



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/4/2016

REGULAR

ITEM #: 20

AGENDA ITEM: Interim Use Permit for the Keeping of Horses in Conjunction with a Church in the Public and Quasi-Public Open Space Zoning District

SUBMITTED BY: Emily Becker, City Planner

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

Common Ground Church, located at 10240 Stillwater Boulevard North (PID # 1402921320024), for an Interim Use Permit for the keeping of horses in conjunction with a church. The property is zoned PF – Public and Quasi-Public Open Space and is currently being used as a place of worship. Horses are also kept on the premises, which is allowed in this zoning district by Interim Use Permit. The Interim Use Permit to keep horses in conjunction with the church was first issued in 2008, again renewed in 2009, but expired at the end of year in 2011. The Interim Use Permit has not been renewed since. The applicant is requesting the City issue an Interim Use Permit so that the property may be brought in to compliance with City Code.

ISSUE BEFORE COUNCIL:

The Council is respectfully requested to consider a request for an Interim Use Permit by Common Ground Church for the keeping of horses in conjunction with a church for the property located at 10240 Stillwater Boulevard North (PID # 1402921320024).

PROPOSAL DETAILS/ANALYSIS:

Proposal Details:

The property was granted an Interim Use Permit that was valid from late 2007 through late 2011. At this time, the Interim Use Permit has expired. Staff can find no record of the property being notified that the Permit was due to be renewed, though Resolution 2009-046 that granted the Interim Use Permit and the Consent Agreement both state that the expiration date of the Permit was December 31, 2011.

Although the Interim Use Permit expired almost five years ago, horses have continued to be kept on the site. Earlier this year, Staff conducted a City-wide review of Conditional and Interim Use Permits to ensure compliance. It was during this review that Staff discovered that the Interim Use Permit for the subject property had not been renewed, yet the use has continued. Since 2009, to Staff's knowledge, no complaints have been received about the use.

Terminated or suspended interim use permits cannot be renewed unless the Director of Planning received an application for and approved a 1-time 30-day extension to continue processing the renewal application. As such, this property cannot technically "renew" their Interim Use Permit

following the process outlined by Section 154.107 (H), which allows an Interim Use Permit to be renewed by sending notices of the requested renewals to all property owners within 350 feet of the parcel containing the use. As such, this application must be processed in the manner of a new application, and therefore Common Ground has submitted an application for an Interim Use Permit.

Planning and Zoning Issues:

- *Property Size.* The property totals 24.5 acres in size, divided by Kelvin Avenue North. The church is to the west side of Kelvin Avenue North, and the horses reside to the east side. Approximately four acres have been identified for the pasture of horses.
- *Requirements of Section 154.600: Public and Quasi-Public Open Space; Subd. C.* The keeping of horses in conjunction with churches is allowed by Interim Use Permit, provided that:
 - The keeping of horses does not constitute a feedlot per Minn. Rules.
 - The property is not a feedlot, as it is considered a pasture, as it meets the requirement of at least two acres of grazable land per horse.
 - The property is directly adjacent to only Agricultural (A) and Rural Residential (RR) zoned properties that are not developed as open space preservation subdivisions.
 - Evidence has been provided to show adherence to all livestock and horse regulations in the City Code.
- *Previous Comments from City Engineer, Valley Branch Watershed District, and Minnesota Department of Natural Resources.* At the time of the initial Interim Use Permit application and its renewal, there were no foreseen issues with the current number of horses on the property. The Valley Branch Watershed District had stated that at least a two-inch high vegetative cover such as Kentucky Bluegrass to properly maintain pastures to prevent negative environmental impacts. The City Engineer determined existing drainage conditions would not be adversely affected by the proposed use but that adequate fencing should be confirmed to keep animals off of adjacent roadways. The parcel of land complies with this suggestion as it is completely enclosed by animal fencing that has proved to be adequate thus far. The present application has been forwarded to these parties and no further issues have been communicated.
- *Fencing.* The area where the horses are kept is enclosed by a solar-powered electrical fence.
- *No Change to Existing Use.* Approving the requested Interim Use Permit would effect no change of use on the parcel, as it has been used as such for the past nine or so years. Granting the Interim Use Permit would, however, bring the property in to compliance with City Code. The operation is ran as part of the “Hoof Prints” organization, which is a non-profit, faith-based, volunteer-run group. The purpose of the organization is to benefit people who may be dealing with abuse, sickness, or other troubles through work with horses.
- *Term of Interim Use Permit.* At the time the Interim Use Permit was first granted for the property and at the time of its renewal, Interim Use Permits, by Code, were allowed for a time period of two years. This standard has since changed, and so the applicant is requesting a renewal period of ten years.
- *Request for Waiving Fee.* The applicant has requested that the fee for the Interim Use Permit be waived. The organization, Hoof Prints, is a non-profit organization that is operated by donations and pays for the horses’ food, vetting, hooves, and teeth maintenance. Throughout the years, the

organization has served the Lake Elmo community by working with the Willow Haven Group home, Washington County Adult and Youth Bureau Services, along with many others.

Required Findings:

- The attached Resolution details recommended findings.

Conditions:

- The recommended conditions of approval are outlined in the attached Resolution. A condition was added by the Planning Commission in response to a public hearing comment outlined below.

FISCAL IMPACT:

There is no expected fiscal impact to the City.

PLANNING COMMISSION/PUBLIC HEARING:

A public hearing was held on the proposed Interim Use Permit at the September 26, 2016 Planning Commission meeting. The meeting minutes are attached to this report. Bob Taverna of 10174 Stillwater Ln N spoke, saying he was not against the use but wanted to address erosion that is caused by tire tracks, etc. of the area near the gate by Stillwater Lane and the stop sign off of Kelvin Avenue, as it is sometimes used for parking and is not covered by gravel or other material. The Commission recommended approval with an affirmative vote of 7 to 0. A concern was raised that the area is a retention pond, and it was thought there were drainage issues. The City Engineer has been contacted regarding this. Engineering review of the past Interim Use Permit requests provided there were no perceived issues. There was also a question of where manure is stored, and the applicant has been contacted to verify this.

OPTIONS:

The Council may:

- Approve the Interim Use Permit request, with recommended conditions of approval.
- Amend the recommended conditions of approval and approve the Interim Use Permit request with amended conditions of approval.
- Deny the Interim Use Permit request.

RECOMMENDATION:

Staff respectfully requests that the Council approve, as recommended by the Planning Commission and Staff, and as part of tonight's Consent Agenda, the request made by Common Ground Church for an Interim Use Permit for the keeping of horses in conjunction with a church for the property located at 10240 Stillwater Lane North. If removed from the Consent Agenda, the Council may approve the request by making the following motion:

“Move to approve request made by Common Ground Church for an Interim Use Permit for the keeping of horses in conjunction with a church for the property located at 10240 Stillwater Lane North, subject to the outlined conditions of approval.”

Common Ground Church has also made the request that the fee for an Interim Use Permit, which is \$1050.00 (\$300.00 for renewal), be waived, as the organization that runs the keeping of horses is a non-profit organization that runs on donations. Approval of this fee being waived may be made through the following motion:

“Move to approve request that the fee for an Interim Use Permit request made by Common Ground Church for the keeping of horses in conjunction with a church for the property located at 10240 Stillwater Lane North be waived.”

ATTACHMENTS:

- Resolution 2016-88
- Interim Use Permit application and materials
- Planning Commission meeting minutes (9/26/16)

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

RESOLUTION 2016-88

*A RESOLUTION APPROVING AN INTERIM USE PERMIT FOR THE KEEPING OF HORSES
IN CONJUNCTION WITH A CHURCH FOR THE PROPERTY LOCATED AT 10240
STILLWATER BOULEVARD NORTH*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Common Ground Church, of 10240 Stillwater Boulevard North (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for an Interim Use Permit for the keeping of horses in conjunction with a church for the property located at 10240 Stillwater Boulevard North (the “Property”); and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on September 26, 2016; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated October 4, 2016, 2016; and

WHEREAS, the City Council considered said matter at its October 4, 2016 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Interim Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.107.
- 2) That all the submission requirements of said Section 154.107 have been met by the Applicant.
- 3) That the proposed Interim Use Permit includes the following components:

- a) An Interim Use Permit for the keeping of horses in conjunction with a church for the property located at 10240 Stillwater Boulevard North.
- 4) That the Interim Use Permit for the keeping of horses in conjunction with a church for the property located at 10240 Stillwater Boulevard North will be for the Property legally described as follows: 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. PID# 14.029.21.32.0024.
- 5) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations. **The property is located in the Public and Quasi-Public Open Space zoning district, and the keeping of horses in conjunction with churches by Interim Use Permit is allowed in this zoning district. The property meets all the provisions set forth for such use.**
- 6) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community. **The property should not be considered a nuisance because it meets the minimum criteria for the keeping of horses set forth in City Code. The impact of two horses has proven, and is expected to continue, to be minimal.**
- 7) The use will not adversely impact implementation of the Comprehensive Plan. **The Comprehensive Plan shows that the property is guided for Rural Area Development. The keeping of horses on this property would not adversely affect this, as no structures are being built on this portion of the property nor are any major changes to the land being made.**
- 8) The user agrees to all conditions that the City Council deems appropriate to establish the interim use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit. **The applicant will need to sign another Consent Agreement that shows agreement to all conditions set forth.**

- 9) There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel. **The Finance Director has been contacted to verify this and has stated that no substantial amount of the aforementioned is due to the City that should prevent the property from being granted the Interim Use Permit.**
- 10) The date or event terminating the interim use shall be set by the City Council at the time of approval. **The Interim Use Permit shall be valid until December 31, 2026.**

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant’s application for an Interim Use Permit for the keeping of horses in conjunction with a church is granted, subject to the following conditions:

- 1) No more than two horses shall be allowed on the property;
- 2) The keeping of horses shall be limited to that side of the property that is located to the East of Kelvin Avenue North;
- 3) All efforts to maintain at least two inches of vegetative cover shall be made in order to properly upkeep the pasture area;
- 4) All riding of 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;
- 5) A “No Parking” sign shall be placed near or on the gate near the area abutting Kelvin Avenue North near the stop sign.
- 6) 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.
- 7) The applicant must sign and submit to the City a consent agreement before December 31, 2016.

Passed and duly adopted this 4th day of October, 2016 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

**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 CHR D 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

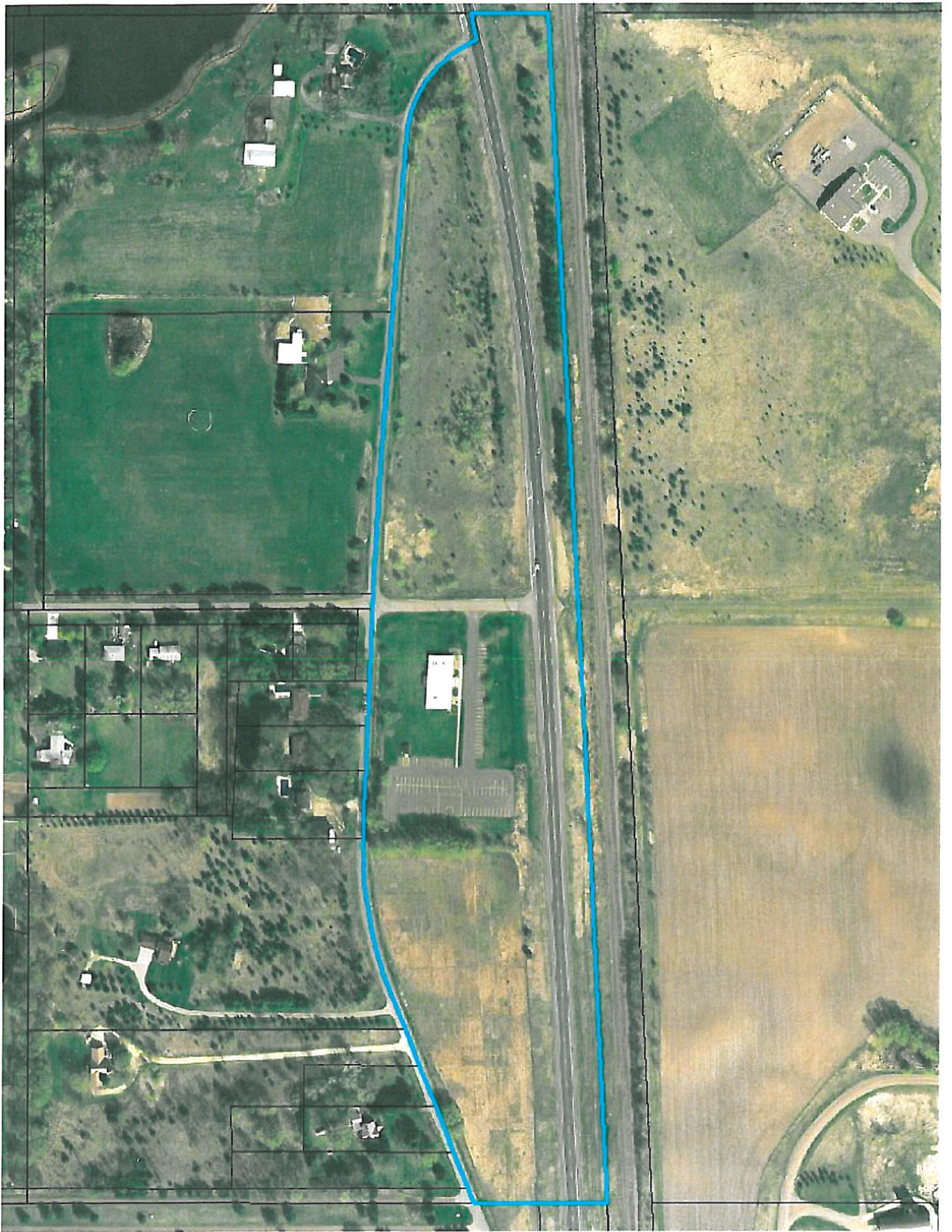
By: _____
 Mike Pearson
 Mayor

Dawn Oswald of Common Ground Church

By: _____

Dawn Oswald

Its: _____



Dodson feels that it does not meet the design standards. Wensman stated that they do meet the basics of the standards, while there could be room for improvement. Kreimer would like to see a little more enhancement on the front, but feels they are meeting the requirements. Dunn wanted to make sure that the SWWD looked at this project and this site for the runoff.

Public Hearing – Interim Use Permit – Common Ground Church

Wensman started his presentation regarding an interim use permit for the keeping of horses in the public facility zoning district. The Church had an interim use permit that expired at the end of 2011, and it has not been renewed since. There are 4 acres identified for the pasture of the horses. Staff is recommending approval with 6 conditions, including the date for termination for December 31, 2026.

Dawn Oswald, applicant, stated that they have been able to serve many different groups including teen challenge, Willow Health and other adult groups.

Griffin asked what they do with the manure. Oswald stated that they compost it back into the ground. Griffin stated that Washington Conservation district has plans that people can get for composting sites and there are sanitation services that will come and get the manure.

Rolf is wondering if there are ever cooperative events where other horses are brought in. Oswald stated that they have not. She stated that they are foster horses and they like to have 2. They have an electric fence that is powered by solar.

Public Hearing opened at 8:22 pm

Bob Taverna, 10174 Stillwater Lane, this is the first notice that they have received. He is concerned that when they come to work with the horses, they are parking on the road by the stop sign. He would like them to put class five on the other side of the gate to get the cars off of the road. With school buses, etc. it is very tight when they are parking on the road. The back yard of the church is his front yard. If they could make it a little more pleasant, he would appreciate it. Where the horses are, is actually supposed to be a retention pond and now the water can't get across Kelvin and is backing up behind the Church.

There were no other written or electronic comments received

Public Hearing closed at 8:30 pm

Dodson is wondering about the gate being on the corner. Is there any chance that the gate could be moved? Oswald stated that it was the flattest part of the property to put

the gate in. Dodson also asked if it is feasible to put gravel in. Oswald said that she is open to the gravel solution. When it isn't wet, she is able to park inside to unload supplies. Possibly a sign might be an option.

M/S/P: Dodson/Lundquist, move to add a condition #7 that the applicant work with staff to install no parking signs at the SE corner of Kelvin and Stillwater Lane, **Vote: 7-0, motion carried unanimously.**

M/S/P: Griffin/Dunn, move to recommend approval of an Interim Use Permit for the keeping of horses at 10240 Stillwater Blvd N with 7 conditions of approval, **Vote: 7-0, motion carried unanimously.**

Dunn added the item on Minnesota Administration rules 6120 that was brought up at the last City Council meeting. It is about Planned Unit developments within sensitive areas. She is not familiar with how this would play into anything they are looking at. She would like this explained to the Planning Commission. It talks about how it pertains to Shoreland and how 50% should remain in open space. She wants to know how this will apply to Tartan Park. She also wants to know what other areas in Lake Elmo this would apply to. Wensman stated that it is the statutory requirements for the Shoreland Ordinance. Because the Royal Golf is in the Shoreland, this rule would apply. Wensman stated that he believes that the residential portion of the project has 50% open space.

Dodson is wondering what would trigger a DNR review. Wensman stated that they are going through that review right now. Dodson asked what the difference is between the DNR review and the watershed district review. Wensman stated that they have different goals.

City Council Updates – September 20, 2016 Meeting

- i) Solid Wall Fence Text Amendment – Failed.
- ii) OP Ordinance – tabled.

Staff Updates

1. Upcoming Meetings
 - a. October 10, 2016
 - b. October 24, 2016

Commission Concerns

Dunn is concerned that Easton Village put in playground equipment while they are still doing construction. There was a lot of water damage and concerns. She would like to see playgrounds put in after the development is further along.

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.

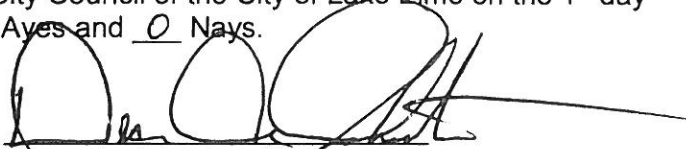
FINDINGS

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.

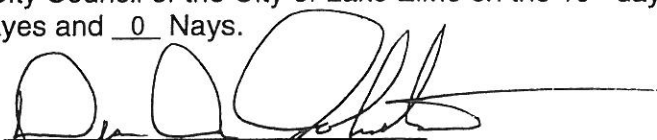
WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on February 11, 2008, and reviewed and recommended approval of the Interim Use Permit for the keeping of horses on the site based on the following findings:

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:

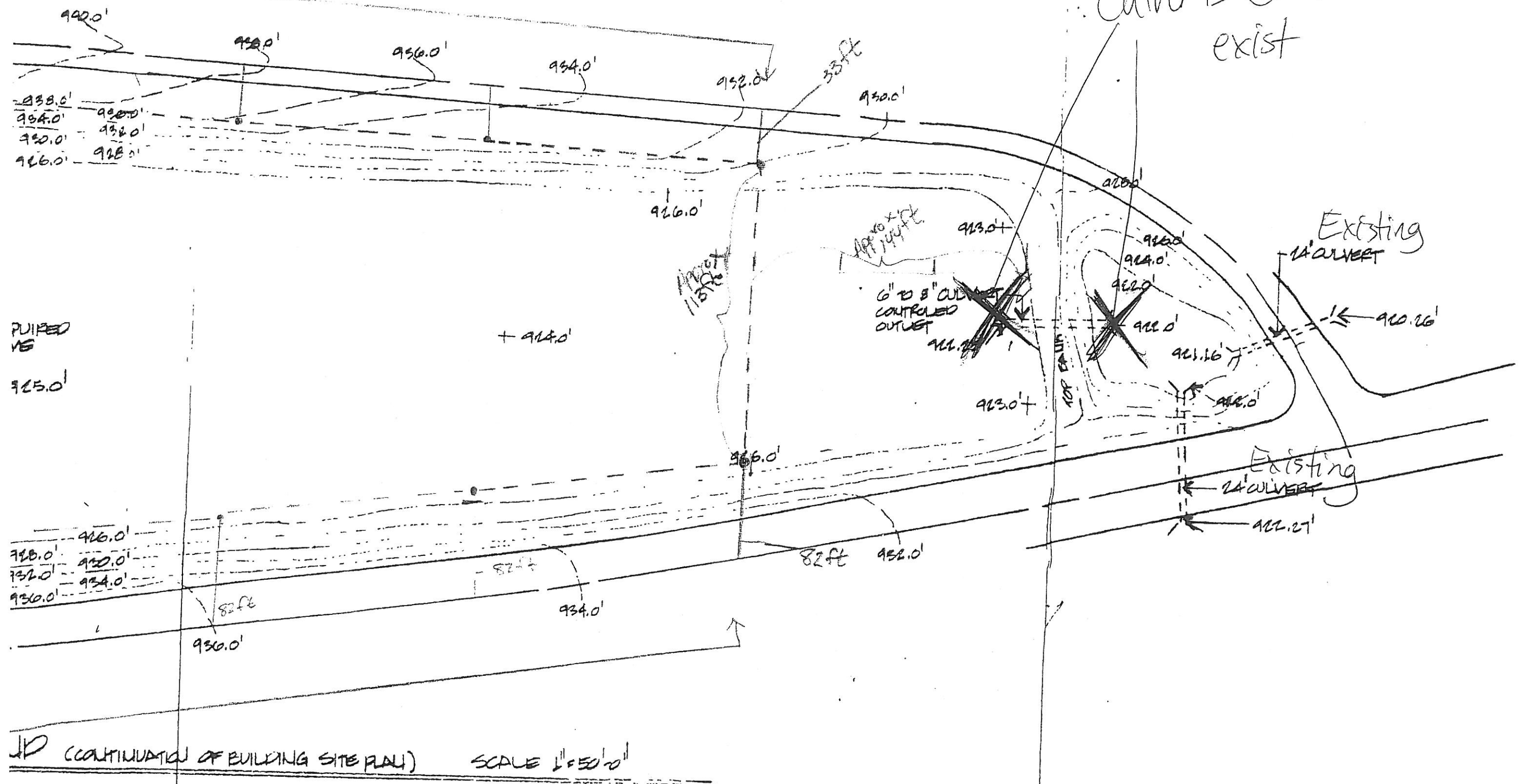


Susan Hoyt, City Administrator

(SEAL)

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

Culverts do not exist



JD (CONTINUATION OF BUILDING SITE PLAN) SCALE 1" = 50' 0"