

**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2009-046

**A RESOLUTION GRANTING AN INTERIM USE PERMIT TO ALLOW THE KEEPING
OF HORSES AT 10240 STILLWATER BOULEVARD NORTH**

WHEREAS, Common Ground Church has requested an Interim Use Permit at 10240 Stillwater Boulevard North to allow the keeping of horses in conjunction with the Hoof Prints Ministry Program in the PF zoning district.

WHEREAS, the required mailing was completed in compliance with Section 154.019. No objections were received within ten days of the mailed notice.

WHEREAS, the applicants are not requesting any changes to the originally approved permit.

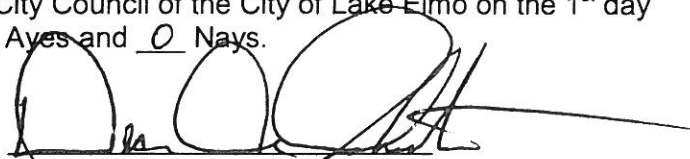
FINDINGS

1. Two horses would be in compliance with all livestock requirements and MPCA requirements for this type of facility;
2. A maximum of two horses will be in conformance with all interim use permit criteria outlined in code.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby approves an Interim Use Permit at 10240 Stillwater Boulevard North to allow the keeping of horses, based on the Findings and subject to the following conditions:

1. No more than two horses shall be allowed;
2. All riding of horses shall be done in accordance with section 95.01 and 05.02 of city code;
3. The Interim Use Permit shall expire on December 31, 2011; at such time, the applicants may apply for another two year IUP.
4. The applicant must sign a consent agreement before expiration of the existing permit on December 31, 2009.

This resolution was adopted by the City Council of the City of Lake Elmo on the 1st day of December 2009, by a vote of 5 Ayes and 0 Nays.


Dean A. Johnston, Mayor

ATTEST:


Bruce A. Messelt, City Administrator

(SEAL)

**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"): THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 29 NORTH, RANGE 21 WEST, WASHINGTON COUNTY, MINNESOTA DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST CORNER; THENCE SOUTH 00 DEGREES 42 MINUTES 44 SECONDS EAST, BEARING ORIENTED TO THE WASHINGTON COUNTY COORDINATE SYSTEM, SOUTH ZONE, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 992.71 FEET TO THE CENTER LINE OF STILLWATER LANE, FORMERLY TRUNK HIGHWAY 212, AND THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 20 MINUTES 14 SECONDS EAST, ALONG SAID CENTER LINE, 501.43 FEET; THENCE EASTERLY ALONG SAID CENTER LINE AND A TANGENTIAL CURVE, CONCAVE TO THE SOUTH, HAVING A CENTRAL ANGLE OF 24 DEGREES 08 MINUTES 07 SECONDS AND A RADIUS OF 881.47 FEET, A DISTANCE OF 371.31 FEET; THENCE SOUTH 88 DEGREES 31 MINUTES 39 SECONDS EAST ALONG TANGENT AND ALONG SAID CENTER LINE 491.30 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE SOUTH 00 DEGREES 50 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE 454.45 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO NORTH WESTERN RAILROAD, SAID POINT BEING 44 FEET NORTH OF THE CENTERLINE OF THE MOST NORTHERLY TRACT OF THE CHICAGO NORTHWESTERN RAILROAD; THENCE SOUTH 86 DEGREES 11 MINUTES 42 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 1322.01 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 42 MINUTES 44 SECONDS WEST ALONG SAID WEST LINE 293.80 FEET TO THE POINT OF BEGINNING, CONTAINING 13.48 ACRES, MORE OR LESS, OF WHICH 7.74 ACRES, MORE OR LESS IS NOT ENCUMBERED BY ROAD OR HIGHWAY EASEMENTS. SUBJECT TO A ROAD EASEMENT OVER THE NORTHERLY AND NORTH-WESTERLY 33.00 FEET THEREOF FOR STILLWATER LANE. ALSO, SUBJECT TO A ROAD EASEMENT OVER THE EASTERLY 33.00 FEET

- 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. 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.
- J. 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.

**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2008-012

**A RESOLUTION GRANTING AN INTERIM USE PERMIT TO ALLOW THE KEEPING
OF HORSES AT 10240 STILLWATER BOULEVARD NORTH**

WHEREAS, Common Ground Church has requested an Interim Use Permit at 10240 Stillwater Boulevard North to allow the keeping of horses in conjunction with the Hoof Prints Ministry Program in the PF zoning district.

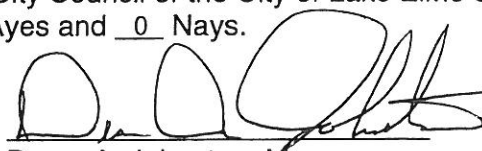
WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on February 11, 2008, and reviewed and recommended approval of the Interim Use Permit for the keeping of horses on the site based on the following findings:

1. Two horses would be in compliance with all livestock requirements and MPCA requirements for this type of facility;
2. A maximum of two horses will be in conformance with all interim use permit criteria outlined in code.


NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby approves an Interim Use Permit at 10240 Stillwater Boulevard North to allow the keeping of horses, based on the Findings and subject to the following conditions:

1. No more than two horses shall be allowed;
2. All riding of horses shall be done in accordance with section 95.01 and 05.02 of city code;
3. The Interim Use Permit shall expire on December 31, 2009; at such time, the applicants may apply for another two year IUP.

This resolution was adopted by the City Council of the City of Lake Elmo on the 19th day of February 2008, by a vote of 5 Ayes and 0 Nays.


Dean A. Johnston, Mayor

ATTEST:



Susan Hoyt, City Administrator

(SEAL)

	Ayes	Nays
Mayor Johnston	X	
Council Members		
DeLapp	X	
Johnson	X	
Smith	X	
Park	X	