/23. We intend to prepare and submit a Wetland Replacement Plan will be the result of the iterative process to minimize impacts as required by wetland protection laws as we continue to refine the design of the site.

3. Please label the wetland quality for all wetlands on the grading sheets. Please also depict quality appropriate wetland buffers and setbacks from these buffers on the Grading Plans. (Note both the City of Independence and PSCWMC have buffer requirements – buffer widths shall meet both requirements)

The Wetland Mitigation Plan, Sheet C500 includes the designations of Type I, Type II, Type III for the existing wetlands. We will add the buffer widths as dictated by both City of Independence and Pioneer Sarah Creek Watershed Management Commission to the plans with the next issue of the plans.

4. Buffer establishment plans in accordance with Section 509.05 of the City Code and PSCWMC Rules will be necessary. At this time, a Buffer Establishment Plan has not been received.

See response to #3 immediately above.

5. Increased wetland buffers will be required for steeper slopes. Buffer strips on shall be an average 25 feet wide (PSCWMC requirement). Buffer areas disturbed by grading operations must be finish graded to a slope of 6:1 or less or an increase in width of five (5) feet for each one (1) foot decrease in horizontal width (i.e. a 25 required foot buffer width at a 5:1 slope must be 30 feet wide, 4:1 must be 35 feet wide, and 3:1 must be 40 feet wide.)

Noted. We will provide buffers as required.

6. An analysis of wetland bounce between existing conditions and proposed conditions has not been completed. Please ensure that the maximum bounce and inundation period is not exceeded for the onsite wetlands for their given quality.

We will include this analysis in the Stormwater Management Plan when we resubmit the document.

STORMWATER

1. This project proposes to create eight new residential lots along Nelson Road. The Stormwater Management Plan states “we propose to defer the stormwater requirements onto individual home builders” - which is not allowable. In accordance with NPDES State permitting requirements, the eight new residential lots proposed to be created with this development are a “Common Plan of Development” and therefore design and construction of stormwater infrastructure is required at this time. The Applicant shall revise to include the design of stormwater management for the eight new lots in accordance with City ordinances and state permitting requirements.

We understand this requirement and will address with the Stormwater Management Plan when we resubmit.

2. The current stormwater report has determined that the ponds as submitted are undersized at this time and shows a significant increase in runoff rates. The Stormwater Management Plan, as submitted, does not meet City requirements for rate control.

We understand the rate control requirements and will address with the Stormwater Management Plan when we resubmit.

3. The current stormwater report states “Since we do not have detailed soils information at this time, and we are still working through pond sizing, we are unable to determine whether or not the design meets Phosphorous and TSS removal requirements”. The Applicant must demonstrate that the stormwater system is designed to reduce Phosphorous and TSS loading.

We understand the water quality requirements and will address with the Stormwater Management Plan when we resubmit.

4. Without soils information, it is unknown if the pond locations will be suitable to provide for stormwater treatment which is able to achieve the water quality requirements. There may be other areas of the site which are more suitable (undetermined at this time) which could result in a revised site layout.

Once we have completed the geotechnical study, we will be able to review soil conditions across the site to determine the optimal locations for the proposed stormwater treatment. We understand that some revisions may be required to accommodate.

5. In the existing condition, there are several existing wetlands which should be modeled with a Curve Number of 98 to reflect the saturated condition. However, it does not appear that the wetland ground cover has been accounted for in the existing condition model in any of the subcatchments. Please revise.

We will revise the report to account for the saturated condition when we resubmit.

6. In the existing condition, there is depressional storage within the wetlands that may impound stormwater during rain events within Subcatchment A1, however, the storage is not modeled in the existing conditions model. The model shall be corrected to model the depressional storage within the existing wetlands.

We will revise the report to account for these depressional storage areas when we resubmit.

7. The wetland within Subcatchment A1 is partially located on the adjacent property to the south. At this time, we are unable to evaluate whether or not there are offsite impacts due to the wetland not being included in the model. Based on the significantly increased stormwater runoff rates, we would assume that there would be an increase in the wetland high water level elevation, which is not allowable unless the Applicant receives permission from the landowner in a form suitable to the City Attorney.

It is our intent to design proposed stormwater management facilities that will not increase offsite flows or increase high water levels.

8. In the existing condition, there are existing wetlands within subcatchment B1 that are not included in the model.

We will revise the report to account for the missing existing wetlands when we resubmit.

9. In both the existing and proposed conditions, the subcatchments shall include labels to describe the ground cover associated with the Curve Number and area. Curve Numbers shall be in accordance with the City of Independence

We will include labels describing ground cover associated with the selected Curve Numbers and do so in accordance with the City of Independence guidelines.

10. The proposed Drainage Area Map does not include any ponding nodes. The Proposed Drainage Area Map shall be revised to depict ponding nodes.

Noted. We will include the proposed ponding nodes on the revised Drainage Area Map included with the resubmitted Stormwater Management Plan.

11. All wetlands, wetland buffers, stormwater structures, conveyance systems, emergency over flows, cross lot drainage, and stormwater detentions basins must be within a drainage and utility easement that contains the entire 100-year high water level. For conveyance systems, the width shall at a minimum contain the flow path and shall increase for larger conveyances. Please show these easements on the construction plans.

We will be sure to include drainage and utility easements over all wetlands, buffers, stormwater structures and other features noted.

12. Groundwater elevations are required to be determined for the suitability of stormwater BMPs. Infiltration basins require at least 3 feet of separation between the bottom of the basin and the highest known ground water level. Please provide a geotechnical report for review, and revise the site as necessary based on soils information.

Noted. We will include a summary of the groundwater elevations and depth below the bottom of the proposed basins once existing groundwater elevations have been obtained through completion of the geotechnical study.

SEPTIC SITES

1. Suitability of septic sites to be reviewed and approved by others.

Noted. We are working with Dale Denn of Homestead Septic on the design of the proposed septic systems.

WATER SUPPLY

1. Individual wells are proposed to provide water supply to the proposed residential lots and a community well is proposed to provide water supply to the car condos. Wells must meet requirements of the Minnesota Department of Health and applicable state laws and regulations.

Noted. We will process proposed well permit applications with the appropriate agencies.

OTHER ITEMS

1. Final Plans shall be in accordance with the approved Independence standards details and Engineering Manual. Final Plans shall be at a scale of 1" = 50' and include plan and profile sheets.

We will provide final plans in the required formats.

SUMMARY

At this time, there are several items as discussed herein which may affect the site layout. We recommend that the Applicant revise and resubmit prior to City consideration of the Preliminary Plat and Site Plan.

January 12, 2023

Mark Kaltsas
City Planner
City of Independence
1920 County Road 90
Independence, MN 55359

Lee Koppy
Anderson Engineering
13605 1st Avenue North, Suite 100
Plymouth, MN 55441

Bill Stoddard

SUBJECT: MnDOT Review #**S22-045**
Independence Business Park
SW Quad US 12 and Nelson Road
9285 Highway 12
Independence, Hennepin County

Dear Messrs. Kaltsas, Koppy and Stoddard:

Thank you for the opportunity to review the plans for the **Independence Business Park**. MnDOT has reviewed the documents and has the following comments:

Access to site:

In order to maintain safety on US 12, all access to the site should be obtained from County Line Road or Nelson Road. Reasonably convenient and suitable access to the property is available from Nelson Road. Providing access to either Nelson or County Line Road will allow drivers to access westbound US 12 without having to make a u-turn from the east or an illegal left turn from the right-out porkchop. Additionally, because of the number of trips predicted to be generated by the development, if the development accesses Nelson Road, MnDOT recommends a dedicated left turn lane from US 12..

For questions regarding these comments, please contact Eric Lauer-Hunt, Metro Traffic, at 651-234-7725 or eric.lauer-hunt@state.mn.us.

Pedestrian/Bicycle:

There is a planned bikeway on US 12 in the MnDOT Metro District Bike Plan. There is an existing trail running along County Line Road SE to the commercial center in the northwest corner

An equal opportunity employer

of County Line Road SE and US 12. MnDOT recommends the developer to leave space along US 12 for future trail connections.

For questions regarding these comments, contact Sara Dunlap, Metro Multimodal, at 651-234-7875 or eric.lauer-hunt@state.mn.us.

Water Resources:

The plans as submitted don't show the existing culvert at the proposed access to US12, nor does it show any proposed routing for this stormwater in the proposed condition. The developer will need to route stormwater and show no increase in flood levels in the MNDOT ROW as part of this project. Because of this, a MnDOT drainage permit will be required to ensure that current drainage rates to MnDOT right-of-way will not be increased. The actual HydroCAD models will need to be provided for review, not just project summaries.

The drainage permit application, including the information below, should be submitted online to: <https://dotapp7.dot.state.mn.us/OLPA/>

The following information must be submitted with the drainage permit application:

- 1) A grading plan showing existing and proposed contours.
- 2) Drainage area maps for the proposed project showing existing and proposed drainage areas. Any off-site areas that drain to the project area should also be included in the drainage area maps. The direction of flow for each drainage area must be indicated by arrows.
- 3) Drainage computations for pre and post construction conditions during the 2, 10, 50 and 100 year rain events.
- 4) Time of concentration calculations.
- 4) An electronic copy of any computer modeling used for the drainage computations.
- 5) See also the attached Drainage Permits Checklist for more information.

Once a drainage permit application is submitted, a thorough review will be completed and additional information may be requested.

Please direct questions concerning drainage issues to Jason Swenson, MnDOT Metro Water Resources at (651-234-7539) or Jason.Swenson@state.mn.us.

Permits:

As mentioned previously a Drainage permit will be required. Any other use of, or work within or affecting, MnDOT right of way will require a permit.

Permits can be applied for at this site: <https://olpa.dot.state.mn.us/OLPA/>. Please upload a copy of this letter when applying for any permits.

Please direct questions regarding permit requirements to Buck Craig of MnDOT's Metro Permits Section at 651-775-0405 or Buck.Craig@state.mn.us.

Review Submittal Options

MnDOT's goal is to complete reviews within 30 calendar days. Review materials received electronically can be processed more rapidly. Do not submit files via a cloud service or SharePoint link. In order of preference, review materials may be submitted as:

1. Email documents and plans in PDF format to metrodevreviews.dot@state.mn.us. Attachments may not exceed 20 megabytes per email. Documents can be zipped as well. If multiple emails are necessary, number each message.
2. PDF file(s) uploaded to MnDOT's external shared internet workspace site at: <https://mft.dot.state.mn.us/metrodevreviews.dot@state.mn.us>. Contact MnDOT Planning development review staff at for uploading instructions and send an email listing the file name(s) after the document(s) has/have been uploaded.

If you have any questions concerning this review, please contact me at (651) 234-7797.

Sincerely,



Cameron Muhic
Senior Planner

Copy sent via E-Mail:

Buck Craig, Permits
Jason Swenson, Water Resources
Aaron Tag, Area Engineer
Sara Dunlap Metro Multimodal
Kimberly Zlimen, Transit
Tom Cruikshank, District 3 Planning
Bethany Brandt-Sargent, Metropolitan Council

Lance Schowalter, Design
Eric Lauer-Hunt, Traffic
Doug Nelson, Right-of-Way
Michael Kowski, Maintenance
Brandon JB Nelson, Surveys
Natalie Ries, Noise
Jed Hanson, Metropolitan Council