

CONSENT AGREEMENT INTERIM USE PERMIT

- 1.0 Parties. This Consent Agreement/Interim Use Permit ("Agreement") is entered into by and between the City of Lake Elmo, a Minnesota statutory city ("City"); Common Ground Church, ("Applicant").
- 2.0 Recitals.
- A. Applicant is the record fee Owner of the following described property situated in Lake Elmo, MN ("Property"): PT OF N1/2-SW1/4 WHICH LIES N OF N R/W LN CHICAGO NW RR & SLY & SWLY OF FOLL DESC LN: COM AT NE COR NE1/4-SW1/4 THN S00DEG57'15"E BRG ORIENT TO WACO C SYS S ZONE ALG E LN OF SD 1/4-1/4 DIST 982.94FT TO C/L 212 AKA HWY 5 & POB LN TO BE DESC THN SWLY ALG SD C/L & CRV CONC TO N CENT ANG 00DEG36'21" RAD OF 5729.16FT DIST 60.59FT TO C/L OF STILLWATER LN CHRD OF SD CRV BRS S75DEG55'21"W THN N27DEG49'42"W ALG SD C/L DIST 22.68FT THN NWLY & WLY ALG SD C/L & TCRV CONC TO SW CENT ANG 58DEG38'37" RAD 249.11FT DIST 254.97FT THN N86DEG28'18"W ALG TCRV & ALG SD C/L DIST 733.07FT THN WLY ALG SD C/L & TCRV CONC S CENT ANG 2DEG00'00" RAD 7639.44FT DIST 266.67FT THN N88DEG28'18"W ALG TCRV & ALG SD C/L DIST 50.20FT TO W LN OF SD 1/4-1/4 THN N88DEG31'39"W ALG SD C/L DIST 491.3FT THN WLY ALG SD C/L & TCRV CONC TO S CENT ANG 24DEG08'7" RAD 881.47FT DIST 371.31FT THN S67DEG20'14"W ALG SD C/L DIST 501.43FT TO PT ON WLY LN OF NW1/4-SW1/4 SD PT IS 992.71FT S OF NW COR SD 1/4-1/4 SD LN THERE TERM SUBJ TO EASE SECTION 14 TOWNSHIP 029 RANGE 021, commonly known as 10240 Stillwater Boulevard North, Lake Elmo Avenue North.
 - B. The Property is zoned Public and Quasi-Public Open Spaces.
 - C. The interim use of keeping horses in conjunction with churches is allowed in the Public and Quasi-Public Open Spaces zoning districts subject to the regulations contained in Lake Elmo City Code Section 154.600.
 - D. The applicant has requested that the City allow an interim use of the keeping of horses in conjunction with Common Ground Church as part of the "Hoof Prints" organization, which is a non-profit, faith-based, volunteer-run group.
 - E. On the 26th day of August, 2016, the Applicant submitted a completed application for an Interim Use Permit.
 - F. On the 26th day of September, 2016, the Lake Elmo Planning Commission, at a public hearing, reviewed the Interim Use Permit

application, city staff comments and reports, Applicant's comments and reports, and public comments, and recommended approval of the interim use permit to allow the keeping of horses in conjunction with a church subject to certain conditions.

- G. On the ____th day of _____, 2016, the Lake Elmo City Council reviewed the Interim Use Permit application, city staff comments and reports, Applicant's comments and reports, public comments, and the recommendations of the Lake Elmo Planning Commission, and agreed to authorize the interim use subject to the terms and conditions as specified in Section 154.600 of the Zoning Ordinance and Resolution 2016-____ approving the interim use permit.

3.0 Terms and Conditions. The Lake Elmo City Council and Applicant, for itself, and its successors and assigns, agree that the interim keeping of horses in conjunction with a church shall be subject to the following conditions:

- A. The Applicant, and its successors and assigns, shall have no entitlement to future re-approval of the Interim Use Permit.
- B. The use will not adversely impact nearby property properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
- C. The use will not adversely impact implementation of the comprehensive plan.
- D. No more than two horses shall be allowed on the property.
- E. The keeping of horses shall be limited to that side of the parcel to the east of Kelvin Avenue North.
- F. That all efforts to maintain at least two inches of vegetative cover shall be made in order to properly upkeep the pasture area.
- G. All riding of the horses shall be done in accordance with Section 95.060: Horses, of the City Code, and the property must maintain compliance with regulations pertaining to Livestock: Sections 95.090 & 154.914 of the City Code.
- H. That the applicant maintain compliance with all applicable City Code standards for the duration of the interim use.
- I. "No Parking" sign shall be placed near or on the gate near the area abutting Kelvin Avenue North near the stop sign.

- J. That the interim use is valid for a period of ten years and must be renewed by the City Council prior to the end of this time period in order to continue operating from the site.
- K. The Interim Use Permit shall be valid until any one of the events listed below occurs, whichever occurs first:
 - 1. Until December 31, 2026;
 - 2. Upon the sale of the property;
 - 3. Until a violation of the Consent Agreement;
 - 4. Until a change in the City's zoning regulations, which renders the interim use non-conforming; or
 - 5. Until the redevelopment of the Property for a permitted or conditional use as allowed by the City's zoning regulations.

4.0 Renewal of Interim Use Permit. The interim use permit may be renewed by the Council prior to the expiration.

5.0 Acknowledgement of the Permitted Uses. Any Permitted Use that was previously conducted on the Property is allowed to continue in conjunction with the Interim Use Permit.

6.0 Acknowledgement and Consent. Applicant acknowledges that this is a legally binding agreement and that Applicant has had an opportunity to review the Agreement with legal counsel. Applicant consents to the terms of this Agreement and its restrictions on the use of the Property and the Interim Use Area.

7.0 Effective Date. This Consent Agreement/Interim Use Permit shall be effective upon execution by all parties.

Date: ____/____/16

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

**Dawn Oswald of Common Ground
Church**

By: _____

Dawn Oswald

Its: _____