



COTTAGE GROVE PLANNING COMMISSION

February 26, 2024

12800 RAVINE PARKWAY SOUTH  
COTTAGE GROVE, MN 55016

COUNCIL CHAMBER- 7:00 PM

1. Call to Order
2. Roll Call
3. Approval of the Agenda
4. Open Forum
5. Chair's Explanation of the Hearing Process
6. Public Hearing and Applications
  - 6.1 Lot Split at 9826 East Point Douglas Road - MS2024-006  
*Discussion: Al Stewart has applied for a minor subdivision to subdivide the existing 13.95-acre parcel located at 9826 East Point Douglas Road into three separate parcels. The applicant is proposing to create a 3-acre parcel for the existing R-1, Rural Residential, property; a 2.48-acre parcel along East Point Douglas Road for right of way dedication; and an 8.48-acre parcel to be acquired by Washington County for the expansion of the Cottage Grove Ravine Regional Park.*
7. Approval of Minutes
  - 7.1 Approval of Planning Commission Minutes of January 22, 2024
8. Staff Reports and Materials
9. Adjournment

# STAFF REPORT CASE: MS2024-006

ITEM: 6.1

PUBLIC MEETING DATE: 2/26/24

TENTATIVE COUNCIL REVIEW DATE: 3/6/24

## APPLICATION

APPLICANT: Al Stewart

REQUEST: A minor subdivision to subdivide a 13.95-acre parcel of land into three separate parcels. The applicant is proposing to create a 3-acre parcel for the existing R-1, Rural Residential, property; a 2.48-parcel along East Point Douglas Road for right-of-way dedication; and an 8.48-acre parcel to be acquired by Washington County for the expansion of Cottage Grove Regional Park.

## SITE DATA

LOCATION: 9826 East Point Douglas Road South

ZONING: R-1, Rural Residential

GUIDED LAND USE: Parks/Open Space

LAND USE OF ADJACENT PROPERTIES:

NORTH:

EAST:

SOUTH:

WEST:

CURRENT

Ravine Park

Ravine Park

Highway 61

Open Space

GUIDED

Parks/OpenSpace

Parks/OpenSpace

Highway 61

Parks/OpenSpace

SIZE: 13.95 acres

DENSITY: N/A

## RECOMMENDATION

Approval, subject to the conditions stipulated in this staff report.



## COTTAGE GROVE PLANNING DIVISION

Planning Staff Contact: Riley Rooney, Associate Planner; 651-458-2834; [rooney@cottagegrovemn.gov](mailto:rooney@cottagegrovemn.gov)

Application Accepted: 1/11/2024 60-Day Review Deadline: 3/10/2024

**Planning Staff Report  
Stewart Minor Subdivision  
Planning Case No. MS2024-006  
February 26, 2024**

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**Proposal**

Al Stewart is requesting a minor subdivision to subdivide the existing 13.95-acre parcel located at 9826 East Point Doulgas Road into three separate parcels. The applicant has proposed creating a 3.0-acre-parcel for the existing R-1 Rural Residential property, a 2.48-parcel along East Point Douglas Road for right of way dedication, and an 8.48 acre-parcel to be acquired by Washington County for the expansion of the Cottage Grove Ravine Regional Park.



Location Map

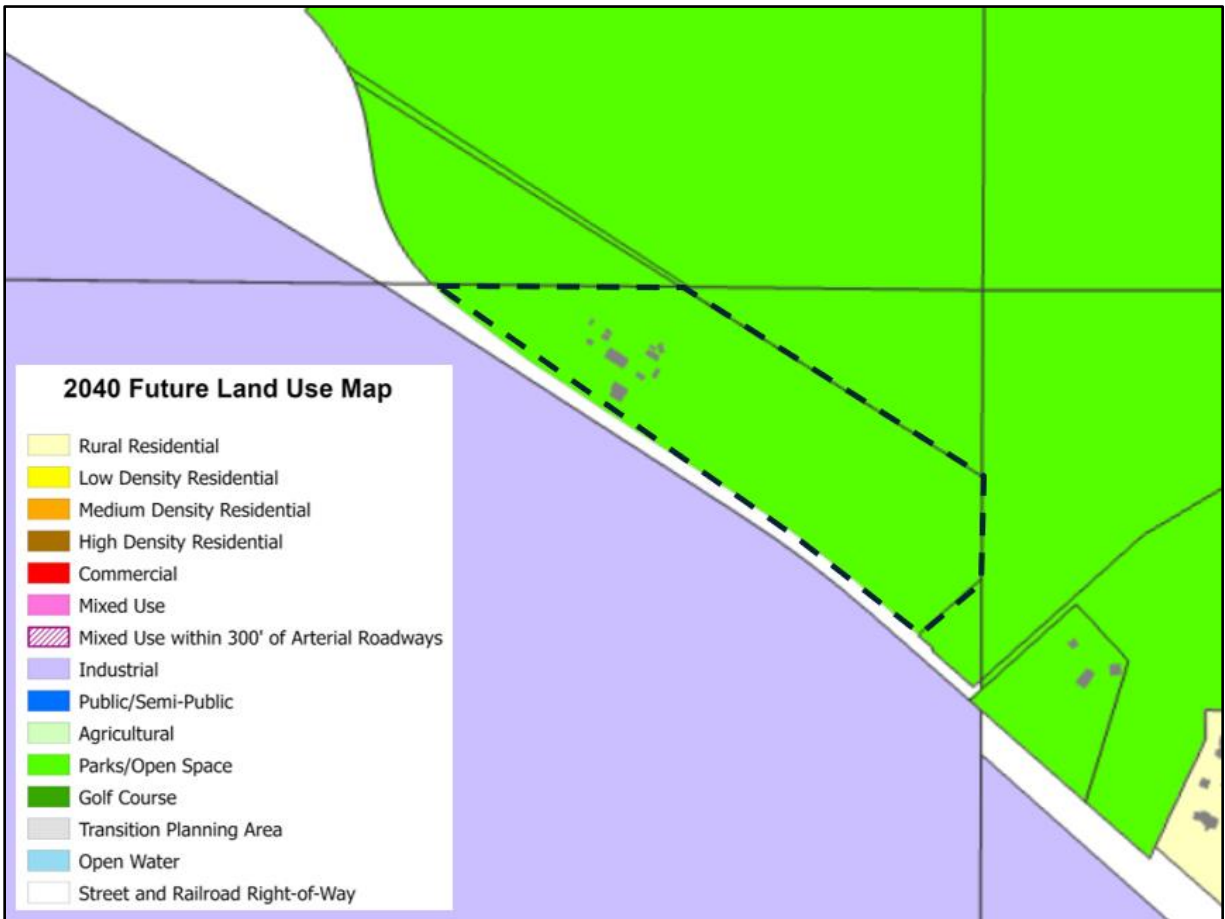
**Review Schedule**

Application Received: January 11, 2024  
Acceptance of Completed Application: January 11, 2024  
Planning Commission Meeting: February 26, 2024  
60-Day Review Deadline: March 10, 2024  
Tentative City Council Meeting: March 6, 2024

## Planning Considerations

### ***Ordinance Requirements***

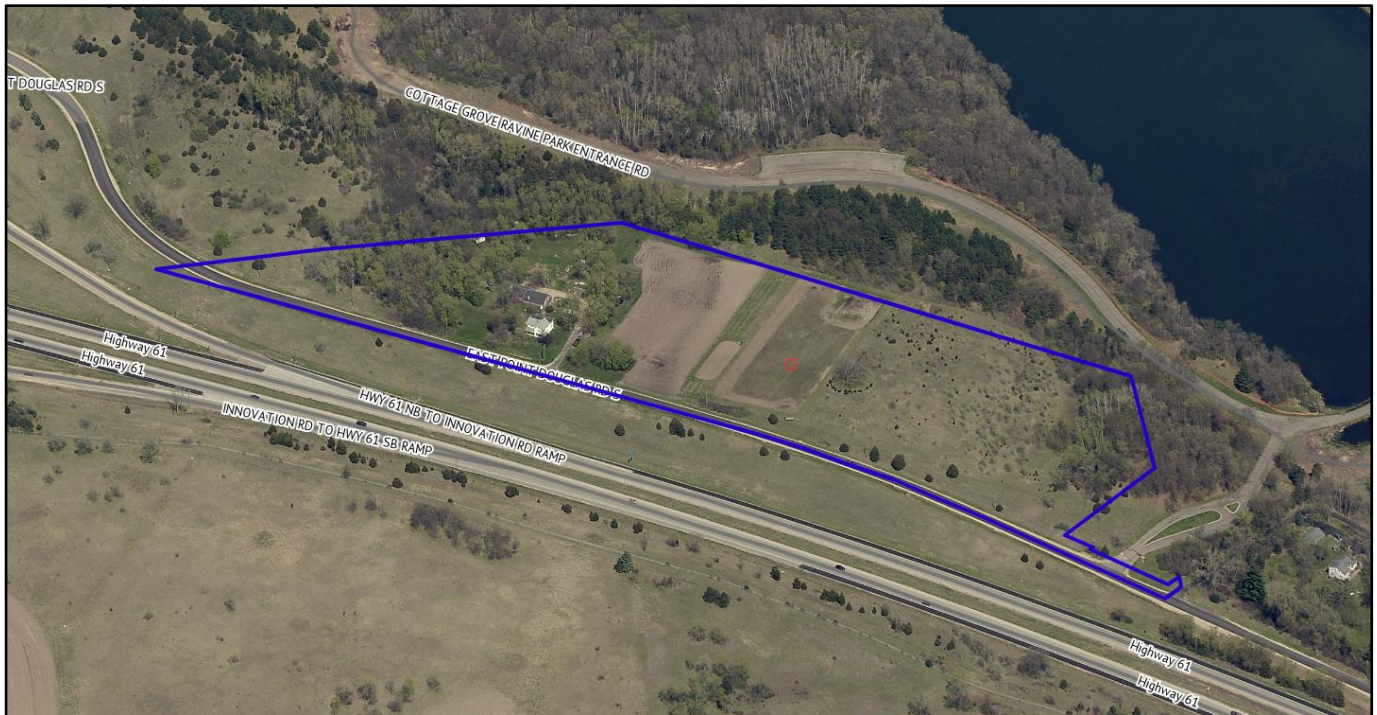
A minor subdivision process is required when dividing land to ensure minimum zoning code standards are met. The parcel is currently zoned R-1, Rural Residential, and the City’s 2040 Land Use Plan guides this parcel as Park and Open Space. The proposed minor subdivision of the current parcel aligns with the City’s long-range plan as the proposal will create an 8.48-acre parcel to be acquired by Washington County as additional park and open space within Ravine Regional Park. In addition, the 3-acre R-1 parcel is planned to be sold to Washington County for the expansion of Cottage Grove Ravine Regional Park at a later date.



2040 Land Use Plan

### ***Property Characteristics***

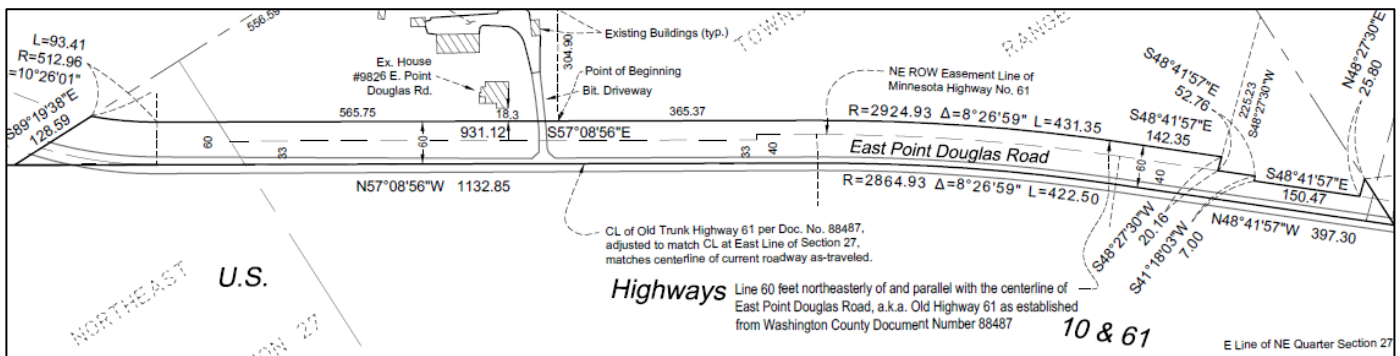
The parcel located at 9826 East Point Douglas Road currently contains a residence as well as several garages and accessory structures. The house was constructed in 1905 and is currently operated as a rental property. The parcel abuts Cottage Grove Ravine Regional Park to the north and to the east and has frontage access off East Point Douglas Road. The applicant plans to keep the existing structures on site within the subdivided three-acre, R-1 parcel. No additional buildable lots will be created given the three-acre minimum lot size for an R-1 parcel.



Current Site

**Right of Way**

As part of the minor subdivision approval, the City is requiring the applicant to dedicate a small portion of right-of-way along East Point Douglas Road South. For rural road sections, the City typically has a total of 60 feet (18.3 feet from the center line to the edge of the property line) of right-of-way, which includes the road and ditch sections. This small portion needing to be dedicated will align with the existing City right-of-way along East Point Douglas Road for any future road work needing to take place.



Required Dedicated ROW

**Utilities, Stormwater, and Area Charges**

The current parcel contains well and septic, which will remain on the 3.0-acre residential parcel. There is no sanitary sewer or water connection currently on site given there are no city utilities that extend to the parcel. No area charges or park dedication is necessary for the site as the 8.48-acre parcel will be incorporated into the Cottage Grove Ravine Regional Park.

### ***Public Hearing Notices***

The public hearing notice was mailed to 5 property owners who are within 500 feet of the proposed minor subdivision and published in the *St. Paul Pioneer Press* on February 14, 2024.

### **Recommendation**

That the Planning Commission recommend that the City Council approve a minor subdivision subdividing a 13.95-acre parcel of land at 9826 East Point Douglas Road into three separate parcels: a 3.0-acre-parcel for the existing R-1, Rural Residential, property; a 2.48-parcel along East Point Douglas Road for right-of-way dedication; and an 8.48-acre parcel for the extension of Cottage Grove Ravine Regional Park, subject to the conditions listed below:

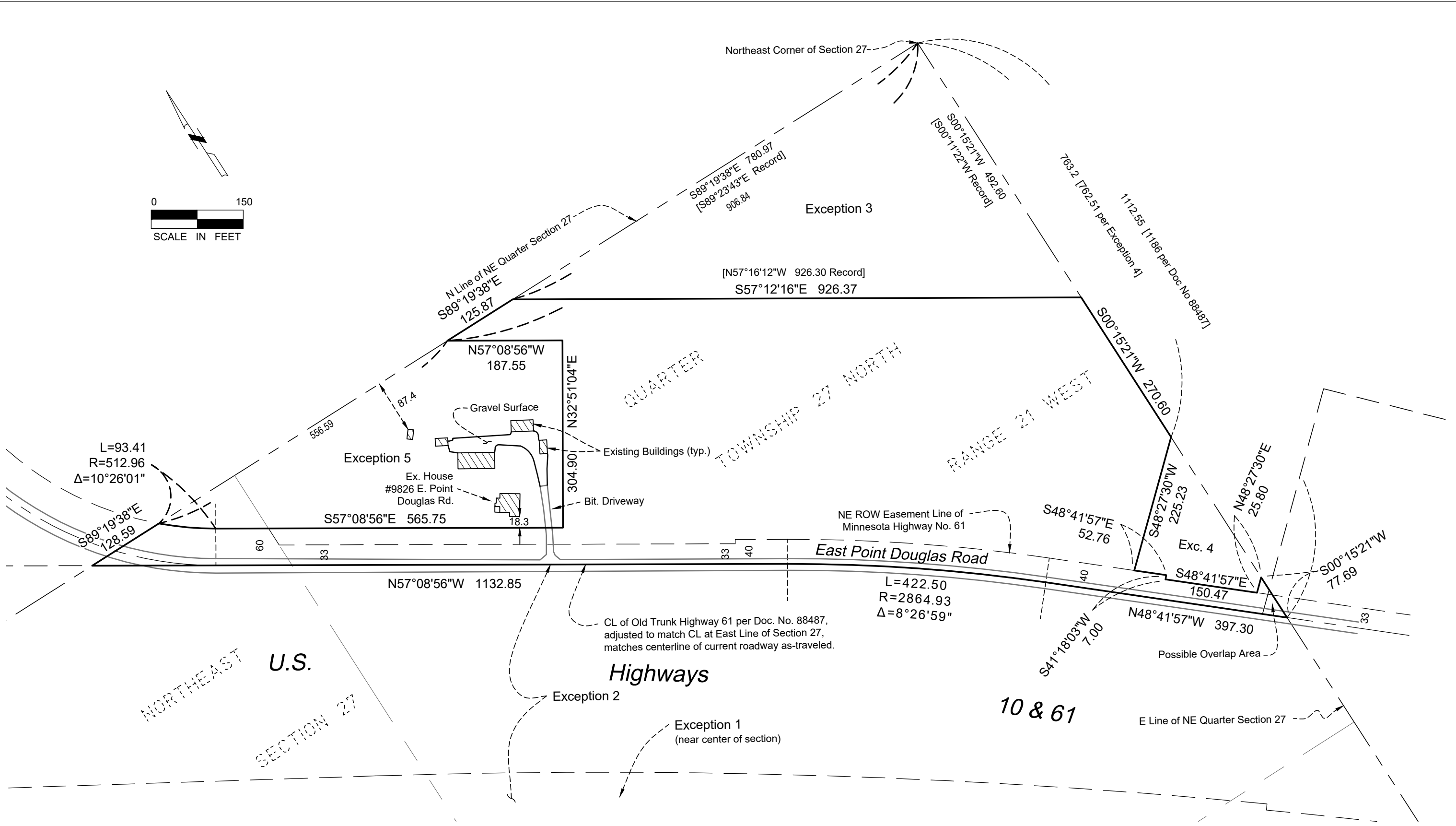
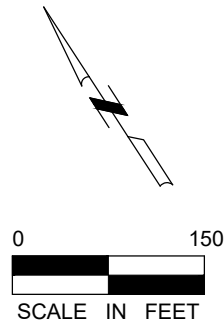
- 1) East Point Douglas Road right-of-way shall be dedicated as part of the minor subdivision in the northwest corner of the property, aligning with the 18.4 feet of dedicated right-of-way from the center of the roadway.
- 2) All applicable permits (i.e.; building, electrical, grading, and mechanical) for the construction of a house on the parcel(s) must be completed, submitted, and approved by the City before any construction activities begin. Detailed construction plans must be reviewed and approved by the Building Official and Fire Marshal.
- 3) The minimum setbacks for the principal structure shall be those found in the R-1, Rural Residential, zoning criteria.
- 4) A certificate of survey is required for newly created parcels.
- 5) Grading and erosion control measures meeting City standards shall be utilized during construction on either newly created parcel.

Prepared by:

Riley Rooney  
Associate Planner

### **Attachments:**

Survey



**LRC**  
Land & Resource Consulting

14260 23rd Ave N  
Plymouth, MN  
Phone: 763-340-0699

**Certificate of Survey**  
Survey prepared for: Stu-Mac Properties

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Signed: Brandon W. King  
Brandon King, Land Surveyor  
Minnesota License Number 42597

Date: December 22, 2023

Project Number  
22015

Sheet 2 of 2

**City of Cottage Grove  
Planning Commission  
January 22, 2024**

The Regular Meeting of the Planning Commission was held at Cottage Grove City Hall, 12800 Ravine Parkway South, Cottage Grove, Minnesota, on Monday, January 22, 2024, in the Council Chamber and telecast on Local Government Cable Channel 16.

## **Call to Order**

Chair Frazier called the Planning Commission meeting to order at 7:00 p.m.

## **Roll Call**

Members Present: Pradeep Bhat, Ken Brittain, Jessica Fisher, Evan Frazier, Eric Knable, Emily Stephens

Members Absent: Derek Rasmussen

Staff Present: Emily Schmitz, Community Development Director; Mike Mroska, Senior Planner; Conner Jakes, Associate Planner; Riley Rooney, Associate Planner; Jennifer Levitt, City Administrator; Amanda Meyer, City Engineer; Crystal Raleigh, Project Engineer; Kori Land, City Attorney, Tony Khambata, City Council Liaison

## **Approval of Agenda**

***Fisher made a motion to approve the agenda. Brittain seconded. The motion was approved unanimously (6-to-0 vote).***

## **Open Forum**

Frazier opened the Open Forum and asked if anyone wished to address the Planning Commission on any non-agenda item. No one spoke. Frazier closed the Open Forum.

## **Chair's Explanation of the Public Hearing Process**

Frazier explained the purpose of the Planning Commission, which serves in an advisory capacity to the City Council, and that the City Council makes all final decisions. In addition, he explained the process of conducting a public hearing and requested that any person wishing to speak should go to the microphone and state their full name and address for the public record.

## **Public Hearings and Applications**

### **6.1 Holcim 2024 Mining Permit – Case MP2024-002**

**Holcim MWR, Inc. has submitted their annual mining permit application to continue mining and processing aggregate materials in the Nelson Sand and Gravel Facility located at 11250 Grey Cloud Trail.**

Mrosla summarized the staff report and recommended approval subject to the conditions stipulated in the staff report.

Patty Bestler with Holcim MWR, Inc., 2815 Dodd Road, Eagan, stated Mrosla summed up their annual application very concisely. We're going to continue with the operations, as we have done for the last 20-plus years that she's been with the company. The only change this year, which was introduced later in the season last year, is the suction drudge that will remove sand that was put on a previously mined-out area in the 1980s when they didn't have the technology back then to go as deep and get the reserves as we are doing now. So, we're going to try to lift that sand off and try to get those sand and gravel reserves that are underneath the sand that's been sitting there for all these years. Otherwise, their environmental permits are all in good standing: We have an air permit with the Minnesota PCA, an individual stormwater permit, our tanks are all secondarily contained and are registered with the State of Minnesota. With her tonight is Joe Neumann, our new Plant Manager at Nelson; he assumed that role last August or September. She'll be happy to answer any questions, but none were asked.

Frazier stated per City Code, this is not an application we need to hold a public hearing on; so, he asked if there was any further discussion by the commission. As there was no discussion, Frazier stated he'd look for a motion.

***Brittain made a motion to approve Holcim's 2024 Mining Permit subject to the conditions stipulated in the staff report. Fisher seconded. Motion passed unanimously (6-to-0 vote).***

## **6.2 Discount Tire – Case CUP2024-001**

**Halle Properties, LLC applied for a Conditional Use Permit (CUP) to utilize the existing building and site layout for a minor automobile repair use onsite at 8647/8649 East Point Douglas Road South.**

Jakes summarized the staff report and recommended approval subject to the conditions stipulated in the staff report.

Frazier stated Big O Tire used to be there, presumably they had a CUP as well; he asked if the reason we're back for a new CUP is because it sat for more than a year since being used for that purpose. Jakes replied the original approvals in 1991 was when the site was actually zoned B-3 and permitted automotive repair use by right, so there was no CUP required. However, the current Zoning District of Mixed Use requires a CUP so, we're taking this opportunity to have current approvals for the site. Frazier stated understood and thanked Jakes for the explanation.

Frazier asked if the Applicant wished to approach and add anything additional. Todd Mosher, with raSmith, on behalf of the Applicant, clarified that Discount Tire, which most of you are probably familiar as they're in the Twin Cities area already, will have a primary use of just tires and wheels. They don't typically do any auto service-related things like oil changes, mufflers, brakes, or any kind of fluid stuff; they might sell windshield wipers or minor accessories like that. Other than that, he's familiar with the staff report, and they're looking forward to coming to town with your approval. He'll be happy to take any questions.

***Frazier opened the public hearing. No one spoke. Frazier closed the public hearing.***

***Stephens made a motion to approve the conditional use permit for Discount Tire subject to the conditions stipulated in the staff report. Knable seconded. Motion passed unanimously (6-to-0 vote).***

### **6.3 Gerber Collision – Cases SP2024-005 & CUP2024-005**

**Gerber Collision & Glass, LLC has applied for a Site Plan Review and Conditional Use Permit to construct a 16,940 square foot auto collision and glass repair service at 7300 West Point Douglas Road South.**

Rooney summarized the staff report and recommended approval subject to the conditions stipulated in the staff report.

Frazier asked if the Applicant wanted to approach and add anything additional. Jason Dutkovich, with Charles Vincent George Architects, Naperville, IL, thanked the commissioners for reviewing and considering their application. He's certainly happy to be here and bringing this project to the area. Gerber is a great company that is expanding across the nation fairly quickly, bringing a high end, high technology collision center to this area. He'd be more than happy to answer any questions that might come up.

***Frazier opened the public hearing. No one spoke. Frazier closed the public hearing.***

***Fisher made a motion to approve the site plan review and conditional use permit for Gerber Collision & Glass subject to the conditions stipulated in the staff report. Bhat seconded. Motion passed unanimously (6-to-0 vote).***

### **6.4 Mississippi Landing – Case PP2024-003**

**Rachel Development, Inc. has applied for a preliminary plat to be called Mississippi Landing for a subdivision consisting of 377 single-family lots that will be located on the former Mississippi Dunes Golf Course site.**

Schmitz summarized the staff report and recommended approval subject to the conditions stipulated in the staff report. Schmitz had Paul Robinson, Development Director with Rachel Development, Inc. and his team speak about the project, as well as some of the environmental work that's already been done.

Robinson gave the history of their company: It's existed for about ten years, they've done 95 projects, about 5,800 housing units, including single family, senior/memory care units, and apartments. With his previous employer, Bancor Group, Eastbrooke in Cottage Grove was developed. We're now amending the plan that Pulte had started. He spoke on the following: Property background, review/compare their revised plan to the previously approved pre-plat, review example homes for each lot type, touch on theming/amenities, and give a summary of PUD flexibilities. He also had Melissa Barrett from Kjolhaug Environmental speak about the environmental work that they've done since the EAW was completed.

Robinson spoke about the site: Public Land & Development Area, Topography, Natural Drainage Patterns, Existing Watersheds, Wetlands, Stormwater Ponds, Soil Analysis/Bedrock. Their goals:

- Create a high-quality neighborhood, connected to the river and open spaces adjacent to it.
- Provide a variety of homes and a variety of price points.
- Keeping the trail connections.
- Keeping the open spaces and wetlands.
- Financially viable in the market by trying to create the right mix.

Three Neighborhoods: 40-foot Detached Townhomes; 52.5-foot Single Family; 65-foot River Neighborhood

Robinson compared the previously approved preliminary plat plan by Pulte and the amended Rachel plan:

- One of the biggest changes was the last plan had some twin homes and condos and had 50-foot lots along the edge, so about 163 units.
- We took and spread that same sort of mix, about 183 units, into that detached townhome area.
- The previous plan had kind of a section of 60-foot, then some larger 60-foot lots, all on the west side; we kept the single family on the west, but made those slightly smaller.
- We moved all of the larger lots all along the river, closer to the amenity, closer to where we can maybe gain some more value out of the neighborhood, and provided for housing that isn't actually as prevalent in this part of the City.
- The previous plan had 372 total units, and we have 377, so five more, but basically within the same range.
- The EAW was planned and developed for 499 units; so, we're well below that threshold.

Robinson stated one of the biggest changes they made was taking the ponding from all around the outside perimeter and moving into the site to create a little bit more open space and amenity within the neighborhood and not just a cluster of homes in the middle. We think that was a good change, and it was well received by our builders.

Other Changes: The previous condo-townhome area had about 60 units, now it has 23. River Neighborhood: Changed 60- and 50-foot lots to 65-foot lots; moved ponds along the river to the back; added a landscape buffer to create a more unique area there along the river.

Three Neighborhood Products:

- Capstone: 40-foot lots, Detached Townhomes or starter homes, price range: Low to mid \$400K.
- M/I: 52.5-foot lots, Single Family, two-story Smart Series, price range: Mid \$400K to low \$500K. Single Family Villas are more of an empty-nester product, so we're trying to create some lifecycle housing here, price range: High \$400K to low \$500K.
- River Neighborhood Single Family Custom Homes, similar to Eastbrooke, price range: Starting in mid-high \$700K. We have more interest in these than we can take builders, so we're in a position where we're trying to pick the best combination of builders that can work together for that area.

Site Entrances/Theming: We're looking at using some of the limestone onsite and from the area. For the theme, we're trying to base it more like a national park, we're part of the River National

Park. This monument actually was designed after Zion National Park, so he thinks it's going to have a really nice feel when you come into the site.

Trails and Sidewalks: When people go around the neighborhood, there's over three miles of trails and sidewalks to connect the neighborhood, and then eventually another 1-to-1.5 miles of trails in the City park. So, this will be a great amenity, not just for the neighborhood, but for the City as a whole.

Flexibilities: There are a number of flexibilities, some of which Director Schmitz will also be reviewing.

Environmental/EAW: Robinson asked Melissa Barrett to speak about these.

Barrett stated she's been an environmental consultant for 20 years. She stated one of her main jobs at Kjolhaug Environmental Services is to basically help clients work through the various type of environmental regulations that apply to their projects. We do a lot of wetland consulting and she's been dealing with rare species a lot. As most of you are aware with the EAW, there were a number of environmental comments; the main one was the NHIS letter from the DNR that was included as an appendix in the EAW. It identified a number of potential environmental concerns on the site; she actually started working on this project with Pulte Homes in 2022, right after the Record of Decision was issued, and they were beginning to try to pick through the comments that were made and tried to start working on all of the to-do items after the EAW was approved. The NHIS letter indicated that there were a number of occurrences of rare species within a one-mile vicinity of the project area. She displayed a table that basically summarizes the NHIS letter into the various occurrences within the area: Federal: Endangered Rusty Patch Bumble Bee (RPBB). State: Endangered bird species, two. Threatened plant species, two. Special Concern species, six. They talked about various mussel species, but they didn't elaborate on which ones were in the area.

Barrett addressed the mussels first. The NHIS letter stated that if the project were to impact the water quality of the river, then a Mussel Survey would be needed. We evaluated this, and we are not doing that survey as it doesn't need to be done. That concern of impacting the water quality of the river is addressed by the Erosion Control Plan that the engineer prepares, as the site goes through the permitting process, and also with the Stormwater Pollution Prevention Plan; namely, the stormwater basins, infiltration basins, the erosion control, the silt fence that goes up. So, the Mussel Survey doesn't need to be done for this project. Of the four listed State bird species, two are Threatened, and there are two of Special Concern; no bird surveys have been done, and they're not going to be done as long as the developer adheres to avoiding tree and shrub clearing from April 1 through August 15, those surveys are not needed. There were two other Special Concern species on the site; one is the snake and the other is the Leonard's Skipper, which is a small butterfly. There was a recommendation from the DNR to use a biodegradable erosion control blanket, and the developer has added that to the plans. A survey will not be required for these species either; they are Special Concern, and we verified that surveys for these would not be needed with the DNR. She'll speak about that further with our report from Midwest Natural Resources.

To address the two Endangered State Species listed, which are Seaside Three-awn and the Louisiana Broomrape, the two Special Concern species are Hill's Thistle and Purple Sandgrass. The DNR letter specifically said that a qualified surveyor would need to conduct a habitat as-

assessment in any undisturbed areas impacted by the proposed project. If potential habitats for these species is documented and those areas cannot be avoided, a Botanical Survey will be needed. We varied from this a little in that we contracted Midwest Natural Resources (MNR) in 2020, and we asked them to just survey the whole site. We didn't ask them to only survey parts of the site; their task was to just go out and see what they could find anywhere on the site, within the golf course project and the private properties that were on the west side of the project. We didn't have them survey anything on the east side of the railroad tracks, as we knew that was off limits for the project; everything to the west of the railroad tracks within the project area, we decided to go see what we could find anywhere. When we send MNR out to look for species, they know that there is the potential for these out there, but if they see anything else, they have to report it; they don't put their blinders on, so, they do a whole plant list of what they've observed on the site. MNR is on the DNR's list of qualified surveyors; if you're going to do a rare plant survey, you have to be on the approved DNR list so that they know qualified people are out there doing that. Before they go out, they verify their methods, their protocol, and their timing so that they know that their survey will be accepted by the DNR later. Of the two Endangered Species that have been known to occur in this area, they found Seaside Three-Awn in the very southeast part of the project, the site boundary but outside of the project area. They did not find the Louisiana Broomrape, and they did not find the other two Special Concern species, Hill's Thistle and Purple Sandgrass, on the site.

In addition to the known occurrence of the Rare Plant Species, the DNR letter referred to Sites of Biodiversity Significance on this site. There's a database for the DNR, and these are publicly known polygons; you can go online and check them out, and those were done in 1987. This site was mapped before the golf course was developed. So, the letter notified the Applicant in the EAW process that there are sites of Biodiversity Significance out there. The dark green on the map is High quality, the light green is Moderate quality, and the purple is the Low quality. The DNR letter talked about the potential for the Dry Barrens Prairie to be on this site, so there's sites of Biodiversity Significance and then there are some Native Plant Communities, and they kind of overlap on each other; they're kind of similar but different. So, on this map, the yellow is the Dry Barrens Prairie, on the Native Plant Community map from the DNR, and the red is the Pin Oak/Burr Oak Woodland. When MNR was hired, we told them not just to go look for plant species, we also said we want you to map the site for any Native Plant Communities. MNR pulled this information so they kind of had an idea of what might be out there and where, but again, they just map the existing conditions as they currently are present today.

Rare Plant & Native Plant Community Map: Barrett stated this map shows the current existing conditions, which MNR found there. There are the Rare Plant Communities in the little blue blocks in the southeast part. They found one Native Plant Community remnant, the NPC-1, kind of in the central part of the golf course, it's about .17 acres of Dry Barrens Prairie; it's obviously not as large and had a Condition Rank of D. Condition Rankings: A is high, good, very nice quality; D is the lowest ranking. The larger prairie that was mapped in 1987 is no longer present. They found another Dry Barrens Prairie remnant in the very southeast part of the site, surrounding those rare species, which makes sense; this is kind of the least-altered part of the golf course. It appears when you look at historical aerial photos. That one had a Condition Rank of BC, and that is outside of the project boundary. They didn't find the Pin Oak/Burr Oak Woodland, as you saw it on the previous map; what they found instead was a Sugar Maple Basswood forest, and that had a Condition Rank of C or C-D.

The MNR Survey Report was submitted to the DNR for approval, and the DNR issued an email response on October 11, 2022. A summary was that the DNR confirmed approval of the Survey Report dated August 14, they concurred with the MNR findings, and it stated that a State Permit is not needed. That means that they acknowledged that the rare plants are out there, but that the proposed project is not expected to impact those rare species and so a State Permit is not needed. In October 2023, when the project kind of picked up again, we requested an updated NHIS letter from the DNR. The first letter was in 2021, and those are usually good for about one year. She provided the DNR with the studies we had done, and they were aware of them, and we received this updated NHIS letter. The summary from that letter is that Molly, the DNR staff person, did not believe that the proposed project will negatively affect any known occurrences of rare features. So, again, the different staffs come at it a little differently, but again, there is no further work needed. There were no new Native Plant Communities listed in the new NHIS letter, no new sites of Biodiversity Significance, no new Rare Plant occurrences within a one-mile vicinity. Nothing changed from the previous letter to the new letter except the fact that they acknowledged that we had done some work in the interim. They did not request any additional surveys. There are no Rare Species Permits needed for the project as long as the development project adheres to avoidance measures: That remnant Dry Barren Prairie in the southeast part of the site does truly become part of the SNA in the future, that it's not developed; Tree and shrub clearing is avoided from April 1 through August 15; Erosion control netting that's wildlife friendly for the snake; Recommended that seed mixes be native seed mixes when they revegetate the open space areas.

The other item that was on the very first NHIS letter was the Federally Endangered RPBB; it's on the NHIS letter from the DNR because there was a cooperative agreement with the U.A. Fish and Wildlife Service (FWS) that they will always kind of look over those things. So, this letter is dated December 11, 2023. When the project picked up again last year, Barrett started working on the rare species items again and submitted what is called an IPaC (Information for Planning and Consultation) Assessment; that's an online tool through the Federal government to assess what Federally-protected species might be on your site and to determine if there's going to be an affect to them. They didn't have this tool during the Pulte timeframe, it's kind of a new tool, so she didn't use this tool before; previously, when she was working for Pulte, she directly coordinated with FWS with regards to the RPBB. This will give you an idea of what the printout looks like if you were to do it today:

Northern Long Eared Bat, No Effect;  
Higgins Eye Mussel, No Effect;  
Monarch Butterfly, No Effect;  
Tricolored Bat, NLAA (Not Likely to Adversely Affect);  
Whooping Crane, No Effect;  
Rusty Patch Bumble Bee, May Affect.

The RPBB makes sense because when you do the worksheet, you put your site boundary in there, and this site is in the high-potential zone for the RPBB. Any site that is in the high potential zone you should just presume that the bumble bee is there for evaluating this factor. Previously, in 2022, with Pulte, the RPBB was kind of a new thing then, so we were all just kind of working through it. Resource Environmental Solutions (RES) was hired to do a Habitat Assessment on the site for RPBB. RES did a study, and they concluded that all of the habitats that they mapped were of low suitability for the RPBB. So, RES completed the report and it was provided to FWS, along with some more summary information from her. Barrett displayed a map of all of the

communities that they mapped on the site and called them Location Type Habitats and specifically defined each one of them. All of the red locations were of low suitability for the RPBB, and they found one that had potential suitable habitat for the RPBB. Of course, that area corresponds to where the rare plants are, where the remnant Dry Barren Prairie is, and so that makes sense; everybody's information is corresponding to one another. So, this is what was submitted to FWS, specifically for coordination with them, and we asked them to confirm that the proposed project is not likely to jeopardize the continued existence of the RPBB; because that's the real question, will we jeopardize the continued existence of the RPBB. We got a response from the FWS in May 2022, where we were told, "*Negative impacts to the species are unlikely, given the previous land use (highly disturbed and/or mowed turf grass).*" Areas considered suitable habitat for the RPBB, per the habitat assessment that we submitted, will be protected through the expansion of the adjacent SNA. That was their final approval of our memo and their determination.

Robinson stated basically, our plans today include native species plantings, at least in the areas of the upland that are disturbed in the areas that are red; so, much like we were recommended to do and which we would typically do, all of those wetland buffers, etc. will be planted with native prairie. In addition to this, there's been a lot of discussion about the archaeological. There was an archaeological Phase 1 done, which is a 58-page document; they did a complete analysis, a very in-depth, historical analysis understanding, and there's a list and a table in there that shows where the kiln is and all the cultural resources that are in and around this site, which are many. They also did field investigation all across the site; the outcome of that was that no archeological resources were identified on this site. There was no additional investigation warranted after their initial Phase 1. They put together an inadvertent Discovery Plan, which we are updating right now because it was in Pulte's name; basically, that's a plan that is put into place and will provide it to the State Historic Preservation Office (SHPO). If we run into any type of artifact, we stop work and we bring in the different agencies to consult, SHPO, Bureau of Indian Affairs, etc. will come in to coordinate that effort.

Frazier thanked Robinson for the presentation. He asked if the commissioners had any questions for staff. Frazier stated Schmitz talked at the beginning of her presentation about the fact that this property was a tilled field, an agricultural field, and then at some point in the 1990s it went through mass site grading, he thought was the term she used. He asked her to describe, based on her experience, what does mass site grading entail. Schmitz replied generally speaking, the entirety of the site was graded in some way, shape, or form. Her engineering friends are watching her right now, because she's going to give them the Planner version; ultimately, the majority or the entirety of the site was disturbed as a part of that work.

Fisher asked were any of these environmental studies, any of the in-depth analysis done when it was turned from a tilled field into a golf course; are there any records of any of these types of things happening then. Schmitz replied not they're aware of or that we could find in our documents.

Frazier asked if there were any questions for the Applicant.

Bhat stated during his presentation, they had shown a response from the Department of the Interior, FWS, and we received an email from someone with a letter that seemed to be contradictory to what we were shown. He wondered why there was a contradiction regarding the status of the endangered species. Barrett asked Bhat if he's referring to the one dated January 20,

2024; Bhat replied yes. Barrett stated she had that one, it was just provided to Robinson before the meeting. Robinson stated that letter was addressed to the gentleman who had made a comment, that's not from us. Bhat stated it is not, but if you look at the comment or the determination, it's contradictory. Barrett stated yes, it is. She said the reason why it is contradictory, and she thanked that person for highlighting these things, is #10 on her form and #10 on theirs would be different. She read that aloud: Does your project have the potential to impact the riparian zone or indirectly impact a stream or river through cut and fill horizontal directional drilling construction, vegetation removal, pesticide or fertilizer application, discharge, runoff of sediments or pollutants, increase in erosion? Barrett stated if the Stormwater Prevention Plan is followed, if erosion control measures are followed, those things will not occur. Also, the Applicant would not be given a permit for his project from the City or the Watershed District if they thought those things were going to occur, according to the plan. Barrett stated she would not have chosen "Yes" for that answer, she would have chosen "No" for that answer in her assessment. In #11: Will your actions disturb the existing ground or vegetation? He said yes, as did she. Barrett thinks that's the one that really makes it "may affect" for the mussels, the clams in the river. She does these a lot, she does a lot of projects every year, so, she knows what they're asking here. Although the site does have construction, she doesn't believe that construction activity will lead to sedimentation because she knows that there's a Stormwater Prevention Plan.

Frazier stated it sounds like we're talking about this January 2024 letter, this is a worksheet you can complete online with the Department of the Interior; Barrett stated yes, exactly. Frazier stated so any of us here, sitting in the audience, could go online, put in these same coordinates, and answer the questions ourselves; Barrett stated yes. Frazier stated so then we could print them off and submit them, and Barrett stated yes. He thanked her for that information.

Stephens stated she thought Barrett mentioned this letter from the DNR, she's wondering if she could just explain; as when she read through this, it said I do not believe the proposed project will negatively affect any known occurrences. But then it says below is of rare features addressed in the previous NHIS review, coupled with agreed upon project avoidance measures. When you read that right-of-way, it says Grey Cloud Dunes East, outstanding, Cottage Grove 29, moderate. She asked Barrett to just explain what that's discussing. Barrett stated the NHIS letter is your request for them to query their database to see if there's anything there. When they did the NHIS request for the EAW, they queried their database, and there's this, this, this, this, this. So, when they queried it again, it's all the same; there's this, this, this, this, this. There were no additional things. So, if you compare the first NHIS letter that's in the EAW to this one, all the same occurrences happen. The first NHIS letter said if you're going to impact something, you may need to do a survey. If you're going to do this, you should do a survey. In this letter, they said it for the mussels again, they repeated that, but they didn't talk about doing the bird surveys or doing the rare plant surveys because we had already done it. They didn't talk about doing a Native Plant Community assessment because we'd already done it. So, that's where the difference in the letters is. Stephens said so when it says coupled with the agreed upon project avoidance measures, there are none because you've already done them all. So, they're just pointing them out? Barrett stated with the avoidance measures, what they're really referring to would be the tree clearing, like the Applicant has to adhere to that or they will be in conflict with this letter. Erosion control netting is a recommendation, but they're doing that; the native plantings recommendation, they're doing that. So, you still kind of read their language, like the mays or the recommend, the suggest, or you must avoid this tree clearing. It's kind of a subtle language there.

Bhat stated so, you're going ahead with the proposal of 377 built units; is that required for the financial viability? Is that a number that you'd like to achieve, or if you're asked to reduce the number of units, would that be still financially viable? Have you considered this more deeply. Robinson replied he'd just say what we're proposing is what we need to make this project work.

Frazier stated the next step is to open the public hearing. It is almost 8:30, so he'd take his direction from the rest of the commission if they'd like to take a break now, or if we should start with the public comment. The commissioners indicated they were good to continue.

***Frazier opened the public hearing.***

Eric Dammer, 8440 Harkness Road South, stated I rise in opposition to the proposed development. I believe in preserving that which was best in a community, preserving it for those who come after us. The arguments that are going to develop here are not arguments that haven't been done before, for generations; 100 years ago, there was a battle in Minnesota: On one side there were powerful industrial interests, led by a gentleman named Edward Backus. Their plan was to construct a series of dams on the Rainy River watershed, and they were going to control the waterflow through Backus' hydroelectric dam in International Falls. Now, he promised great things, there were going to be great benefits to the community, there was going to be improvements to the natural environment by these huge ponds, lakes, and stuff like that. Their side had money and political influence on their side. On the other side was an ad hoc group, led by an Ivy League educated, self-taught naturalist, Ernest Oberholtzer. What they had was a powerful vision, and that vision was that you preserve places in a state of nature so people can, in that generation and future generations, connect with the land and rejuvenate and renew their souls and their spirits. Now, we know that Oberholtzer's side won that battle, but what if it had been a little different on the other side. Today, we'd be questioning the judgment and the leadership of that area as we'd be facing a huge task of tearing down those dams and rehabilitating those lost waterfalls and river rapids and thousands of islands that had been drowned under those lakes. That land was the land that became the BWCA, the jewel of northern Minnesota. That land was land that Backus claimed was of no particular value to even be considered. Now, what are people going to think about this little argument going on here 100 years from now? Are they going to thank us for another nondescript housing development lost in a sea of nondescript housing developments? Or, instead, will they appreciate us for having the vision to preserve what was best in our community and leave them accessible, open places to easily experience the waters of the Mississippi River and to be in nature and to renew their spirits. We ask that you have the vision to create a work that is worthy of the canvas you've been provided with. Thank you.

Kelli Redington, 6720 Meadow Grass Lane, stated I'm here to express my opposition to this proposed development of the 377 on the former Mississippi Dunes property. I have much of the same concerns as the man who spoke previously to me. This property has a potential to be rare and unique, not only to this State, this nation, but globally. Today, less than 1% of the Dry Prairie Habitat remains, and it has been recommended by DNR that a habitat as rare as this be prioritized for preservation. Also, the land immediately adjacent to this property is the Scientific and Natural Area, which already provides habitat for several State and Federally listed endangered, threatened species; and it's likely that this property has high potential to provide Biological Diversity as well. This is also an area that's the important bird area and is of international significance for the conservation of migratory birds in the Mississippi flyway. I do understand the balance that growing communities have for housing, but I also thinks that there are other areas that have

been altered more, that would provide better development, and are more suitable for the development that is being proposed. I would like to see Cottage Grove be a role model in thinking for the future; not just now, not just a decade from now, but two, three generations ahead. And not by sacrificing too much for housing, increased property taxes, and increased tax base, but to be known as a model city that recognizes what a rarity we have in this property and the opportunity that we have to do something different and protect this land and all that goes with it, as it should be protected. Thank you.

Karen Britton, 8236-113th Street South, stated thank you for inviting us to speak today. I'm in walking distance of the Mississippi, but don't have any access because all of it is private in our neighborhood. I think my big concern is I used to volunteer a lot for like the West Draw project, a lot of the task force, and the Comprehensive Plan was really clear that the Mississippi was our jewel. We wanted to have access for our people going forward as best as possible. It seems like this might be the only opportunity to secure this land by the Mississippi, and we'd really like to set Cottage Grove apart from other suburban areas where we're seen as a bedroom community, urban sprawl. This is our one opportunity to change that. The other concern about the viability without City money and County money, in my neighborhood we were very fortunate to get the water brought in; when we asked about sewer, we were told it was way too expensive to put a lift station and it'd be a huge tax burden for us. So, I'm wondering why the City has decided to subsidize this housing development, where they don't subsidize other community members. I'm wondering if the people in that area are going to be forced to join up with sewer and water, and will that be a huge burden for those communities down there. I'm also wondering about flood insurance; I have to think that's high, will the City be burdened with higher costs for insurance for the roads and the areas in that area. As you know, there's been floods in our area, below me they've had flooding, so what's going to be the ongoing cost of that. I love the SNA area, I hike there a lot; it's already getting crowded by that new development, and even though that's protected, will this add more burden and strain on that very beautiful area. So, that's my plea, that we really look long term, as the other people said more eloquently than me; this is a unique time, and is it worth all the costs with the State and the County, when we know there could be other options out there. Thank you.

Dave Olson stated I'm a citizen of Cottage Grove, I live at 8627 Jorgensen Avenue South. I thank the Chair and Commission members for the opportunity to share my perspective on this application before you tonight. I understand that your job is to make sure it complies with all of the codes and ordinances in our City; I'm pretty confident that our City staff wouldn't have it in front of you today if it didn't. So, I'm pretty sure I know how this vote's going to go, and I understand why it needs to go that way. I also wanted to thank each and every one of you for doing this hard, hard work on behalf of the rest of us that live in Cottage Grove, so, thank you very much. Council Member Khambata, you can see, I think, and you're going to hear that there's a whole lot of dedicated citizens that are concerned and motivated to try to prevent this project from happening. I would only ask that you share that with your fellow Council Members and the Mayor when it comes time for this to go through on the Consent Agenda. Landowner, I hear a rumor that you really don't want houses here; so, slow down. I think there might be another way, there's a lot of people trying to find another way. And, Rachel, well, I listened to you all, so I have to change what I was going to say because I'm very, very impressed with your due diligence, very impressed. Thank you for doing that. The thing is we just don't want you to ruin this land with houses, and we think that's what it would be is ruined. And you actually hold the cards right now, so, please, just stop. Let's not do this. See if the volunteers can generate enough money to satisfy the landowner's need for compensation on their investment. Thank you.

Christine Grams stated I live at 10655 Grey Cloud Trail, which is just two doors down from the future Mississippi Landing. As a resident here, I can tell you that the land is very poor for growing much of anything. I can also tell you the soil is so sandy that we are constantly fighting soil erosion, even though there's been no recent building on the property. Anyway, you can't just buy grass from Menards and expect it to grow here without wasting lots of water and fertilizer, which further pollute the river, which I imagine is going to happen with these homes as well. Dunes only comprise 5 percent of land in Minnesota, and Minnesota has no official guidelines for building homes on dunes. If you research, there are many problems with building on dunes. The biggest problems arise when the vast clearing of acres of trees and vegetation are bulldozed, which is also the quickest and cheapest and most preferred way to build. Problems including cracked foundations are currently being experienced by the housing development just up the hill from the dunes; those houses are roughly about a year old. I'm concerned about plans to relocate the spring on the property and the issues that arise. The only state that has come up with a successful plan for building on dunes is Michigan. Despite all this, this property's value is actually priceless when you assess the varied and endangered wildlife this land supports; this value is irreplaceable. Everyone I speak to is against this land being developed. The first reaction is that building here would destroy all the beauty of why you would want to build here in the first place. Two years ago, I was part of collecting over 2,000 names against development. Already, \$6 million has been raised to purchase this property for natural parkland. There is also another \$20 million that has been earmarked from the 3M Settlement, specifically for land to be purchased in southwest Washington County to restore and protect our aquifer, which would include Cottage Grove and would be ideal. I am in no way against housing, there is obviously a shortage of homes and high demand; however, the argument here is that there are better places to build homes. There is a shortage of park spaces as our population grows; State Parks are booked a year out for space and camping. This land is a natural resource that would be very lucrative for tourism, which is also lacking on the river, despite an over 30-year-old plan from the County to develop park space on the river; yet Cottage Grove only has a one-acre park to service its 38,000 population. We've been given a rare jewel in the habitat surrounding Grey Cloud Island. You can literally spend all day kayaking around the island and not see all of it. Your residents very clearly want a park here and not homes. Thank you for your time.

Bonnie Matter, 6649 Inskip Avenue South, thanked the commission very much for providing this forum, I really, really appreciates it, you do a great job. I know the beating you take, seriously, so thank you. I hope you were given enough time prior to this meeting to review the 484 pages of material that were provided with the Rachel Development's plans for the Mississippi Dunes. For me, nothing has changed from the comments I have made over the last few years. The newest version of the plan only provides more reasons why this development should not move forward. I know I could literally talk for over an hour, but I'm not going to bore you with that. I'm going back to this, to where my heart is with this. What I want to share with my three minutes of time is this: The City of Cottage Grove and its residents were given a precious gift, a crown jewel, an environmentally sensitive area to respect and protect. Mississippi Dunes is next to the Grey Cloud Dunes Scientific and Natural Area (SNA), and over the years, the Dunes and the SNA have protected each other and their inhabitants. This area sits on the Mooers Lake back-water channel of the Mississippi River. Whenever I get a chance to visit that area, the feeling is as sacred as entering a cathedral with its wide open, blue skies, its rugged landscape, its foliage, and peaceful, quiet solitude. An area that's beautiful because of its natural state. What the City has failed to understand from the beginning is that this is not a City thing; this area has local, regional, state, national, and global significance. Respectfully, Rachel Development and

Pulte Corporation, there are many other places where you can build. Please leave this area alone; you are treading on sacred ground. Some of the Mississippi River parcel's significance, these are just a few examples: Its a globally-significant flyway; more than 325 bird species use the Mississippi flyway to move between breeding grounds in Canada and the northern U.S. to their southern wintering grounds. It's located in the Mississippi National River and Recreational Area. The water quality down there provides more than 50 U.S. cities with water for their daily water supply. There are many other things, but thank you very much for your time listening. I have handouts for you, so I will give those to you.

Gregory J. Burg, Jr., 8594 Grenadier Avenue South, stated this is the first time I've ever done anything like this, so I'm out of my element. I was taking notes as my fellow citizens were speaking up here; I'm a concerned citizen of Cottage Grove, Minnesota, United States, as well as the larger planet we live on. There are existing risks as well as potential risks, in light of the 3M discussions that have been had and are being had, studies, etc. There are studies that the conservation easement is not and will not be adequate; how can we promote stewardship of natural places for our future generations if we only allot a fraction of natural places for their benefit of knowledge? How far out are our future generations going to have to go to feel what nature has to offer, how far out? Because expansion's been happening all over the place. And I'd like for us to recall the old Camel's Hump natural and open area before it was swallowed up by development. The bats that jumped out at me, bats are suffering from white-nose disease and their population in this region would benefit from discretion in light of their diminished population. Don't we like having bats around to help with the mosquito problem? Something else also jumped out at me as well, I wrote down previous land repurposing to diminish important species. When they built the golf course, from what I got out of the presentation, there was endangered species that were in a small area, and those basically got plowed over, if I understood the presentation correctly. Now, from what I can tell, there's a couple slivers of, or remnants, of what was limited in the first place. Now, from what I'm hearing, the proposition is to plow them over with little discretion; because even if we have discretion in this room, who's going to be holding the would-be construction entity responsible? Where's their discretion and motive going to be? My appreciation is for nature; I have my daughter here, and I'm proud to say that I share my appreciation for nature with her. And that's why I'm proud to say that I got up here for my first time ever because this is an important cause, if not the most important cause as we think forward. With that, I'll pass.

Tyler Biron, 6500 103rd Street South, stated I'm the only property on 103rd Street, so you can't miss me and Bailey's nursery there. To piggyback on what the last guy said, this is the first time I've ever done this, so just bear with me. I've lived at 6500 since 2011, so about a decade or more; so, every day, from my property, I can see right across the golf course. And since its been vacant, the natural beauty that's come from its closure, nature has taken back this property, and it's been great to see. So, when you look at this 377 homes proposal, I think most of us in this room and others that aren't here tonight, when you stand on 103rd and look at that property, probably the first thing your mind's not going to say is, boy, that would be a great place to put in 377 homes. It doesn't make sense. From my and my wife's opinion, from our point of view and perspective, it seems like there's a lot of other places to put this development. You have a unique piece of property there that nature has taken back, and it continues to take back every year. So, I guess I'm opposed to this plan, and my wife's opposed to this plan for many different reasons, but that being the one. The second was we searched all over for a property and a city to live in for a long time, and we finally found this property on 103rd, and we thought, wow, what a gem, right, something that hasn't been discovered yet, right? We have Grey Cloud Trail, we

have Grey Cloud Island, we have the golf course, and it was great. There was privacy, we had some land, we had standoff between our neighbors, not that I don't like my neighbors, but with this property and this new plat, we have this 40' wide lot that's going to be right across from his property. When that happens, I'm going to be looking right at these big homes instead of this beautiful landscape; I know that isn't a reason for most of you to oppose this, but it is for us, right? That's our sanctuary, that's where we're raising our kids, and we were happy to do so, kind of until now. So, we're pretty disappointed this is occurring. I understand why it's occurring, I understand Rachel Development, I understand the decision you have to make as a City, but I feel like we're almost, the neighbors here are almost like a collateral damage almost, so to speak. So, I wish there was a way that we could maybe take apart and redo this northern section, right? Maybe I don't have to change my whole address because 103rd is going away, that would be nice, too. And the easements on my property wouldn't be redone, that would be great as well. Thank you for your time.

Rod Hale, 11701 Grey Cloud Trail, said thank you, I feel like the gentleman who spoke a few minutes ago that complimented Rachel on their development because I agree, it's a beautiful project, it looks really great. It just happens to be in the wrong place. It probably belongs on another 120 acres that we've got scattered throughout Cottage Grove, and I kind of wish they would consider that. The Planning Commission is perhaps the most important commission we have in the City of Cottage Grove, and I also want to compliment you on your service for the City. You're really the gatekeepers of what our City is going to look like, not only now, but 20-30 years from now. I think you'd like to look back and say, hey, I've done a good job in directing the City. I just think that we need to reconsider the proposal that Rachel has presented before us. I don't know how many of you have gone and seen the property. If you stood on it from the top, as it was said, on 103rd Street and pulled out that plat you got, like this, and looked at that and say, hey, that's what it's going to look like? And I think you'd say no, we can do better. You know the State of Minnesota has set aside money for the purchase of property, much like the Dunes. It's my understanding that this particular property is very high on the criteria for the purchase. Have you been aware of that, that the State was actually trying to buy this property for the citizens of Cottage Grove, give it to us? I just, pause a little bit, and let's take a look at that, and compare that alternative to the one that's on the table. You know, the proposal is offering 13.6 acres for park dedication; I know some of you will say hey, we got all these, this 100 acres around it that's open, too. That's right, but I want to tell you that Rachel didn't pay for that land; you and I did, that's public land, that's our money. We already bought that property, it was that important to us and to those who decided to make that offer to the various agencies that bought it. The Mississippi River is one of the most attractive and recreational rivers in the nation, and he thinks to do what we're doing to it now kind of destroys that. The proposal is giving us 13.6 acres for park dedication, and I know, well, that's true, but the developer didn't pay for that. I understand that maybe Mr. Gustafson even had a role to play in the 13.6 acres that we got, so maybe Rachel didn't do anything. But I really wanted to bring this to your attention: You know, the purpose of a PUD, we started that when I was on the Council many years ago, and it gave the opportunity for.

Frazier interrupted Mr. Hale and told him that was his time. Mr. Hale stated Bill Schwen, who's sitting in the front row here, has agreed to yield his three minutes to me. Frazier stated no, it doesn't work that way, sorry, it's three minutes per person. Mr. Hale asked if I could make one more point, please. Frazier said thank you. Mr. Hale stated I have a feeling I know how this is going to turn out.

Catherine Schwen, 10300 Grey Cloud Trail, stated I don't have a lot of things to say, other than what other people said, but I guess one of the things that Rod said, if you, if anybody has come and just driven down 103rd Street and look over at the golf course area and just imagine what that would be like with all of those homes on there. I'm asking and hoping that Cottage Grove is like forward thinking and forward looking enough to say we're not going to let this happen to this land. It'll never come back, we don't have land like this, and, you know, will Cottage Grove benefit from it? Or will they show their true heart by saying no, we're not going to do this, we're going to save this land? Thank you.

Bill Schwen, 10300 Grey Cloud Trail, stated I live with that woman, and we've been down there since 1990, and we were there before the golf course was developed. Fortunately, the golf course didn't bring that many people in and didn't bring that many cars. All winter long, it was still a pristine area of animals and birds and plants, its just very special. And it's just incredible the way its bounced back, Mother Nature has taken it over again. And there's a few things that concern me about this plan: I understand that Rachel did a nice job presenting this, and the three ponds that are on the property flowed to a creek that flows through my property, straight into the river. It's really short, and I'm looking at the density of this plan, and I just can't for the life of me figure out what a two-inch rain is going to do, how they're going to get all that imper-vious, the roads, the driveways, the sidewalks, how they're going to get all that water treated without a drop of contaminants getting into the river. You know, maybe it'll work, but I just don't see it. And I'm wondering how many people are thinking about 377 homes sending one or more than one person to work in the morning, up that hill, through St. Paul Park; what kind of traffic flow are we going to see in that area? The math doesn't work, and it's like everybody else has been saying up here, this is the chance of a lifetime you people have to save a very special property. Fifty years from now, if we have that as a park and open area, they're going to look back on the day and say we almost had 377 homes here. So, please think again; there's so many other properties, like Rod said, around the area that would be much easier to build on, no pump stations, you don't have to bring the water in so far. So, please reconsider. Thank you.

Kevin Redington, 6720 Meadow Grass Lane South, stated if you notice my address, I live in the northern part of the City, nowhere near this. My wife and I do enjoy going down to Highlands Park, we really enjoy that, we've gone to the SNA area also quite a bit. But, just kind of looking at the survey from Rachel, I commend them. There are some groups in there, like Braun Inter-tech, I've got to respect, I've worked with them in the past. I do have some concerns, though, of water doesn't just go into drains, it also goes into the ground, it filters through the water. We have a lot of problems with PFAS, but now we're going to turn this into 377 homes with manicured lawns; so, we're going to have something filtering, even through sand it's going to filter through. So, what's that going to impact our water table, how is that going to impact any of our water, can some of that still propagate into the Mississippi? So, he doesn't know if we've had an official environmental review. I know they were doing an environmental review, but I remember in the past we've asked this at some of these meetings for one, but we never really seem to get that feedback that we're doing an independent environmental review, outside of Cottage Grove, outside of the different planners. So, I'm not sure if I see that anywhere, but going back to what everybody else is saying, this is a jewel, this is a gem. He comes from a part in Tennessee where it is totally unrecognizable; we have paved over things and we've torn up some areas that were actually considered a state park and one a national park. So, looking at this property, as one guy said, it's remnants; remnants, if they are left fallow, do come back. How should we lose this in future generations? I have a nephew that actually works in the area of natural resources, and he kind of even makes mention, wow, you guys have a gem there. If you

guys could make that a park, you could attract people there, especially the younger generation, like me. You'd attract us there to visit, to spend money in the town. So, that's all I have to say, but thank you.

Kim Sonderegger, 2513 34th Avenue South, Minneapolis, stated I'm speaking in opposition to the project. I'm co-Site Steward for Grey Cloud Dunes Scientific and Natural Area, and I believe that it would be severely affected by this development. I first became acquainted with both the SNA and the former golf course on the same day, one day a number of years ago. I'd come to the SNA for a volunteer project, but I had the date wrong, so, no one was there, and I decided to walk down the path from the SNA parking lot over the dunes. I was amazed at the quiet and beauty of the place. At the railroad tracks, I looked back, and to my surprise, heading down the path toward me were three teenage girls; each one had a skateboard tucked under her arm. Where are you off to, I asked. To the sidewalks, they answered. They invited me to come with them, which I did. It turns out they were local girls and were well acquainted with the now abandoned sidewalks on the former golf course. I admired the beauty of the dunes and looked out over the river while the girls skated. As the afternoon light was fading, we walked back up the dunes to the parking lot, and the girls continued on to their homes. Since then, I've spent many hours on the SNA, performing my duties as site steward, my fellow is back here. I've recorded animal and plant species, including many threatened State and Federally protected bumble bees, particularly. Unfortunately, animals don't recognize our artificial property lines, so, it's highly likely that these species ranges can continue on to the proposed development area. They would be greatly affected by construction and eventual development, as would the entire SNA, I believe. Two factors that haven't been mentioned, and maybe are less tangible, are noise and light pollution, and these would definitely be, I think, hugely detrimental. So, I'll close by saying I believe that we should be protecting, not destroying, this place of great significance for wildlife and birds and for the young girls that I met that day and others like them. I never forgot that; others like them, who needed refuge of beauty, peace, and safety. Thank you.

Andrew Marotz, 2920 37th Avenue South, #1, stated I'm your neighbor up the river in Minneapolis. I'm a habitat restoration ecologist, a wildlife biologist, and a community partnership specialist in natural resources. I would echo the things that most of our friends have said already tonight, and I'll offer my own perspective on something outside of that. My history with the site: I've hosted hundreds of volunteers on Grey Cloud Dunes SNA over the years, doing seed collection and invasive species management on site. I'm also an interpreter, and I've shared the story and the connection of the dunes and the Mississippi River numerous times. One thing I'd like to highlight is that you're very fortunate on this site. If you do choose to go a path other than developing the site and wish to restore the habitat, you're in very good luck. The site is in pretty remarkable condition, considering what's happened to it over the years; there's a lot of things left intact that could be quite easily restored. On top of this, you have a pretty incredible coalition of natural resource management organizations that would be jumping at the bit to manage this site with you and restore it to its former habitat. Who knew there was a national park in the Twin Cities? The Mississippi National River and Recreation Area, this falls within that site, the National Park Service, and their partner, the Mississippi Park Connection, would have volunteer resources, money, and grant-funding opportunities to restore this site. The Friends of the Mississippi River are already involved with the park planning on site as well. You have some incredible Site Stewards through the SNA program, and the ability to engage countless community members through this process as well. I commend the developers for setting aside so much land, 40 percent of acreage is pretty incredible, and will create an awesome river park with amazing access to the water; but it will be nowhere near the ecological functionality that

could be gained by restoring the entirety of the site, particularly the Dry Prairie site. So, again, I commend you all for meeting your legal needs and going above and beyond, especially as a plant survey isn't called for, but I would recommend mussel surveys, bird surveys, snakes, and butterflies in an official capacity as well. Thank you very much.

Kendra Sommerfeld, 205 Concord Exchange North, South St. Paul, stated it's kind of nice that I am following a fellow professional here because as a water resource professional, and also a restoration professional, that works in protecting and improving our water resources, like the Mississippi River. I second many of the statements made by everyone here, and I just have a few additional comments. I want to touch on the plant and animal assessments that were completed; they're a little skewed or flawed, in my opinion, because the site is already disturbed, it's not a habitat, it's not what it should be. So, there is not going to be endangered species on there, there's not going to be native plants on there. So, to say that this project doesn't have impacts is correct in a sense; but instead, if we were to restore this area to what it was and what it could be, then you would have those very valuable ecological functions and services for everyone, including everyone downstream and upstream and in the surrounding areas. So, we have the perfect opportunity to correct those first wrongs, the ag and the golf course disturbances; instead of correcting not a simple disturbance, which we can, you're planning on completely destroying the area, putting houses and sewers and septic systems, that is very hard to come back from. I also want you to consider the broader issue of urban development. Look at all of your surrounding cities who are drowning in water quality issues, groundwater contamination, air pollution, flooding issues, because they are fully developed. They have no natural land. So, we really have a great opportunity for Cottage Grove to be leaders in protecting this land and keeping those ecological services, such as flood control and better air quality and natural spaces for everyone. So, I ask you all to be an example for the entire State and protect this area, do not destroy it, and be a leader in taking care of the environment, as well as your community. And just another note is if we continue to develop like this, we will have nothing left; many cities have nothing left besides their small parks. So, you have an incredible opportunity here and don't miss out on it. Be a leader and be an example for everyone. And another small note, I just want to praise everyone for showing up here today, it's very hard to public speak, and so, you should all be very proud of yourselves. Thank you.

Rosemary Moore, 8385-113th Street South, stated my husband, John, couldn't be here, but he's also very interested in this. We live above River Acres; I can walk to the dunes, I snowshoe in the dunes, I'm a biker, I bike around Grey Cloud Island all the time. We moved from California to Minnesota, and we chose Cottage Grove to be near the Mississippi and near this beautiful parkland that was all around us. I love that I can walk or bike and be in nature and not have to go into a development. We could've moved to Woodbury, we could've moved anywhere where there's housing developments, and it's really a value. This particular area was a golf course, but it's on the most pristine spot, pristine land; we couldn't believe that we could live near such a beautiful place. With all of the ecological and environmental benefits of having that near us, that we're losing everywhere, you know, there's plenty of places that we could put new development. This is really of value, it's a decision that's based on values, and I think there could be other choices about where to develop. I understand Cottage Grove needs to expand and develop, and where I live, we're suffering the consequence of all these warehouses that are being built all around us and lots of traffic. I'm concerned about even more traffic with 300 some houses; it's going to be really congested already with these warehouses and all the traffic. So, personally, I'm concerned about that. But I'm really glad the environmentalists came and spoke

about some of the benefits that we're not even considering, and I learned a lot from people speaking before me. So, thank you very much to everybody.

Nico Amundson stated I live on 8130 East Point Douglas Road South; as such, I reside within the Mississippi River Watershed. I am here today to speak out about what I see as a great injustice to the people of Cottage Grove, of Minnesota, and of those living along the Mississippi River. I have lived in Cottage Grove since April of 2022, and anything recreationally that I wanted to do, I found elsewhere. However, one day I stumbled upon this pristine and untouched area and I fell in love. Unlike the Ravine Park, which I have to pay to enter, I could go to this area and get away from the urbanized landscape that we humans have created. It was there that I had heard about the City's proposed plans after seeing construction the Spring before, leaving a cut area right next to the dunes, flattened and prepared for development. It seems a bit premature, seeing as we're discussing it here today. Have you even consulted the people of this community whose taxes will be going to fund the housing that none of us can afford? The proposed 377 house development will greatly harm not only the adjacent Scientific and Natural Area, that the Mississippi National River Recreation Area and the Grey Cloud Dunes is a part of. Do you not care about harming the largest flowing national park in the country? Twenty million people rely on water from the Mississippi, far more than the 40,000 who reside in Cottage Grove. What happens when these homes pollute and contaminate it; these homes are being proposed to be built on sand, which brings into question why we think this is any different than trying to build a house on a beach. This also brings in the other issue of protecting the land that is already there. What is going to be done to stop the inevitable encroachment of this area, that is the advancement of structures, roads, railroads, improved paths, utilities, and other development into natural areas and buffers around those areas? The Grey Cloud Dunes are the buffer and they are the natural area; this needs to be protected. It is home to the Higgins' Eye pearly mussel that is on the endangered species list in Minnesota for Washington County, as it inhabits the Mississippi River. The Rusty Patch Bumble Bee, as many have talked about already, also calls the far edge of the dunes home; so, what happens when the Federally endangered species gets its home torn up and encroached upon? Have the lives of all the living things in and around the dunes been considered, or were we just planning to demolish their homes to make room for our own? The deer, coyotes, rabbits, birds that call this place home will now be boxed in all sides. Areas like this have become increasingly rare due to our presence as people and our destructive nature. I hope you take some time to consider how devastating your actions can be and how they impact more than just our area. Your actions will directly affect 20 million people, if not more. I hope you all make the best decision for all of us and not just yourselves.

Eric Hansen, 10657 Grey Cloud Trail South, said thank you for allowing us the opportunity to speak tonight. I'm in opposition of the project as well. It's very easy for me to say that, having property right along both the river and the proposed development. I have a lot of self interest in saying, yeah, I want a lot of really nice land around where I live, I do. However, as everybody else has echoed, there is a potential here that is unprecedented, both for Minnesota and the wider good of all of us throughout the nation. In my journey through the area, I've seen all kinds of animals that I don't see in a normal traipse anywhere else. I recently have seen a ring-necked pheasant come back in this area, which I haven't seen around for years and years and years. In combination with the proposed Regional Park on the island, with this adjacent to it, I think that could create a nexus of recreation and enjoyment that most of us have discussed and the spiritual nature of the benefits of being in nature. With those two parks combined in this geographical area, it could be an enormous jewel for the entire County, plus the metro as a whole. The rush to development in this particular circumstance is too fast. I was going to college in

Minneapolis, at the University of Minnesota in the 80s, and you could walk all the way from the University of Minnesota way past downtown, through just expanses of dirt and undeveloped land. Minneapolis has just spent millions and millions and millions of dollars to reclaim that land, and it is now highly developed, but they've also built enormous parks because they see the value of reconnecting the city to the river. Here, we have an opportunity to be connected, we are connected to the river, and if we take this opportunity and turn it into yet another development, 377 houses on that little place? Oh, my God. At this point, it is impossible for us to predict the combined effects of building or leaving this as it is and turning it into an amenity that can drive further green and sustainable practices, and recreation, and all kinds of other beneficial uses that can drive a different type of economic engine versus a plot of land that's going to be a bunch of houses that we're going to forget about once it's all done. Thank you.

Carolyn Carr, 4050 39th Avenue South, Minneapolis, said I'm trained as a conservation biologist; and in that work in the Twin Cities, I've been working with hundreds of volunteers for thousands of hours for about 20 years, helping restore right along the Mississippi River, right on the edge of my neighborhood in South Minneapolis. We're fortunate to have that place, which makes our neighborhood a gem in the heart of the city because previous plans dedicated that land to the public to access for natural areas, for the habitat that it provides for all the creatures that use it. Cottage Grove is an incredible place, Grey Cloud Dunes is an incredible place because that land has been protected at the Grey Cloud Dunes Scientific and Natural Area. I've visited it for about 20 years, and just about a year ago, I joined Kim, being one of the co-Site Stewards as a volunteer with the DNR, paying attention on purpose, not just for fun, but kind of with an official duty at the SNA. These places are what we're here for as people, I think, and I know hundreds of people agree with me, thousands of people agree with me. I've worked with a number of volunteers through many organizations caring for the natural areas that we have. You have a tremendous site; you've heard from so many people this evening who said it so well. The opportunity to not build next to this SNA but add that land to become a site of restoration for the future of the City is what generations that come will thank you for. I urge you to be leaders, as so many people have asked you to be this evening, to envision that future for your City rather than more of the same. So, I thank you for your time, and I urge you to be generous for our future about what decision you make today. Thank you.

Sara Nelson, 646 Central Avenue West, St. Paul, said Chair and Commissioners, thank you so much for having us. I'm also a conservation and restoration professional, and I just wanted to share a little bit about my perspective from that angle. So, Grey Cloud Dunes is a really important spot for me; it was actually the first site that some of my botany mentors took me to when I was starting out, getting into botany and understanding the Minnesota native plant communities. Since then, I've worked there with volunteers on a project, actually collecting, with approval from the DNR, Prairie Violet seeds, which is a pretty unique and rare plant that are being used to repopulate other areas in the region; so, it's actually serving as a donor site. She was just talking to somebody on the bee web today, who was telling me about another rare bee species that's only ever been found in Grey Cloud Dunes SNA; it's called *Neolarra vigilans* and it's actually a parasitic bee that doesn't even have a common name because of how rare it is. So, I guess I also felt like the City Planners and the developers have really taken a lot of consideration about like, okay, we could leave the nicest part of the site. The thing that was striking me throughout that presentation was just thinking about some kinds of, like we all kind of intuitively have a sense that certainly building right next to this total ecological gem isn't going to be nice for it, ecologically. There are actually ecological and scientific models of the effects that these things are likely to have; so, the impact we're looking at is not simply the site itself that

will be developed, but also the wider region. There's a concept called Island Biogeography, which basically is talking about fragmentation, and the smaller you have of an intact ecological site, the faster the unique species on that site will go extinct. So, just thinking about it in terms of the impact on the total ecology she thinks is something that should be considered along with just it's all interconnected. So, I would urge you to think about, like there's so many of us in this room that really care about this site because of how precious all those species are, and it does feel like there's plenty of opportunity for people who would love to restore the former golf course and would just cherish it. Ecologically speaking, it's also serving right now, even unrestored, its serving as a buffer for the SNA. So, just please take that into consideration. Thank you.

Lisa Mueller, N5001 810th Street, Ellsworth, WI, stated Mr. Chair, Commissioners, thank you for the opportunity to be here this evening. After giving her address, she said as such, I also reside in the Mississippi River Watershed. I've been working in the conservation profession in Minnesota for over 30 years; I have a Master's Degree in Ecology and Environmental Science, and a graduate degree in Education. I'd like to offer a bit of history relative to my involvement in this project. I attended the dedication ceremony for Grey Cloud Dunes SNA 25 years ago; I still remember my son, who is now 25, crawling around in the sand and having a grand old time. I was one of the plaintiffs, you may remember me, in the Minnesota Environmental Policy Act lawsuit that was filed against the City of Cottage Grove by Friends of Grey Cloud, a group that I co-founded. Though our lawsuit was dismissed on a technicality, it was not dismissed on the basis of merit. We were elated when Pulte Homes withdrew their option to purchase the former Mississippi Dunes property, only to learn that the property owners had very quickly entered into a subsequent Development Agreement with Rachel Development Company. After attending the Special Meeting on September 6 and reviewing the Rachel Development proposal, I was sickened to learn that the new plans are every bit as ugly from a conservation perspective, as was the Pulte proposal. Over the last three years, I've attended a dozen or more Planning Commission, Parks and Recreation Commission, and City Council meetings. During these meetings, I have listened to dozens of Cottage Grove and Grey Cloud Township residents express their opposition to the development of the former Mississippi Dunes property. Of the approximately 300 public comments that were submitted in response to the Environmental Assessment Worksheet for the first development, the Pulte development, not one person wrote in favor of the development, 300 and not one. People implored the City to acknowledge both State and Federally threatened plant communities, birds, and insects on this site and the adjacent Grey Cloud Dunes Scientific and Natural Area; which, as has been mentioned, includes noted locations, habitat for the Rusty Patch Bumble Bee, and I have a map that I can share with all of you that shows Rusty Patch habitat right on the, literally on the edge of the two properties. In addition to these legal and ethical considerations, we should be very much mindful of the fact that the property is underlain with PFAS contamination and buried hazardous waste and lies within the Mississippi River Recreation and Natural Area, a national park, as has been mentioned, and the Mississippi River Critical Area Corridor, a protective zoning category that runs for 72 miles, both north and south of the Twin Cities. Please hold firmly in mind that the majority of the original vegetation of Washington County has been almost completely altered. Any new construction should be on already-altered sites that are devoid of natural features, and not on a globally rare sand prairie, adjacent to an SNA. Money is available to purchase this land for conservation. Frazier stated thank you, Ms. Mueller. Mueller asked if she could end with one quick thing; Frazier replied, very fast. I'm going to end with a quote from Robin Wall Kimmerer, one of my heroes, who wrote *Braiding Sweetgrass* in recognition of the fact that there are Native American sites on Grey Cloud Island and possibly on the adjoining lands: "*Action on behalf of life trans-*

*forms because the relationship between self and the world is reciprocal. It is not a question of first getting enlightened or saved, then acting. As we work to heal the earth, the earth heals us.”*

Maya Merchant stated good evening, Mr. Chair and Commission Members. I live at 8615 Kimbro Lane North, Stillwater, and as such, I also reside within the Mississippi River Watershed. I'm 19, I'm currently studying environmental science, and I'm deeply passionate about environmental conservation, stewardship, and justice. I'm here today in opposition to the proposed Rachel Development project and to support the Friends of Grey Cloud group. As a result of growing up in a time where the entire globe is facing an existential climate crisis, I am keenly aware of the importance of natural areas open to public use, and the necessity of politicians, who think bigger and have empathy for both the people and the planet. I encourage you to look beyond the perceived short-term financial appeals of development, and to listen to the overwhelming voices of dissent currently being drowned out by greed. I implore you to abandon these myopic perspectives and instead think of how these decisions harm our futures and the lives of future generations. I ask you to think of your children or your grandchildren, the messages you wish to send them, and the planet you wish to leave them; because, ultimately, my life and their lives depend on the decisions we make today, and so I hope you make the right decision. Thank you.

Laura Gurda, 2347 McKinley Street NE, Minneapolis, stated I am here in opposition to the Mississippi Landing project development. I currently live in the city, and I have looked at some of the surrounding communities to move to; I've looked at houses here in Cottage Grove, and I can tell you I would not move into this development. And the families in the community of Minnesota their voices are so loud, I hear this community, and it's amazing, and I would love to be a part of a community that values nature. I have two kids; my kid went camping when she was 12 weeks old. We visit parks, we go up to the Boundary Waters, I want her to continue to love the earth and see it be better. You guys have a great opportunity here in Cottage Grove, and you can be leaders, you can be voices, and people can talk great about you. There's other options, and the community here and the people who are looking into all of this, I applaud you all. You have done so much hard work, and I'm glad to be here in support of the Dunes. Thank you.

Jon Schroeder, 8407 Penn Avenue South, Bloomington, stated I have a very good friend who grew up in Hastings, and that's pretty much my closest connection to Cottage Grove, but I am happy to be here tonight because I'm supporting my friend's nonprofit. So, I work on sustainability statewide, I work up at the University of Minnesota, and it's a pollution prevention institute. I probably started studying sustainability 15 years ago, and I've worked in the field ever since. I applaud Rachel Development very much for your due diligence; I'm happy about our Federal processes and protocols that are in place that you need to follow before you develop anything. I know full well in my fulltime job, I'm happy that there are conservation biologists here tonight and water management professionals, that prevention is the ultimate solution, pretty much when it comes to any natural problem. I work on waste fulltime with companies statewide, and any time they generate the waste, it makes my job a lot harder to figure out how to deal with it after the fact. We could be talking food waste or plastics, metals, paper, you name it, water, energy, chemicals, same thing. From a development standpoint, the same also could be said, and I appreciate the woman on the far side of the room that mentioned kind of restoring the golf course, or what that habitat looks like right now, to its original standing. We have a much better shot of doing that right now than we would after the fact; once the 377 kind of plat development

is actually put into place, and having to dredge up a lot of those systems that you need to make people's lives functional where they're living. So, I am opposed to it, and thank you.

Dick Polta, 9600 Geneva Avenue South, Grey Cloud Township, stated I've lived right next to the dunes for 17 years, I moved down there in 1966, and my property bordered it. I wish you people could've seen it back then, this was before the golf course, it was really beautiful back there. Then the golf course came in, tore it all up, made a mess of it really, but you see how quick its responded back from being a golf course. You know after the golf course quit, within two years you could hardly tell its a golf course. So, anyway, I'm thinking when I first moved down there, somebody wanted to develop it, and they said well, the housing density is 1 per 10 acres; well, now we went a little past that. I would suggest, I was talking to Representative Rick Hansen, and there is supposedly money available to purchase this property, and I'd suggest you look into that; why not, you know? And me being in Grey Cloud Township, I'm on our little Town Board down there, and we know we can't last forever as an independent community. Well, we've been looking at, there's talk amongst residents, St. Paul Park, Cottage Grove, St. Paul, which one? And stuff like this scares people, you know? And when I come home at night and I see the new houses up on 100th and Hadley, and I see them about this far apart, you can't even put an extension ladder next to your house without putting it against your neighbor's foundation. I mean, really, and I think this guy, if I saw this right, some of the setbacks if I read it right were five feet from the property line. He mentioned a comparison of the houses he's proposing to those up there. Well, people look at that, and people don't want that. What I look at, too, is how are people going to get down there? Nobody's suggested yet how they're going to do that 103rd Street hill, go under the bridge, over the bridge, you can't go underneath these railroad tracks because you're going to end up in the water. If you go above it, you're going to be way up in the air; nobody's addressed that problem. Then I just look at this development, I drive a school bus parttime, I'm retired, and I'm looking at where are the kids going to play? I mean, I see house after house after house; yeah, you do have the land down by the river, and I give the City Council and Jennifer credit for buying and purchasing that. But the rest of it, you don't see a neighborhood park, all of the rest of the places I drop off kids there's neighborhood parks. There's none of that down there. So, anyway, to me it's just too much. You can build a stupid house anywhere, you know. That's the only piece of property you people have in Cottage Grove similar to that, that really can't be replaced. The lower island, eventually, when Olsen gets done down there, but that could be 30 years away. Nobody will really tell you the truth on how long it's going to last. So, I'd suggest don't blow this opportunity, talk to Representative Hansen. Like he said, we've got to stuff the 377 in there to make it cost effective; well, maybe it just ain't the right place to stuff 377 houses, you know, you should go somewhere else. But don't blow the opportunity to get this. And like I say, the rest of the communities are looking at you, our community is looking at you, they're looking at what's Cottage Grove going to do with that? If we were annexed, say we decided Cottage Grove, what would they do to us? So, anyway, thank you.

Jennifer Nedry, 7764 Jasmine Avenue South, stated I've been coming to meetings for a number of years now. One thing that I have heard over and over is that the owner of the land has rights, the owner of the land has rights. I haven't heard that spoken this evening completely, but what I want to say is all of these taxpayers have rights. There have been concessions made to the developer that is going to use our tax money, and the taxpayers have rights; and I think that we need to weigh that against everything that has been said this evening and know that there are ways to work this out in a way that's amenable for everyone. Again, Rachel, thank you for all the work that you've done, but everything can be skewed, potentially; I hear lots of different

perspectives about things, and I just want to weigh the City of Cottage Grove, the residents, and the taxpayers. We voted against a Community Center, and yet I hear that oh, there's going to be some kind of thing in the park that's for use, for everyone. Again, there is a multitude of people who are not here this evening who voted against things for the City of Cottage Grove; one owner's rights should not supersede all of the taxpayers in this community. I love the City of Cottage Grove, I want it to be not Woodbury-like, I want it to continue to be a wonderful place. I do not have children, and yet, I want it to be a wonderful place for future generations. I want it to be the Lanesboro of this community, where people know it for the SNA and the land surrounding it. I want it to be all of the volunteers to populate it with all of the species that have been talked about. Again, I just implore you to take the rights of all of the people who have chosen to make this their home and their community and weigh that against one owner's rights. Thank you.

Martin Kurcias, 2513 34th Avenue South, Minneapolis, stated thank you for letting me speak. I would second, third, and fourth, and fifth what the lady just said. There is a lot more to consider, other than the rights of some builder to make a lot of money building this project. Frankly, it's a no brainer. I mean, look where we are in the world today, 2024; the planet is collapsing. We need all the good land that still remains, it should not be sacrificed, and it's just remarkable that this project has gotten this far. I happen to know an archaeologist who has worked in environments where they go out and they look for reasons not to do a project, like a road or a railroad or a housing development. And, unfortunately, this person told me that their mandate is don't look too hard, don't find anything, or we won't get more contracts and stuff. So, I'm not casting any dispersions on the Rachel Development Company, but I would be very careful about all these environmental infractions that are likely to ensue from this project. And 377 little houses on the hillside, little houses made out of ticky-tacky, as the song once went, those of you who are old enough in this room to remember that song; I was born on Earth Day, April 22, and I've always taken that seriously. I was a Boy Scout, I love the outdoors, I love the Boundary Waters; somebody here referred to the Boundary Waters in their comments about how that area was saved, and this site is not as big as the Boundary Waters by any stretch of the imagination. But like I said, we need every little piece of real prairie and real land; these houses can go anywhere. I think it's telling that, well, maybe there's someone back there, but I haven't heard one person, one citizen of this town, or this area get up and say this is a good idea.

Penny Walters, 6961 99th Street Court, said thank you Chairman, thank you Commissioners. I was not prepared, I was not, I'm not a person to get up and talk. I'm going to bring up something, I am originally from the North Shore of Lake Superior, and when we need to decompress, we can go sit by the lake. I've lived in Cottage Grove now for seven years, I live next to Hadley Boulevard; you don't decompress next to Hadley Boulevard. I can sit out in my yard, I can't Decompress, the noise, the traffic. Now, we're getting two apartments across the street from me, the warehouses they're starting to load up; well, one's in. We go for a walk on the beautiful paths that Cottage Grove gives us, but we can't decompress; the traffic, all the time. My daughter said, mom, there's a park down the street. We went down and we walked along the water. I didn't have to listen to a car, I didn't have to listen to anything, and that's what we're missing in Cottage Grove. We moved here to babysit two little grandchildren, I take them to all the City parks, but it's noise, noise, noise. I take my grandkids down there, and they even like looking for poop on the trail because they can be out in nature, and we don't have that anyplace. We do once in a while have to go on the St. Croix River, but it gets noisy there with all the boats. There's no boats down there. Please don't take this away from us. Thank you.

Barbara McAdams, 6999 East Point Douglas Road South, stated I didn't hear anything about the traffic that the two people per house will be driving to and from, and daycare, and whatever, I didn't hear anything about that. The reason why I mention it is we at The Legends are going to have another apartment building next to us. And so I said, why don't you just put the senior people there-no. They said we had something there, but they weren't quite sure of it and things like that. But I said there's going to be traffic there, too, there's going to be kids on bikes, it's going to be five stories, it's going to be 184 apartments. So, please. Thanks.

Lennie Clancy, 8063 113th Street South, stated I was not prepared at all to speak, I accidentally signed up, I guess, my husband and myself. But, you know, some of the things that maybe you're not thinking about or not putting into perspective yet, this early into the project, but when it comes to like okay, you're going to have all these other developments here. What's going to happen with, obviously, we're going to have a lot of children; we're going to need another school or schools, which is also going to cost all of us more money yet. And like they're saying, the noise, the light pollution, and that's the only place you can go where it's so peaceful and quiet, because I've walked it; it is a gorgeous piece of property. And looking down, when you're on 103rd, looking down, you just can't envision 377 homes there. It's just such a shame not to really use it; it's a legacy that we can have, and we want that, and that's why I've got over 100 signatures from just three days of going out and talking to my neighbors. Nobody wants this, except it seems like you guys want it. We don't want it, the whole Cottage Grove doesn't want this, and yet you're still going to just push this stuff, you know, right down our throats, whether we like it or not. And I don't know what to do, to say that we don't want it. Somebody's got to listen. This is our last chance of having that beautiful piece of property and keeping it for the citizens and our future generations of children growing up that can really appreciate it. It's such a legacy that we've got to keep. Thank you.

***No one else spoke. Frazier closed the public hearing.***

Frazier asked if we wanted to take a recess now or if everyone was good on the commission. Levitt asked Frazier for a recess. Frazier stated without objection from any other members of the commission, we'll take a 10-minute break.

Frazier called the meeting to order again, stated it's been about 10 minutes. So, before I turn it over to Amanda, our City Engineer, I want to do this now without objection: The letters that were received by staff are going to be entered into the record, as well as Ms. Matter gave us a handout, and that will be part of the record as well. Then there was a map that was submitted by Ms. Mueller directly to me, she referenced that in her presentation. So, without objection, those are going to be added to the public record for the hearing.

Frazier stated Meyer is going to address some of the issues that were brought up by the public during the public comments.

Meyer stated she made a list of some of the engineering-related questions that were asked this evening, and she's going to try to summarize all of them in one concise response.

Sanitary Sewer: The proposed development is proposed to be serviced fully with City sanitary sewer, so, no septic systems on the site. There is a lift station being proposed as part of this project and associated forcing to bring that sewer up the hill, as was mentioned. The cost associated with all of that sanitary sewer infrastructure is borne by either the developer or funds

that are not taxpayer dollars. As compared to the River Acres neighborhood, she knew that was mentioned, there was a question about servicing that River Acres neighborhood and the expense of that. The difference in that scenario is that would be an assessable project; based on the City's Special Assessment Policy, those costs could be assessed 100 percent to those residents. So, extending the pipes, building the lift station, all the associated infrastructure would be borne by those residents.

Flood Insurance: Meyer stated there was a question about flood insurance for this neighborhood. Based on the proposed grading of the lowest lot currently being proposed, it's approximately 50 feet above the floodplain; so, this would not be applicable for that flood insurance.

Stormwater and Water: She wanted to talk about stormwater and water, kind of combined, in that the storm sewer system, as designed, there's a bunch of pipes underneath the road and through some rear yards that capture the storm sewer and discharge it into ponds. Prior to the ponds, there's some structures that help to capture some of those initial pollutants, if you will. We have three-foot sumps, so, there's basically a little basket that sits in the bottom of those structures to help some of those pollutants settle out. We then have stormwater ponds that do a similar thing where it's settling out the phosphorus and the total suspended solids. As part of the City's requirements for storm sewer, she wanted to note that we do require new development projects, in a post-development scenario, reduce total phosphorus by 50 percent and total suspended solids by 80 percent. She also wanted to note that with the direct discharge to the Mississippi River, there is an additional restriction on total phosphorus loading; there's a maximum of .22 pounds per acre per year or the existing loads, whichever is lower. So, recognizing that there is discharge to the river after it has been treated through the storm sewer system within the site. Additionally, as part of the storm sewer system, as Schmitz had mentioned in her presentation, there are infiltration basins. That helps the groundwater recharge. Now this area is outside of our groundwater capture zone, so it's not impacting those wells that are within the system. As you all know, PFAS contamination is prevalent here in the City. The City has been very proactive in ensuring that we are providing clean water for Cottage Grove. We have a variety of temporary treatment plants online, and we've started construction of our first permanent drinking water treatment plant. So, all of the properties that are connected to City water are being provided that clean drinking water. The irrigation and the service of these additional homes is being accounted for as we design those treatment plants, the associated trunk mains, and those sorts of things.

Traffic: As part of the original Pulte proposal, they did do a traffic impact study that looked at the 499 units that were included in the EAW. As part of that, they looked at both a no build and build scenario, she believed they looked at seven different intersections, and in both scenarios all of those intersections were still operating at the appropriate level of service. She mentioned that that was also completed prior to looking at the extension of 100th Street out to the Highway 61/Innovation Road interchange, which also helps alleviate a lot of the traffic we're seeing, kind of in that Jamaica/100th area. As noted, we do have commercial, industrial developments in the area that are bringing traffic. With the residential, there is a bit of a benefit to kind of offset the traffic patterns of our industrial properties with the residential that are kind of going opposite directions. In the morning, we see those industrial properties bringing traffic in, where residents are typically leaving the area; so, it helps kind of balance out those roundabouts where we see some of that congestion.

Bridge Approach: Any proposed improvements that would be done to the hill, coming down 103rd, would have to be part of a future County-led project. But as part of this development, there are going to be a flashing bridge-height signs, as well as flashing stop signs, and then flashers on additional Stop Ahead signs. She noted that the roadway underneath the bridge is two lanes; the reason for the stop signs is really to provide that additional sight line. So, as somebody is approaching that crossing, it's not quite perpendicular, so it provides a little bit more view of what's ahead of you.

Meyer stated she'd pass it over to City Administrator Levitt, who wanted to answer a couple of questions as well.

Levitt stated that it is not very often that I get to come here, so thank you for allowing me to be here this evening. One of the topics that's really near and dear to my heart is the 3M Settlement. Obviously, since 2006, we've been tracking PFAS challenges here in the City of Cottage Grove. As part of that \$800 million settlement that the Attorney General was able to settle for with 3M, the DNR had a specific set aside, as was referenced, of \$20 million for natural resources. As part of that, it was defined like as water accesses and fishing piers. The co-trustees, which are the DNR and the PCA, have actually started their subgroup work on that. I want to be very clear about that because I don't want you to assume that \$20 million of that set aside is coming to Cottage Grove; there's actually no specific link to it, other than in regards to the co-trustees, and we are a party to that. So, there isn't a specific set of \$20 million that's coming to Cottage Grove for land acquisition. So, if you were to look at the settlement dollars, that language was very clear; it was more for natural resources and they referenced specifically water access, fishing piers, and things of that nature.

One of the interesting things is on the screen is all the different land that's been acquired. Over four years ago, the City approached the DNR about acquisition and their desire to acquire the land. What they desired was to acquire that little box at the bottom, which is about 12.3 acres. And you may ask yourself, well, why only that? Well, they were only interested in the rare and endangered species, which they knew were on that piece of land, which is what they wanted to acquire. Now, just to clarify, some of the individuals who spoke tonight said that that would be eradicated; well, that is not true because you saw on the environmental study that where those rare plant species were is exactly where the DNR wants to acquire it. Now, in the process between Pulte in the last two years, as they left the project, the DNR had interest in that large triangular piece of land. Now, you serve on the Planning Commission and so you're very well aware of what zoning is, and you know that that triangular piece of land that's in green on the map was guided and zoned medium density; I know Emily will probably correct me if I'm wrong, but it's like 15 units per acre. The DNR found value in that land. The DNR had an opportunity to acquire additional land, and they have not pursued it with the City or the landowner. So, the DNR is very content with the acquisition that they're proposing.

And the residents have mentioned Representative Hansen a couple of times; well, as a matter of fact, we had our legislative meeting last week and he was in attendance. His purpose for that \$6 million is for those two parcels that the City of Cottage Grove actually platted to help ensure and enable that purchase to happen. So, yes, the DNR's money that's been aside is doing just that. Unfortunately, the DNR is going through a reappraisal process right now, and it has delayed the acquisition. Originally, that acquisition of those two parcels would have been completed by December 2023; they're now reappraising the project, and the DNR said it's going to be four-to-six months until those appraisals are done. So, the DNR and the landowner have

been trying to get to the finish line on that because those are the parcels the DNR believes have the most significant value.

There was also some reference that there was hazardous materials on the site, and I just want to be very clear, as you saw from all of the work that was done by the Applicant, that there are no hazardous materials on this site.

It was interesting, one comment talked about water levels, same wells. Now, just to be very clear, there are no private wells being constructed on this parcel; so, there is no well interference challenges with the existing private wells that are on the site, and I think there's approximately four or five wells that will actually be abandoned and will be capped. From a wellhead protection standpoint, that's actually exactly what we want to have happen is have those sealed and protected so that we reduce contamination. And if the resident was specifically thinking about our municipal wells and the concern that the drawdown on the aquifer would have, it's actually been modeled by the Metropolitan Council in the last 10 years and in conjunction with the DNR to actually look at our static water levels within our wells to ensure that we don't have any draw-down challenges. Now, some of you probably are wondering, well, why did that work happen? Well, it was actually because of the White Bear Lake lawsuit. So, I can attest and assure you that the records for our drawdown of our wells have no impact on the standing of the aquifer in our wellhead; protection is all well and intact in regards to that. So, I just wanted to make sure that we provided a little bit more context around some of the questions and statements that were made.

Frazier stated our City Attorney, Kori Land, wanted to add a couple of things that she had in regard to the questions and comments that were raised by the public.

Land said some of this will be a repeat for those of you who have been through my training, and for those of you who haven't, I look forward to saying it to you again. As you know, the legislature has given local control for planning. So, some of the comments were made this is within your control to change. Within those planning statutes, it says the Planning Commission can develop a Comprehensive Plan. If you have a Comprehensive Plan, and in the seven-county metro area, you must have a Comprehensive Plan that has a land use map in it. That land use map guides the development for your community. You have a Comprehensive Plan with a land use map that was just adopted a couple of years ago, and it proposes up through 2040 how you envision this community to develop. Then you take your Comprehensive Plan and you develop your Zoning Ordinance, and that takes all of the Comprehensive Plan guiding and it puts it in more detail so that you know how to apply it to specific Zoning Districts with all of the rules. So, you have those rules in place that came out of the guiding document. Then you take your Zoning Ordinance and you develop your subdivision regulations. So, we have all of these rules that have been through both the Planning Commission and the Council, so that you have your planning documents and how you want the world to see how to develop in the City of Cottage Grove. Once you have an application, you don't get to change the rules on those people. That's the bottom line. So, we have rules in place; you don't get to pull the rug out from under an Applicant. Once they submit their application, and they submit an application that complies with your rules, you have to apply your rules.

There have been some good questions raised by some at the Public Hearing regarding traffic, regarding all of the Sanitary Sewer and the other utilities, and how it will affect things. Those were very well answered by the City Engineer. That's the evidence you need to weigh against

your rules. So, if you feel like that was adequately answered, check the boxes. But that's what you need to be applying, not what could have or should have or might have happened prior to this application coming forward, but what's in front of you today. I know that's not what people want to hear; they want to hear you can change the rules. I'm telling you please don't because frankly, I don't like it when somebody serves us with a lawsuit saying that you could've done something differently. I'm telling you what the rules say you have to do, so apply them appropriately. If you have any questions about those rules, I'm certainly here to help you answer those questions. But as I think it was Mr. Olson who said, staff wouldn't bring forward an application for this particular project unless it met your rules.

Frazier thanked Land and noted Meyer wished to speak again.

Meyer stated I realized I missed one question that I just want to answer on the record, related to the Sanitary Sewer. The existing residents that are surrounding this Mississippi Landing proposal would not be forced to connect to those City utilities. Frazier stated okay, I was going to ask you about that because you said that the other neighborhoods that were already there, if there was going to be a lift station that was put in place for them, it would be assessed against their property, but there is not a plan to do that at this point. Meyer stated for the River Acres neighborhood, that is correct, Mr. Chair. Frazier stated but for this proposed development, there would have to be, but that would be borne by the developer and then the people who are going to buy those properties. Meyer stated, Mr. Chair, that is also correct.

Frazier asked if there were any other questions for staff from the Commission.

Bhat stated this question is in regard to what he just said, rules are not going to be changed; but if we hear some differing opinions from the specialists or the experts, for example, regarding environmental impact. There have been a few residents and non-residents, who claim to be biologists or ecologists or conservation specialists, who seem to have provided a differing opinion. So, in that case, how do you deal with that? Land replied that's a great question. You have been presented with the evidence, and so it is your duty to weigh the evidence based on whether the developer is presenting factual information, or whether you think that the testimony that you received that didn't provide written documentation but certainly testimony as to their expertise, which is given greater weight. And that's why you get paid the big bucks to decide, but that's the evidence that's in front of you. That's why we have public testimony because you need to weigh the evidence from both sides.

Fisher wanted to commend everybody who came to speak tonight, we appreciate hearing, I know we joke about it being a long meeting and we don't want to be here until tomorrow, but we do appreciate the citizens and them coming forward with their concerns and their feelings. I also want to commend Rachel contracting and the environmental lady, Melissa. I'm so thankful that you came and spoke tonight because I really felt like that was missing from the Pulte proposal; I've been here a while, so I was here through the whole Pulte thing, too, and I really, really appreciate how you broke out every single species that had been talked about and where they are and what the actual impact is because I think a lot of people are, I mean, the environment is really the overwhelming reason why people are against this. And, so, I just thank you very much for doing all the due diligence and presenting us with a very clear, very precise report on this particular parcel and what it looks like as we develop it. So, thank you very much for that.

An unidentified female in the audience stated she had another question; Frazier stated public comment is closed, thank you, though. At this time, we're just discussing as a commission what the next step is.

Fisher stated I have one more thing, that just reminded me. There was a comment, I don't remember by whom, it doesn't matter, but saying that she hoped that we read the whole packet or we had enough time. I just wanted to underline we, as commissioners, we don't do this for fun, we don't do it halfway. I personally read every single page of that packet myself, and so, I just want to reiterate that fact to the citizens that we take this position seriously, and so, to slightly infer that maybe we didn't have enough time to review all the evidence is incorrect. And, so, just know that we as a commission take this role seriously. So, that's all I have to say.

Knable stated I'd like to piggyback on that as well. I mean, it wasn't an easy read by any means, and you know, getting it on a Friday afternoon and being ready for Monday was quite the task. But I do really appreciate Rachel coming out tonight, and really kind of getting some of those bullet points, as that was really hard to understand in the packet a little bit. Just all the public feedback tonight was incredible. The reason I'm sitting on the commission tonight is because I was out there in the public, going up against the Community Center at one point, and you know, I just think it's great to see everybody here tonight; and I really just appreciate the City of Cottage Grove and the public coming out tonight, so, thank you.

Stephens stated I just wanted to state that especially like your comment or question kind of about the differing opinions from the information we have, I think one of the biggest things is we got that, somebody went through and filled out the environmental questionnaire and it gave a different answer. I actually do these sort of worksheets quite a bit, and I think that's, I just wanted to reiterate that that is a really standard answer where you say, no, you're not going to be polluting it. Because all of these City Codes and engineering requirements are put in place, they wouldn't allow you, like she said, the application would be denied right away if you weren't going to have that. So, I just wanted to note that really that was the only written piece of documentation that we did have, from what I can tell. Then, also, just because I'm in similar work, I know somebody had said that you're told to not look for those things, but actually being a part of different small, large developments in natural resource protection, that's not the case. I think it's rare that you would find someone that does that; we really want to make sure, all professionals want to make sure that they're doing their due diligence and their jobs correctly. I think that everything that was presented tonight was really well thought out, and you can tell that the developers did a really thorough job of making sure, and that they stood behind everything that they found as well. So, I just wanted to give that two cents, that's all.

Frazier asked if there were any further comments from the commission; there were none.

Frazier stated I guess I'll sum up, as I always do when we have a large crowd here, I want to thank everybody for coming. I like it when we have people here to bring kind of outside opinions because most of the time at these meetings, it's us and staff, and we sit here and we listen, and if it sounds great, we move on. But having members of the public here who raise valid concerns, who bring up things that maybe we haven't thought about, makes the process better. And, so, as you heard, the application that was made protects a lot more property as open space than is required by our Code, as required by State Statute; and I credit that a lot to both Rachel Development being willing to do that, staff for working on that issue, but also for the community and the residents showing up and saying this is what we are demanding. We want to have this

kind of public access, and without that work by residents who come and spend their nights sitting here and talking to us, it doesn't happen. So, thank you, everyone for doing that. You are an important part of the process.

Where we come down on this issue, I know somebody came up and said rights of the property owner, what about the rights of the taxpayers; so, Ms. Land just told you, right? Us as a City, we have to tell somebody how we're going to use the property before they even put in an application. That's just fair, right? Here's what you can do with this property, so that they have an opportunity to say, okay, we're going to do that with the property. If they come forward with an application and say, hey, we've met all your rules, we can't now go, actually, we just changed the rules and now you've got to build a shopping mall there instead, sorry. That's now how it works; we don't get to pull the rug out from people. If this was a City-owned parcel and we're talking about what do we want to do with the City-owned parcel, I think that's a different scenario. If we want to turn a City-owned parcel into a park, that's a great conversation to have. But the fact that we have a private property owner saying, hey, you guys told me I can put houses on this piece of property, we've met all the rules to put houses on the piece of property, we can't now say, sorry, now we want a park. That's not fair to the property owner, and frankly, it's not fair to anybody else; because if you come in tomorrow and say I want to put a shed on my property, the statute says I can, the rules say I can, and we say no, that's the same thing. We as the government cannot tell you what to do with your property unless we have a Public Hearing, we put the rules out ahead of time, and let you know what the rules of the game are; that's just fair, that's due process, and it's required for every single person in the United States. So, I hear what you're saying, it's great to have more open space, we all want to have more open space, but there are rules to the game, and especially at the Planning Commission, we have to follow the rules. And, so, where I come down today is I believe the application meets the rules for the City and it should move forward with our blessing to the City Council. That's just my opinion, though.

***Brittain made a motion to approve the preliminary plat for Mississippi Landing subject to the conditions stipulated in the staff report. Knable seconded. Motion passed unanimously (6-to-0 vote).***

## **Approval of Planning Commission Minutes of December 18, 2023**

***Knable made a motion to approve the minutes of the December 18, 2023, Planning Commission meeting. Fisher seconded. Motion passed unanimously (6-to-0 vote).***

## **Reports**

### **8.1 Recap of January 2024 City Council Meetings**

Levitt provided a summary of actions taken at the City Council meetings on January 3, 2024, and January 17, 2024:

Khambata stated I don't normally get an opportunity to make an impassioned speech in front of how many people were in this room a few minutes ago, and I also don't want to sway your decision-making process. And as I'll be seeing this presentation come up at our next City Council Meeting, I'm going to reserve any judgment until I see the presentation and have an oppor-

tunity to discuss it amongst the other Council Members as well. But I did want to speak to some of the fact of what we on Council have heard from members of the community over the length of time that this has been a topic of conversation for our City. But, first and foremost, to thank everyone that took the time and energy and really kind of courage to come out and stand up and speak their mind; I know that that's not easy, and much to Commissioner Knable's point, you know I got started on that bench because of something that I wanted to try to see happen in our community. I just have to commend everyone that took the time to come out. Regardless of your decision, their time here was valuable, and I'm glad that I got to listen to everyone's concerns.

A couple things kind of rose to the top: Access, preservation, stewardship. I think when this application first came before the City several years ago, we were talking about a 15 percent or 18 percent land preservation rate or statistic. In that time, Council sent out a survey to every citizen who has an address in Cottage Grove asking them what their priorities were for the City; one of them that was overwhelming was access to parks and open space, wanting to increase our access to the river, that's been a longstanding priority for the Council. Subsequent to that, we tasked our staff, Jennifer Levitt, Zac Dockter, who if you don't think we care about the outdoors, you should sit down and have a conversation with Zac; he leads our Parks Department and I swear that guy puts in more time, more of his own time, trying to find money for parks in this community. It's admirable. So, our staff believes in what we're doing in trying to preserve and gain access to parks. This is a blighted property, it's a derogatory term, but this is a property that fell into disrepair; its had property damage, its been dangerous at times, but blight has several different definitions, one of which is it's taking away from. So, this is taking away from the overall aesthetic of the community. When it was a golf course, it was beautiful; as a shuttered golf course that no one's taken care of, we've kind of seen that it hasn't always been great. Regardless of the outcome, whether it becomes prairie restoration, whether it becomes housing, the unfortunate fact is something has to happen with that land. It can't just stay the way it is, and that's where the blight is, is that there's no clear direction. So, it's going to be a hard topic, and I know from the people that were here, it's difficult to have taken that courage, come up, and spoke at that podium, and then not get the outcome that they were hoping for. I hope they'll come to our Council Meeting. I hope they continue to engage with the community, and not just on this issue, but on other issues. Every little bit is going to help kind of turn the dial in favor of what the overall community wants. Dave Olson is one example. I know for a fact I don't always agree with him, but I like to think that having him on our Parks Commission helps keep everyone kind of grounded. Here's an opposing opinion and it's valid; so, I appreciate that he speaks his mind as freely as he does. But also, in terms of tax funding, where are dollars going to come from. The City really has tried to make this a priority, but we have to manage a lot of things. We had to have a pretty frank conversation with the MN PCA regarding the 3M contamination and what's being done and how quickly it's being done. Behind the scenes, I think everyone on our City staff and everyone on our Council really is putting the environment first, even though in some scenarios, it might not feel like it. I just really have to commend staff on all of the effort that they've put forward to take this from 18 percent park preservation to potentially 40 percent park preservation through partnerships, through advocating with our County officials to bring those dollars back to Cottage Grove.

Khambata stated now I'll open myself up to take questions from the commission; none were asked. Frazier said thank you very much.

## **8.2 Response to Planning Commission Inquiries**

None.

### **8.3 Planning Commission Requests**

None.

### **Adjournment**

***Fisher made a motion to adjourn the meeting. Knable seconded. Motion passed unanimously (6-to-0 vote). The meeting was adjourned at 10:40 p.m.***