

**CITY OF CREDIT RIVER  
SCOTT COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2024-14**

**A RESOLUTION FOR APPROVAL OF PRELIMINARY PLAT YELLOWSTONE OF CREDIT RIVER**

**WHEREAS**, the City of Credit River is a Minnesota Municipal Corporation, duly organized and authorized to conduct its affairs under the laws of the State of Minnesota; and

**WHEREAS**, ME Development, (the "Developer") is the owner of certain real property located in the City of Credit River, State of Minnesota, (the "Subject Property") legally described as follows:

Outlot K, TERRITORIES FIRST ADDITION according to the recorded plat thereof, Scott County, Minnesota

And

Outlot J, TERRITORIES FIRST ADDITION according to the recorded plat thereof, Scott County, Minnesota

And

Outlot L, TERRITORIES FIRST ADDITION according to the recorded plat thereof, Scott County, Minnesota

And

Outlot A, TERRITORIES THIRD ADDITION according to the recorded plat thereof, Scott County, Minnesota

And

Outlot H, TERRITORIES THIRD ADDITION according to the recorded plat thereof, Scott County, Minnesota

**WHEREAS**, the Developer has requested approval of a preliminary plat so as to allow the Developer to plat the property into various lots as shown on a preliminary plat for a development entitled The Yellowstone of Credit River. The most recent revision of said preliminary plat and construction plans updated March 14, 2023 (unless otherwise noted) were prepared by Stonebrook Engineering and containing the following sheets:

- a. Preliminary Plat

- b. Title Sheet (Sheet 1)
- c. Existing Conditions (Sheets 2-5)
- d. Tree Preservation Plan (Sheets 6-13)
- e. Existing Drainage Plan (Sheet 14)
- f. Proposed Drainage Plan (Sheet 15)
- g. Preliminary Grading and Storm Sewer Plan (Sheets 16-20)
- h. Road, Utility Plan and Profiles (Sheets 21-36)
- i. Landscape Plan (37-39)
- j. Phasing Plan (Sheet 40)
- k. Existing Yield Plan (Sheet 41)
- l. Proposed Yield Plan (Sheet 42)  
(the "Site Plans"); and

**WHEREAS**, the Planning Commission of the City did on January 18<sup>th</sup>, 2024, conduct a public hearing in relation to the Developer's request for a preliminary plat; and

**WHEREAS**, the Planning Commission of the City did on January 18<sup>th</sup>, 2024 recommend approval of the preliminary plat to the City Council; and

**WHEREAS**, the City Council has considered the proposed application for a preliminary plat and it makes the following *findings of fact*:

***Application***

1. The Developer submitted an application ("Application") for a Preliminary Plat. The project proposed under the Application is a residential neighborhood and related streets, utilities, and easements as shown on the Site Plans for development of the Subject Property and proposed to be platted as THE YELLOWSTONE OF CREDIT RIVER.
2. The Subject Property was previously platted as the Territories of Credit River First and Third Addition, and is bordered on the east by rural residential lots, on the south by rural residential lots part of Territories development, on the west by undeveloped property and rural residential lots, and on the north by undeveloped property.

***Review Process***

1. Following appropriate published and mailed notice, a public hearing was held by the Planning Commission on January, 18<sup>th</sup> 2024.
2. The Planning Commission, following receipt of public comments and deliberation on the proposed Application, recommended approval of preliminary plat at their January 18<sup>th</sup> meeting subject to the Developer submitting revised plans prior to City Council review and consideration.

3. These findings and resolutions are based upon the Planning Staff Memo dated March 27, 2024, the Scott County Environmental Services Memo dated February, 2023, the City Staff Engineering Memo dated February 23, 2024 and all documents referenced in the memos and the staff report, the favorable recommendation of the City Planning Commission, and such additional information and documentation which is presented to the City Council on April 1, 2024 will be the subject of a separate list prepared by the City Planner following the April 1, 2024 meeting.

### ***Comprehensive Plan***

1. The City's current Comprehensive Plan ("Comp Plan") was adopted in 2020 pursuant to Minnesota Statutes Section 473.859 to be in conformance with the Metropolitan Council's Thrive MSP 2040 plan and the systems statements issued by the Metropolitan Council.
2. The proposed application is consistent with the guidance in the Comp Plan.

### ***Subject Property Zoning***

1. The Subject Property is currently zoned Rural Residential.
2. The property has an existing Conditional Use Permit from 2004 that allows Open Space Design Development on a portion of the property.
3. The requested use of single-family homes is an allowed use in the Rural Residential Zoning District.
4. The plans prepared by the Developer, in combination with the conditions included within this resolution and the amended conditional use permit, will meet the requirements of the Zoning Ordinance.

### ***Traffic and Street Improvements***

1. The project will receive access from the existing street network that was constructed with the Territory development via Dakota Avenue Covered Bridge Road, Whisperer Way, Prairie Grass Pass and Sundance Trail from County Road 8 (Lucerne Boulevard) as well as the unplatted property to the west.
2. Access will also be gained via 210<sup>th</sup> Street from County Road 27 (Texas Avenue). Future access to the development will be gained from connections onto County Road 91 via 204<sup>th</sup> Street & 207<sup>th</sup> Street.
3. Right and left turn lanes have been previously constructed at the intersection of Dakota Avenue and County Road 8. A northbound right turn lane has been previously constructed at the intersection of 210<sup>th</sup> Street and County Road 27.

4. The proposed street layout is supported and provides connections to existing roadways in several locations and to future roadways of adjacent developments (i.e. The Ranch of Credit River and Tara Farm).
5. Nine streets are proposed to be constructed, including seven that provide ingress/egress from the neighborhood.

*Utilities*

1. The 40 lots on the property will be served by individual septic systems. The locations of these are discussed in a memo from Scott County Environmental Services dated December 20, 2023. Conditions can be placed on a preliminary plat approval to permit continued negotiation between the Developer and Scott County Environmental Services prior to the recording of the final plat.
2. 39 lots located in the Open Space Design Development and are proposed to be connected to the Community Septic Treatment System that is located within the Territories Development.
3. Six lots are proposed to share a well.
4. Seventy Three lots will be served by individual wells.
5. The proposed stormwater filtration basins to manage stormwater runoff appear to be located at suitable locations based on information submitted.

**NOW, THEREFORE, BE IT RESOLVED** the preliminary plat is approved subject to the following conditions:

1. All comments contained within the memo from the City Engineer and City Planner dated February 23, 2024 and March 27, 2024 (referred to as the "Staff Memo") are incorporated herein and shall be addressed by the Developer to the satisfaction of the City as a condition of preliminary plat approval.
2. The Final Plat and Site Plans shall be revised as necessary and submitted to conform to the requirements of the Staff Memo, Scott County Memos, requirements of outside agencies and conditions of this Resolution. If the updated Site Plans addressing the comments of this Resolution, Staff Memos, Scott County Memos or other outside agencies necessitate revisions to any of the lot lines or easements on the Subject Property, then those revisions shall be incorporated into the Final Plat submitted by the Developer. Compliance with these requirements may result in changes to or the removal of lots, outlots, easements, or right-of-way, in which case the Developer shall revise the Site Plans and Final Plat as necessary in conformance thereto. If an off-site easement is required to address a comment, then a separate easement document shall be provided to the City for review and approval prior to release of the Final Plat for recording. Compliance with Staff Memos and Scott County Memos may result in a loss of

Residential Lots.

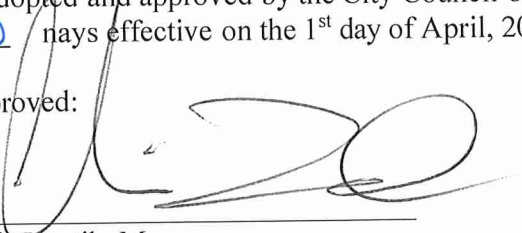
3. Developer shall provide a trail adjacent to Dakota Avenue as discussed in the Staff Memo that shall be constructed at Developer's sole expense. The location and composition of the trail shall be subject to the approval of the City.
4. The Developer will enter into a development agreement with the City of Credit River.
5. The Developer will provide the City with park dedication fee that will be calculated at the time of execution of the development agreement.
6. The Preliminary Plat and Site Plans have not been approved for permitting by Scott County Engineering. Compliance with County requirements may result in the changes to or the removal of lots, outlots, or right-of-way, in which case the Developer shall revise the Final Plat as necessary.
7. The Developer shall provide an easement for temporary cul-de-sacs in a form acceptable to the City Engineer and City Attorney to be recorded with the Final Plat.
8. The phasing and timing of the construction of the infrastructure improvements on the Subject Property will be subject to the conditions of a Development Agreement between the City and the Developer.
9. A title commitment shall be provided for the review of the City Attorney with the final plat application.
10. The Developer must reimburse the City for all costs incurred by the City and its consultants in relation to review of the proposed development plans, inspection of improvements, and the preparation of the Development Agreement.
11. Developer shall be responsible for securing necessary easements and for constructing street and utility improvements as shown on the Site Plans and as required by the Development Agreement, unless otherwise agreed to with the City in writing. The cost of constructing improvements shall be borne solely by the Developer, unless otherwise agreed to by the City or County and specified in the Final Plat Resolution, any Cooperative Agreement with the County and the Development Agreement. The location of stormwater improvements within the Subject Property shall be as approved by the City Engineer.
12. Utility lines are required to be placed underground at the sole expense of the developer.
13. The shared well proposed to serve Lots 1-5, Block 1 and Lot 3., Block 2 require a Shared Maintenance Agreement and easement acceptable to the City Attorney. In addition, the easement and Shared Maintenance Agreement shall provide for land area reasonable for backup well site.
14. The Territory HOA community public water supply well that is located on part of what

is proposed to be Lot 1, Block 2 of the plat needs to be an easement to the Territory HOA in a manner acceptable to the City Attorney with sufficient size to permit maintenance of and access to the well and any water supply lines, and be in compliance with all applicable laws and regulations.

15. The developer is responsible for the Minnesota Pollution Control Agency permitting to ensure that the proposed connections to the existing Community Septic Treatment System meet capacity requirements. The results of the flow data and additional permitting may affect the number of lots that can be connected to the existing system.
16. The developer is responsible for identifying the locations of where the monitoring wells are proposed to be relocated in coordination with the City's Community Septic Treatment System Operator, and is fully responsible for relocating them and obtaining all necessary permitting and approvals from the Minnesota Pollution Control Agency.
17. The developer must obtain an easement from the Territories Homeowner's Association for the grading that is proposed on the Territory HOA owned property.
18. Concurrent with the final plat application, the applicant should coordinate with the United States Postal Services on the types of mailbox facilities and submit the proposed plan and locations for review. Final Plans must show the locations.
19. The Developer shall be responsible for obtaining and complying with all necessary permits from any other governmental agencies.
20. The Developer may not commence construction of any improvements on the Subject Property until the Final Plat, any required easements and the Development Agreement have been recorded.
21. The Developer shall be responsible for storm sewer cleaning and holding pond dredging, as required, by the City prior to completion of the development of the Subject Property.
22. The approval of the preliminary plat shall terminate if an application for a final plat has not been submitted for by the Developer by March 31, 2034.
23. Final plans shall be in accordance with the approved Credit River standard details and Engineering Manual.

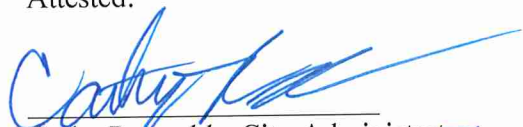
Adopted and approved by the City Council of the City of Credit River on a vote of 5 ayes and 0 nays effective on the 1<sup>st</sup> day of April, 2024.

Approved:



Chris Kostik, Mayor

Attested:

  
Cathy Reynolds, City Administrator  
*Deputy City Clerk*